HER MAJESTY’S GOVERNMENT

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(FORMED BY THE RT HON. THERESA MAY, MP, JUNE 2017)

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House of Commons

Monday 25 March 2019

The House met at half-past Two o'clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Support for Veterans

1. Steve Double (St Austell and Newquay) (Con): What recent discussions he has had with military charities on improving support for veterans throughout the UK. [909987]

13. Victoria Prentis (Banbury) (Con): What recent discussions he has had with military charities on improving support for veterans throughout the UK. [909999]

The Secretary of State for Defence (Gavin Williamson): Last year we published the first UK-wide veterans strategy, which looks at what more we can do to support veterans. We engaged with service charities for ideas on how we can enhance support for our veterans.

Steve Double: I thank the Secretary of State for that answer. Vet Fest, an event that will be held in my constituency this summer, will be a celebration of camaraderie for our armed forces veterans and their families and will raise awareness and money for three important charities: Combat Stress, the Royal British Legion and SSAFA. Will the Secretary of State join me in congratulating and thanking those who are putting on that event for their hard work and dedication, as well as all volunteers across the country who work to support our veterans?

Gavin Williamson: I join my hon. Friend in expressing thanks for what they do, and I encourage volunteers across the country to do likewise through such a great initiative. We are always grateful for the many thousands of volunteers who contribute so much to supporting our veterans community, as I know he does.

Victoria Prentis: I am sure the Secretary of State is aware of the Royal British Legion’s excellent campaign to “Stop the Service Charge”. Can he update us on what the Government are doing on the possible removal of visa charges for Commonwealth UK armed forces personnel and their families?

Gavin Williamson: I was delighted to visit the Heyford and Bicester veterans group with my hon. Friend just a few weeks ago and see the amazing work that it is doing to support so many of our veterans. The issue she highlights is vital. The Ministry of Defence continues to work with service personnel and their families to support them, and we are in discussions and working closely with our Home Office colleagues on that important issue.

Gareth Thomas (Harrow West) (Lab/Co-op): In the United States, an impressive military charity called Soldier On has established housing co-operatives to give homeless ex-servicemen an affordable place to live and allow them to help control the running of it. Would the Secretary of State consider such an approach here in the UK?

Gavin Williamson: That charity has also been looking at the United Kingdom. We are keen to work closely with it, to see how we can take the lessons learned from
the United States and the positive experiences that have been created and ensure that it can benefit people here in the United Kingdom.

Peter Grant (Glenrothes) (SNP): Although I certainly endorse the gratitude expressed for the support that many thousands of volunteers give to veterans, is it not time we accepted that it should not be left to charities to look after people who have been injured in the service of their nation? It is not charities that send people into war; it is Governments. What representations has the Secretary of State made to his colleague the Chancellor to ensure that health services, local authorities and other public bodies are adequately resourced, so that the welfare of veterans can be funded from the public purse, rather than relying on charity and volunteers?

Gavin Williamson: This Government have put veterans and our service personnel very much at the heart of not just what the Ministry of Defence does but right across Government. Of course, devolved Governments play a vital role in delivering services. We all recognise the important role that charities play, and they provide a lot of services on behalf of Government, in order to be best able to reach out to people who have served in our armed forces.

James Gray (North Wiltshire) (Con): I am the proud and entirely unworthy owner of a veterans badge, as my seven years were largely spent in the bar. Is there not an argument that people who truly deserve a veterans badge should have a much more visible symbol of their service, and that perhaps the title should be restricted more to those who truly deserve it, rather than people like me?

Gavin Williamson: We all think that you truly do deserve it; we certainly would not want to take it off you. We are looking—

Mr Speaker: Order. I gently say to the Secretary of State that, in order for him to take something off me, I would have to have it in the first place.

Gavin Williamson: Mr Speaker, we will have to see if we can get you one as well in the future.

We are constantly looking at how we can recognise those who have served. The veterans ID card is another important step forward in ensuring that there is true recognition of the service that so many people have given our country.

Armed Forces Recruitment and Retention

2. Royston Smith (Southampton, Itchen) (Con): What steps he is taking to improve recruitment and retention in the armed forces.

Royston Smith: Having served in the Royal Air Force, I know how rewarding a life in the military is, and also how demanding it can be. I also know how difficult recruitment and retention is, particularly retention. Has my right hon. Friend considered free wi-fi for military personnel to help them and their families feel less isolated when they are serving away from home?

Mark Lancaster: We recognise the importance of connectivity for our personnel. I reassure my hon. Friend that for those serving on operations, the Ministry of Defence will pay for internet connection to enable them to connect with family and friends. For those on non-operational tours abroad, the wi-fi costs are also covered through a welfare package.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): One way to retain more Royal Marines is to ensure that their accommodation is of high quality. As Plymouth is no longer getting the superbase we were promised, could the Minister set out how the facilities at Stonehouse barracks will be increased, including making sure that all the accommodation blocks have hot water and good heating?

Mark Lancaster: The hon. Gentleman will be aware that a complex programme was announced through the better defence estate strategy. On the specific issue he raises, I am told that the Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), intends to visit shortly.

Mr David Davis (Haltemprice and Howden) (Con): The chief executive officer of Capita says that it will lose a lot of money on its recruitment contract on behalf of the MOD. In that case, I presume that the Government have a strong legal case for simply terminating the contract without compensation and taking it back in-house and doing it properly.

Mark Lancaster: My right hon. Friend the Secretary of State has certainly made it clear that he has not ruled out the option of terminating the contract. However, in recent months we have seen dramatic improvements in the performance of that contract, partly because of the money that Capita has put in—its own money—to ensure that that is the case.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Every year my home town of Tain in the highlands hosts the Tain highland gathering. It has been a good number of years since I have seen any armed forces recruiting stands at the highland games. These stands have been very successful in the past—children and young people love them—but frankly, as has been said, Capita is not doing very well. May I encourage the Minister and the Secretary of State to get the stands set up again? In my own case, those people would be rewarded with a very large glass of our local amber nectar, Glenmorangie.

Mark Lancaster: I am grateful to the hon. Gentleman for highlighting that recruiting opportunity. I might visit myself, given what is on offer. He makes a very sensible suggestion and I will ensure that it is fed into the system.
Nia Griffith (Llanelli) (Lab): The size of the Army is in freefall under this Conservative Government. The number of fully trained regulars has fallen from 78,000 to 75,900 on this Minister’s watch. The Under-Secretary of State for Defence, the right hon. Member for Bournemouth East (Mr Ellwood), who has responsibility for defence people, is reported to have said that he will resign if that number falls below 70,000. What about the Minister for the Armed Forces—is he prepared to make that same commitment?

Mark Lancaster: I am certainly not prepared to resign from my role as a member of the Army Reserve, because that would really not help matters, would it? The hon. Lady over-eggs the pudding slightly by saying that the numbers are in freefall. Yes, numbers have fallen but, with the highest number of applications on record in January, we have already explained why we are confident that the numbers will increase. Crucially, the Army remains at 93% manning and can meet all of its operational commitments.

Nia Griffith: Does that not say it all? The Minister does not even have the courage to put his job on the line. Time and again, he comes here and blinds his way through with empty rhetoric, but the simple fact is that he has failed completely and Army numbers are falling month after month. At best he is complacent; at worst he has junked the stated target of 82,000 and does not have the guts to tell us. When is he going to accept that it is his responsibility to end this failure and get a grip?

Mark Lancaster: I have been accused of many things in my life, but lacking courage is probably not one of them. If the hon. Lady knew anything about me, she would probably realise why that is the case. None the less, the issue remains a challenge and I am confident—as I have just said, recent figures show the highest number of applications on record in January—that the situation is improving.

Leaving the EU: Defence Industry

3. John Spellar (Warley) (Lab): What steps his Department is taking to support the British defence industry after the UK leaves the EU.

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): The UK defence industry is globally competitive and creates and contributes to jobs across the United Kingdom. I am confident that it will continue to thrive in the future. The Government are seeking the best possible deal for UK industry after exit. We support European collaboration on capability development and are promoting the invaluable contribution of UK industry.

John Spellar: That was a standard complacent reply from the Minister. Ministers are still hanging on to the mythology that EU regulations prevent them from supporting British industry, most recently with the fleet solid support ships. Of course, no one else in the EU holds on to that view or, indeed, behaves like that. However, as leaving the EU looms, will the Minister now show some decisiveness and backbone, instruct his officials to scrap the old discredited dogma and start putting British industry first?

Stuart Andrew: I say to the right hon. Gentleman that we are trying to make our defence industry the most competitive in the world so that we win those international competitions. It would not be right for me to comment on the decisions taken by other countries on FSS, to which the right hon. Gentleman referred, but I note that the EU Commission has publicly questioned the legality of applying article 346 to the procurement of support ships by other member states, so I am glad that we have behaved properly.

20. David T. C. Davies (Monmouth) (Con): Will the Minister confirm that even after we have left the EU, members of the British armed forces will continue to be based in EU countries, contributing towards their defence, and that therefore it is not unreasonable for us to expect their Governments to support the British defence industry and the British Government as we finalise negotiations with the rest of the EU?

Stuart Andrew: My hon. Friend makes a valid point. Of course our commitment to EU security, European security and working with our NATO colleagues will continue after we have left the EU. That is why we are working on ambitious future arrangements. People know that they can rely on the armed forces of the United Kingdom.

Ruth Smeeth (Stoke-on-Trent North) (Lab): The Minister knows that I am a huge advocate of the combat air strategy, and had the first debate on that in the Chamber. Given that we are about to leave the EU and Team Tempest is so far showing impressive signs of movement, when will we discuss a replacement for the Hawk so that we have a full package and a training aircraft, and can secure the jobs at Brough?

Stuart Andrew: The hon. Lady is right about the future combat air strategy. We are in negotiations and discussions with other partner nations. When it comes to the issues around Hawk, we have done an enormous amount of work to try to get more orders for the Brough site. I recognise how important that is. I have visited Kuwait myself to try to get that order over the line. It is still a work in progress, but I hope that we will be successful.

25. Bob Blackman (Harrow East) (Con): Clearly, one of the ways we can encourage the UK defence industry is through using new and emerging technologies. Will the Minister comment on use of the transformation fund, particularly the £30 million for new military apps and the £66 million for robotic programmes that will encourage the UK industry to develop further?

Stuart Andrew: My hon. Friend is right to raise that. I went to see some of the small and medium-sized businesses that are working with our armed forces on some of the projects that have been funded through that, plus the innovation fund—the £800 million over 10 years that is encouraging as many businesses as possible, many of which have probably never worked with defence in the past, to come forward with their ideas.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Today, we saw the ceremony for confirming the move of the EU anti-piracy taskforce from Northwood to a new
location near Cadiz. All around us, we are hearing about the consequences of Brexit not only on the defence industry but on our security relationships. Despite there being a rather uncommon consensus in the House about the importance of those relationships, we have heard precious little from the Department. Not only are our closest allies but the defence industry, serving personnel and policy makers need clarity on the UK’s grand strategy. Will the Minister stop hedging their bets and tell us about the defence and security relationship that the Government want with the EU?

**Stuart Andrew:** Part of the negotiations with the EU has heavily focused on our future relationship and the collaboration we want with EU nations. However, at the end of the day, the cornerstone of our defence is NATO, and those relationships, and our bilateral relationships with many other countries, will form the way that we do defence in the future.

**Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): As the Conservative party plays political games and the Cabinet seeks to oust the Prime Minister, the huge uncertainty for our defence industry continues. The Prime Minister’s Brexit deal has been rejected twice, so will the Minister accept that the Government must now do the responsible thing and work across the House to build a consensus for a better deal? Instead of treating this House with yet more disdain, will he confirm that the Government will work with MPs from across the House to determine the course of action?

**Stuart Andrew:** I gently say to the hon. Gentleman that this is defence questions. The Prime Minister will be making a statement shortly. Perhaps that question would be best put to her.

### Support for Veterans

1. **Huw Merriman** (Bexhill and Battle) (Con): What steps he is taking to improve veterans’ access to support services.

2. **The Parliamentary Under-Secretary of State for Defence** (Mr Tobias Ellwood): With your permission, Mr Speaker, may I pair question 4 with questions 11, 12, 19 and 23?

3. **Henry Smith** (Crawley) (Con): What steps he is taking to improve veterans’ access to support services.

4. **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): What recent assessment he has made of the adequacy of veterans’ support services in Hull.

5. **Maria Caulfield** (Lewes) (Con): What steps he is taking to improve veterans’ access to support services.

6. **Rachel Maclean** (Redditch) (Con): What steps he is taking to improve veterans’ access to support services.

7. **Chris Bryant** (Rhondda) (Lab) Is this a Whips’ question?

**Mr Ellwood:** I am sure they are all very genuine. The support we provide our veterans is a genuine subject. We owe our veterans a huge debt of gratitude, but it is important that that gratitude is reflected in the practical support we provide. That is exactly why we are investing in a new veterans strategy, which will be fundamental to improving the co-ordination of that support.

**Mr Speaker:** It has been gently pointed out to me—not that one wishes to be pedantic, merely correct—that one might not be able to pair something, particularly when there are four. A grouping, on the other hand, is perfectly orderly. Mr Merriman, let us hear it man.

**Huw Merriman:** We were waiting for you to finish, Mr Speaker. [Laughter.] I know my place.

I thank the Minister for his answer. The charity sector plays an amazing role in enhancing support for veterans. What engagement has the Minister had with that sector?

**Mr Ellwood:** I am grateful to my hon. Friend for that question. It is so important that we engage as much as we possibly can. There are over 400 service-facing charities. They are co-ordinated by the Veterans’ Gateway and Cobseo, forming themselves into clusters so we can provide the necessary support in the various areas required. Every second Monday, the Defence Secretary and I meet people from the charity sector. In the coming weeks, we will be meeting charities based specifically in the arts.

**Henry Smith:** Recently, a monthly drop-in service has been established at Crawley library for veterans to get advice on the services supported by the Royal British Legion and SSAFA, among others. May I have a commitment from the Ministry of Defence that it will continue to work with the voluntary sector, which provides such fantastic support?

**Mr Ellwood:** My right hon. Friend the Defence Secretary underlined the importance of geographically locally based charities. It is so important that the message gets out that support is available to veterans. The biggest challenge we face is veterans not being aware of where to go for help, so I am very grateful for that work in the hon. Gentleman’s constituency.

**Emma Hardy:** Veterans in Hull are very fortunate to have the support of incredible people like Steve from Hull Veterans Support Centre and Paul from Hull 4 Heroes. There is an ambitious plan to build a veterans village in Hull. Will the Minister meet me to discuss the best way that he can support it?

**Mr Ellwood:** I am always delighted to meet hon. Members who want to pursue and support veterans’ initiatives. I would be delighted to visit. My mother-in-law lives just down the road from Hull, in Beverley, so perhaps I can tie in the two visits in one go.

**Maria Caulfield:** Some 60,000 armed forces veterans are currently suffering mental health problems, in prison or homeless. What more support can be given to personnel as they leave the armed forces to help reduce that number in future?
Mr Ellwood: My hon. Friend is right to focus on specific issues where we need to increase our support. One reason why we are putting together the veterans strategy is to understand where we can do more. The prison sector is one area. She touches on the transition process. It is so important that as people depart the armed forces they know where help can be provided. We are now getting back in touch with armed forces personnel and their families 12 months after they have departed to check on their progress.

Rachel Maclean: Ubi-tech is a business in my constituency made up completely of ex-service people. It is expanding fast and provides services to the MOD and others. It also provides resettlement training and is a supporter of the armed forces covenant. Given that, does the Minister agree that it is not surprising that the business regards the decision to prosecute soldier F after 47 years with absolute dismay? How does the Minister respond to that?

Mr Ellwood: The Northern Ireland prosecution service made an independent judgment on that. I think it would be wrong for us to make any judgment on the Government side. What my hon. Friend illustrates is another great example of veterans charities doing fantastic work on a local basis, and if there is an opportunity to visit her constituency, I would be delighted to meet it.

Rachael Maskell (York Central) (Lab/Co-op): On return from his tour of Afghanistan in 2007, my constituent, Robert Duncan, experienced post-traumatic stress disorder. It has taken this long to have a conversation—that is all he wants—with those under whom he served. Why can he not have that conversation?

Mr Ellwood: I do not know the circumstances of that particular case and I would be delighted to meet the hon. Lady to see what more can be done. As I touched on before, we are now far more engaged with the individuals—all service personnel—who served in Afghanistan and Iraq to track their progress and to make sure that we are in touch to give them the support that they need. If there is a case for an individual to be looked at again, I would be more than happy to do that.

Carol Monaghan (Glasgow North West) (SNP): While we know that the charity sector is doing a great deal of work, and we are extremely grateful for that, there is an absence of veterans-focused policies in areas such as welfare and employability. The transition to civilian life can be difficult, so does the Minister agree that the Government must be doing more in this area?

Mr Ellwood: I am pleased that the hon. Lady mentioned the Northern Ireland prosecution service. It made an independent judgment on that. I think it would be wrong for us to make any judgment on the Government side. What my hon. Friend illustrates is another great example of veterans charities doing fantastic work on a local basis, and if there is an opportunity to visit her constituency, I would be delighted to meet it.

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Fabian Hamilton (Leeds North East) (Lab): I apologise to the hon. Member for Lichfield (Michael Fabricant) for intervening before he had the chance to ask his question. At Defence questions on 18 February, I asked the Minister about the black soldiers of the East Africa Force, formed in 1940, after an investigation revealed that they were paid only a third of the wage received by their white counterparts. On 13 February, Her Majesty’s Opposition wrote to the Government about this issue and I wrote to the Minister on 28 February, but so far no replies have been received. The Foreign Office claims that this is a matter for the Ministry of Defence, but the Minister told the House last month that this was a matter for the Foreign Office. Will he please confirm that it is in fact his Department’s responsibility, and may I ask him again when the East Africa Force veterans and their families might expect, at the very least, an official apology and compensation for this scandal?

Mr Ellwood: Perhaps it does feel like we are living an episode of “Yes Minister”, and I fully understand that, with Departments trying to establish who has responsibility. We need to iron that out, and we absolutely need to get the answers that the hon. Gentleman deserves. Perhaps I can speak with him afterwards and we can move this issue forward.

Armed Forces: Social Mobility

5. Michael Fabricant (Lichfield) (Con): What progress his Department has made on promoting social mobility and equal opportunities throughout the armed forces; and if he will make a statement.

The Secretary of State for Defence (Gavin Williamson): Armed forces careers are built on merit, creating an environment where potential is defined by effort and talent and not by background. The skills, education and training that they get in the armed forces give many people the chance to achieve so much not just while they serve, but when they leave.

Michael Fabricant: With the appointment of Brigadier Janice Cook as head of regulation at Defence Medical Services in Lichfield and the very recent appointment of Sue Gray as Air Marshal, does this not demonstrate that there is no glass ceiling for women in the armed forces?

Gavin Williamson: My hon. Friend is absolutely right to say that there is no glass ceiling. He brings out two brilliant examples of where women in our armed forces can achieve so much and make such a difference. We all recognise that we need to get more women joining all three services. The contribution and value that they bring is enormous, and the opening up of all roles, including close combat roles, has been vitally important in doing so.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Secretary of State must know that the British armed services used to be one of the greatest players in encouraging social mobility and equal opportunity. They used to be the greatest trainers in Britain in terms of quality, size and capacity. When will he go back to that mission of having a real training programme in the Army that is big, not tiny?
Gavin Williamson: The hon. Gentleman makes a very strong point about maybe expanding our armed forces. We should feel proud that we are the largest employer of apprentices in this country—19,000 service personnel are currently in an apprenticeship—and that we continue to lead on this. The value that these apprenticeships bring is not just to the services; there is also the contribution to wider society, as service personnel often pursue a second career after they leave.

Rebecca Pow (Taunton Deane) (Con): I thank the Secretary of State once again for retaining 40 Commando in Taunton. It is a momentous decision and great for Taunton. That said, only 9% of British soldiers are female. Does he agree that opening up all combat roles to women will make a real difference to our armed forces? I look forward to the first ones joining the Marines.

Gavin Williamson: I pay tribute to my hon. Friend, who did so much in campaigning to keep the Royal Marines in Taunton; they play an important role in the local community. I very much look forward to the first female recruits joining the Royal Marines. I am sure they will be welcomed by the whole corps.

Conor McGinn (St Helens North) (Lab): In towns such as St Helens and Newton-le-Willows, the armed forces have always been a driver of social mobility and civic pride, but, like many places, we have lost our armed forces careers office. Would the Secretary of State consider reopening not just ours but others in many working-class communities across the country, upon whom the armed forces rely for their recruitment?

Gavin Williamson: One of the key drivers of recruitment is increasingly online, but we need always to look at how we reach out into local communities. I remember how the Green Howards often used to visit my school in Scarborough sending out the message of what an Army career could deliver. We need to look at how we can get service personnel out into the community recruiting.

Service Personnel: Statute of Limitations

6. Mr Ranil Jayawardena (North East Hampshire) (Con): If he will introduce a statute of limitations on prosecutions in order to protect servicemen and women.

Mark Lancaster: Having served as Chief of the General Staff and then as Chief of the Defence Staff during the height of the troubles, Lord Bramall clearly brings a unique perspective to these difficult issues. The House will understand that prosecutorial decisions in Northern Ireland are taken by the Public Prosecution Service and that the PPS is independent both of the UK Government and of the Northern Ireland Executive. The Government recognise, however, that the current system for dealing with the legacy of Northern Ireland’s past is not working well for anyone, and that is why the Ministry of Defence is working closely with the Northern Ireland Office on new arrangements, including to ensure that our armed forces and police officers are not unfairly treated.

Dr Julian Lewis (New Forest East) (Con): Members of the Defence Committee were very pleased by the way Ministers set up the dedicated unit to look into this question and by the work the Attorney General has been doing. Have the proposals that are apparently to be brought forward in the Queen’s Speech yet been finalised and accepted at Cabinet level?

Mark Lancaster: My right hon. Friend highlights—because he understands them—the complexities of this issue, not the least of which is that it transcends not just Northern Ireland but different judicial systems in the United Kingdom. We are making progress, and we have applied to bring the subject forward in the Queen’s Speech, but we have yet to conclude this work.

Armed Forces Covenant

7. Danielle Rowley (Midlothian) (Lab): What steps his Department is taking to ensure the effective delivery of the armed forces covenant.

16. Bill Wiggin (North Herefordshire) (Con): What steps he is taking to encourage more commercial organisations to participate in the armed forces covenant.

17. Wes Streeting (Ilford North) (Lab): What steps his Department is taking to ensure the effective delivery of the armed forces covenant.

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): The armed forces covenant not only obliges Government Departments to recognise their duty to support armed forces personnel and veterans and their families, but encourages organisations and businesses across the country to do the same. I am pleased to say that there are now more than 3,300 signatories, and we are signing about 25 companies or organisations each week.

Danielle Rowley: A recent Defence Committee report stated that “some serving personnel, veterans and their families who need mental health care are still being completely failed by the system.” We have heard about engagement with charities and mental health support, but a local charity that is doing great work in Midlothian, the Lothians Veterans Centre, has confirmed the sentiment expressed by the Committee, and told me that charities helping veterans are under a huge burden and huge pressures. What are the Government doing to encourage service personnel to report mental health care?
health problems without fear of reprisal, and to ensure that there is a greater focus on the provision of mental health care?

**Mr Ellwood:** The hon. Lady has packed a lot into one question, and it is very important indeed. The critical aspect is removing stigma and enabling people to step forward and say “I’m not okay” without feeling that there will be reprisals, and, thanks to the mental health and wellbeing strategy of 2017, we are doing exactly that. It is taking a while to change the culture, but more people are now willing to step forward and say “Let me get checked out, let me get sorted, let me get back into the line” without fearing that doing so might damage their promotion prospects.

**Bill Wiggin:** Why should commercial organisations take this matter seriously when the Ministry of Defence has not yet managed to change its demand for British meat so that our armed forces can be fed the finest meat in the world?

**Mr Ellwood:** I understand that this issue dates back to a former armed forces Minister’s time many years ago. When we were back in office a couple of decades ago, we discussed it ourselves. I will certainly look into it, but I encourage all those organisations—despite their issues with meat—to sign the armed forces covenant and support our brave veterans and armed forces personnel.

**Chris Bryant (Rhondda) (Lab):** The acute care for armed forces personnel who have had acquired brain injuries in the course of their duties is second to none—no one would doubt that—but the anxiety is that when they leave the forces, or sometimes even before they enter the forces, an acquired brain injury will go unnoticed and therefore untreated and uncared for, which is why so many veterans end up homeless and living on the street. What are we going to do about that?

**Mr Ellwood:** I pay tribute to the hon. Gentleman for the personal interest that he takes in this issue. He is absolutely right: people need signposts so that they know where to go. We are working far more closely with NHS England and the devolved Administrations to understand where the complex treatment services are, and to ensure that when people make the transition, they are handed across to the civilian agency that will look after them.

**Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con):** It is wonderful for me, as the founder of the all-party parliamentary group on the armed forces covenant, to see an Order Paper that is full of those three words, which did not exist a few years ago. This is a conversation that is critical to the House. Will the Minister meet me to move forward the discussion about the creation of an armed forces covenant ombudsman, so that when the issues raised by colleagues get stuck and we cannot find a solution, we have a real authority to fix things?

**Mr Ellwood:** I pay tribute to my hon. Friend for the work that she has done on this issue as chair of the APPG. I should be more than delighted to meet her. It is important that we carry out the necessary scrutiny and are seen to be doing so, and that we do what is best for our veterans.

**Wes Streeting:** I am grateful to the Minister for his answer to the question from my hon. Friend the Member for Midlothian (Danielle Rowley), but does he not agree that when 0.01% of the NHS budget is spent on veterans’ mental health care, we have a great deal further to go? Will he at least endorse fully the recommendations of the Defence Committee on the issue?

**Mr Ellwood:** I was delighted to address the Committee on this matter only the other day, and to discuss it. It is absolutely true that we need to follow the money. We know that £21 billion has been given to the NHS to cover the next 10 years, of which a proportion will go to mental health. The Prime Minister herself wants to see parity between mental and physical health and wellbeing, so let us make sure that we can identify where those funds are. I hope that I, or the Defence Secretary, will have a meeting with the Secretary of State for Health and Social Care as soon as possible to see what more can be done.

**Capita**

8. **Liz Twist (Blaydon) (Lab):** What recent assessment has he made of the effectiveness of Capita’s Army recruitment contract with his Department. [909994]

**The Minister for the Armed Forces (Mark Lancaster):** The Army continues to work closely with Capita with multiple interventions now in place and the delivery of improvements. Regular soldier applications remain at a five-year high with this year’s “Your Army needs you” advertising campaign seeing over 15,000 applications in January alone. It will take longer to see increases to trained strengths due to the length of the recruitment and training pipeline.

**Liz Twist:** The Secretary of State has said he might re-examine the Capita contract in the next financial year, meaning we will have to wait another 12 months before any action is taken. All the while Capita is failing abysmally, with Army numbers falling year after year. Instead of endlessly kicking the can down the road, why do the Government not deal with the problem now: strip Capita of the contract and bring the service back in-house?

**Mark Lancaster:** I answered that question earlier and, with respect to the hon. Lady, she clearly did not listen to the answer I just gave her. Applications are up; there is the start of a process. One of the confusions the House has is that we talk about trained strength, which is the number—93% manned in respect of the Army—but that is after a very long process of going through not only basic training but, for example, for Royal Engineers also combat engineer training and then trade training. So this can take up to 18 months from the first time somebody puts a uniform on and considers themselves to be part of the Army. Those in training do not go home and say “I’m not in the Army because I am not fully trade trained yet.” There are some 5,000 soldiers now in that process who are wearing a uniform but are not included in the numbers; in time they will join the Army and we are seeing that uplift. It is the time lag that this House is not fully understanding, but I understand why.

**Richard Graham (Gloucester) (Con):** In terms of the effectiveness of recruitment, my right hon. Friend will know that we recruit many armed forces servicemen and women from the Commonwealth, but is he aware of the Royal British Legion campaign to eliminate the
current high costs of their applications for indefinite leave to remain, to which they are eligible after four years' service? This can cost almost £10,000 for a family of four; does my right hon. Friend agree it is time that this issue was tackled in order that we recruit more from the Commonwealth?

Mark Lancaster: My hon. Friend raises a very important issue and my right hon. Friend the Secretary of State is engaging with the Home Office in an attempt to solve it.

Korean Peninsula

9. Kevin Foster (Torbay) (Con): What recent assessment he has made of the security situation in the Korean peninsula. [909995]

The Secretary of State for Defence (Gavin Williamson): The security situation on the Korean peninsula has improved since North Korea adopted a self-imposed moratorium on missile launches. North Korea almost certainly wishes to avoid conflict; however the balance of hard military power on the peninsula has not altered substantively recently. North Korea needs to engage in meaningful negotiations with the United States and take concrete steps towards complete denuclearisation.

Kevin Foster: The failure of recent talks aimed at securing denuclearisation in North Korea was disappointing, although I welcome South Korea's attempt to revive them. Will my right hon. Friend assure me that UK Government support for any agreement reached in future would be dependent on a commitment by North Korea to complete denuclearisation?

Gavin Williamson: We have been absolutely consistent that there must be complete denuclearisation, and while it is disappointing as to where talks have gone we must remain hopeful that pressure can be applied for North Korea to come back to the table in order to be able to reinvigorate these discussions going forward.

Mike Gapes (Ilford South) (Ind): Will the Government make it clear that North Korea cannot play games, as it has done for more than 20 years, just wanting to get sanctions lifted or get economic support from outside and then reverting to its old policies, and that there will be consequences internationally if it does that?

Gavin Williamson: The hon. Gentleman makes an important point, and I remember visiting South Korea with him back in, I think, 2010 or 2011 where we looked at this. It is vital that Britain stands shoulder to shoulder with our UN friends in terms of the imposition and enforcement of sanctions, which the Royal Navy has been leading on with our other UN partners.

Mr Philip Hollobone (Kettering) (Con): Is or is not North Korea degrading its nuclear capability?

Gavin Williamson: We continue to monitor what is happening in North Korea. It is vitally important that we work with other allies, including the People's Republic of China, to put pressure on North Korea in order to reduce the amount of nuclear testing it has in the past been conducting.

Air Defence Radar Systems and Offshore Wind Sites

10. Melanie Onn (Great Grimsby) (Lab): What steps his Department is taking to ensure that air defence radar systems do not constrain the development of offshore wind sites. [909996]

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): The Ministry of Defence's first priority is always to guarantee that the UK is able to meet its national security obligations, which include ensuring that our air defence radar systems can operate effectively. The Ministry is supportive of the offshore wind sector deal, and we remain keen to work closely across Government and with the industry to support this.

Melanie Onn: Over half the new offshore wind sites that the Government have announced they will build will affect aviation radar systems. The Under-Secretary of State for Defence, the right hon. Member for Bournemouth East (Mr Ellwood), responded to a written question of mine on 20 February, saying that the solution is “challenging and requires upgraded or new technologies, which are not currently part of the equipment programme.” Does that not simply mean that the Government’s ability to deliver on that sector deal is going to be hampered?

Stuart Andrew: The hon. Lady raises an important point because the scale and size of the proposed wind farms are significant. I have been speaking to officials about how we might use the innovation fund, for example, to work closely with the industry to find a solution to this problem.

Defence Industry: Exports and Jobs

14. Neil Parish (Tiverton and Honiton) (Con): What steps his Department is taking to (a) support an increase in UK defence exports and (b) protect defence industry jobs. [910000]

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): In 2017, the UK won defence orders worth £9 billion, making us the second largest global defence exporter. We work actively with the Department for International Trade to support industry, and recent successes include the export of the Type 26 to Canada and Australia, and the US Department of Defence awarding a further £500 million-worth of support work for the F-35 programme in north Wales.

Neil Parish: Supacat, the leading specialist in the design and development of high-mobility defence vehicles, is located in my constituency. If it wins a contract in Denmark, it has to offset 60% of that work in Denmark with supplying those vehicles to the Danish Government, yet that is not something that we do here. Will the Minister meet Supacat to discuss what more could be done to ensure that we secure high-skilled defence jobs in this country when defence contracts are lost to foreign companies?

Stuart Andrew: Of course I would be more than happy to meet my hon. Friend and the company in his constituency. The UK and many of our closest international defence partners do not use offset because it can distort the market and lead to reduced value for money, but we
look at alternative ways to encourage more inward investment. That is why we are working closely with Boeing and Lockheed Martin, and we are aiming for 60% of the Boxer programme to be undertaken in the UK.

24. [91004] Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): It was a pleasure to see the Minister in Glasgow on Friday for the naming of HMS Tamar, which, when it was ordered, was classified as a complex warship. Now, under the national shipbuilding strategy, it is no longer considered to be a complex warship. Under the national shipbuilding strategy, what are the Government doing to ensure that the consideration of the bid for the fleet support ships contract will be weighted so that the UK economic prosperity consideration is factored into the awarding of that contract, so that the UK consortium will prevail?

Stuart Andrew: It was a pleasure to see the hon. Gentleman in Glasgow. That was a great event and I was happy to be there. He will know that we are trying to make UK industry as competitive as possible. That is why we are putting this out to international competition; it is not described as a warship. That said, I am delighted that there is a team UK, a consortium of UK shipbuilders, bidding into that competition. There will also be lots of opportunities for the supply chain, which has benefited from other competitions that went international, such as that for the military afloat reach and sustainability—MARS—ships.

Redundant Military Equipment

15. Norman Lamb (North Norfolk) (LD): What recent assessment he has made of the adequacy of the (a) transportation and (b) storage of redundant sensitive military equipment; and if he will make a statement.

[91001]

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): When defence equipment becomes surplus to requirements, the Defence Equipment Sales Authority disposes of it using compliant contractors or by direct sale to other Governments. Contractors who process or dispose of sensitive defence equipment are subject to a strict ongoing security assurance programme.

Norman Lamb: The Minister will be aware of the serious allegations relating to the transportation and storage of defence technology from Leonardo by Used Equipment Surplus and Storage Ltd—UES&S—in my constituency. The Ministry of Defence police visited my constituents and told them that prosecutions were likely to follow and that they would receive a copy of the investigation report. My constituents are still waiting. Every request I have made for a meeting with Ministers has been turned down for more than a year. Will the Minister meet me and will he give me a copy of the report, because there are serious concerns that there is a cover-up going on here?

Stuart Andrew: I can tell the right hon. Gentleman that there have been inspections at those premises and that nothing was seen to be of concern. However, I understand the issues that the situation is causing his constituents, so I would be more than happy to meet with him and them.

Mr Laurence Robertson (Tewkesbury) (Con) rose—

Mr Speaker: The hon. Gentleman is imploring me and has been sitting patiently in his usual statesmanlike fashion, so I want to hear from him.

Defence Manufacturing: Employment Trends

18. Mr Laurence Robertson (Tewkesbury) (Con): What recent assessment he has made of trends in the level of employment in defence manufacturing.

[910004]

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): The Ministry of Defence spent £18.9 billion with UK industry in 2017-18, directly supporting 115,000 jobs across the country.

Mr Robertson: I thank the Minister for that response. He will be aware that Dowty Propellers, one of the world’s largest propeller manufacturers, had an unfortunate fire in my constituency four years ago. Owned by an American company, GE Aviation, it could have rebuilt the factory anywhere, but it has chosen to build it in my constituency, thereby securing 350 jobs. I thank the Government for their contribution through the digital propulsion scheme, which will contribute to the success of the company.

Stuart Andrew: I congratulate my hon. Friend on his work in this area and welcome the fact that GE Aviation’s investment is creating this new propulsion facility. It will form part of the defence industry’s massive contribution to the south-west and provides the jobs on which many people rely.

Topical Questions

T1. [910012] Wes Streeting (Ilford North) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Gavin Williamson): In this, the 50th year of the continuous at sea nuclear deterrent, the MOD is proud to continue to protect the security and stability not only of our nation, but of our allies. I will be attending the commemoration service at Westminster Abbey on 3 May, and I hope that many colleagues from both sides of the House will also be able to commemorate this important milestone.

Wes Streeting: In response to the Defence Secretary’s speech to RUSI on 11 February, particularly his remarks about the deployment of HMS Queen Elizabeth to the South China sea, George Osborne described it as a throwback to an era of “gunboat diplomacy” and Lord Dannatt described the Defence Secretary as wanting to “use defence as a platform to develop his own career”. Will the Defence Secretary therefore take this opportunity to explain exactly what he means by that deployment and to say whether he has managed to have discussions with the Chancellor about the finer points of international diplomacy and trade?

Gavin Williamson: As I am sure the hon. Gentleman is aware, we are the second-largest investor in south-east Asia. We have strong and deep links with many allies,
including Australia, New Zealand, Japan, South Korea, Singapore, Malaysia and, of course, the United States. It is therefore perfectly natural and expected to continue to operate and exercise alongside our allies.

T2. [910014] Sir Hugo Swire (East Devon) (Con): How does my right hon. Friend score his Department on its agreement with the Treasury to release land now considered surplus to the MOD’s requirements to the housing market?

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): My right hon. Friend is right that we need to release land that is surplus to requirements. The MOD owns 2% of Britain, and it is important to have a programme of disposal of works that works with local communities to free up land for important housing.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am sure that the entire House was distraught yesterday to hear press reports of injuries sustained by UK special forces in Yemen and will join me in wishing a speedy recovery to those affected. I appreciate that the MOD does not comment on special forces operations, but the news certainly illustrates the engagement of UK forces in that part of the Arabian peninsula. Will the Secretary of State make a statement to the House to ensure that we and our constituents can know more about the UK’s ongoing role in that desperate, devastating conflict?

The Minister for the Armed Forces (Mark Lancaster): As the hon. Gentleman knows, we neither confirm nor deny the use of our special forces.

T5. [910019] Rachel Maclean (Redditch) (Con): As a proud member of the armed forces parliamentary scheme, I have been privileged to visit a number of service women and men around the world. Does the Secretary of State agree it is a fantastic career for women, as well as men? Can he update me on what more he is doing to encourage more women to join our armed services?

Gavin Williamson: As was touched upon earlier, we are very much showing and leading by example with the promotion of many women into some of the highest roles within the Army, the Navy and, of course, the Royal Air Force. We have been looking at how we do our advertising and how we reach out to encourage more women to join our armed services?

Wayne David (Caerphilly) (Lab): Normally it takes three years to train an RAF pilot. Will the Minister explain why it is now taking up to seven years?

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): We accept there have been issues with this contract, but we are working very closely with industry to try to resolve it and to make sure there are the training facilities needed for the people who want to take up that career.

Wayne David: That is a very interesting response, but is it not the case that there is this problem because there are shortages of planes and instructors, and that things are so bad that the MOD is paying a private contractor for phantom courses that never take place? On current estimates, it will take another 20 years before the RAF has enough pilots, so how does the Minister propose to remedy this totally unacceptable situation?

Stuart Andrew: As I said a moment ago, I recently met industry and spoke to, for example, the chief executive of BAE Systems. I want those industries to work together to come up with a solution, which is the challenge we are giving them.

T6. [910020] Sir Desmond Swayne (New Forest West) (Con): Having hitherto restrained EU military ambition, why are we now seeking to be its vanguard?

Mark Lancaster: Of course, the reality is that NATO is the cornerstone of our defence. Although in the past we have participated in EU missions such as Operation Atalanta and Operation Althea, we will only do so in future if it is in our national interest.

T3. [910015] Anna Turley (Redcar) (Lab/Co-op): Our defence manufacturers are based in every corner of this country, many of them making a vital contribution to local and regional economies, but small and medium-sized enterprises have told me they feel disadvantaged because they cannot get down to London for many of the procurement briefings that take place. Will the Minister crack open the gates of Whitehall and get civil servants out around the country to see the brilliant work of manufacturers across our country?

Stuart Andrew: The hon. Lady is absolutely right, and that is exactly what we are doing. I was very pleased to host an SME forum in Belfast, and the next one will be in Wales. We have officials all over the country engaging with SMEs, because we recognise the massive contribution they can make to the defence needs of this country.

T7. [910021] Andrea Jenkyns (Morley and Outwood) (Con): In England, one in six people report or experience a common mental health problem in any given week. In both the Ministry of Defence and service veteran communities there is an additional stigma that prevents individuals from seeking help. What steps is the Department taking to reduce the stigma and to support military charities such as the RAF Association that are actively supporting these individuals?

Mr Ellwood: My hon. Friend touches on such an important issue. If we are to retain people in the armed forces, we need to provide the necessary support on mental health issues. The Prime Minister herself has said that she wants to see parity between mental and physical health, which is exactly what the 2017 mental health strategy seeks to secure.

T4. [910017] Ronnie Cowan (Inverclyde) (SNP): In reply to a recent written question, I was told that the United Kingdom Government can deploy armed military forces on UK soil only at the request of, for example, the appropriate police force. Have responses to such requests been considered as part of the post-Brexit contingency plans?

Gavin Williamson: We have long-established rules on military assistance to civilian authorities, and local authorities, police authorities and all Government Departments understand that. We always respond in any way we can to support and help.

Several hon. Members rose—
Mr Speaker: A very senior parliamentary celebrity, Sir Edward Leigh.

Sir Edward Leigh (Gainsborough) (Con): If RAF Scampton is to close, which everyone in Lincolnshire naturally opposes, in deciding where the Red Arrows should go, will the Secretary of State bear in mind that we have three excellent airfields—Waddington, Coningsby and Cranwell—and, above all, wonderful airspace, and that we should not move the Red Arrows to an inferior county like Yorkshire?

Gavin Williamson: I very much appreciate the strong campaigning that my right hon. Friend has been undertaking to keep the Red Arrows in Lincolnshire. We will certainly be listening closely to all arguments.

Mary Glindon (North Tyneside) (Lab): As satisfaction with—[Interruption.]

Mr Speaker: Order. I understand the air of excitement and anticipation of important matters, but the question from the hon. Member for North Tyneside (Mary Glindon) is important and must be heard.

Mary Glindon: Thank you, Mr Speaker. As satisfaction with pay and pension benefits is at its lowest level ever recorded, does the Minister accept that seven years of below-inflation pay rises have had a severe effect on the morale of our armed forces?

Mr Ellwood: We take the continuous attitude survey very seriously. We are concerned that there has been a fall in morale. I am pleased to see that the Chancellor is in his place, as I hope he will recognise that when the spending review comes around for allocation.

Mark Pawsey (Rugby) (Con): In our spend on defence, it is important that our armed forces get the best, and in respect of naval propulsion systems that means the low-vibration motors produced by GE Energy in Rugby. Does the Minister agree that it is important to maintain that capability in the UK?

Gavin Williamson: My hon. Friend has raised this issue a number of times. I, along with the Under-Secretary of State for Defence, my hon. Friend the Member for Pudsey (Stuart Andrew), who has responsibility for defence procurement, have also met him on this. We are working closely with GE to do everything we can to support the business going forward and this includes the enormous work that has been put into securing export orders as well.

Anna Soubry (Broxtowe) (Ind): No one in Broxtowe wants the British Army to leave the Chetwynd barracks, especially as we are so proud of our association with the Sappers—the Royal Engineers—but we understand that the land must be sold off. What we are concerned about is the delay in the sale. I would be grateful if the Minister would be agreeable to a meeting so that we can see how we can best dispose of the land for housing.

Mr Ellwood: I would be delighted to meet my right hon. Friend in order to discuss this. I know she has been passionate about this issue and we will see whether we can resolve the matter.

Several hon. Members rose—

Mr Speaker: Order. We must now move on to the statement from the Prime Minister.
I continue to believe that the right path forward is for the United Kingdom to leave the EU with a deal as soon as possible, which is now on 22 May, but it is with great regret that I have had to conclude that, as things stand, there is still not sufficient support in the House to bring back the deal for a third meaningful vote. I continue to have discussions with colleagues across the House to build support, so that we can bring the vote forward this week and guarantee Brexit. If we cannot, the Government have made a commitment that we would work across the House to find a majority on a way forward.

The amendment in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) seeks to provide for that process by taking control of the Order Paper. I continue to believe that doing so would set an unwelcome precedent, which would overturn the balance between our democratic institutions, so the Government will oppose the amendment this evening. But in order to fulfil our commitments to the House, we would seek to provide Government time in order for the process to proceed. It would be for the House to put forward options for consideration and to determine the procedure by which it wished to do so.

I must confess that I am sceptical about such a process of indicative votes. When we have tried this kind of thing in the past, it has produced contradictory outcomes or no outcome at all. There is a further risk when it comes to Brexit, as the UK is only one half of the equation and the votes could lead to an outcome that is negotiable with the EU. No Government could give a blank cheque to commit to an outcome without knowing what it is, so I cannot commit the Government to delivering the outcome of any votes held by the House, but I do commit to engaging constructively with the process.

There are many different views on the way forward, but I want to explain the options as I understand them. The default outcome continues to be to leave with no deal, but the House has previously expressed its opposition to that path, and may very well do so again this week. The alternative is to pursue a different form of Brexit or a second referendum, but the bottom line remains that if the House does not approve the withdrawal agreement this week and is not prepared to countenance leaving without a deal, we will have to seek a longer extension. This would entail the UK having to hold European elections, and it would mean that we will not have been able to guarantee Brexit. These are now choices that the House will have the opportunity to express its view on.

This is the first chance I have had to address the House since my remarks last Wednesday evening—[Interruption.]—and I continue to expect the House to build support, so that we can bring the vote forward this week and guarantee Brexit. If we cannot, the Government have made a commitment that we would work across the House to find a majority on a way forward.
I hope we can all agree that we are now at the moment of decision, and in doing so we must confront the reality of the hard choices before us: unless this House agrees to it, no deal will not happen; no Brexit must not happen; and a slow Brexit that extends article 50 beyond 22 May, forces the British people to take part in European elections, and gives up control of any of our borders, laws, money or trade is not a Brexit that will bring the British people together. I know that the deal I have put forward is a compromise—it seeks to deliver on the referendum and retain trust in our democracy, while also respecting the concerns of those who voted to remain—but if this House can back it, we could be out of the European Union in less than two months.

There would be no further extensions, no threat to Brexit and no risk of a no deal. That, I believe, is the way to deliver the Brexit that the British people voted for. I commend this statement to the House.

3.40 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for the advance copy of her statement and for the meetings that we have had in recent days.

The Government’s approach to Brexit has now become a national embarrassment. After two years of failure and broken promises after broken promises, the Prime Minister finally accepted the inevitable last week, voted to extend article 50 and went to Brussels to negotiate.

Last week’s summit represented another negotiating failure for the Prime Minister. Her proposals were rejected and new terms were imposed on her. We now have an extension until mid-April, or 22 May, but despite the clearly expressed will of this House, we still face the prospect of a disastrous no-deal Brexit. This is even more remarkable given that the Minister for the Cabinet Office told this very Chamber that “seeking such a short and, critically, one-off extension would be downright reckless”.—[Official Report, 14 March 2019, Vol. 656, c. 566.]

This failure has been compounded by the Prime Minister’s attempts last week to pin the blame for this debacle on others. It was wholly inappropriate, last Wednesday, for her to try to pit the people against MPs—elected MPs doing their duty to hold the Government of the day to account, which is what Parliament exists for. In a climate of heightened emotions where MPs from all parts of the House have received threats and intimidation, I hope that she will further reflect and think again about making what I believe to be such dangerous and irresponsible statements.

Every step of the way along this process the Government have refused to reach out, refused to listen and refused to find a consensus that can represent the views of the whole country, not just those of the Conservative party. Large parts of our country continue to be ignored by this Government. It is no wonder that so many people felt compelled to march on the streets or to sign petitions over the weekend. Even the most ardent of leavers think that this Government have failed. It is easy to understand the frustration at this chaos—it exists in this House, in Brussels, and across the country.

The Government have no plan. For them, it is all about putting the Conservative party before the country. Given that the Prime Minister has admitted that she does not have the numbers for her deal, will she accept today that her deal is dead and that the House should not have to waste its time giving the same answer for a third time?

The Prime Minister has succeeded in unifying two sides against her deal. The CBI and TUC’s unprecedented joint statement last week demanded a plan B that protects jobs, workers, industry and communities. Does the Prime Minister have a plan B? The Government have failed, and they have let the people down whether they voted leave or remain. The country cannot afford to continue in this Tory crisis. It is time for Parliament to take control, which is why, later today, we will be backing the amendment in the name of the right hon. Member for West Dorset (Sir Oliver Letwin).

You made it clear last week, Mr Speaker, that, for the Prime Minister to bring back her deal, there must be significant changes. There are none. Rather than trying to engineer a way to bring back the same twice-rejected deal, will she instead allow plans—rather than fight plans—for indicative votes? She cannot accept that her deal does not have the numbers and also stand in the way of finding an alternative that may have the numbers. It is ridiculous to suggest that Parliament taking control is “overturning democratic institutions”. It is not; it is Parliament doing its democratic job of holding Government to account. Will the Prime Minister agree to abide by the outcome of these indicative votes, if they take place on Wednesday?

The Labour party will continue cross-party discussions to find a way forward, and I thank Members who have met colleagues of mine and me to have those discussions. I believe that there is support in this House for a deal—one that is based on an alternative that protects jobs and the economy through a customs union, provides full single market access, and allows us to continue to benefit from participation in vital agencies and security measures. If the Government refuse to accept this, we will support measures for a public vote to stop no deal or a chaotic Tory deal.

The Government have had more than two years to find a solution, and they have failed. It is time that we put an end to this, move on from the chaos and failure, and begin to clean up the mess. It is time for Parliament to work together and agree on a plan B. If the Prime Minister is brave, she will help to facilitate this. If not, Parliament must send a clear message in the coming days. I hope that where the Government have failed, this House can and will succeed.

The Prime Minister: Once again, the right hon. Gentleman said that we still face the prospect of no deal. As I said earlier, the House has rejected no deal twice now and could very well continue to reject it, but the only way of actually putting that into practice is to support a deal. He also talks about reaching out. I have reached out to party leaders and other Members across the House, and my right hon. Friends the Chancellor of the Duchy of Lancaster and the Secretary of State for Exiting the European Union have held a number of meetings with Members across the House and with party leaders.

The right hon. Gentleman ended by saying that it is now time for the House to decide. The point is that, up to now, the House has not decided. [Interruption.] Yet again, Opposition Members say that they have not had a chance. The House has had many chances to table
amendments. The House has voted twice on the right hon. Gentleman’s plans for the future and rejected them, it has voted to reject no deal and it has also voted to reject a second referendum. The right hon. Gentleman asked whether the Government would commit to abide by the indicative votes. As he accepted, I gave him advance notice of my statement and I then read that statement, in which I clearly said:

“I cannot commit the Government to delivering the outcome of any votes held by this House.”

Emily Thornberry (Islington South and Finsbury) (Lab): That’s not good enough.

The Prime Minister: The shadow Foreign Secretary shouts, “That’s not good enough.” Let us just think about this for a moment. First, we do not know which options will be tabled. Secondly, we do not know which amendments will be selected. But there is another important point: no one would want to support an option that contradicted the manifesto on which they stood for election to this House. The Chancellor of the Duchy of Lancaster will be opening the debate this afternoon, and will refer to the processes of the House that will be involved.

The right hon. Gentleman the Leader of the Opposition said that it was important that MPs were elected here to take responsibility and make decisions. But the MPs elected to the House at this time have a duty to respect the result of the referendum that took place in 2016. Attempts to stop the result of that referendum being put in place or to change the result of that referendum are not respecting the voters and they are not respecting our democracy.

Finally, the right hon. Gentleman mentioned the fact that a number of people had marched on the question of a second referendum. [Interruption.]

Mr Speaker: Order. The House is in a very agitated state, but we are at an early stage in the proceedings—calm.

The Prime Minister: The right hon. Gentleman referred to the fact that a march for a second referendum took place. It is, in fact, the right hon. Gentleman’s policy, and I noticed that his deputy went on the march. I thought that the right hon. Gentleman normally jumped at any opportunity to go on a march, but he was not actually there on this occasion; I can only assume that he was involved but not present.

John Redwood (Wokingham) (Con): What would the Prime Minister say to a leave voter who wants us to leave on 29 March and thinks that indicative votes are a waste of time because, as she rightly says, the options on offer have already been rejected once or twice in this Parliament?

The Prime Minister: My right hon. Friend is absolutely right that the options that appear to be on offer have already been rejected by this Parliament. I would have to point out, of course, that for reasons that I explained in my statement—in relation, particularly, to the Governments of parts of the United Kingdom—we have requested the extension to article 50, so the 29 March date is no longer there. But I would say to a leave voter: we can guarantee Brexit and leaving on 22 May, as the Council conclusion suggests, by supporting the deal that has been put forward. That is the way to guarantee Brexit; anything else does not guarantee Brexit.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for an advance copy of her statement.

We are in a crisis, but one of the Prime Minister’s own making. Her ill-judged speech before she departed for Brussels concluded that everyone is to blame but herself, trying to put herself on the side of the people and blaming parliamentarians. It was Trumpesque. We do not need such raw populism at a time like this—it is truly flabbergasting. Will she now apologise for blaming parliamentarians in the way that she did?

The Prime Minister needs to be reminded: she is supposed to be leading a country. No one on these Opposition Benches thinks she can deliver. Her Back Benchers do not think she can deliver. People right across the United Kingdom do not think she can deliver. Prime Minister, time is up. Today is about parliamentarians taking back control. People at home are watching, and they are ashamed of this Parliament, ashamed of this Government, ashamed of the embarrassment that British politics has become. Today, Parliament must move to find a consensus. We must come together and protect the interests of citizens across Scotland and all other parts of the United Kingdom. I say to Members: we still have a choice.

I want to ask the Prime Minister now, with all sincerity—will she respect the will of Parliament and reject no deal? While she is telling us that our votes do not count, Privy Counsellors are being given briefings by her Government, and those briefings are talking about catastrophe and the real risks that there are to the United Kingdom. It is the Prime Minister who is threatening the people of the United Kingdom with no deal, and a no-deal exit that this Parliament has already rejected. What is the point of us all sitting in this Chamber and voting in debates when the Prime Minister thinks she can ignore parliamentary sovereignty? What a disgrace—what an insult to this place; if our votes do not count, then frankly we may as well just go home.

If this Prime Minister is telling the people of Scotland that our votes did not count when we voted to remain, well, we know what the answer is: the day is coming when the people of Scotland will vote for independence and we will be an independent country in the European Union. So will the Prime Minister tell us, do our votes count? Are they binding on the Government or is this just a puppet show? If that is the case, this is the greatest assault on democracy inflicted by any Prime Minister. If Members of Parliament are prepared to tolerate that, then shame on them—shame on them. Scotland will not be dragged out of the European Union by this Prime Minister. From the very beginning of this process, Scotland has been ignored, and now we learn that Parliament will once again be ignored.

At the weekend, I was proud and privileged to take part in a historic march in London. I was proud to stand with the people, alongside Scotland’s First Minister, and demand that the Government listen to the people. Let me tell the Prime Minister this: she said that no deal is the alternative; well, we on these Benches will move to
revoke, because Scottish parliamentarians have made sure that we have that power, and we will stop her driving us off a cliff edge. Over 1 million people marched to have the chance to vote again to stop this chaos. Prime Minister, why are you not listening? The Prime Minister must end this madness. Put it to the people—let us have a people's vote.

The Prime Minister: The right hon. Gentleman put forward a number of proposals for the way forward in the speech that he has just given in response to my statement. There was one point at which he said Scotland would vote to become an independent country in the European Union. Of course, what was perfectly clear in the independence referendum in 2014, when Scotland rejected independence and decided to stay—

Ian Blackford: Give it a rest!

The Prime Minister: The right hon. Gentleman says, “Give it a rest!” He stands up here proclaiming the benefits of democracy and yet tells me to give it a rest when I point out that the people of Scotland voted to remain part of the United Kingdom. He talks about coming together. This House has a duty to deliver Brexit. That means, I believe, delivering a Brexit with a deal that enables that smooth and orderly exit. He asks whether his vote counts and votes in this House count. Of course votes in this House count, but so do the votes of 17.4 million people who voted to leave the European Union.

Sir William Cash (Stone) (Con): The statutory instrument for the extension of time was laid one hour ago. There is grave concern that there was no lawful UK authority for the decision on 22 March to extend the exit date. Did the Prime Minister seek the Attorney General’s advice beforehand, as clearly required by both the ministerial code and the Cabinet manual, and will she publish that advice? Why did she not invoke the commencement order for section 1 of the European Union (Withdrawal) Act 2018, repealing the European Communities Act 1972?

The Prime Minister: My hon. Friend talks about the decision to extend article 50. This House had supported an extension of article 50. Yes, the Council took a different decision in relation to the length of time that that extension could take place for, but the House was clear—people are saying to me, “Listen to the House and respect the House”—that an extension of article 50 should be sought, and an extension was agreed.

Hilary Benn (Leeds Central) (Lab): The Prime Minister has told the House that if her withdrawal agreement is not approved by this Friday, the extension we have been granted will last only until 12 April. If the Prime Minister currently does not intend to bring her deal back for another vote, she will then be faced with only two choices: doing nothing, in which case we will leave with no deal on 12 April, or applying for a further extension. Given the crisis that is facing our country, the public have a right to know which of those two options the Prime Minister intends to choose. Prime Minister, could you please tell us?

The Prime Minister: The right hon. Gentleman is right that I said that, as things stand, I did not believe there was support for bringing back a meaningful vote, but I also indicated that I was continuing to talk to colleagues across this House. I would hope to be able to bring back a vote in this House that enables us to guarantee Brexit, because the one way of guaranteeing Brexit is to abide by the decision that was taken last week and ensure that we leave on 22 May.

Theresa Villiers (Chipping Barnet) (Con): Does the Prime Minister welcome the comments of the Taoiseach over the weekend that he believes that there are special arrangements that could be put in place to maintain an invisible border on the island of Ireland, even in the event that the UK leaves without a deal?

The Prime Minister: We have, as my right hon. Friend knows—she has been involved in some of these discussions—been looking at the alternative arrangements that could be put in place, and further work is required, but I would also draw her attention to, I believe, a release by the European Commission today, in which it makes clear that, in all circumstances, all EU laws would have to be abided by.

Sir Vince Cable (Twickenham) (LD): Those of us who were among the 1 million on Saturday naturally regret that both the Prime Minister and the Leader of the Opposition were too busy to join us. Does she agree with the observation of her Chancellor that such a referendum is a “perfectly coherent proposition”?

The Prime Minister: Virtually every time the right hon. Gentleman stands up when I have made a statement or am opening a debate in the House on this subject, he asks me about a second referendum. My view about a second referendum is very simple. I was not on the march not because I was too busy, as he says, but because he and I hold a different opinion about a second referendum. I believe it is important that this House, rather than talking about and wanting to pass the decision back to the British people again, says to them, “We will abide by the instruction you gave us in the referendum in 2016.”

Sir Patrick McLoughlin (Derbyshire Dales) (Con): The cost to the British people and the amount of money that will be payable under the deal that the Prime Minister has put forward is between £34 billion and £39 billion. What do the Government estimate is the cost to the United Kingdom of no deal?

The Prime Minister: My right hon. Friend asks an important question. We have published economic analysis that shows the impact of no deal. Over £4 billion is being spent by the Government on preparations for leaving the European Union with or without a deal. As I say, there is economic analysis that shows the impact of no deal over the coming months. My own view is that, over time, we would be able to address the issues that arose, but there would be an immediate impact on the economy.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Prime Minister said that she is prepared to provide for indicative votes and to engage constructively with the process, but she has also many times—she appeared to again today—ruled out supporting a customs union. If a customs union is supported in indicative votes, is she ruling out the Government attempting to negotiate a customs union with the European Union?
The Prime Minister: The right hon. Lady has asked me on a number of occasions about a customs union, and I have made my view on a customs union very clear. A number of alternative ways forward in relation to a deal have been suggested over time in this House, but there are a number of questions that Members need to ask themselves. When she talks about a customs union, what rules would she see us abiding by? Would it involve abiding by state aid rules? In some of the proposals, there is a real question whether free movement would continue to be abided by. I stood on a manifesto that made reference to a customs union because I and the Labour party both believed we should be able to have an independent trade policy. It continues to be my view that we should have an independent trade policy in the future.

Mr Owen Paterson (North Shropshire) (Con): The European Commission said today that all preparations for no deal had been completed, and last week the Under-Secretary of State for Exiting the European Union, the hon. Member for Daventry (Chris Heaton-Harris), made it clear in response to the urgent question that good progress had been made by the UK on preparations for no deal. So it is a bit surprising to hear from the Prime Minister that Northern Ireland is “unable” to “prepare properly” because it does not have devolved government. Which areas of Government activity present a problem, and when will they be resolved?

The Prime Minister: The Northern Ireland civil service does not have the powers to take the decisions that would be needed if the UK left the European Union with no deal. It is possible to address those issues, but had that not been done by 29 March, the question about the impact on Northern Ireland, where there is no devolved government, would be an important one. It is absolutely right that the Government took the view that it was not appropriate to allow no deal to go ahead at a time when the powers were not in place to ensure proper exercise of the decision making necessary in a no-deal situation.

Nigel Dodds (Belfast North) (DUP): On that last point, the Prime Minister and the House have known for some considerable time that 29 March was the target date, so why have appropriate preparations not been made? Why do we need another two weeks? What will happen in another two weeks that could not have happened up to now? This is a fundamental lack of preparation, and the Government are entirely responsible for that if it is the case. This is an entirely new argument that we are hearing for the first time about why we need an extension.

The former Secretary of State for Northern Ireland, the right hon. Member for Chipping Barnet (Theresa Villiers)—who has great experience, having served for four years in Northern Ireland—has pointed out that Leo Varadkar has made it clear that, in terms of no deal, he is very confident that there will be no border checks. [Interruption.] The Prime Minister shakes her head, but that is what he said. Michel Barnier and Angela Merkel have said the same. The reality is that this backstop problem has been elevated. I would like the Prime Minister’s views on this: why does the EU insist on it when, in the case of no deal, there do not need to be any checks? Why did the Prime Minister ever agree to this backstop in the first place when it is the thing that bedevils her agreement?

The Prime Minister: Today is not the first time that the position of Governments about Northern Ireland in a no-deal situation has been raised. It was raised by my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs in the debate on no deal, which took place nearly two weeks ago. I simply say to the right hon. Gentleman that a number of statements are made and have been made by individuals about the situation in relation to the border in Northern Ireland. If we look at the detail of what the European Union has said, we see that it has made it clear that European Union law would need to be adhered to in any circumstance in which there was no deal. We ourselves have said, and the right hon. Gentleman is aware of this, that we would ensure that we were moving towards a period of time—because of the legal situation it could only be for a temporary period—of minimal checks with exceptions, but the legal position is different, given the necessity to be able to have certain checks taking place. The European Union has been clear that EU law would need to be applied in all of these circumstances.

Vicky Ford (Chelmsford) (Con): Further to that point, is the Prime Minister suggesting that in order for Northern Ireland to be ready to leave with no deal, there would need to be some form of direct decision making by us in this House in the absence of a Stormont Government?

The Prime Minister: Yes, my hon. Friend is absolutely right. If there is no Stormont Government and if powers and ministerial direction, which are not currently available to the civil servants, are needed, that would require some form of direct application of powers from Westminster.

Ms Angela Eagle (Wallasey) (Lab): The Prime Minister appears to have ruled out bringing back her deal for an indefinite length of time, and yet we have only two weeks before we crash out without a deal. She has said that she will not necessarily take notice of this House’s indicative vote process, and she has also said that she will not continue as Prime Minister if we remain in the EU beyond 30 June. The situation seems to be pointing directly to a prime ministerial dash for no deal. Will she say that that is not what she wants and tell us when she is going to abandon her deal rather than keep postponing the vote on it?

The Prime Minister: I have always been clear that I want us to leave the European Union. My preference is for us to leave the European Union with a deal. But I have also always been clear—it is a very simple, logical fact—that it is not possible for hon. Members simply to say that they do not want no deal. If they are going to leave the European Union, we have to have a deal if we are not going to leave without a deal.

Dr Julian Lewis (New Forest East) (Con): Given that the deal that is on offer now is exactly the same as the deal that was on offer a week ago, why does the Prime Minister think that you, Mr Speaker, would allow it to be voted upon in this Session?

The Prime Minister: I am very clear about the strictures that Mr Speaker gave when he made his statement last week, and were we to bring forward a further motion to this House, we would of course ensure that it met the requirements he made.
Joanna Cherry (Edinburgh South West) (SNP): Sometimes it is hard to believe what one hears in this House these days, but we have it written in black and white that the Prime Minister said this afternoon that she cannot commit to delivering the outcome of any votes held by the House. Does she realise that that makes a mockery of parliamentary democracy? Will she reconsider, and commit to holding a binding vote to avoid a no-deal Brexit?

The Prime Minister: It is a very simple position—an indicative vote is exactly that: an indicative vote. Members of this House cannot expect the Government simply to give a blank cheque to any vote that came through. For example, the SNP position is that they would like to see the House voting to revoke article 50; the Government’s position is that we should deliver on the referendum result of 2016 and deliver Brexit.

Mr Mark Francois (Rayleigh and Wickford) (Con): Prime Minister, you have told us from the Dispatch Box on 108 separate occasions that we would leave the EU on 29 March. You have told the House that the date is now 12 April, but you have not changed your mind about ruling out a second referendum, unlike your Chancellor, who on “Sophy Ridge on Sunday” yesterday, effectively opened the door to it. Have you said anything to the Chancellor about this, or has collective responsibility on your watch completely collapsed?

The Prime Minister: I think the Chancellor of the Exchequer made the point that this was one of the propositions. It is indeed one of the propositions that has been put forward. Members from across the House have referenced that already, but I assure my right hon. Friend that I have not changed my view about it. As I indicated earlier, I believe we should deliver on the result of the first referendum.

Rachel Reeves (Leeds West) (Lab): The Prime Minister speaks of the frustration felt by MPs. Does she accept that it is born out of her intransigence, which is the greatest barrier to getting a deal? Following on from the question of my right hon. Friend the Member for Leeds Central (Hilary Benn), if we do not get a deal through Parliament by this Friday, in 18 days—by 12 April—we will have to decide whether we want a longer extension or to crash out without a deal. Given that Parliament has voted twice already not to leave without a deal, will the Prime Minister confirm that, by 12 April, she will seek that longer extension and abide by Parliament’s wishes?

The Prime Minister: The hon. Lady is right about the result of the Council meeting that took place last week. If we can guarantee Brexit by agreeing a deal this week, we will leave on 22 May, and we have been clear about the commitment to facilitate seeing whether there is a majority in the House for anything. However, the Government cannot be expected simply to say that we will accept anything that comes through. We all stood on manifestos; we all have positions in relation to our duty to deliver on the referendum. I think that that is important and we should keep it in our minds.

Mr Kenneth Clarke (Rushcliffe) (Con): The Prime Minister has accepted that the House will have so-called indicative votes to try to find whether there is a majority for a way forward, but she has twice declined to commit the Government to giving effect to a majority in the House, citing the fact that she stood on a manifesto, which she thinks should guide things. May I remind her that that manifesto appeared only halfway through the election campaign? I do not think that it was discussed in Cabinet. It was not circulated to the candidates, who were already fighting their campaigns, and nothing on Europe in that manifesto played any part in the general election. We are all being asked to show pragmatism and flexibility and to put the national interest first. May I ask my right hon. Friend to be prepared to bend from her commitment to the manifesto, apart from the one proposal that she dropped fairly promptly when it first appeared?

The Prime Minister: First, I do not accept the entire description that my right hon. and learned Member set out. I say to him that, during the whole process of negotiation, there has been compromise. He was a respected and long-standing member of previous Governments. If he were standing at the Dispatch Box, prior to the possibility of indicative votes—and we will have to see; the Chancellor of the Duchy of Lancaster will give a further explanation of the Government’s position later this afternoon, but if the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) passes, those indicative votes will take place—I do not think he would give a blank cheque. I think he is indicating his assent to what I am saying.

Kate Hoey (Vauxhall) (Lab): The Prime Minister has said once again that the European Union is not going to, under any circumstances, look again at the withdrawal agreement, so I agree with her that indicative votes are a nonsense, because, in the end, they are talking about the future relationship and not the withdrawal agreement. Why will she not start to prepare properly for what I do not call a “no deal”? It is not a no deal; it is a different type of deal that would take us out. [Interruption.] It is a World Trade Organisation deal. Why will she not continue to prepare for that, and to ensure that, in the end, what really matters is the people’s vote, not what this Parliament says?

The Prime Minister: I think and hope I have expressed my belief that we should be delivering on the result of the 2016 referendum. We continue to prepare for no deal. Those preparations are being continued.

Stephen Crabb (Preseli Pembrokeshire) (Con): I have heard many colleagues on the Opposition Benches say that they oppose the deal not because they do not support the terms of the withdrawal agreement—in fact, many of them are at pains to say they do support the terms of the withdrawal agreement—but because they have problems with the political declaration. Has the Prime Minister considered providing the House with the opportunity to have votes on the terms of the withdrawal agreement and then on the political declaration, to enable us to come to a view on whether the terms of our departure are acceptable to a majority of the House?

The Prime Minister: Throughout the debates we have had, one of the concerns that many people across the House have raised relates to the political declaration and the fact that it was not legal text. They were concerned to, if you like, tie it down further, which is
what we did in our discussion with the European Union. I am sure my right hon. Friend has also seen the terms of the Council conclusions, but we have always worked to ensure that the political declaration could be firmed up—if one likes to describe it as such—to give greater confidence in that sort of future relationship.

Mr Speaker: It is very good indeed to see the right hon. Member for Wolverhampton South East (Mr McFadden) back in his place and manifestly in rude health.

Mr McFadden (Wolverhampton South East) (Lab): Thank you very much, Mr Speaker.

Pitching Parliament against the people undermines parliamentary democracy and feeds the far right. Does the Prime Minister regret her use of words last Wednesday?

The Prime Minister: First, may I echo Mr Speaker’s comments and say how good it is to see the right hon. Gentleman back in his place?

I was trying to make a very simple point last week, which is that this is a moment of decision for Parliament. We gave the people the choice. The people gave their decision. Parliament needs to deliver on that decision. The time has come for Parliament to decide.

Sarah Newton (Truro and Falmouth) (Con): I very much agree with my right hon. Friend that this is the moment for Parliament to decide. While I would very happily vote for the withdrawal agreement and the future declaration for a third time, other colleagues will not. Will my right hon. Friend give us a bit more detail how the Government are going to enable the House to come to a solution for a plan B, so information about how the Government are going to detail how the Government see the processes going forward for the United Kingdom going forward to the European Union with a deal, if this House were to agree a deal this week.

The Prime Minister: I am grateful to my hon. Friend the Member for Wakefield (Mr Walker), but the time for those debates is passed—[Interruption.] I was trying to make a very simple point last week, which is that this is a moment of decision for Parliament. We gave the people the choice. The people gave their decision. Parliament needs to deliver on that decision. The time has come for Parliament to decide.

Sir Edward Leigh (Gainsborough) (Con): Has the Prime Minister noted the fourth section of the European Council conclusions, which states:

“Any unilateral commitment, statement or other act should be compatible with the letter and the spirit of the Withdrawal Agreement.”

In noting the words “any” and “should” and the tense of this conclusion, does the Prime Minister conclude with me that it would be legally enforceable and allowable for the United Kingdom to give further interpretation on a unilateral declaration to reassure colleagues on our ability to exit the backstop?

The Prime Minister: My right hon. Friend is right to draw attention to that conclusion. There are certain unilateral commitments that we have made—unilateral commitments in relation to Northern Ireland. We have indicated that we are prepared to make those unilateral commitments. He has raised before the question of the application of international law, and we are looking again at how we can reflect that properly in any papers that are brought forward.

Mary Creagh (Wakefield) (Lab): The Prime Minister’s deal has been rejected twice and no deal has been rejected twice by this Parliament, yet she stands here today threatening that we leave with no deal on 12 April if her deal is not approved this week, and saying that she will whip her colleagues tonight to vote against the very process for which the EU has granted that extension. We are now in the levels of the theatre of the absurd. A million people stood in Parliament Square demanding their right to be heard. If MPs can have three votes in three months, why can the people not have two votes in three years?

The Prime Minister: There are two ways in which the extension has been granted by the European Union Council. The first, of course, is for us to exit on 22 May with a deal, if this House were to agree a deal this week. The second is to provide for a possibility of the United Kingdom going forward to the European Union with some plan to take forward if the deal has not been agreed. I indicated in my statement why the Government will be whipping against the amendment in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). There are elements about this issue of Brexit, but there are also elements about the precedent that sets for the future—for the relationship between this House and the Executive.

Robert Neill (Bromley and Chislehurst) (Con): I have voted for the withdrawal agreement before and I will willingly back the Prime Minister and vote for it again, but I owe it to my constituents, if that should not pass, to have the opportunity to debate in full the alternatives.
The Prime Minister urges us against the so-called Letwin proposal tonight, but says that the Government will make time for alternatives to be considered. Can I press her again, as my hon. Friend the Member for Truro and Falmouth (Sarah Newton) did, to say if that is to be the case, when?

The Prime Minister: I hope my hon. Friend will have a little more patience, because the Chancellor of the Duchy of Lancaster will soon set out more detail on this, but we stand by the commitment he gave in the House: if we do not get a deal through, the Government will, in the two weeks after the EU Council, facilitate that opportunity for people to consider other options.

Peter Kyle (Hove) (Lab): The Prime Minister accused MPs of wasting time and playing games. Can I remind her that it was not MPs who made her sign article 50 before she was ready for the negotiations, that it was not MPs who made her call a general election in the middle of the article 50 process, that it was not MPs who made her burn through three Brexit Secretaries in two years, and that it was not MPs who made her set red lines that could never pass this House? She has spoken consistently about compromise, but what she has really meant is capitulation. If she is now really in the mood for compromise, can I urge her to meet with those of us truly trying to find a compromise that can work for her and this place?

The Prime Minister: As I have said in the House before, I am happy to meet the hon. Gentleman and other Members—[Interruption.] I have been meeting them. As the Leader of the Opposition indicated, I met him earlier this afternoon. I also remind the hon. Gentleman—[Interruption.] I have indicated that I am happy to meet Members to discuss these issues, but I remind the hon. Gentleman that the House voted to trigger article 50 and for the general election.

Rachel Maclean (Redditch) (Con): Can the Prime Minister confirm that it is not the Government’s intention to hold European parliamentary elections? My constituents in Redditch, who voted to leave the EU nearly three years ago, would find that completely unacceptable.

The Prime Minister: I absolutely agree with my hon. Friend. People would ask what on earth we were doing if, having voted to leave the EU nearly three years ago, they then found themselves electing Members to the European Parliament. The way to ensure that we do not have to do that, however, is to ensure that we leave the EU by 22 May, and that is only possible if a deal is agreed this week.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Like many other Members, I was proud to walk alongside the more than 1 million people on the streets on Saturday. At one point, I walked alongside two youngsters and their family carrying a banner that said: “Votes: PM—three; people—one”. This is a fundamental point. Can the Prime Minister explain to the millions of young people up and down the country why she gets to have multiple votes on a deal that has been rejected by the House and is not supported by the country, but the people do not get a chance to say whether they want to go ahead with a deal that the House can agree on?

The Prime Minister: The House votes many times on many different issues. It voted on whether to ask the people of this country whether we should leave the EU. The people made that decision. At the behest of this remainer Parliament, she has just put the final torpedo into her own deal and any real prospect of Brexit, and that her statement will represent the most shameful surrender by a British leader since Singapore in 1942?

The Prime Minister: I said in my statement that the House had voted twice to reject no deal and may very well continue to vote to reject no deal and attempt to ensure that no deal cannot take place. The SNP has already indicated that it will be moving a vote to revoke article 50, which would reverse the referendum result. I might point out to my right hon. Friends that Opposition Members have been complaining that I have refused in my answers to take no deal off the table. The reality is that the House has shown its intention to do everything it can to take no deal off the table. If we are to deliver Brexit, we all need to recognise that situation.

Sammy Wilson (East Antrim) (DUP): Prime Minister, the current difficulty that you face hangs around the withdrawal agreement and the way in which Northern Ireland has been pulled into these discussions. This weekend the Irish Government made it clear that the whole premise of the withdrawal agreement is based on a foundation of sand. There will be no checks along the Irish border; therefore there will be no threat to peace in Northern Ireland; therefore there will be no disruption to the island of Ireland. Today we are told that this is because Northern Ireland is not prepared, yet all the preparations that are made by central Government apply to Northern Ireland. When are you going to stop using Northern Ireland as an excuse, and do you realise that the importance of this agreement to delivering Brexit, and also to the Union of the United Kingdom, is such that we will not be used in any scare tactics to push this through?

The Prime Minister: What I have genuinely been trying to achieve through everything that I have been doing is ensuring that we respect the wishes of the people of Northern Ireland, and that we respect Northern Ireland’s position within the United Kingdom. It is the case, as I have said, that the remarks about the border have been made—I think I am right in saying—by the Taoiseach and others previously, and have then been contradicted by the European Commission in terms of what might be necessary. I merely say that the situation in relation to the European Union’s proposal is that it has been very clear about EU laws and the necessity of those laws being applied.

Mr Speaker: Order. I have no wish to distract Members from the importance of these matters, but there has been quite a lot of naughty behaviour this afternoon, including the behaviour of the right hon. Members for...
I do not know about you—and I need look no further than Victoria Prentis, custodian of our fine traditions of parliamentary courtesy, and I need look no further than Victoria Prentis.

Victoria Prentis (Banbury) (Con): Well, Mr Speaker, I do not know about you—but I think that the 2017 Conservative manifesto is possibly not bedtime reading in many households, so let me remind the House of it briefly.

“We want to agree a deep and special partnership with the European Union. This partnership will benefit both the European Union and the United Kingdom: while we are leaving the European Union, we are not leaving Europe, and we want to remain committed partners and allies to our friends.”

Does the Prime Minister think that any of the indicative votes that we may be able to cast on Wednesday—aside from the meaningful vote on the withdrawal agreement—will be covered by that manifesto? If so, will she whip us to vote in any particular way?

The Prime Minister: My hon. Friend is tempting me to indicate what we might do. We do not know what the options are. We do not know which options will be chosen, or the sequence in which they will be chosen. However, my hon. Friend is absolutely right to point out that we stood on a particular manifesto. We stood on a manifesto to honour the result of the referendum, and the Labour party stood on a manifesto to honour the result of the referendum. I think that there is a way to honour the result of the referendum, and it is a pity that we have not been able to agree that.

Lucy Powell (Manchester Central) (Lab/Co-op): The Prime Minister talks of frustration with Parliament. She has also said today, on a number of occasions, that today is decision time. But given that she is not putting her deal to another vote, and she is preventing the House from having indicative votes, will she advise us on how we are to express our decision?

The Prime Minister: Actually, what I said was that “as things stand”, I was not bringing back the meaningful vote, but “I continue to have discussions with colleagues across the House to build support, so that we can bring the vote forward this week and guarantee Brexit.”

The process that will take place in the absence of a meaningful vote and in the absence of agreeing the deal this week will be referred to by the Chancellor of the Duchy of Lancaster in the debate that will take place after this statement, and, of course, there is the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), which gives an indication and a timetable that would operate were that amendment to be passed. I will be whipping against the amendment, for the reasons that I set out earlier.

James Cartlidge (South Suffolk) (Con): If we go to indicative votes and we look at other options, the issue of free movement is likely to feature. I strongly agree with the Prime Minister that the public want us to end free movement, but must we not recognise that immigration into this country from outside the EU is now running at a 15-year high of 261,000? That is more than the population of Ipswich and Colchester combined. Should we not therefore have some candour and say to the public that if we end free movement immigration is unlikely to fall but will simply come from much further afield?

The Prime Minister: Over time, the Government have taken a number of actions to ensure that we can deal with introducing more control into our immigration system. One of the advantages of ending free movement is that we can put an entirely new immigration system in place that enables it to be skills-based rather than based on the country somebody comes from. But I also believe that for many people what underpinned their vote and decision to leave the EU was a desire to see free movement end and that is why it is absolutely right that the proposals the Government have put forward would indeed do that.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The fact that the Prime Minister had to ask EU leaders for an article 50 extension last week was a highly predictable outcome from an inflexible Prime Minister who has consistently sought to sideline Parliament and the country over the last two years. So further to the question from my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), if through indicative votes this House votes, for example, in favour of a Norway-based deal or a customs union, will the Prime Minister shift her red lines in line with the will of this House, or will we come out of this process and her “constructive” engagement to find that nothing has changed?

The Prime Minister: In my statement, I set out the Government’s position in relation to the indicative votes and that remains the Government’s position.

Jeremy Lefroy (Stafford) (Con): Further to the question from my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb), does the Prime Minister agree that there is perhaps a majority across this House for the withdrawal agreement on its own, given that there needs to be a bit more work on the terms of the backstop, and that the political declaration is very close to the manifestos of both the Conservative and the Labour parties in 2017 and, again, with a bit more work there should be a majority, with good will across this House, for the agreement?

The Prime Minister: My hon. Friend is right that there are those across this House who obviously have continuing concerns with the withdrawal agreement, but there are many across the House who do not have those concerns in relation to the withdrawal agreement but who do have concerns about the certainty of the future in the political declaration. The political declaration provides for a spectrum of options in relation to our trading relationship. We certainly stood on a manifesto commitment to have that independent trade policy. We want to see that delivered in the agreement we have with the EU, but others in this House also stood on a basis of having that independent trade policy, and moving into a permanent customs union does not deliver on that independent trade policy.

Mr Chris Leslie (Nottingham East) (Ind): May I press the Prime Minister a little further on this notion that she may scuttle any outcome of indicative votes
because perhaps they are not negotiable with the EU? She knows, because the Chancellor told her so yesterday, that a confirmatory referendum—a people’s vote—is a perfectly viable proposition. I want to know, and I do not wish to interrupt her while she is on her phone, but if she wouldn’t mind—[Interruption.] Well, she was on the phone. Mr Speaker. I would like her to answer specifically: if this House agreed a confirmatory referendum, would she also not abide by that particular outcome? Yes or no?

The Prime Minister: I apologise to the hon. Gentleman; just a bit of female multitasking was trying to take place there. In terms of the concept of the confirmatory vote, that is often attached not just to being a confirmatory vote but to having remain on the ballot paper, so that it is effectively a second referendum on whether or not we should leave the EU. As I indicated earlier, I believe we should be leaving the EU because that is what people voted for in the first referendum.

Simon Hoare (North Dorset) (Con): We must leave the EU, but to do so without a deal would decimate agriculture in North Dorset, which is why I have supported the Prime Minister’s deal on both occasions and will do so again whenever she asks me to. She has indicated that the statutory instrument to confirm the extension of the withdrawal period has been laid before the House. Can she advise me when it will be debated and voted upon?

The Prime Minister: It will be debated and voted upon later this week. I would be happy to inform my hon. Friend outside this statement when I have checked which day it is, but it will be one day later this week.

Emma Reynolds (Wolverhampton North East) (Lab): The Prime Minister said in her statement that she could not commit the Government to delivering the outcome of any votes in this House. So, if her deal again fails to get through and if we hold indicative votes and a majority of MPs vote for an alternative to her deal, is she really saying that she is going to ignore the democratic will of this House? Would she prefer to crash out without a deal rather than respect the will of the House?

The Prime Minister: First, if the hon. Lady will permit me, I have just checked and I can say that the statutory instrument will be debated on Wednesday. In answer to her question, the House has passed motions saying that it does not want no deal, and it may very well pass more motions saying that, but if it is going to deliver on ensuring that we do not have no deal, it will have to agree a deal. That is very simple; it is not enough simply to say that the House does not want no deal.

Mr David Jones (Clwyd West) (Con): The Prime Minister inadvertently failed to answer the second part of the question from my hon. Friend the Member for Stone (Sir William Cash). Will she please tell us when the commencement order will be made under the provisions of section 25(4) of the European Union (Withdrawal) Act 2018? As she will know, this is a matter of particular importance.

The Prime Minister: I apologise for not answering my hon. Friend the Member for Stone’s question. If my right hon. Friend the Member for Clwyd West (Mr Jones) will permit me, I will confirm that point and come back to them both when I am able to do so.

Chris Stephens (Glasgow South West) (SNP): In the light of the political crisis that the Prime Minister faces, does she think it might be better if the Cabinet met in public, given that all the details are being diligently leaked to the media on every single occasion? Does that not suggest that the Cabinet is also in deadlock and that the only ways to break the impasse are either a second referendum or a general election?

The Prime Minister: The hon. Gentleman has heard my answers to the question on a second referendum on many occasions, and I continue to believe that it is not in the best interests of this House. It is in the best interests of the House to agree for us to deliver on Brexit, to do it in a smooth and orderly way and not to go down the route of either a second referendum or a general election.

Luke Graham (Ochil and South Perthshire) (Con): I voted for the withdrawal agreement twice before, and I would do so again, but I welcome my right hon. Friend’s move towards indicative votes, because I think that they will be helpful. Can she confirm that there will be a full range of workable options, including the European Free Trade Association, so that we can debate and decide on them in this House?

The Prime Minister: The purpose of any such votes is to determine the views of this House, and I think it is appropriate for this House to bring the options forward that it wishes to be debated.

Caroline Flint (Don Valley) (Lab): It is time we recognised that, beyond those in this place and outside who are polarised, the overwhelming number of Members across the House and members of the British public want us to come to some sort of compromise and to move on and move forward. For some people, no deal will ever be good enough: those who want to crash out with no deal and those who want to overturn the referendum. It has already been said that, in many parts, there is agreement with the withdrawal agreement but concerns about the future relationship in regard to trade and security. Can the Prime Minister assure the House today that, if we agree to the withdrawal agreement—I have voted for it once because I think it is the right thing for my constituents and the country to move on—in the next stage, when we get into the detailed discussions on trade and other matters, this House will be able to explore those options in detail, debate them and vote on them?

The Prime Minister: First, I agree with the sentiment expressed by the right hon. Lady that most members of the public want to see this situation resolved and want us to be able to move on. In relation to the future relationship, there are differences of opinion around the House about the nature of the future trade relationship, but I have already indicated that there will be greater involvement for Members in the next stage of the negotiations than there was in the first stage.

Richard Graham (Gloucester) (Con): I have not yet met a constituent who envies the Prime Minister’s task of trying to deliver our leaving the EU responsibly. However, quite apart from the concerns of manufacturing and farming and the clear view of this House, does my right hon. Friend agree that, in the absence of a political
agreement between the parties of Northern Ireland to govern that country, it would be irresponsible for any Government to push ahead with no deal? If she does agree, is that absolutely clear to all Members of this House, especially those on the Government Benches, so that we can focus on the advantages of her proposals?

The Prime Minister: My hon. Friend makes an important point. It is about the responsibility to ensure that we do have appropriate governance in a no-deal situation, where significant decisions would need to be made, and it is entirely right and proper that the Government have taken the position that they have in relation to that matter.

Christine Jardine (Edinburgh West) (LD): The Prime Minister has told this House on numerous occasions that she is committed to delivering on the will of the people as it was expressed almost three years ago. However, given that 1 million people took to the streets at the weekend, that more than 5 million have signed a petition, and that anyone who has ever sat on these Benches knows that the will of the British people can change, does the Prime Minister not agree the time has come to check whether the will of the people has in fact changed and whether they want something different from what they wanted two and a half years ago?

The Prime Minister: I have now answered that question on a number of occasions, so I refer the hon. Lady to the answers I gave earlier.

Alex Chalk (Cheltenham) (Con): If the Prime Minister’s deal is not to come back before the House, it is vital that this House has the opportunity to consider what it can agree on a cross-party basis. The Prime Minister kindly indicated that parliamentary time will be given over for that process but, notwithstanding that we will be getting a statement from the Chancellor of the Duchy of Lancaster, will she as Prime Minister indicate by when those votes will take place?

The Prime Minister: Although I have indicated that we would whip against the amendment from my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), if it were to pass it would lead to some votes taking place on Wednesday. The commitment that the Government have made is that there would be opportunities taking place on Wednesday. The commitment that the Government have made is that there would be opportunities taking place on Wednesday. The commitment that the Government have made is that there would be opportunities taking place on Wednesday.

Dr Rupa Huq (Ealing Central and Acton) (Lab): As someone who is not a member of the DUP or the ERG or from a leave-voting seat, I thank the Prime Minister for the “Dear colleague” letter she sent me, which includes the offer of a meeting. When she came to Ealing Central and Acton in 2017, my majority was 200 and she had hopes of taking the constituency back. Today, in that same seat, more people have signed a petition to rescind article 50—never mind supporting a people’s vote—than voted Conservative in that same election. If she is serious, will she meet me to thrash out a way forward so that London is not lost forever? If not, it will seem that she just listens to the same old voices all the time.

The Prime Minister: As I indicated in answer to an earlier question, I have been meeting Members from across the House and am very happy to do so to discuss such matters.

Steve Double (St Austell and Newquay) (Con): Having spent time in my constituency over the weekend speaking to constituents, I need to tell the Prime Minister that many of them took her at her word when she said that we would be leaving the EU at the end of March and now feel disappointed, disillusioned and even betrayed that that is not happening. Will she reassure my constituents that she is absolutely determined to do everything in her power to ensure that we leave the EU as soon as possible?

The Prime Minister: I regret not being able to deliver Brexit on 29 March. I had genuinely wanted to be able to do that. I can confirm that it is important that we do deliver Brexit and that we deliver on the vote that people took. I want to see that. Obviously, if we are going to do that with a withdrawal agreement that has been put into legislation, that takes time, which is why the extension to 22 May was agreed at the European Council. I want to ensure that we do leave and that we do deliver on the wishes of the people.

Rachael Maskell (York Central) (Lab/Co-op): The Prime Minister has yet to explain why she expects MPs to change their mind after two weeks but does not expect the people of this country to change their mind after three years. Can she explain that to the House?

The Prime Minister: Members have been expressing their views in a whole variety of ways, and they will continue to do so over the coming weeks. I indicated this to Members earlier, so they will not be surprised by my position: I think it is important that we deliver on the vote that took place in 2016. If a second referendum took place and came to a different decision, presumably some Members would say that that decision should be held to, regardless of whether people subsequently said they had changed their mind. Actually, many people would ask why we have failed to do what the British people asked us to do.

Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I would like to be able to support the Prime Minister’s withdrawal agreement, but I continue to have concerns about the backstop and our lack of control of it should it kick in. When the Prime Minister brings it back for a third vote, I very much hope there will be enough changes for me to be able to support it.

In the meantime, will the Prime Minister confirm that she will indeed table the commencement order so that we can, if we need to, have 12 April as a no-deal departure date? If we do not replace 29 March, we will have no pressure point with which to encourage colleagues to support the withdrawal agreement when it comes back.

The Prime Minister: As I have said in response to earlier questions from hon. and right hon. Friends, I will come back to my hon. Friend on this specific point about the commencement order.
Hywel Williams (Arfon) (PC): Would the Prime Minister think it constructive were we able to secure a single majority view from the indicative votes process, or would she prefer further indecision?

The Prime Minister: I indicated earlier that the Government are not giving a blank cheque to the indicative votes process, which is important. It is perfectly possible that the House might come to a decision, to contradictory decisions or to no decision at all. We will obviously have to engage constructively with whatever comes out of those votes.

Martin Vickers (Cleethorpes) (Con): I share the Prime Minister’s scepticism about the indicative votes procedure. Indeed, I would go further and say it is a complete waste of time. I am sure some who propose it are genuine in their desire to find a way through but, in actual fact, I think the majority want to thwart the result of the referendum.

I was out in my constituency over the weekend and, as the Prime Minister knows, it is a 70% Brexit-supporting area. Like me most of my constituents are prepared to back her deal when I explain it, imperfect though it is, but fear that there may yet be further concessions. Can she give an absolute assurance that she and the whole Government will not agree to anything that further delays Brexit beyond a few weeks?

The Prime Minister: I want to be able to deliver Brexit, and to do it within the extension we have been given to 22 May. Any further extension would require us to stand in European parliamentary elections. As I said earlier, I think people would ask what on earth we were doing if, having voted nearly three years ago to leave the European Union, they were then asked to elect Members to the European Parliament. I think they would say that we were failing to deliver on their vote, and I believe we have a duty to do that.

Phil Wilson (Sedgefield) (Lab): I genuinely believe that people have the right to compare any Brexit deal with the promises that were made in 2016. It is their right to want the final say in this process. I know how much work the Prime Minister is doing to get her deal across the line and, in the spirit of compromise, I would help to facilitate the passage of her deal, indeed any deal, so long as it goes back to the British people. May I ask her to meet me and my hon. Friend the Member for Hove (Peter Kyle) to discuss the compromise we think is genuine in their desire to find a way through but, in actual fact, I think the majority want to thwart the result of the referendum.

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The Prime Minister: I say to the hon. Gentleman, as I have indicated to the hon. Member for Ealing Central and Acton (Dr Huq) and others, that I am happy to meet Members of the House to discuss these matters. I know that the Secretary of State for Exiting the European Union has already met him and talked about this issue. I continue to have the reservations and concerns I have expressed previously in relation to these matters of a confirmatory vote, but, as I have said, I am happy to meet hon. Members.

Henry Smith (Crawley) (Con): Almost three years ago, every household in my constituency, like the rest of the country, was sent a leaflet from the Government, paid for by the taxpayer, advocating that we remain and, crucially, saying that the result would be honoured. Three years on, following a general election in which 589 Members of Parliament were elected on a promise to deliver Brexit and with the European Union (Withdrawal) Act 2018 now law, is it not within the Prime Minister’s power to now deliver Brexit? The message that I clearly get from my constituents is that they want that now achieved.

The Prime Minister: I thank my hon. Friend for reminding the House that that Government leaflet did indeed say that we would abide by the result of the referendum and that some 80% of Members of this House were elected on the basis that they would honour the result of the referendum. I think that is absolutely what we should be doing. The point I was making earlier in relation to a number of matters is that of course this House has already indicated ways in which it does not want to see Brexit being delivered—by voting against no deal—and may continue to do so. We could very well see the House trying to ensure that that solution is not delivered. I am very clear that we need to deliver Brexit—we need to deliver it because we promised people we would.

Caroline Lucas (Brighton, Pavilion) (Green): Why is the Prime Minister incapable of accepting the principle that democracy is a process, not a single, one-off event? For nearly three years, opinion poll after opinion poll has shown that people do want to have a final say on whatever deal comes out of this place. Before she answers by saying that that might lead to a third or a fourth referendum, let me say that she knows perfectly well that the beauty of the Kyle-Wilson amendment is that whatever the result of going back to the people on the deal that comes out of this place, it will go straight into law, so that it will be an end of it. So why will she not accept that?

The Prime Minister: I have answered this question on a number of occasions.

Caroline Lucas: You haven’t.

The Prime Minister: I have answered it on a number of occasions. I think that when I met the hon. Lady she indicated that she would want to see remain on the ballot paper as well as the deal. She is not asking for confirmation of the deal in relation to leaving the European Union; she is questioning people, by going back and saying, “We asked you the question and you gave us an answer, but actually we are not sure that is the right one. Have another go.”

Sir Desmond Swayne (New Forest West) (Con): If decisions and powers have to be taken here in order to remedy the current unreadiness of Northern Ireland, is there a plan to deal with that in good time for 12 April?

The Prime Minister: Yes.

Edward Miliband (Doncaster North) (Lab): I think I might surprise the Prime Minister by saying that there is something I welcome in her statement. She said in her statement that “unless this House agrees to it, no deal will not happen.” So can she confirm that if this House continues, as it has so far, to vote against no deal, she will not seek to take us out of the European Union on 12 April without a deal?
The Prime Minister: I say to the right hon. Gentleman that if we are not going to leave the European Union without a deal, we clearly need to have a deal that enables us to leave the European Union. It is very simple. I have made the point on a number of occasions and I will continue to make it.

Mr John Baron (Basildon and Billericay) (Con): I gently remind the Prime Minister that this House has expressed a view in law: to leave on 29 March, with or without a deal. Given the constant assurances we have had about no-deal preparations, including in answer to my urgent question last week, may I urge her now to face down this remain-dominated Westminster bubble and support leaving on no-deal, World Trade Organisation terms, in order to honour not just the referendum result and the triggering of article 50 but our own manifesto?

The Prime Minister: I do want to deliver Brexit; I do want to make sure that we leave. I continue to believe that leaving with a deal is the best route for the United Kingdom. We are continuing with the no-deal preparations. My hon. Friend will be aware of the Council conclusions in relation to the extensions. I continue to believe that if it is possible to do so, we should leave on 22 May, and that is the way to guarantee Brexit.

Heidi Allen (South Cambridgeshire) (Ind): Does the Prime Minister realise that when she so flippantly dismisses it is no longer her decision to make? It is now Parliament’s future is owned by the people. Does she not realise that the Conservative party, and it is most definitely no owned by the Government, it is certainly not owned by people who voted that day in the referendum? It is not realise that democracy is not indefinitely owned by the Government. She says it would undermine democracy, but does she rising who ha ve signed the petition to revoke article 50? who marched on Saturday and the 5.5 million and she is—just like that—dismissing the million-odd people calls for a confirmatory public vote or second referendum, that is the way to guarantee Brexit.

It is possible to do so, we should leave on 22 May, and in that vote Parliament rejected the concept of a second referendum.

The Prime Minister: I remind the hon. Lady that Parliament has already had a vote on a second referendum, and in that vote Parliament rejected the concept of a second referendum.

Richard Drax (South Dorset) (Con): For two years we have heard the opinions of MPs in this place, of whom the majority sadly do not want to leave the EU or want our leaving watered down to the extent that in fact we really have not left. That is the problem that the Prime Minister is dealing with. Prime Minister, what about the people of this country who voted overwhelmingly to leave—L-E-A-V-E—the EU? Can she assure me that is what we will do—that if it takes till 12 April, so be it, but if a deal cannot be agreed, we will leave the EU, as we promised the people of this country, on that date?

The Prime Minister: I want to deliver on the vote of those 17.4 million people to leave the European Union. I continue to believe that it is better to do so with a deal. We have the extension to 22 May. We can guarantee Brexit by agreeing a deal and leaving on 22 May.

Nic Dakin (Scunthorpe) (Lab): Does the Prime Minister have a plan B, and if so, what is it?

The Prime Minister: Let me say to the hon. Gentleman, and to many other Members of this House, that on the one hand people are asking me to listen to the House of Commons and to abide by its decision, but on the other hand they are asking me to have a plan B, which could very well be different from that decision of the House of Commons. You cannot have it both ways.

Mr Peter Bone (Wellingborough) (Con): I am not recommending this to the Prime Minister, but has she got so fed up with this House of Commons and the way it is behaving that she just wants to pop over to Brussels and sign the withdrawal agreement anyway?

The Prime Minister: Being an experienced Member of this House, my hon. Friend will know that in order to ratify the deal we need to pass legislation through this House, so it is not quite as simple as he might like to think it would be.

Kevin Brennan (Cardiff West) (Lab): Does not everything the Prime Minister has said today indicate that she still believes that no deal is better than any deal other than her own? Does she understand that this House will not permit her to allow this country to crash over the edge into a no deal? Why does not she just state that clearly so that we can get on with the indicative votes?

The Prime Minister: I have dealt with the issue of indicative votes, and I have said that no deal is better than a bad deal. I happen to continue to believe that we negotiated a good deal with the European Union. I repeat to the hon. Gentleman the point I have made to others: it is all very well the House wanting to say that it does not want to leave with no deal, but the House then has to agree something to put in its place.

Carol Monaghan (Glasgow North West) (SNP): The Prime Minister refuses to support a people’s vote, and she also refuses to support a second referendum on Scottish independence, despite the fact that there has been a fundamental material change in circumstances. If she is so sure of her position, why is she scared of trusting the people and putting it to a democratic vote?

The Prime Minister: If the hon. Lady believes in trusting the people, she should trust the result of the 2014 Scottish referendum.

John Woodcock (Barrow and Furness) (Ind): I implore the Prime Minister not to believe that she can run down the clock to the extent that she puts her deal back to the Commons with days to go and think that Members across the House will vote differently. If she takes it to the wire and makes it a choice between her deal or no deal, she will usher in a period of economic chaos and political damage that will give succour to the extreme fringes of our politics on the left and the right.

The Prime Minister: I want us to be able to leave the European Union in an orderly way. I want us to recognise the vote, to deliver on that Brexit and to do it in an orderly way, which, as I have said before, protects not only our Union, but jobs and livelihoods for people and our security. That is what I will continue to work for.
Jim Shannon (Strangford) (DUP): In a previous question to the Prime Minister, I stated clearly that Northern Ireland would never be the sacrifice for the withdrawal agreement. I felt the sacrifice then, as I feel it now, and I refuse to play that role. Does she understand our determination to be treated as an integral part of the United Kingdom of Great Britain and Northern Ireland? The failure to deliver the legally binding assurances and the time-limited backstop continues to be the stumbling block and obstacle and we must not—and we will not, Prime Minister—be treated differently from the rest of the United Kingdom.

The Prime Minister: We have, of course, been working with the hon. Gentleman and his colleagues to look at the ways in which we can ensure that there is that commitment to the people of Northern Ireland that there will not be that different treatment. We were very clear with the European Union on the need to have a UK-wide customs territory in the backstop, not Northern Ireland-only customs territory. We continue to maintain our commitment to ensure that Northern Ireland is treated as an integral part of the United Kingdom.

Paula Sherriff (Dewsbury) (Lab): The Prime Minister may recall that, just a little over a week ago, I spoke to her at the door of this Chamber and begged her to dial down the hate not only because of the incessant abuse and threats that I receive, but for the millions of people in our country who are fearful. She responded on Wednesday evening with a despicable statement that, frankly, many of us felt put more of us and more of the public at risk. Being Prime Minister is a huge privilege, but with that privilege comes responsibility. Will she tell me today how she will use her responsibility to dial down the hatred?

The Prime Minister: The hon. Lady and I did indeed have a very serious conversation just outside this Chamber just over a week ago. As I said in my statement, I was expressing my frustration. Others have their frustrations—Embarrassed. Everybody has their frustration in relation to this issue. I do not want to see anybody—Embarrassed. I genuinely do not. She may recall that, following our conversation, I took action to ensure that some of the things that she had said to me were properly looked into.

Paula Sherriff indicated dissent.

The Prime Minister: I did indeed do that. I want to see the people of this country feeling that this Parliament has been able to deliver for them—that is important for us—and that is what we will do. I continue to believe that, as we carry this debate forward, we should indeed take care with the language that we use, and I will take care with the language that I use.

Ann Clwyd (Cynon Valley) (Lab): Prime Minister, I am a former Member of the European Parliament. I was a proud Member of that Parliament. I am ashamed of the way that our Parliament has been behaving towards the European Parliament and the whole European community. If any kind of deal goes ahead and we come out of the EU, my constituency will be poorer. The people there know that. One of my constituents has just sent me a message saying that the Prime Minister is doing deals with all kinds of people. “Why do you not ask her,” they said, “for the money that we need in our area and that we have been deprived of?” We just want to clear up 126 acres of contaminated land. It will cost £12 million.” Is the deal still open?

The Prime Minister: The right hon. Lady will be aware that we have made some extra funding commitments for places across the country. We have also indicated our recognition that funds have been available from the European Union for different parts of the country, and our shared prosperity fund will be available to different parts of the country to deal with their needs and the various issues that they face.

Brendan O’Hara (Argyll and Bute) (SNP): Following on from the question asked by the hon. Member for Dewsbury (Paula Sherriff), in the past week the Prime Minister has shown that there is not a word too harsh that she will not say it, that there is not a dog whistle too shrill that she will not blow it and that she is prepared to take the UK to the brink of catastrophe to get her own way. When she reflects on the past seven days, does she do so with a sense of pride or with a deep sense of regret and shame?

The Prime Minister: What I want to ensure—what I am working for and what I hope that we will be able to achieve in this House—is that we deliver Brexit, and that we do so in a way that enables us to protect our Union, jobs and livelihoods, and our security. That should be the aim of everybody across the House, and I hope that everybody will be able to come together to deliver that.

Michael Fabricant (Lichfield) (Con): Since October, there has been extensive no-deal planning in the United Kingdom and the European Union. This has been acknowledged not only by those in the UK and the EU, but also by the Governor of the Bank of England. I therefore simply say to the Prime Minister: have faith in our officials. Let us try to get a deal by all means, but, if we cannot, let us not be frightened of no deal.

Mr Speaker: Order. There is a quite a lot of noise on the Opposition Benches. I assumed that the hon. Member for Lichfield (Michael Fabricant) had been present throughout the statement.

Michael Fabricant: Yes.

Mr Speaker: In that case, the hon. Gentleman’s question is perfectly orderly.

The Prime Minister: My hon. Friend is right that the no-deal preparations have been, and are continuing to be, put in place. He expressed a wish for us to leave with a deal, and I want us to leave with a deal. The point that I made in my statement is that this House has already shown on a number of occasions that it wants to try to ensure that we do not leave without a deal. The best route is to leave with a deal, and I think my hon. Friend indicated that he agreed with that position.

Tom Brake (Carshalton and Wallington) (LD): Today, I went to an excellent cross-party briefing organised by the Cabinet Office on the subject of no deal—something that I would recommend that those who advocate no
[Tom Brake]
deal attend. It set out the extensive damage that no deal would do to the United Kingdom, so will the Prime Minister finally allow this House to pass a binding motion that rules out no deal?

**The Prime Minister:** As the right hon. Gentleman will know, the House has already passed, I think, two motions saying that it does not want to leave without a deal, and it will have further opportunities to look at the options that lie ahead. The right hon. Gentleman talks about a binding motion to ensure that we do not leave without a deal, but if we are going to leave—which the right hon. Gentleman does not want to do, but I believe we should be doing because that is what people voted for—and if we are not going to leave without a deal, we need to leave with a deal and we need to agree the deal that we can leave with.

**Ian Murray (Edinburgh South) (Lab):** Does not this statement show the completely incoherent approach from the Prime Minister? She has just answered a question from the right hon. Member for Carshalton and Wallington (Tom Brake) regarding no deal, saying that the only way to prevent no deal is to back a deal, yet her statement from the Dispatch Box said:

> “Unless this House agrees to it, no deal will not happen.”

So what did she mean by that?

**The Prime Minister:** That is a statement that I have made not just today, but previously. I have been very clear that this House may very well try to ensure that we do not leave without a deal, but that the question to Members—if they wish to do that—is, what do they then want to do? Do they want to leave with a deal, or do some Members of this House not want to leave at all? We need to leave.

**Chuka Umunna (Streatham) (Ind):** This is a parliamentary democracy and it is quite clear that this Parliament will not approve the Prime Minister’s deal. If, through an indicative vote process, a majority forms behind an alternative way forward and she does not then implement it, will not any remaining shred of authority or credibility she has with our EU partners completely disappear? How on earth could she remain in office in those circumstances?

**The Prime Minister:** The hon. Gentleman heard the response I gave earlier in relation to the Government’s position on indicative votes. We will engage constructively with those votes. It is possible that those votes will decide contradictory things; it is possible that they will not decide anything at all. We will engage constructively.

**Jess Philpkins (Birmingham, Yardley) (Lab):** I do not know who advises the Prime Minister, but she says she will engage in this constructively, yet she is whipping against the idea of having it and she will not make any of it binding. Just as an observer, that does not seem very constructive to me at all. But what did seem constructive was all the meetings that she had over the weekend and the people—or, sorry, men—that she invited to those meetings. What comes out this morning shows without any doubt to anyone, if anyone even had any left, that this is just some psychodrama in the Tory party. Every time I think that she does actually have a sense of duty, she totally disappoints me. This is about whether the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) can become the Prime Minister, and it is writ for all to see. This has got to end. So the question I ask the Prime Minister is: if we have indicative votes and we come up with a new way for the political declaration, how can she guarantee that any of that will happen, because it will not be up to her?

**The Prime Minister:** We are working to find a way to ensure that we can leave in a smooth and orderly way and we can deliver Brexit for the British people. I think that that delivery of Brexit is what should be at the forefront of all our minds.

**Diana Johnson (Kingston upon Hull North) (Lab):** May I start by paying tribute to the bravery of my hon. Friend the Member for Dewsbury (Paula Sherriff) and the many other hon. Members who have suffered lots of attacks over the past few months? In her statement, the Prime Minister said about what she said on Wednesday:

> “I expressed my frustration with our collective failure to take a decision”.

I do not think that it is actually correct—it was an attack on Members of Parliament doing their job scrutinising the Government at a time when tensions in the country are already heightened and MPs are accused of being traitors. In my constituency, the majority of people who have asked me about this do not want me to vote for the Prime Minister’s deal. So will she now do the right thing and apologise to Members of Parliament for what she said on Wednesday evening?

**The Prime Minister:** It was never my intention that what I said should have the sort of impact that the hon. Lady is talking about, and I regret if it did have that impact, because the point that I was trying to make was a very simple one, which is that we stand at a moment of decision for this House. It is an important moment. People have talked about responsibility. We all have the responsibility as Members of this House to make the decision that enables us to deliver Brexit for the British people.

**Dr Lisa Cameron (East Kilbride, Stratha ven and Lesmahagow) (SNP):** (Coatbridge, Chryston and Bellshill) (Lab): Prime Minister, on your watch your deal has failed. The UK has seen austerity rise and food bank use rise, and now we hear that the Government will delay the repeal of the Swedish derogation, leaving thousands of agency staff financially worse off. So will plan B include any resignations?

**The Prime Minister:** I have always made it clear that there is a job to be done, and I am continuing to do that job.

**Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab):** Prime Minister, on your watch your deal has failed. The UK has seen austerity rise and food bank use rise, and now we hear that the Government will delay the repeal of the Swedish derogation, leaving thousands of agency staff financially worse off. So will plan B include any resignations?

**The Prime Minister:** May I point out to the hon. Gentleman that we have employment at a record high, our debt is falling, our deficit is falling, and we have seen the strongest period of quarterly growth of any country in the G7?
Mike Gapes (Ilford South) (Ind): Two years ago, after the triggering of article 50, the Prime Minister went on a walking holiday during the Easter recess. Does she have any plans to go on a walking holiday in April? If so, will it begin at the end of next week, when the recess is supposed to happen, or after 12 April?

The Prime Minister: I always look forward to the prospect of a walking holiday, but, obviously, with matters as they stand at the moment, my focus is on trying to ensure that we deliver on Brexit and do that with a deal and by getting the legislation through.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Chancellor of the Exchequer described the proposal to hold a ratification vote on the Government’s deal as perfectly coherent and worthy of consideration. Given that there have been efforts across the House to build consensus around this idea, will the Prime Minister at least agree that it is worthy of consideration and that it is coherent, reflecting the model of the Good Friday agreement?

The Prime Minister: The Chancellor did indicate that this was one of the proposals that has come forward. I have indicated on a number of occasions—I have done it in answer to a number of questions in this House—that I continue to believe that we should deliver on the result of the first referendum.

Neil Gray (Airdrie and Shotts) (SNP): Was not the great irony of the Prime Minister’s dictatorial Downing Street speech that, because she failed to accept her own responsibility for the mess we are in, we are unlikely to make any progress?

The Prime Minister: As I said earlier, I recognise the collective responsibility we have across this House in relation to the failure so far to get an agreement for a deal. I continue to believe that it is important to get agreement to a deal so that we can deliver Brexit in time.

Richard Burden (Birmingham, Northfield) (Lab): The Prime Minister has still not answered the question that was put to her quite a long time ago by my right hon. Friend the Member for Normanston, Pontefract and Castleford (Yvette Cooper). She was not asked whether she approved of Britain being part of a customs union with the EU after Brexit. What she was asked was whether, if this House agreed through indicative votes to go for that option, she would abide by that decision and seek to negotiate that with the European Union. Will she now answer that question?

The Prime Minister: I answered the question about the Government’s position in relation to a commitment on the indicative votes in the statement that I gave and in the questions that followed.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I would like to take the Prime Minister to the beautiful, misty highlands. In particular, I would like to take her to the Glen Mhor hotel by Loch Ness, which, by the way, is one of the best places to see the Loch Ness monster. The Glen Mhor hotel is having enormous trouble hiring EU seasonal workers this year; they are not particularly encouraged to apply for jobs, because of where we are right now in our history and because the unemployment rate in Inverness is considerably lower than in the rest of the UK. We have a huge problem that is hitting the highland economy right now—even before we know what we are doing. How do the Government intend to tackle this massive issue?

The Prime Minister: I think that is the first time in this House that any hon. Member has invited me to a hotel to spend some time with them—but we perhaps will not go there. I recognise the issues, but we do have high employment rates—the hon. Gentleman referenced the high employment rate and the low unemployment rate in Inverness—and that is something to be celebrated. We are making sure, through the policy that we are producing in relation to the future immigration system, that we will enable people to come into this country based on their skills, not the country they come from. Of course, at the moment, we are still a member of the European Union, and we have guaranteed the rights of those EU citizens who come here and abide here.

Wera Hobhouse (Bath) (LD): I voted against the Prime Minister’s deal twice; she voted against a people’s vote. I never thought I would contemplate voting for any Brexit deal, because I am a passionate believer in staying in the European Union, and the nearly 50% of people who voted to stay in the European Union would not expect me to do anything else. However, I am prepared to vote for her deal if she is prepared to support a people’s vote. Is that not a true compromise?

The Prime Minister: I refer the hon. Lady to the answer I gave earlier to a similar question.

Christian Matheson (City of Chester) (Lab): Can the Prime Minister explain the mechanism by which a meaningful vote suddenly becomes a meaningless vote? Ignoring indicative votes on motions to take note in this House is one thing, but when she ignores a meaningful vote, it shows a level of bad faith that is frankly matched only by her grotesque speech last week in Downing Street.

The Prime Minister: The House was very clear after the first meaningful vote that it wanted to see change in a certain area, and the one thing the House positively voted for was to leave with a deal, with some changes to the withdrawal agreement. We negotiated changes to the withdrawal agreement—we negotiated legally binding changes to the withdrawal agreement. The House has not accepted those changes. I continue to talk to colleagues, because I continue to believe that it is better for this country to leave the European Union with a good deal.

Justin Madders (Ellesmere Port and Neston) (Lab): The Prime Minister has often said that she considers the withdrawal agreement to be in the national interest. If she concluded that the only way she could get support for her deal in this House was to offer her resignation, would she do so in the national interest?

The Prime Minister: This is about making sure that we leave the European Union and do it in the way that is best for this country, and that is what the deal is about.
Patricia Gibson (North Ayrshire and Arran) (SNP): People are very concerned and alarmed by this Brexit chaos, in North Ayrshire and Arran and the UK as a whole. This is a time of crisis, and people in Scotland and across the UK are represented in these Brexit talks by a Prime Minister and a Government whom EU leaders at the weekend described as “evasive” and “confused”, in the final days before Brexit. Does she think that that description by EU leaders inspires confidence in those across the UK who are worried about Brexit?

The Prime Minister: What I hope people across the UK who are worried about Brexit will see is a Government who are trying to ensure that we deliver on the vote of the British people but in a way that protects their jobs, protects our Union and protects their security.

Alan Brown (Kilmarnock and Loudoun) (SNP): Yet again the Prime Minister displays a lack of self-awareness and a complete irony bypass. In her statement, she said that if she cannot get her vote through, she will work across the House to find a solution, except then she tells us that she will block Parliament taking control and will not bind the Government to accepting votes, and she dismisses all alternatives but is keeping no deal on the table. The truth is that she had no strategy when she triggered article 50, she has negotiated a bad deal, and when the wheels have come off the bogie, her idea of seeking consensus is threatening Parliament. When will she recognise her own failures, do the right thing and walk?

The Prime Minister: We have indeed engaged with others across the House. I have engaged with the leader of the Scottish National party, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), and leaders of other parties. There are different views across the House. I do not agree with revoking article 50. I think we should deliver on the Brexit vote. That is a difference of opinion between us, but we have reached out to see whether we can find a way to ensure that we leave the European Union with a deal that delivers for people and delivers to protect their jobs, their security and our Union.

Dr Sarah Wollaston (Totnes) (Ind): The Prime Minister has tested to destruction the possibility of getting the DUP and the right-wing ERG to get her deal through the House. She could, however, get it through if she agreed to check that it still is genuinely the will of the people. Instead of listening to the 14 men in fast cars who came to Chequers, will she listen to the 1 million people who walked past her door? Considering that she spoke earlier about “female multi-tasking”, will she agree to meet a delegation of 14 women parliamentarians from across the House, so that we can really get things done?

The Prime Minister: As I have indicated to others—and as she knows, because we have previously sat down and discussed these matters—I am always happy to reach out and talk to Members across the House. I have a different opinion from the hon. Lady on a second referendum, because I believe we should deliver on the first.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): In 2002, the then newly elected chairperson of the Conservative party said: “Twice we went to the country unchanged, unrepentant, just plain unattractive. And twice we got slaughtered.” That chairperson is now the Prime Minister. Has the prospect of bringing her rotten deal back a third time made her reflect on those comments?

The Prime Minister: What I reflect on is the need to ensure that we deliver Brexit and that we do it in a good way for the United Kingdom.

Tommy Sheppard (Edinburgh East) (SNP): On seven occasions the Prime Minister has referred to the result of the 2014 Scottish referendum and correctly observed that a majority of people voted to remain in the United Kingdom. She will know, however, that a great many of those people believed the promises made by her party and her Government that by doing so they would, first, retain their European citizenship and, secondly, that their views would be respected within the United Kingdom. Given how things have turned out, does she understand that many of those people are now reconsidering that decision?

The Prime Minister: We went into the European Union as one United Kingdom and we will leave the European Union as one United Kingdom. Many people who voted remain in the 2016 referendum say to me that they believe that we should be delivering on the vote. Although they took a different decision, they believe that it is important that the decision is respected and that we deliver on it.
Points of Order

5.31 pm

Mrs Emma Lewell-Buck (South Shields) (Lab): On a point of order, Mr Speaker. Last year the Department for Education published a myth-busting document advising local authorities that they could dispense with statutory guidance that is in place to protect our most vulnerable children. I have raised the issue in this House on two occasions with the Under-Secretary of State for Education, the hon. Member for Stratford-on-Avon (Nadhim Zahawi). On 10 September he said that there would be no changes to legislation, and on 17 January he denied the very substance of the document. Fifty children’s charities also wrote to him asking for this dangerous document to be withdrawn. Following a legal challenge from the children’s rights charity Article 39, it appears, according to the press, that the document has been withdrawn.

This dangerous DFE and ministerial-approved guidance was in circulation for a number of months. Can you advise me, Mr Speaker, on whether it is incumbent on local authorities, and whether any redress is available to the hon. Gentleman to outline what steps have been taken to disseminate information about the U-turn to local authorities, and whether any redress is available to children and families who may well have been harmed by this guidance? Finally, can you advise, Mr Speaker, on what safeguards are in place to stop Ministers acting in such a reckless manner?

Mr Speaker: I thank the hon. Lady for giving me notice that she wished to raise this matter. I rather assume that she has notified the Minister of her intention to bring it up on the Floor of the House this afternoon. She has made her concerns clear and it is on the record. Moreover, those concerns will have been heard on the Treasury Bench, including at a very senior and cerebral level. I rather imagine that the point she has made will be conveyed to the relevant Minister before very long.

In so far as the hon. Lady asks about redress and what the Minister concerned might do, that really is a matter for the Minister rather than for the Chair, but what I would say to her is that if she does not receive a satisfactory response from the Minister, there is a range of options that she might pursue involving airing the issue through the Order Paper or, indeed, in debate in the Chamber. My advice to her would be to consult the Table Office—which, for the benefit of those observing our proceedings, is a very short distance from here—and the dedicated and outstanding staff of that office will be happy to advise her as to what courses of action are open to her.

My basic advice, which I know can sometimes jar somewhat, but it does have the advantage of being valid, is persist, persist, persist. Go to the Table Office and do not take no for an answer in terms of the right to question members of the Treasury Bench. Of course, if the hon. Lady wishes to seek a debate on the matter on the Adjournment, who knows? She may be fortunate.

Peter Grant (Glenrothes) (SNP) rose—

Ms Angela Eagle (Wallasey) (SNP) rose—

Mr Speaker: The hon. Lady is so distinguished, I feel I must save her up.

Peter Grant: On a point of order, Mr Speaker. The ministerial code requires any Minister carrying out official business in the constituency of another Member of Parliament to give that Member of Parliament advance notice in good time of the proposed visit. On Friday, the pensions Minister, whom I have notified of my intention to raise this matter today, carried out an official visit in my constituency. My constituency office was notified about it at two minutes to 12 on Friday. Can you advise me, Mr Speaker, at what point such short, inadequate notice constitutes contempt as opposed to courtesy? What options, other than continually raising points of order, which are heard and then ignored by Members on the Treasury Bench, are available to ensure that Ministers comply with the ministerial code?

Mr Speaker: The convention of notifying a Member of a prospective visit to his or her constituency is strong. It is not in the Standing Orders of the House; it is just that: a convention. Moreover, the merits of the case one way or the other are not justiciable by the Chair. However, the convention is there for a reason. It is about that basic concept of courtesy and respect for each other.

So what do I advise the hon. Gentleman? He can take the matter up directly with the Minister in the form of correspondence or a request for a meeting. Secondly, he could take it up with the Leader of the House, who I know will accept, in common with her predecessor, that she has a responsibility for ensuring Ministers’ compliance with important conventions, including that of providing timely and substantive answers to questions. When that does not happen, traditionally Leaders of the House have accepted their responsibility to remind Ministers of their duty. The other option open to the hon. Gentleman is to ask the hon. Member for Perth and North Perthshire (Pete Wishart), who performs with élan at business questions every week, to raise the matter with the Leader of the House at business questions.

I am concerned that this rather important convention is being quite regularly dishonoured. That seems to me to be wrong. There is no precise time beforehand for notification, but the presumption is that of courtesy. Simply notifying a Member or his or her office minutes or an hour before a visit does not cohere with the spirit of the convention. The hon. Gentleman has reason to be irritated and I hope that that irritation can soon be overcome by a satisfactory explanation, apology and commitment not to repeat the offence.

Ms Eagle: On a point of order, Mr Speaker. I have not given you notice of this point of order because it comes out of the proceedings that we have just witnessed. I wonder whether you might give us some advice about the fact that it became clear during the Prime Minister’s statement that she has no intention of listening or responding positively to the results of an indicative vote process, which rather renders the whole thing pointless.

I remember when we went through a similar process on the future of the other place, the then Government made it absolutely clear that should that process come up with one way forward, which had been carried by the House, they would effect it. Yet today we have heard the exact opposite from the Prime Minister.

Mr Speaker sir, could you give us some view of how, as Members of Parliament, we can take this forward in
[Ms Angela Eagle]

a reasonable way and not see the convention that Parliament and its votes matter disappear before our very eyes at this difficult time for our country?

Mr Speaker: I do not think it is for me to rule on the matter at this time. The hon. Lady has raised an extremely important point, but in the course of making it, and in a spirit of some frustration and almost despair, she said that unless it was guaranteed that the process or its results would be honoured, it rendered the exercise pointless. May I politely suggest that that is not the right mindset? I have the highest regard for the hon. Lady, who is a more experienced parliamentarian than me—she has served as shadow Leader of the House and as a Minister in important roles. I say that it would be better to proceed with the process and support amendments as she sees fit and, if there are subsequent votes—I believe that the intention of the authors of this exercise is that such votes should happen on Wednesday—colleagues’ wholehearted participation in them is to be recommended. They should see the outcome and then the hon. Lady can repeat her demand that those results be observed. I do not think there is much point in having the votes on a half-hearted basis. One has to go into it with full-hearted enthusiasm and commitment and see how events play out over the next 48 hours.

But process does matter and the hon. Lady might have noticed—though I would not blame her if she had not—that since the publication of the withdrawal agreement last November, I have sat in the Chamber for every single minute of the debates on this subject. I do so out of respect for the House. That principle of respect for the House and what it says is extremely important. I thank the hon. Lady for what she said and I hope that my reply is at least helpful.

BUSINESS OF THE HOUSE (TODAY)

Ordered,

That, at this day’s sitting, the Speaker shall put the questions necessary to dispose of proceedings on the motion in the name of the Prime Minister tabled under section 13 of the European Union (Withdrawal) Act 2018 not later than 10.00 pm; such questions shall include the questions on any amendments selected by the Speaker which may then be moved; the questions may be put after the moment of interruption; and Standing Order No. 16 (Proceedings under an Act or on European Union documents) and Standing Order No. 41A (Deferred divisions) shall not apply.—(Michelle Donelan.)

5.42 pm

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Mr David Lidington): I beg to move,

That this House, in accordance with the provisions of section 13(6)(a) of the European Union (Withdrawal) Act 2018, has considered the Written Statement titled “Statement under Section 13(4) of the European Union (Withdrawal) Act 2018” and made on Friday 15 March 2019.

This debate follows as a result of requirements of the European Union (Withdrawal) Act 2018 and as a consequence of the decision taken by this House on 12 March. Since that date, the House has spoken on two further occasions: on 13 March, the House expressed its opposition to leaving the European Union without a deal; and on 14 March, the House agreed that the Government should seek an extension to article 50. I might add that, in respect of both those votes in this House, neither was legally binding on the Government, but that in each case the Government have honoured the wishes of the House in response to the resolution. I hope that that might provide at least a modicum of reassurance that in this Government we have not been, and we do not intend to be, dismissive in the least of how this House decides or votes.

Ian Murray (Edinburgh South) (Lab): I am very grateful to the Prime Minister-elect for giving way. He rightly just said that on 13 March this House agreed not to leave the European Union without a deal. In the statement the Prime Minister has just given the House, she said that, unless this House agrees to it, no deal will not happen. Could he explain what she meant by that statement?

Mr Lidington: I thought that what the Prime Minister said was quite clear. The Government believe in the case that we have frequently brought to this House for the deal that we believe is in the interests of the United Kingdom, which both those who supported leave and those who voted remain should be able to rally behind and move forward. We know that the legal default position must remain no deal because, from now on, any decision about this is contingent not only upon the view that this House or the Government might take, but on decisions by the European Council as to whether or not it wishes to extend—

Several hon. Members rose—

Mr Lidington: If colleagues will forgive me. I want to reply to one intervention before I move on to others. It was by no means a given that an extension would have been granted at last week’s European Council.
Mr Liddington: I do not think anybody in the House would disagree with the hon. Gentleman’s comments at the end of his intervention, and certainly not my right hon. Friend the Prime Minister. We are all deeply aware and, looking up at the memorial shield to our former colleague, Jo Cox, I am very sharply reminded of the fact that many Members of this House have been subjected to the most appalling threats, intimidation and online trolling. Every one of us in our individual or representative capacities has a responsibility to ensure that no encouragement or succour is given to those wrong people who seek to act and intimidate in that way.

Hilary Benn (Leeds Central) (Lab): I return to the point that was made in the first intervention that the Minister took—that is, the Prime Minister’s categorical statement, which I have to say I welcomed today, that unless this House agrees to it, no deal will not happen. That could not be clearer. Given what the Minister rightly said about the need for the European Union then to take decisions that facilitate this, it is not the inevitable consequence of what the Prime Minister has told the House today that, unless she gets her deal through, she will have to apply for an extension prior to 12 April?

Mr Liddington: That depends, of course, on what this House decides to do this week. That is the logic, certainly, of the right hon. Gentleman’s argument about my right hon. Friend’s remarks, if we start from the premise that the House were not to approve the withdrawal agreement this week. I hope we will and it is the Government’s intention to persuade the House to approve the withdrawal agreement during this week, in which case the deadline moves forward automatically to 22 May. I repeat the comment that I made earlier in response to the hon. Member for Edinburgh South (Ian Murray): the United Kingdom can make a request, but it is not ever a certainty that the European Council will agree to it.

Pete Wishart (Perth and North Perthshire) (SNP): I am very grateful to the putative Prime Minister—I say to him that he could not possibly do a worse job than what we have seen in the past few years. Has the right hon. Gentleman paid attention to the petition that has now been signed by 5.5 million people right across the UK, including over 10% of his constituency? Would he now concur that revocation—just ending this madness once and for all—remains a real-life possibility for this country?

Mr Liddington: No, I do not agree with the hon. Gentleman. In my constituency, the votes were pretty finely balanced in 2016 between the two sides in the referendum. It would not surprise me that 10% of my constituents felt strongly in favour of revocation in the way that he suggests. Obviously, one takes seriously not only the scale and strength of the opinion expressed in the demonstration at the weekend but the number of signatories attracted to the petition, but that does not mean that one can simply ignore or set aside the fact that 17.4 million people voted to leave the EU in 2016.

Mrs Anne Main (St Albans) (Con): Will my right hon. Friend give way?

Mr Liddington: I will give way to my hon. Friend, but then I will try to make some progress.

Mrs Main: I am pleased that my right hon. Friend has mentioned the 17.4 million people, many of whom had never voted before, who took the trouble to vote leave in the referendum. Given the recent votes in the House—on no deal, the withdrawal agreement and the second vote—and given that the Prime Minister now seems to have taken no deal off the table, for some of us there are different options to think about. It is vital that the withdrawal agreement comes back before the House, because, if no deal is off the table, much worse deals might well be put forward by this remain House, and those of us who do not wish to see those happen will feel we have a very bad situation.

Mr Liddington: I certainly hope that we have the opportunity to vote again on the withdrawal agreement this week.

Kate Hoey (Vauxhall) (Lab): The Minister has said very clearly that the Government have responded to and honoured two of the motions passed in the last couple of weeks, but what about that huge majority for the withdrawal legislation and leaving on 29 March, which is still on the statute book? Now, because of some agreement stitched up between the Prime Minister and the EU, we will not have the chance to decide or look at that. Is that not constitutionally incorrect—apart from being legally incorrect?

Mr Liddington: I will say a bit more about the statutory instrument in a few minutes, if the hon. Lady will bear with me.

Neil O’Brien (Harborough) (Con): I support the Prime Minister’s deal—I think it is a good deal—and I welcome the news that we will be voting on it again, but will my right hon. Friend look closely at the important proposals from my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) to amend the unilateral declaration to provide more certainty, clarity and reassurance to those not yet ready to vote for the deal?

Mr Liddington: I can reassure my right hon. Friend that the Government have taken very seriously the comments from our right hon. Friend the Member for Gainsborough (Sir Edward Leigh) and continue to have a dialogue with him and others to find the best way forward.
Mr Kenneth Clarke (Rushcliffe) (Con) rose—

Kevin Brennan (Cardiff West) (Lab) rose—

Mr Lidington: I will give way to my right hon. and learned Friend, then to the hon. Member for Cardiff West (Kevin Brennan), and then I will make some progress.

Mr Clarke: On the Government’s commitment to avoid no deal, in line with the votes, my right hon. Friend has acceded that the Government do accept last week’s votes, which is in line with the constitutional convention that the Government do not proceed with policies that are rejected by this House of Commons. He has agreed that. Then he said that we therefore either pass the withdrawal agreement, which I have voted for, or ask for an extension, that being the only remedy presumably, but, as he rightly says, we cannot guarantee the Europeans would accept that. However, in line with the wishes of the House and what is now Government policy, if we are driven by the more hard-line people in this House to that circumstance, obviously the Government must revoke, in the hope that we start the whole process again once the House and everybody else has come back to their senses and found a consensus on how to proceed on the question of our future relations with the rest of the world.

Mr Lidington: With all respect, I disagree with my right hon. and learned Friend. I think he underestimates quite how severe the damage would be to already fragile public confidence in our democratic processes if the House voted to revoke the implementation of a decision that the majority of Members gave to the electorate in 2016, saying they would abide by their decision.

Several hon. Members rose—

Mr Lidington: I will give way to the hon. Member for Cardiff West, then the hon. Member for Stoke-on-Trent Central (Gareth Snell) and, then, if the hon. Member for Oldham West and Royton (Jim McMahon) will forgive me, I will make some progress.

Mr Dominic Grieve (Beaconsfield) (Con): Will my right hon. Friend give way?

Mr Lidington: I will make some progress, but I will happily give way to my right hon. and learned Friend later.

Kevin Brennan: I am grateful to the right hon. Gentleman; he is being extremely generous. I cannot see how any deal can proceed without a public vote at the end of the process, given the circumstances. On the question of today’s business, the Prime Minister said earlier that the Government were prepared to seek to provide time—I think those were her words—to discuss indicative options. Will he clarify what exactly she meant by that? When are the Government prepared to do it and for how long, and can he confirm that what the options are would be in the hands of the House?

Mr Lidington: I will gladly do so, but I ask colleagues to bear with me and permit me to complete page 1 of my speech and move to subsequent sections. Then I might be able to throw a bit more light on some of the questions being posed to me. I will give way to the hon. Member for Stoke-on-Trent Central, but then I am going to make some progress.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): My assessment of where we are is that a majority does exist for the withdrawal agreement—the technical aspect of our leaving the EU—but the differences and difficulty are on the political declaration and where that may take us, where we may end up in that situation and what support and clarity the House will have in that process. Can the Minister give some assurances that the House will have a clear role in the next stage of the negotiations, so that we can avoid this merry-go-round at the next stage?

Mr Lidington: Yes, indeed. It is something to which the Government have been giving a lot of thought and has featured in conversations that Ministers have been having with Members across the House not just in the last few days but in the last several weeks. Various models could be adopted. In particular, there would be the question of the role of Select Committees—the Brexit Select Committee and other relevant departmental Select Committees—in the different aspects of that very wide-ranging negotiation. One lesson I have drawn from the experience of the last couple of years is that the House will insist on having a say and will find ways to express its view, including some novel initiatives. The reality is that the House is going to have a say and influence as the negotiations proceed, and I would hope that the agreement that I believe the Government will eventually succeed in striking will command widespread public support.

Mr Grieve: Will my right hon. Friend give way?

Mr Lidington: All right, I will break my rule, but then I hope that the House will allow me to move on.

Mr Grieve: I am very grateful to my right hon. Friend for his characteristic courtesy. May I take him back to his answer to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), who raised the issue of revocation? I rather share my right hon. Friend’s view that revocation would be a drastic act, but the fact that so many people are signing up to advocate it is probably a reflection of a growing level of exasperation. Is it not the case that the better course of action, rather than unilateral revocation, is to go back and ask the public whether they want the Prime Minister’s deal, with the alternative being remain? That would show respect for the 2016 referendum result. My anxiety is this: the Government boxed themselves in with red lines in their negotiations with the EU; now they are boxing themselves in with red lines in relation to the options available to the House to resolve the current crisis. I also worry, if the stories about the Cabinet minutes are correct, that some of the reasons appear to be very narrow and partisan, at a time when a national crisis should be requiring us to look more widely. Those of us who try to do that get vilified, but I am quite prepared to put up with that because I think it is where the national interest lies.

Mr Lidington: One thing I can say with great confidence is that, above all, my right hon. Friend the Prime Minister, according to all my observation of her approach to these negotiations and the subsequent parliamentary proceedings, has been motivated entirely by what is right for the national interest. Judging the national interest certainly involves looking at the content and terms of the arrangements for our departure, but it also...
means taking account of the fact of the referendum result in 2016, and the political and democratic reality that it represents.

Several hon. Members rose—

Mr Lidington: I am going to make some progress.

During its meeting last week, the European Council approved the legally binding assurances in relation to the Northern Ireland backstop that my right hon. Friend had negotiated with President Juncker a fortnight ago. As my right hon. Friend has explained, that should give additional assurance to Members that in the unlikely event that the backstop were ever used it would be only temporary, and that the United Kingdom and the European Union would begin work immediately to replace it with alternative arrangements by the end of December 2020. The Council also agreed—subject to a vote in this House—to approve the withdrawal agreement this week. The date of our departure from the EU would be extended to 22 May to provide time for the House to agree and ratify a Brexit deal, and to pass the necessary legislation to make that possible.

However, the Council agreed that in the event that the House did not approve the withdrawal agreement this week, article 50 should be extended only until 12 April. At that point, we would have two options: we could leave without a deal, or we would need to have agreed an alternative plan for a longer extension with the European Union, and the EU would have to have accepted that. It is very clear from what EU leaders and the EU institutions have said that a longer extension would require elections to the European Parliament to be held in the United Kingdom.

On 14 March, I told the House that in the event that Members had not approved a meaningful vote by 20 March and agreed a timetable for the withdrawal agreement Bill, the Government would recognise that the House would require time to consider the potential ways forward. The Government stand by the commitment that I set out that day that in such a scenario, having consulted the usual channels at that time, they would facilitate a process, in the two weeks after the March European Council, to allow the House to seek a majority on the way forward. Since then my right hon. Friend and I have acted on that commitment, and have engaged constructively with Members on both sides of the House in recent days. Between us we have met leaders of all parties as well as other senior parliamentarians, and that process is ongoing; my right hon. Friend met the Leader of the Opposition earlier today. Those discussions will continue.

Ian C. Lucas (Wrexham) (Lab): There are reports today that, in those discussions with the Leader of the Opposition, the Prime Minister put forward a proposal to decouple the withdrawal agreement from the political declaration as a way of seeking compromise. Are those reports correct, and, if so, what was the response of the Labour Front Bench?

Mr Lidington: The European Council conclusions specify that it is approval of the withdrawal agreement that counts in respect of whether there is an extension to 22 May. Of course, the requirements in the European Council conclusions are different in scope from what is required under the European Union (Withdrawal) Act 2018 to constitute a meaningful vote.

Robert Neill (Bromley and Chislehurst) (Con): My right hon. Friend may know what I am going to ask, because I asked the Prime Minister this question and she suggested that I ask him. I do so as someone who, as he knows, voted to support the agreement last time, and will vote to do so again.

My right hon. Friend has just said that the Government will facilitate the discussion of alternative arrangements in the two weeks following the European Council should the deal not, for whatever reason, succeed. We are already eating into those two weeks. He urges us to resist the so-called Letwin amendment for various reasons, which I understand to some degree, but he has not yet specified a timetable for when the Government will present their own means and terms of facilitation. Let me ask my him what I asked the Prime Minister: when?

Mr Lidington: As I said a moment ago, the discussions with other parties and Members on both sides of the House will continue, but I can confirm that the Government would seek to provide Government time in order for the process to proceed. If the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) is not passed tonight, we will set aside time for a first day of debate later this week, and after that day’s debate has been concluded, we will consider and consult on what further time, if any, might be needed. If, on the other hand, my right hon. Friend’s amendment is carried, the consequence for the control of the Order Paper will be that the decisions will be very much a matter for my right hon. Friend and the House more generally, given the terms in which the amendment has been drafted.

Victoria Prentis (Banbury) (Con): Can my right hon. Friend confirm that there will be free votes on the Government side of the House if that situation arises?

Mr Lidington: I think it would be premature to say anything about whipping at this stage, because we do not currently know exactly what the content of any options might be, what amendments to them might conceivably be tabled, or which of those amendments the Chair might be willing to accept. However, I know that my right hon. Friend the Chief Whip will have heard my hon. Friend’s representations.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): The reason the Prime Minister’s statement last Wednesday was so disappointing—and we are hearing it today—is that this is not about the 17 million any more than it is about the 16 million; it is about everyone who lives in this country and has a stake in its future. People are looking at what is happening and feeling absolute frustration and despair, because the people whom they elected to make decisions and make this work have not found a way through the difficulties. Now, with the indicative votes that are coming, we have an opportunity to make a breakthrough and find some common ground, but it would require the Prime Minister to depart from the red lines and learn to compromise. What advice would the Minister offer to her in this circumstance?

Mr Lidington: I am afraid that one thing about which I am very clear indeed is that I am very willing to—and do—offer advice to my right hon. Friend, but I talk about that advice to her in private, not in the House.
Mr Lidington: Until we have had the Division this evening, assuming there is one, on the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), we will not know whether Wednesday is available for the Government’s disposal or whether it will fall to other means of consideration.

Wes Streeting (Ilford North) (Lab): I am genuinely grateful to the right hon. Gentleman for giving way, but this is hopeless: he cannot argue against a perfectly sensible amendment, which is reasonable in the circumstances, in the name of the right hon. Member for West Dorset (Sir Oliver Letwin) on the basis that the Government are going to propose something similar without at this stage saying on what day, for how long, on what conditions, and on what range of motions. If he is saying that Parliament should not be in control because the Government ought to be in control, then surely it is reasonable to expect the Government to actually be in control, to have some sense of what the process is, and to provide some clarity now, otherwise we might as well troop through the Lobby to vote for the amendment.

Mr Lidington: There is a matter of constitutional principle here. We are saying that it is for the Government to control the Order Paper, as is normal, but in this case we would devote our time to consideration of the measures that the House wanted to see debated and decided.

Sarah Newton (Truro and Falmouth) (Con): Is it not the case that it is common practice in a debate for the Government to welcome an amendment proposed by Members on the Back Benches or representing Opposition parties? From what I have heard, my right hon. Friend is going to do on Wednesday exactly what amendment (a) says, so would not the easiest thing to do be just to accept amendment (a) tonight?

Mr Lidington: The difference between me and my hon. Friend on this occasion is that I take the view, and the Government take the view, that amendment (a) would upset the balance between legislature and Executive in a way that would set an unwelcome precedent, and it is for that reason that we are not supporting it.

Sir Oliver Letwin (West Dorset) (Con): I am genuinely grateful to the right hon. Gentleman for your guidance on the whole question of Standing Order No. 14, given that we operate a system of parliamentary Government, not government by Parliament. That is for a good reason: in a nutshell, Government business takes precedence under Standing Order No. 14 because it is the wish of the majority of Members of Parliament, who form the Government, and therefore the wishes of the electorate are at stake. Would you be kind enough to answer my question, Mr Speaker, since I regard this to be a matter of fundamental constitutional importance?

Mr Speaker: I very much look forward to listening to the speech that the hon. Gentleman might make in the course of the debate, and he knows that he can always
look to me and very much expect to catch my eye. So far as the Standing Order is concerned, the fact of its presence is well known to everybody, but the House is the owner of the Standing Orders, and if a proposition is put to the House for a change in those arrangements, including in a particular case the suspension of a Standing Order or more than one Standing Order, it is perfectly credible and reasonable that that should be put to the House. I did announce my provisional selection of amendments earlier, and I do not think—that although I accept that the hon. Gentleman objects to this amendment in the name of the right hon. Member for West Dorset (Sir Oliver Letwin) was selected. As to whether it is acceptable to the House, that remains to be seen. It is obviously not acceptable to the hon. Gentleman, and we will hear further and better particulars of his objection in due course.

Mr Lidington: I give way to my right hon. Friend the Member for West Dorset.

Sir Oliver Letwin: I am very grateful to my right hon. Friend for giving way and I promise him that I had not intended to intervene in his speech, unlike almost everybody else sitting in the Chamber today, but he does force me to do so because I wonder whether he can clarify the following slightly different point. Given that his objection to our amendment is ostensibly simply the constitutional one, and given that that could be entirely resolved by the Government accepting the amendment—or indeed could have been resolved on Thursday or Friday, when it was tabled, by the Government signing it and turning it into a Government amendment, in which case a Minister’s name would have been at the top of the list—could my right hon. Friend simply tell us whether on Wednesday, if our amendment fails, the Government intend to operate exactly the same principles as are contained within that amendment, or whether the Government have some other plan about how to construct the day?

Mr Lidington: I cannot give a commitment immediately for that or of that level of detail, but I will have further discussions, and my right hon. Friend the Secretary of State for Exiting the European Union might be able to respond to the point in greater detail in his winding-up speech.

Seema Malhotra (Feltham and Heston) (Lab/Co-op) rose—

Mr Lidington: I am always over-tempted to give way to interventions, and I am deeply conscious that on the last two occasions that I came to this Dispatch Box I spoke for over an hour in total because of the number of interventions I permitted, so I will try to make some progress as I am sure many Members in all parts of the House want to catch your eye, Mr Speaker, and contribute to the debate.

Whatever options are put forward—this starts to address the issue raised by the right hon. Member for Broxtowe (Anna Soubry)—will need to be negotiable with the EU, and in particular any deal will require the withdrawal agreement that not only we but the 27 other Governments of the EU member states have negotiated. The conclusions of the European Council last week could not have been clearer: EU member states are not prepared to consider any reopening of the terms of the withdrawal agreement which for them, as well as for us, represented the outcome of a lengthy period of negotiation and compromise on both sides. And this is one of the reasons why my right hon. Friend the Prime Minister was clear earlier this afternoon that the Government cannot simply pre-commit to accepting whatever might come out of this process. It is entirely possible that this House votes for something that is neither realistic nor negotiable; for example, it could vote to seek further changes to the withdrawal agreement, which the EU has been clear is simply not possible. Equally, the House could vote to maintain all the benefits of the single market without agreeing to the obligations, such as alignment with state aid rules or the free movement of people, but the EU has been clear that the four freedoms are indivisible.

Of course we will engage constructively with Members across the House on whatever the outcome of this process is, but we continue to believe that the amendment tabled in the name of my right hon. Friend for West Dorset would be an unwelcome precedent to be set, in that it would overturn the balance between Parliament and the Government. In the event that his amendment were carried tonight, we would obviously want to have a dialogue with him and his co-sponsors about how he proposed to take those measures forward.

I want to add a few words to what the Prime Minister said about the statutory instrument that has been published today on the extension of article 50. Now that the United Kingdom and the European Union have agreed an extension to article 50 and it has been embodied in a legal decision of the European Council, the date needs to be amended to reflect in our domestic law the new point at which the EU treaties will cease to apply in the United Kingdom. The Government have therefore tabled today a draft statutory instrument under the European Union (Withdrawal) Act 2018 that provides for both of the possible extensions: 12 March and 22 May.

Andy McDonald (Middlesbrough) (Lab): It is 12 April.

Mr Lidington: Did I misspeak? I meant 12 April. This will be subject to the draft affirmative procedure so that it will be debated in each House, and it must come into force by 11 pm on 29 March. The purpose of this is to ensure that our statute book reflects the extension of article 50, which is legally binding in international law. Without this instrument, there would be a clash in domestic law because contrary provisions would apply both EU rules and new domestic rules simultaneously.

Sir William Cash: As I said earlier to the Prime Minister, the commencement order has not yet been brought into force, so will my right hon. Friend give me the lawful authority whereby the decision endorsed by the authority of Sir Tim Barrow was consistent with the vires of the original enactment under section 1 of the European Union (Withdrawal) Act 2018?

Mr Lidington: I will try to give my hon. Friend a brief answer now, but the best thing would be for me or my right hon. Friend the Secretary of State to write swiftly and formally to him in his capacity as Chair of the European Scrutiny Committee to set out the answer for him.

Mr Richard Bacon (South Norfolk) (Con): Will my right hon. Friend give way?
Mr Lidington: No, I will not give way, because I want to try to give my hon. Friend the Member for Stone (Sir William Cash) the short answer that I promised him a second ago.

The purpose of the statutory instrument is to reflect the extension agreed between the United Kingdom and the European Union. The Government will now therefore delay the commencement of the repeal of the European Communities Act. A commencement order is required under section 25(4) of the European Union (Withdrawal) Act to give effect to this repeal. The timing of that commencement order will depend on the date on which we leave the European Union. As a matter of both EU and international law, the effect of the European Council decision is that we are not leaving the European Union on 29 March. It would therefore be wrong to commence the repeal contained in section 1 of the withdrawal Act on that date. In making that change, having sought an extension, the Government have acted on the basis of the resolutions that were passed by this House. The House did not want to leave on 29 March without a deal, and it explicitly voted in favour of the Government seeking an extension to article 50.

Anna Soubry: rose—

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): rose—

Mr Lidington: I am going to make some progress—

Kate Hoey: On a point of order, Mr Speaker. Could you rule on what the constitutional position would be if the statutory instrument to change the date that is already in our legislation were not accepted by the House? Does EU law overrule our Parliament?

Mr Speaker: As a matter of general practice, it is well established that EU law trumps UK national law. I am not saying anything controversial there. As to the particular circumstances here, the answer is that I might well pronounce upon it but I would be extremely foolish to do so off the top of my head. I may be able to sate the curiosity of the hon. Lady, which will be widely shared across this House, but I am afraid that it is not within my gift to do so now. It is better to give a valid and informative answer later than to give an invalid, uninformative and potentially misleading answer now.

Mr Lidington: Without the statutory instrument, there would be a clash in domestic law because contradictory provisions would apply both EU rules and new domestic rules simultaneously. It is therefore important that the instrument be approved by Parliament so that we can ensure that our statute book accurately reflects the fact that the UK will now remain a member state until at least 11 pm on 12 April.

I should like to turn briefly to the amendments that you have selected, Mr Speaker, other than amendment (a), which we have already debated at some length. Turning to amendment (d), the Prime Minister and I have had constructive meetings with hon. Members from the main Opposition party in recent days, and the Prime Minister met the Leader of the Opposition earlier this afternoon. On that basis, I would say to the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) that the amendment is not necessary. I would also say that the official Opposition’s amendment demonstrates one thing very clearly—namely, that none of the changes that it seeks to secure are changes to the withdrawal agreement. The inference I draw from that is that the official Opposition now support the withdrawal agreement, and I hope that when the right hon. and learned Gentleman comes to speak, he will be able to confirm that he and his party accept that all possible deals with the European Union should include this withdrawal agreement and that that is also the clear will of the European Council.

I understand completely the motive behind amendment (f), tabled in the name of the right hon. Member for Derby South (Margaret Beckett). It instructs the Government to report by 9 April on how we would ensure that the United Kingdom did not leave without a deal if the deal had not been approved by that point. Consistently throughout this process, the Government have accepted that we would need to come back to the Dispatch Box if the House had not supported the withdrawal agreement by the end of this week.

I recognise that the House has now voted twice against leaving the European Union without a deal. However, I have to say to the right hon. Lady and her co-sponsors there would be only two options before the House in the circumstances envisaged in her amendment. There would be the option, called for earlier by the hon. Member for Perth and North Perthshire (Pete Wishart), of the revocation of article 50, but that is not a temporary measure; it would not result in a mere stay in the proceedings. The Court of Justice of the European Union has made it clear that revocation would have to be permanent and a decision taken in good faith. The other option would be for us to ask for a long extension, but that would mean running elections for the European Parliament nearly three years after the vote of the British public to leave. Of course, it would also rely on the EU agreeing to such a long extension, which would by no means be assured.

Unless the House were prepared to support one of those two options, the legal default under European law would be that the treaties would cease to apply, whatever the right hon. Member for Derby South might wish, and we would have to leave without a deal. The way forward is for the House to accept the deal, particularly this week, to approve the withdrawal agreement and to secure the extension to 22 May.

If Parliament comes together and backs the Brexit deal, we will leave the European Union by 22 May. We can then end three years of divisive debate and uncertainty, allow the country to move on towards a new future outside the European Union and devote ourselves to the important work of negotiating a deep and special partnership with our European friends and neighbours, which the Conservative party promised in our election manifesto. The Government will make every effort to ensure that we are able to leave with a deal and move our country forward to allow those who voted leave and those who voted remain to come together in looking to the future. It is in that spirit that I commend this motion to the House.

6.31 pm

Keir Starmer (Holborn and St Pancras) (Lab): The Prime Minister has got herself and the Government into a hopeless position. Having disregarded views from across this House for the best part of two years, the
Government now find themselves with a deal that they just cannot get through this House, and time has almost run out. Today, we see that they sort of agree with an initiative to break the impasse, but they also do not agree with it.

All that must be seen in the context of the Prime Minister losing control of the meaningful vote. In truth, we have no idea when or if it will be put again or whether it is winnable. I listened carefully to the Prime Minister’s statement this afternoon, and she said that she had gauged that there was “still not sufficient support” for the deal, but she would continue discussions so that she could bring forward a vote this week. We have been in that loop since 10 December. She says, “I don’t think there’s enough support. I am going to have further discussions, and I am going to put the vote again.” She has lost control of that process.

The Prime Minister has also lost control of the negotiations. That much is clear from the European Council’s decision last Thursday. When the Government were asked, “What happens if the meaningful vote fails?” there was no answer. That created a real anxiety that we could crash out this Friday without a deal. It was in those circumstances that the EU acted as it did in putting forward the dates of 12 April and 22 May, so the Government have lost control of the very negotiations.

The Prime Minister also appears to have lost control of the Conservative party. There have already been too many jokes about whether the Chancellor of the Duchy of Lancaster is the Deputy Prime Minister or the putative Prime Minister, so I will scratch them from my speech, but it is clear that control of the party is gone. Tonight, it is likely that the Prime Minister and the Government are going to lose control of Parliament and of the process in circumstances in which, arguably, they do not need to, because they could have acted last week. The sense that we have to move forward was in the debate last week. It is not new today, because it was clear that many Members want to find a way forward and feel a duty to break the deadlock. That was the subject matter of last week’s debate, but instead of a constructive discussion about how we do it, we will probably divide on this motion.

Kevin Brennan: On breaking the impasse, the Conservative manifesto has been cited, but is it not the case that manifestos need to win a mandate in order to be implementable? The Conservative party did not win a mandate at the last general election, because a mandate would mean having an overall majority in this House. Contrary to what the Secretary of State for Exiting the European Union has said, does that not provide room for the Government to be more flexible on this matter?

Keir Starmer: I agree with that sentiment. I have stood here and been critical of the red lines that the Prime Minister put in place at the beginning of the protest, and I have always seen them as the cause of the problem, but today is not really about an inquisition into that—although there will have to be one—because it is about whether we can find a way forward. I honestly think that many Members want to find a way forward and have been working to that end.

Gareth Snell: The Prime Minister was rightly questioned by Labour Members earlier as to whether she would honour and be bound by the result if the House were to come together on indicative votes and find a way forward, but the Prime Minister was unwilling to say that she would be. If this House comes forward and finds a majority for a deal that is different from Labour party policy, would we be bound by that and would we whip in favour of it?

Keir Starmer: I listened carefully to what the Prime Minister said, and I will say something about that in a minute. I think she was saying that she would not say in advance whether she would be bound, and we need to probe that, because it is an important point. However, we are getting slightly ahead of ourselves. The process that is envisaged, in the first instance, is to test whether there is a majority among different propositions, and we need to get to that stage.

Sir William Cash: I am sure that the right hon. and learned Gentleman understands that although amendment (a) is in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), in reality there are only 14 or 15 Conservative names on that amendment so, to all intents and purposes, it is the number of Opposition Members who would carry it. How does he answer the point that an attempt to do so would effectively seek to reverse both the referendum result and the European Union (Withdrawal) Act 2018 itself?

Keir Starmer: I honestly cannot see how exploring whether there is a majority for a different approach is inconsistent with anything that we have done so far. It is actually what we should have done two years ago, because the referendum answered just one question, which was whether more people would rather be in or out of the EU. It did not answer the next huge question, which was, “If we vote out, what sort of future relationship should there be?” That required serious and considered discussion, and really should have been discussed in this House to see whether we could reach an agreement.

Mr Kenneth Clarke: The hon. Member for Stoke-on-Trent Central (Gareth Snell) asked a serious question a moment ago about whether the Labour party would regard itself as bound to give support to any majority that emerges—the same question that we were putting to the Government. The whole thing is pointless if the Labour party is going to whip on all these indicative votes and then whip against a majority if that is not consistent with its manifesto, which also did not get the majority support of the public at the last election. We resolved all this in 1972—I apologise, because I do not normally go back into the depths of history—by having free votes on each side, because it would have been fatuous for the Front Benches to go as part of the process. Will the Labour party have free votes? Will it be bound by whatever majorities might emerge from the indicative voting?

Keir Starmer: If amendment (a) is passed tonight there will be an intense discussion about how the process will take place and what the options will be. When we see those options, the Labour party will take decisions about how to whip—[Interruption.] Let me complete
the point. If one of the options is no deal, we will of course whip against it. If that is the outcome, we will reject it. Of course, we need to see the options.

Alison McGovern (Wirral South) (Lab): I am glad to hear my right hon. and learned Friend say that the Labour party will whip against no deal, because we are talking about my constituents’ jobs. Does he agree that these questions about the constitution are not new? By definition under our constitution the thing that wins votes in this House is the Government, and it was hardly Back-Benchers who broke that convention.

Keir Starmer: I agree with my hon. Friend. In a sense, we are in this place only because there is no other way to break the deadlock or the impasse.

Ms Angela Eagle (Wallasey) (Lab): Does my right hon. and learned Friend agree that if the Prime Minister had not tried to exclude Parliament completely from having a say—she had to be dragged kicking and screaming by the Supreme Court to allow us to legislate on triggering article 50—and if she had had a proper cross-party process and a national debate with a Green Paper and a proper White Paper, instead of springing things already decided on this House at the last possible minute, she would have considerably more good will in this place and there would have been a chance for us to do what she had not tried to exclude Parliament completely from. They are doing their job.

Keir Starmer: I could not agree more. It is a matter of record that the Prime Minister did not want to exclude Parliament even on triggering article 50, on which we got a vote only because of a Supreme Court decision. She did not want a meaningful vote, which we got, in the teeth of the Government whipping against it, only because we won a vote. It is true that, every time, the Government have whipped strongly against any amendments about objectives, including a very controversial whipping exercise in the summer that threw up a debate about maternity leave. The idea that the Government have been genuinely open to debate, and have been willing to listen to where the House is, is just not true. We really should have gone through this exercise two years ago, but I understand the argument that we are where we are and we now have to find a way forward, which is why we support amendment (a).

If we are to find a way forward, we need to be clear about what we are not prepared to do. There is no way forward that includes blaming Members of this House for the mess we are in. There is no way forward that includes whipping up a sense of the people versus MPs. There is no way forward based on the notion that Members on either side of the House who persistently and forcefully advance their views, whatever those views may be, are indulging in some kind of illegitimate exercise—they are not. They are making important points on behalf of their constituents and in the national interest. They are doing their job.

I heard the Prime Minister say earlier that she did not intend her comments last week to have that effect, and I am not sure what I am more concerned about: that she made the comments, or that she did not appreciate how they would be heard in the environment in which we live. Nor can we find a way forward based simply on the proposition of putting and reputting the same meaningful vote. The fact that we are even discussing meaningful vote 3, or even meaningful vote 4, only has to be said to be seen to be absurd. The deal has been roundly rejected twice. We now need to move on, and I hope we can begin that process tonight.

Anna Soubry: The right hon. and learned Gentleman will have listened with great care to what the Minister for the Cabinet Office said about the Government’s alternative if amendment (a) fails to win a majority. Does he share my concern that the Government would, in effect, only allow indicative votes on the political declaration? The assumption would be that the withdrawal agreement will go through and cannot be touched or amended. In that event, is this nothing more than a Government ruse to get the withdrawal agreement through via some back-door method?

Keir Starmer: I am grateful for the right hon. Lady’s intervention. I listened carefully to what the Minister for the Cabinet Office said in relation to the withdrawal agreement. This is no disrespect to him, because I do respect him, but trust in the Government is not where it should be. This is not to disrespect anyone sitting on the Government Front Bench, but when we voted to take a no deal off the table, and when we voted on an extension, we were voting on the basis of what he said from that Dispatch Box about a short extension, in the event that the meaningful vote failed, being reckless.

When the letter to President Tusk was written last week, some of us were therefore taken aback and did not think it reflected what this House had decided. That is now one of the problems in relation to this exercise, because there is a lack of trust. If amendment (a) is not passed this evening, we may find that we are not where we thought we would be when we get to Wednesday, Thursday and Friday—it would not be the first time.

The decision of the European Council to grant an extension to article 50 was a necessity and, in truth, the only way to prevent our leaving without a deal on 29 March, but, as I have said, any extension must be for a purpose, which is why we need to come together to decide that purpose. The Minister for the Cabinet Office said two weeks ago, and he elaborated on it today, that the Government would consult the other parties through the usual channels and work to provide a process by which the House could form a majority to take things forward. It seems that the Government agree with what amendment (a) intends to achieve. If it is passed, MPs will decide the options, which is right. The Government say that would give too much control to MPs, but then they say, “If it doesn’t go through, we will provide the time. As for the options, that should be for MPs.” If the Government are true to what they say, MPs will decide the options in any event, so the easiest thing would be for the Government simply to signal that they accept the amendment. We could then foreshorten the debate, move forward and start the discussion on how the process will actually work.

Amendment (d), in the name of the Opposition, seeks to achieve that purpose, and amendment (a), in the name of the right hon. Member for West Dorset (Sir Oliver Letwin) and others, does so, too. We will be supporting both amendments this evening.
Liz Kendall: Does my right hon. and learned Friend agree it is important that MPs should determine not just the options but how those options are voted on? Many hon. Members would be concerned if we voted on one option after another, rather than voting on all at the same time. The benefit of amendment (a) is that it allows precisely that, for MPs to vote on all options at the same time, as well as determining what those options are.

Keir Starmer: My hon. Friend anticipates my next sentence, which is that we recognise that Members will have different views on how the process should go forward. There will have to be intensive discussions over the next couple of days as to how that operates, but it needs to be a process that allows us to arrive at a sustainable majority view.

Ian Murray: My right hon. and learned Friend and his team have done a fantastic job on this issue. Will he try to answer my question, which the Prime Minister and the Chancellor of the Duchy of Lancaster failed to answer twice this afternoon? The Prime Minister said in her statement that, unless this House agrees to it, a no deal will not happen. What does my right hon. and learned Friend surmise that means? What does he think the Government are trying to achieve?

Keir Starmer: I think it is a version of what has gone before, which is to say that the Government accept there is no majority in this House for a no deal—there certainly is not, and I do not think there ever has been—but, at the same time, to leave the threat of a no deal dangling by some kind of legal default. If the Prime Minister’s comment has meaning, and I hope it does, it ought to commit the Government to take whatever steps are necessary in order to avoid a no deal, otherwise it is meaningless. It is really important that that is established.

Owen Smith (Pontypridd) (Lab): Is this not another example of the doublespeak we have come to expect from the Government? Our concern this evening is that we are witnessing another example of doublespeak and, potentially, double dealing. The implication of the Government accepting both the spirit and effect of the Letwin proposal while saying they will not be bound by it is meaningless. It is really important that that is established.

Keir Starmer: I am grateful to my hon. Friend for that.

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Keir Starmer: I am grateful to my hon. Friend for that.
perfectly reasonable, logical answer—to find, in a week or two, or whenever it may be, that whatever outcome is agreed upon by a majority it will never be accepted by the Government and we are back to where we started. That is my concern about the exercise. So when the Government say they will go into it in good faith, that has to mean that, if there is a majority, the Government will look very seriously at supporting where that majority view is and not simply rule it out. The red lines are the very thing we are trying to break. If the Government apply their own red lines to any outcome and say, “It does not fit our red lines”, there is not much point going through the exercise in the first place because it is precisely to remove those red lines that we are going forward.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): My right hon. and learned Friend is making a powerful point about the absurdity of an ill-designed referendum that asked for a simplistic answer to a very complex question. Nobody can really understand what that 52% who voted leave wanted because it was so ill-defined and so massive. The Government have arrogantly assumed that they have a monopoly of wisdom on what that leave vote meant and hold Parliament in contempt in pursuit of it. Is it not the reality that, as the Chancellor of the Exchequer has said, something like a confirmatory public vote would be entirely logically coherent, and that it is bizarre that the Prime Minister, despite not having a mandate or a majority, seems so pig-headed in not actually reaching out to the House of Commons to pursue that sort of consensus-building approach?

Keir Starmer: I am grateful for that intervention. On this question of the Government accepting the outcome, if they simply reject whatever is the outcome of this exercise, they will be doubling down on one of the big mistakes of the past two years, which is to push Parliament away and not let Parliament express its view as to where the majority is. That is one reason we are in this mess. For two and a half years the Government have pushed Parliament away at every turn and we need now to find a mechanism, albeit a constitutionally innovative one, to break through that.

John Mann (Bassetlaw) (Lab): Does my right hon. and learned Friend not recognise that, in some areas, there is huge opposition among the electorate to having European elections, but there is the opportunity, through the withdrawal agreement Bill, should it ever be reached, for every single option being potentially proposed on Wednesday to be put as amendments, including the customs union? Has he considered that as an option?

Keir Starmer: I have, not least because my hon. Friend raised it with me last week. The difficulty is that the EU argues that, once the withdrawal agreement and political declaration are agreed, we cannot, through domestic legislation, change the terms of those documents. Therefore, whatever amendment is put down to the legislation, it could not alter the terms of the political declaration. So it is not accurate to say that all of this could be swept up with the implementation Bill, because the words in the document that we are seeking to implement have to be the ones that the House is happy with and thus has agreed before we get to that stage. Some things could be dealt with in the implementation Bill—I do not quarrel with that—but the EU will not countenance this House changing the terms of the EU’s agreement through amendments to the Bill. That was one of the concerns the Government rightly put in relation to the meaningful vote. When we were saying that there should be amendments to the meaningful vote, the Government’s position was that we cannot really have amendments because this House cannot amend the substance of the document.

John Mann rose—

Keir Starmer: I will give way, but then I am going to make some progress because I realise how long I have been talking.

John Mann: Would my right hon. and learned Friend not also accept, on the proposal put to him this afternoon of having separate votes on the political declaration and the withdrawal agreement, that it is the political declaration that is up for steering what happens in the next phase, whereas the EU has made it clear that the withdrawal agreement itself is not for renegotiation with anyone, at any time?

Keir Starmer: I certainly accept the proposition that the EU has said that the withdrawal agreement is not for reopening at any stage, and it has resisted that for month after month from the Government. But I remind myself and the House that in the letter that Presidents Tusk and Juncker wrote to the Prime Minister in January they were clear that the withdrawal agreement and the political declaration are part of the “same negotiated package”. I believe those were their words. I also remind myself and the House that under section 13 the withdrawal agreement and the political declaration go together. That does not mean that there are not different views on the agreement and on the declaration, but they are part of the same negotiated package.

Anna Soubry rose—

Keir Starmer: I am going to make some progress now, because I wish to indicate that we would have supported amendment (c) and that we do support amendment (f), tabled by my right hon. Friend the Member for Derby South (Margaret Beckett). Amendment (f) addresses a different point, which is how to prevent a no-deal outcome and ensure that the House can shape the extension process. We thought we had cleared up those matters some weeks ago, but it is important that we come back to my right hon. Friend’s amendment so that we can reassert the position going forward.

Tonight really is about the opportunity to bring to an end the Government’s failed approach. For two years, they have not put forward a credible plan, or really listened to other alternatives. I used to say that the Prime Minister was surviving by the week, but I changed that to saying she was surviving by the day: now, she appears to be surviving by the hour to get through to Wednesday. Enough is enough. We cannot go on like this. The country deserves better. Parliament must take back control. We have the chance to do that tonight and we should do it.

7 pm

Sir Oliver Letwin (West Dorset) (Con): Amendment (a) has already been much discussed in the course of this debate, and I do not want to detain the House long.
First, though, I wish to say what it is trying to do and what it is not trying to do. It is not some kind of massive constitutional revolution, although I know that some of my hon. Friends and others have suggested that it is. The truth is that, as you said yourself earlier in the debate, Mr Speaker, the House has since its inception owned its Standing Orders. In fact, under the principle of comity—one of the most fundamental principles of our constitution—the courts have never sought to intervene in the proceedings of the House of Commons and the House of Lords, and have recognised that the House in each case controls its own proceedings.

As a matter of fact, the idea that it is an ancient constitutional principle that the Government should control the Order Paper is slightly anhistorical, if that is the right word, because the practice started in 1906, so it is not, as far as I am aware, part of our ancient constitution. For about 400 or 500 years, things that either were the House of Commons or were very much like it controlled their own Order Papers. That changed at the beginning of the 20th century, but what did not change was the fundamental point that the way that Standing Orders are decided is by a majority vote in the House of Commons, and therefore they can be adjusted by such a vote and, if so adjusted, the adjusted version is what applies.

Every time there is a private Members Bill Friday, astonishingly, the Government do something that we are apparently now treated to regard as utterly revolutionary—they hand over to private Members the opportunity to put forward Bills. According to this soi-disant constitutional theory that has been invented, that must be a kind of revolution, because it is not the Government putting forward a Bill, but in fact we have been doing it perfectly happily for years. So there is no revolutionary intent behind the amendment at all.

The second point I wish to make is about what the amendment does do. It does exactly what has been described in the debate; namely, it provides an opportunity, simply and nothing more, for the House of Commons to begin—I stress, to begin—the process of working its way towards identifying a way forward that can command a majority in this House.

I wish to reflect for a second on my own personal history in this matter. I find sometimes from the communications, not always utterly polite, that I receive from various quarters on my iPhone, that it is supposed that I have from the beginning attempted to destroy the Government’s efforts to carry out an orderly Brexit. That is obviously a more amusing story than the real one, but the real one is very sad and ordinary. I started to work on a cross-party basis with many colleagues on both sides of the House to try to find a way forward that can command a majority in this House, to produce results—some of which are now encoded, as a matter of fact, in section 13 of the European Union (Withdrawal) Act. It was my endeavour to make this a process that enabled the Prime Minister to get to the end of the road successfully.

I have fulfilled that endeavour by trying to vote with the Prime Minister on every occasion on which she has brought a section 13 motion to the House. I apologise to Opposition Members for saying that I will do that again if the Prime Minister brings forward a meaningful vote 3, 4, or infinity. I will go on voting for the Prime Minister’s deal, because I happen to think that it is perfectly okay. I am very conscious that many Members do not agree with me.

The problem we have faced—all 650 of us can agree on this—is that we have not been able to get a majority for the Prime Minister’s deal. That is the fact, and it is a problem, because if there is no majority for that deal and we want to leave the EU, we are forced down only one of two possible tracks, one of which is to find an alternative and the other of which is to have no deal. It was at the point a few months back when I surmised that there was a real possibility that the Prime Minister, I think by mistake rather than on purpose, was going to end up taking us out without a deal and without having adequately prepared for that, that I became so concerned that I started to work on a cross-party basis with many colleagues on both sides of the House to try to find a solution. This modest attempt to provide the House with an opportunity to vote in the majority in favour of an alternative way forward is simply part of that process.

Wera Hobhouse (Bath) (LD): There is a sentiment in the House that we need somehow to compromise. Earlier, I said to the Prime Minister that it was previously unthinkable for me ever to vote for a Brexit deal. Why is it so unthinkable for Government Members to agree to support a people’s vote on whatever Brexit deal we come together for?

Sir Oliver Letwin: If we go through the process that I hope we can inaugurate this evening, one thing we will all have to do is seek compromise. We almost know that if we all vote for our first preference, we will never get to a majority solution. I do not believe there is a majority in favour of the first preferences of any person in this House.

Gareth Snell: We have heard today from the Prime Minister and from my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) that there is no immediate guarantee that whatever majority we find in the House will become the established policy of either of the two main political parties. Does the right hon. Gentleman share my concern that we may end up in a situation in which we manifest a majority for a deal that is not quite right for the Conservative party and not quite right for the Labour party, and then the Whip system will kick in and there will suddenly be no majority in Parliament at all? In my mind, that makes no deal very dangerous and real.

Sir Oliver Letwin: The danger that the hon. Gentleman speaks of is real—we all face it—but there is a solution to it, which is to ensure that as we approach a majority...
[Sir Oliver Letwin] we sufficiently discuss that issue, not only among Back Benchers but with those on the two Front Benches, to ensure that there is what the shadow Secretary of State rightly referred to a few moments ago as a “sustainable majority”. We need not just a majority for something but a majority for something that will continue to persist as the various stages have to be carried through. That must be our aim.

Mr Kenneth Clarke: I have agreed with my right hon. Friend’s every word so far. He has just reached the key moment. As his amendment does not set out precisely the form that the indicative votes will take, there is a real danger that if everybody votes for their first preference, we will not produce a majority for anything. His amendment does not set out the basis on which the indicative vote motions are to be tabled. How are we to resolve the method by which we table them? The opinion of the hon. Member for Bishop Auckland (Helen Goodman) and myself is that the single transferable vote is the best method by which we table them.

Sir Oliver Letwin: My right hon. and learned Friend is asking what is clearly one of the right questions. I give him two answers. The first is that, if this amendment is passed, we will need to think very seriously over the next 24 hours about the shape of the business of the House motion to determine the process for Wednesday, and indeed about how the process will carry forward beyond that. My own view is that, at least to begin with, it may be wiser simply to disclose where the votes lie on a plain vanilla basis—this point was made very forcefully a few moments ago—with all the voting going on at once, with pink slips in the Lobby at the end of the debate and not sequentially so that we do not have the gaming of sequence. On that basis we could discover which propositions that have been put forward commanded significant support and which did not. We should do so in the hope that, as politicians—we should remind ourselves that we are not just an ordinary electorate, but politicians who have spent our lives in this business—we can, in the succeeding few days, having observed the lie of the land, zero in on a compromise that could get a majority.

My second answer is that I do not ask what is clearly one of the right questions. I give him two answers. The first is that, if this amendment is passed, we will need to think very seriously over the next 24 hours about the shape of the business of the House motion to determine the process for Wednesday, and indeed about how the process will carry forward beyond that. My own view is that, at least to begin with, it may be wiser simply to disclose where the votes lie on a plain vanilla basis—this point was made very forcefully a few moments ago—with all the voting going on at once, with pink slips in the Lobby at the end of the debate and not sequentially so that we do not have the gaming of sequence. On that basis we could discover which propositions that have been put forward commanded significant support and which did not. We should do so in the hope that, as politicians—we should remind ourselves that we are not just an ordinary electorate, but politicians who have spent our lives in this business—we can, in the succeeding few days, having observed the lie of the land, zero in on a compromise that could get a majority.

Mr Clarke rose—

Anna Soubry rose—

Sir Oliver Letwin: I give way first to my right hon. and learned Friend.

Mr Clarke: Given that the process could take a few days more, as my right hon. Friend clearly explains, does that not underline that we had better crack on with this on Wednesday? If the Government will not, for some peculiar unknown reason, commit to Wednesday in their wind-up tonight, it is absolutely essential that we pass his amendment.

Sir Oliver Letwin: I find myself in the very odd position of being slightly more hard-line than my right hon. and learned Friend on this. I am afraid that we have to press this amendment tonight, because I do not believe that the Government have a clear view of how they would conduct this process. The terms of the amendment, which have been very carefully considered over quite a long time, are structured in a way that maximises our flexibility and our capacity as a House to work together. We should work with Members on both Front Benches on formulating Wednesday in the best possible way and producing a business of the House motion that, if possible, is a matter of consensus. That is best done under the framework of this amendment, and we should press it tonight.

Stephen Doughty: I will support the right hon. Gentleman’s amendment tonight, and I am happy to have put my name to it. What he said about not rushing through this all in one day is a very important point. We need time. There are reasonable concerns that people do not want suddenly to be deciding on the future relationship of the country, potentially for the next 40 years, in a couple of hours in here. I was pleased to hear what he said about this being the start of a process. Does he agree that in getting together and setting that business of the House motion, we must ensure that it is a fair, balanced process that enjoys the confidence of Members in all parts of the House—all parties and all persuasions—and that it is not seen as loaded in one direction or the other, or indeed in favour of the Government’s policy?

Sir Oliver Letwin: I thoroughly agree with the hon. Gentleman. It is possible—and, above all, it should be possible for us at this juncture—to ensure that the neutrality of the process is guaranteed. Of course we will have conflicting views about the ideal outcome, but if we are to come together on an outcome that all of us can tolerate, and that will consequently achieve a sustainable majority, we will have to ensure that everybody recognises the process by which we get to it as being fair and neutral as between the various options.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab) rose—

Hilary Benn rose—

Sir Oliver Letwin: Of course I shall give way, but if the right hon. Members will allow me, I did indicate earlier that I would give way to the right hon. Member for Broxtowe (Anna Soubry).

Anna Soubry: I just wish to confirm everything that the right hon. Gentleman has said about how he started off believing in the delivery of Brexit, and indeed continues to do so. His description of his journey is accurate. My question was whether he would push his amendment to a vote, and if so, why. I think he has made that very clear to the House.

Sir Oliver Letwin: I am delighted to give way next to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper).
Yvette Cooper: I thank the right hon. Gentleman. As he knows, I strongly support his amendment, and he is making an extremely important speech. Does he agree that, as the Government has effectively taken two years to get to this point, it is not unreasonable for the House, in this unusual and difficult situation, to recognise that it is likely to take us more than one day to attempt to do what the Government should have done quite a long time ago? Can I therefore urge him, when he is thinking about further steps, to highlight the importance of our identifying a further day next week when we can have similar debates and discussions if we need to, so that we can come to a conclusion? I also urge the Government to think about what they should be doing to provide for these further votes so that we can come to a consensus, and to recognise that there may need to be further binding votes in this process as well.

Sir Oliver Letwin: Unsurprisingly, given the close co-operation that there has been between us, I entirely agree with everything that the right hon. Lady has just said. It is of the utmost importance that the business of the House motion on Wednesday should also provide for a further day, or days, in which to take forward the process that will begin on Wednesday so that it can reach a successful conclusion. We will also have to attend to the question that has been discussed this evening and that began to be aired when the Prime Minister was answering questions on her statement: what the Government will do if the House reaches a majority—not for some unicorn or some ludicrous proposition that utterly contradicts common sense, but for a sensible way forward—and how we will persuade the Government at that stage to allow that majority view to be implemented. That will be a major issue.

Helen Goodman (Bishop Auckland) (Lab): As the right hon. Gentleman knows, I support his amendment and will vote for it tonight. I am delighted that he has agreed that we need to move to paper ballots and to end some of the gamesmanship that has been going on. The Father of the House raised the issue of the voting system, so I shall not repeat that point, but there are two other points that we need to bear in mind. One is whether the votes are indicative or definitive. Perhaps we will move from one to the other, as my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) said. The other point is how we do that will also be a subject for discussion, as well as actually going on to do it.

Sir Oliver Letwin: I was with the hon. Lady nearly to the end, but not quite to the end. I am conscious that although the point that the right hon. Member for Normanton, Pontefract and Castleford made a minute or two ago is right—we should allow ourselves a couple of days to do what should have been done over a couple of years—we are also under very considerable time pressure. There is a reality in the situation, which is that on 11 April, we will hit the buffers. Therefore, we should not spend too much time debating the process. We should, if possible, move forward on the basis that there is sufficient consensus about the process not to have to debate it, and get on with the substance. To that end, it would be sensible if we began this process by allowing Members who wish to put forward alternatives to do so. There are groups of people who support, for example, a people’s vote as a confirmatory process or otherwise, Norway plus, or the propositions hitherto put forward by the Opposition. We need to let those Members formulate their propositions in their own terms, in the ordinary way.

You have a long record, Mr Speaker—previous Speakers have also had a long record—of finding a way of selecting for debate amendments that carry sufficient weight in terms of numbers, cross-party support and so on. That is a perfectly proper process to use. It does not involve any one of us tilting the playing field, and it enables us to proceed without too much further debate about process.

Stewart Hosie (Dundee East) (SNP): Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will give way, but once I have done so I am going to conclude.

Stewart Hosie: The right hon. Gentleman is being very generous in giving way. The Scottish National party will be delighted to support his amendment because if the House controls the process, it is likely that all the options can be considered, including revocation, which is the only thing that we can do unilaterally. I say that publicly now partly as a pitch for revocation to be on the options paper, but mainly to say that I rather lack the trust in the Government that they would include all the valid options if they were in control of the timetable.

Sir Oliver Letwin: I am glad that I did give way to the hon. Gentleman—first, because I am obviously very grateful that he and his colleagues will be supporting the amendment, and secondly, because I wholeheartedly endorse what he says. Personally, I am utterly opposed to revocation and I am also actually wholly unpersuaded of the merits of a people’s vote at the moment, but both are obviously serious options to consider. Incidentally, I am also radically opposed to a no-deal exit, but if some of my colleagues wish to put that forward as a serious proposition, it is a serious proposition that would need to be debated. Yes, it is essential that we should be able to look at all the serious options—not wild unicorns, but things that we could actually do to carry this process forward in one direction or another. I feel confident, Mr Speaker, that when you look at sensibly phrased motions of very different kinds, you will choose for debate all those that are serious possibilities that the House needs to consider; that is in the interests of the House and in the interests of the nation.

I will end my remarks by mentioning something that comes from personal experience. Liberal Democrat colleagues may recall this, as well as some of my hon. Friends on the Conservative Benches. There was a time, in 2010, when this nation faced another cliff edge. We were within days of the Bank of England discovering that our creditors would not finance the UK any more. It was just after the 2010 election, which no one had won, and it was clear that nobody could form a Government except by coalition. We were very heavily indebted due...
to what had happened in 2008, and we were told by the Governor of the Bank of England that if a coalition was not formed pretty quickly, he personally felt that the lenders would go on strike and we would have a meltdown.

Of course, there were then discussions between the Liberal Democrats and the Labour party, and between the Liberal Democrats and the Conservative party. I was a part of the Conservative party team on that occasion and I was informed, when we had finished those negotiations and had brought them to a successful conclusion, that the cleverest and most experienced people in the civil service—incidentally, I do not wish to demean the civil service, and I hardly can because my wife was a senior civil servant—had put their collective minds to the task and formed teams to find out whether it was possible to have a coalition agreement, either between the Labour party and the Liberal Democrats or between the Liberal Democrats and the Conservative party. They had worked the situation through in awesome detail and had convinced themselves that it was absolutely impossible to form a coalition—that it could not be done.

We sat down, and four days later there was a coalition agreement. And why did that come about? It came about because politicians sat down and were not concerned with the kinds of things that people are concerned with when they are very brilliant administrators, but were concerned with trying to find out how to accommodate the essential requirements of the other side. This is, of course, the process that should have happened two years back in this connection—but we have the opportunity to do it now. I hope and pray that if the House does not disagree with me, but who have stuck their necks out, and look at the way they have been treated.

The Prime Minister continues to appeal to the hardliners in her own party, rather than to face up to the reality of minority government, but this is a lost cause. The Brexiteers who campaigned without any sort of plan are the ones who got us into this mess. And, frankly, the message to the Prime Minister must be that they are unlikely to get us out of it. Now, it is not for me to judge Conservative party management—the voters will have their opportunity to do that in due course—but what strikes me is just how in thrall this Conservative Prime Minister is to the extremists in her own party. With that, I want to praise some Conservative Members, because there are Members who I disagree with and who disagree with me, but who have stuck their necks out, and look at the way they have been treated.

The hon. Member for Grantham and Stamford (Nick Boles), who is in his place, and I disagree over plenty, including Brexit; he wants us to leave the European Union and I do not. Some Members have tried to make positive proposals, although we do not always agree on them. But even when one of those proposals is accepted by the Government—as was the case with the amendment tabled by the hon. Member for South Leicester (Alberto Costa)—we are now in a situation whereby the hon. Member for Grantham and Stamford finds himself deselected and the hon. Member for South Leicester finds himself sacked, yet all along—I disagree with them over this—they have backed the Prime Minister’s deal. What does that tell us about trying to find some kind of consensus or trying to reach across? This is a Government who are in thrall to the very extremes, and this House cannot put up with that any longer. Just look at the invitation list of those who were treated to lunch at Chequers: the very people voting against the Prime Minister. This tells us everything about a Prime Minister who has lost control of her own party and who has dragged us into this folly.

Anna Soubry: Will the hon. Gentleman give way?

Stephen Gethins: I will give way to the right hon. Lady because she has some experience in this.

Anna Soubry: I do indeed. Does it strike the hon. Gentleman as being quite perverse that the very people invited to Chequers were the very people who, in December, sought a motion of no confidence in the Prime Minister as leader of the Conservative party and plotted against her? Is he also aware that a lot of Conservative associations hold their annual general meetings at the end of this week, and does he share my concern that too many right hon. and hon. Conservative Members will be more concerned about the outcome of those AGMs than about the effect of a no-deal Brexit—or, indeed, any Brexit—on their constituents?
Stephen Gethins: The right hon. Lady knows the Conservative party much, much better than I do, and it shows. She makes a very valid point. The small, elitist group of Conservative MPs—all men, incidentally—who were invited to Chequers have failed, and failed spectacularly, on their pet, lifelong political project. I would not let that lot anywhere the TV remote in my house, never mind the most important decision that we have had to make for generations.

Wera Hobhouse: Would the hon. Gentleman extend that tolistening to a mob of people who will apparently rebel if we ever do not deliver on this vote of the people? Nobody listens to the peaceful 1 million people and 5 million people who want to revoke article 50. They are not giving us death threats or mobbing us; they are just peaceful people. Yet we are worried about the keyboard warriors who threaten us from the security of their homes. Is that not also wrong?

Stephen Gethins: The hon. Lady makes a very powerful point about the way that millions protested peacefully on Saturday. I am delighted that our First Minister joined them, as did the leader of the Liberal Democrats, colleagues in the Labour party and even some Conservative colleagues. They were right to have done so.

The Prime Minister is effectively out of power, and we need to move on. Her deal has been rejected twice, overwhelmingly, which means that it becomes more and more pointless to debate it with every passing hour. The Opposition spokesperson was right to point that out. The House of Commons must seize control of this process tonight so that we can hold those indicative votes and start—to find a way out of this mess. We know from the UK Government’s own warnings that her deal is not in the best interests of anybody in the UK, and we know that no deal is not in anybody’s best interests either. This Parliament has come together and comprehensively rejected both her deal and no deal. Having wasted almost three years, the Government have run out of options and run out of ideas, and we need to step up.

Where we are today is not a farce: it is a tragedy, and a tragedy that is taking us all down with it. I assure colleagues that, as somebody who fundamentally wants Scotland to be an independent state, it really gives me no pleasure when I speak to colleagues overseas and find that the UK’s international reputation is broken. That hurts us all. When I was working in the European institutions, I saw that overall in the EU, the UK could be a real force for good. Although I did not always agree with everything that it did, I acknowledge many of the positive contributions made by UK citizens to the EU project. It is right that we all acknowledge that.

What was more striking, however, was the way in which the UK and Ireland worked as the closest possible allies and partners in the European Union. For the first time in that troubled history, there was truly a working as a partnership of equals alongside other European states. Now—again, this gives me no pleasure, nor, I suspect, the Irish either—the boot that has historically been on the foot of the UK is now on the other foot. As Robert Cooper wrote in the Financial Times:

“The smallest insiders (Dublin in the case of Brexit) matter more than the biggest outsider (us).”

That tells us everything about solidarity in the workings of the European Union. Yet even on this, the Irish do not crow but have been honest brokers. The best friends any of us can have are friends—the ones who tell us the truth when we want to see it the least. I have heard, when these matters of truth have come out, Brexiteers getting enraged and annoyed at the truth that people dare speak from Dublin.

Let me remind all Members that Ireland is independent and is not coming back—and it is not difficult to see why. Independent states thrive in the European Union. That is a means of strengthening democracy and sovereignty. The EU is a partnership of equals in a way that the UK simply is not. I want to see Scotland as a full and independent member state of the EU. That would be healthier in our relationship as a modern outward-looking nation in the same way that it has been healthy for the Anglo-Irish relationship.

Here in the UK, people are seeing through this mess. At the weekend, as we have heard, hundreds of thousands of people from the length and breadth of the UK marched for our collective future. Since then, at the last look, the revocation of article 50 petition has been signed by 5.5 million people, including 17% of the electorate in my own constituency—and that is not even the highest figure in Scotland. Millions of people can see what this Government cannot. What this Government clearly cannot see, but these people can, is that when you are careering towards the cliffs you slam on the brakes—that is what they are there for. Let us not forget that Parliament has that power, as was recognised by the courts, because the UK Parliament throughout this has retained, and always will retain in these circumstances, sovereignty in a way that the Scottish Parliament does not. Spot the difference, everybody: the UK Parliament, as a member of the EU, retains sovereignty; the Scottish Parliament, as this process has shown us, does not. This may provide a mechanism to stop doing untold damage to those we all represent.

Joanna Cherry (Edinburgh South West) (SNP): My hon. Friend is making a very powerful speech. I want to ask him about something that the Chancellor of the Duchy of Lancaster said earlier—the Government article 50 could only ever be done once, and it would be permanent and could never be reversed. Has he, like me, read the decision of the Grand Chamber of the European Court of Justice? Does he agree that the Chancellor of the Duchy of Lancaster has got that wrong and that if this House chose to revoke article 50, it would be possible at some point in the future to resubmit the article 50 notice, provided that it was done in good faith?

Stephen Gethins: As usual, my hon. and learned Friend makes a very powerful point. I know that she tried to intervene on the Chancellor of the Duchy of Lancaster, but those on the Treasury Bench will have been listening to and taking note as well.

We are told that the biggest problem with this is the European elections. Let me tell the Government something: the biggest problem is not the European elections—not people taking part in a democratic election to elect parliamentarians—but the jobs that revoking article 50 could only ever be done once, and it would be permanent and could never be reversed. Has he, like me, read the decision of the Grand Chamber of the European Court of Justice? Does he agree that the Chancellor of the Duchy of Lancaster has got that wrong and that if this House chose to revoke article 50, it would be possible at some point in the future to resubmit the article 50 notice, provided that it was done in good faith?
Parliament sits at the heart of the European project. We sit in a Parliament where not even half the parliamentarians who serve here are elected. It is a disgrace—it really is. We will be caused a huge amount of damage just because the Government want to avoid the democracy and scrutiny that comes with a European Parliament election. However, I am not that surprised when we have a Prime Minister who, as we have heard today, not only opposes a referendum and giving people a say in this momentous decision but is even opposed to respecting the will of Parliament.

If the Brexit debate has done anything, it has shown that the UK and the way in which it operates is no longer fit for purpose, as the example of the House of Lords amply illustrates. The EU is not perfect—no union involving 28 sovereign and independent member states ever can be—but, critically, it has the checks and balances to protect the smallest members from the largest. Within the UK, we have a constitutional set-up that is somewhat outdated and has not caught up with the momentous decisions that we are having to make now, but in the EU there is a modern and up-to-date relationship between member states—a true partnership of equals. I say this to a Government who have failed to respect devolution throughout this process: the EU would not be allowed to do that; indeed, it cannot be allowed to do that. To the people of Scotland, our message is this: there is a better way to do this that our friends and neighbours—our nearest neighbours in places like Ireland and Denmark—are pursuing successfully. This is not as good as it gets. In the meantime, and until we reach that point, it is up to each and every one of us to continue to work as constructively as we can.

I do not want to see our friends and neighbours south of the border dragged over a cliff edge by an out of touch and irresponsible group of Tory anti-EU ultras—no country deserves that. The easiest thing for us in Scotland would be to say, “We voted against this. It’s not our problem,” but actually it is our problem. We cannot just say, “The Tories made this mess. It’s for them to clear it up,” because it is clear that they are incapable of clearing up the mess they have made. The damage these plans would do to everyone across these islands would be devastating and felt for decades to come.

I again thank Members who have worked constructively. Today’s motion provides a start, but it is only that—a start on undoing this devastating Brexit, which has been brought to us by a Tory party that is out of control.

7.40 pm

Sir Nicholas Soames (Mid Sussex) (Con): Mr Speaker, I will not long delay the House. I congratulate the hon. Member for North East Fife (Stephen Gethins) on making some very interesting points, many of which I find myself in agreement with. I also congratulate my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on his absolutely formidable speech, which renders anything I can say in support pretty nugatory.

I will be voting for amendment (a) tonight, but I want to make some general points. It is of the greatest importance for our country that we should now move to a conclusion on what is merely the beginning of a tortuous road that will eventually lead to our departure from the European Union. Like my right hon. Friend, I voted to trigger article 50, despite serious reservations on the timing. I have voted with the Government in every single Division on the withdrawal Act and on every other piece of legislation to advance the delivery of Brexit. I have voted to leave and to honour the referendum many more times than my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson), my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois), my hon. Friend the Member for Wycombe (Mr Baker) and many others. I find it ironic that those who apparently wish most fervently to leave are those who have most consistently voted against the withdrawal agreement and thus inhibited any real progress.

I should make it clear that there are no circumstances in which I will vote for a no deal, and nor will I back what would be a deeply divisive second referendum. Both are a recipe for further chaos and division, which should be unacceptable to those on all sides of this argument, for whom it is surely time for logic and common sense to prevail.

Like my hon. Friend the Member for Penrith and The Border (Rory Stewart), I still believe in sanity. This is a country with a profound tradition of moderation and common sense. Our democratic institutions are elastic enough to be capable of compromise and of moving from the rhetoric of rejection to the painful necessity of an actual deal. It grieves me very much to see our influence abroad being so degraded, as the hon. Member for North East Fife said, as allies and partners who are close friends watch from afar with dismay as we burn up our reservoirs of good will and our reputation for common sense, most especially in the European Union.

Although it does not feel like it at the moment, this ancient country, in which we are so very privileged to live, is in general marked apart from many others by the tolerance, good nature and generally civilised manner of its democracy and institutions. These qualities are envied the world over; they need careful nurturing, but are currently entirely absent from the field. What on earth has happened to our pragmatism, self-restraint and common sense? It grieves me that our reputation is now under such extreme pressure at home and abroad; indeed, our reputation has been gravely diminished.

I greatly regret having to speak in this way in our Parliament; indeed, I cannot believe that I should need to do so. However, like many others, I find myself truly distraught at the painful, difficult and intractable position in which our country finds itself. What I really want, as, I am sure, do most Members of this House, is that the Government should be able to get on with the work of creating a more confident and hope-filled country that really cares for the weakest among us and for those who find their lives complicated and difficult; that encourages opportunity, enterprise and life chances; and that most especially keeps its vision of global service and influence, as a long-standing force for humanity and the general good.

Stephen Doughty: Will the right hon. Gentleman give way?

Sir Nicholas Soames: I will not, because many others want to speak. I hope the hon. Gentleman will forgive me.
All of us know that many of our constituents are understandably extremely angry that Brexit has so distracted the Government from the serious issues we face—the NHS, education, crime, the reform of social care, housing, the environment and climate change, and all the other great issues that have inevitably had to be neglected as Brexit has gradually sucked the life blood out of the Government. As you very well know, Mr Speaker, the public believe that we have collectively let them down badly, and this is leading inevitably and very seriously to the fraying of the bonds between Parliament and the nation. The national interest clearly dictates that we have to get this done and that we must get on with the vital work of establishing our future relationships with our most important economic partners and allies.

At the beginning of the business of the House every day, the Speaker’s Chaplain reads the prayer that enjoins Members most especially to “never lead the nation wrongly through love of power, desire to please, or unworthy ideals but laying aside all private interests and prepare to keep in mind their responsibility to seek to improve the condition of all mankind”.

All of us need to pay a little more attention to those wise, profound and humane words, which have guided and succoured this House through thick and thin down the years and in worse days than these. It is now time that Parliament did its duty by the country, for the national interest and for national unity, and regardless of party or inclination, to bring these matters to a conclusion.

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7.46 pm

Margaret Beckett (Derby South) (Lab): It is, as ever, a great pleasure to follow the right hon. Member for Mid Sussex (Sir Nicholas Soames), although I should perhaps place on record that I totally disagree with what he and the right hon. Member for West Dorset (Sir Oliver Letwin) said on one issue, because I feel that the only way we will resolve this situation peacefully and in a way that brings people together is by going back to the people for confirmation of whatever decision this House makes. Otherwise, I fear we will be seen as engaging in an establishment stitch-up, thinking of something that we will then foist on the people. It is essential to seek their view.

I am very conscious that today’s is a crowded agenda. Amendment (f), standing in my name and those of others on both sides of the House, is so straightforward that it practically speaks for itself, so I intend to be brief. I am also mindful of how many others want to speak.

I recognise, of course, that the House has voted on more than one occasion against the UK leaving the EU without a deal; indeed, the Prime Minister has acknowledged that. I am also well aware that there are nevertheless Members who feel that, whatever the evidence to the contrary, leaving with no deal would not cause us major problems, and that there are even some who actively support our leaving without a deal or at least regard it as a desirable outcome. Surely, however, few if any believe it would be desirable that the UK should not make such a decision but drift or fall into it by inadvertence—almost by accident. That would be the very definition of irresponsibility.

We still have a very tight timetable, which presently encompasses, in addition, a potential recess period. As I said, my amendment is extremely simple and straightforward. It seeks to ensure that the UK can leave the EU without a deal only with the explicit consent of the House of Commons.

Yvette Cooper: My right hon. Friend is making a very important speech about the risks of no deal. The Prime Minister said today:

“Unless this House agrees to it, no deal will not happen.”

However, she has not provided for any process to ensure that those safeguards are in place. Does my right hon. Friend agree that we therefore need her amendment, otherwise there is a danger that we will drift by accident into the kind of chaotic, damaging no deal that both the CBI and the TUC have warned against?

Margaret Beckett: My right hon. Friend makes a powerful point, in line with the many contributions she has made on this issue. I will come to that in a moment.

The amendment guards against a no-deal withdrawal that lacks the clear and evident consent of the House. It also allows for the possibility of the House being in recess when such a danger arises and provides for the seeking of any necessary extension of the leaving deadline. I was originally very encouraged by the Prime Minister’s statement today, as my right hon. Friend said, that “Unless this House agrees to it, no deal will not happen.” That is what the amendment says, so my hope was that the Government might be prepared simply to accept it. That would seem the logical thing to do—I am giving the vehicle by which they can give effect to the statement that the Prime Minister made today.

I listened with care to the Chancellor of the Duchy of Lancaster. I think he said that, despite the fact that the Government are not taking any steps, as my right hon. Friend just pointed out, to prevent us from simply running out of time, the amendment was not necessary. He said the problem with my proposal was that there would be only two options left before the House, and the legal default would be that we leave without a deal. That is the point—that is why I tabled the amendment. Although I appreciated the Chancellor of the Duchy of Lancaster’s explanation, I know that otherwise, we would leave by legal default without a deal. He agreed that the Government will need to come back to the Dispatch Box to deal with these issues. I suggest that the Ministers on the Front Bench pass on to their right hon. Friend that the very simple thing to do—it need take no time at all—is to accept this amendment and ensure that the House does not run the indefensible risk of stumbling out of the EU without a deal.

7.52 pm

Mr Dominic Grieve (Beaconsfield) (Con): It is a pleasure to participate in this debate and to follow the right hon. Member for Derby South (Margaret Beckett). I can tell her now that I shall be voting for her amendment if it is put to the vote at the end of the evening, as I hope it will be. I shall return to that in a moment.

I am the second signatory to amendment (a), and I want briefly to outline my thoughts on its necessity and why it may help the House. I have obviously approached this in a slightly different way from my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), as the House will be perfectly well aware, I continue to believe that Brexit is a historic mistake of very great
proportions, and I am afraid that at no time since the referendum took place have I felt, despite efforts on my part to do so, that we are moving towards a position where I could ever take the view that the future outside the EU was going to be better than remaining in it.

But I certainly voted to trigger article 50. I did it in deference to the result of the referendum and in the full knowledge that we could not even start negotiations unless we did so. Although I have occasionally been characterised as trying to obstruct Brexit, the truth is that, throughout 2017 and 2018, most of the work I did was to try to improve the process because of the concerns I had that it was being shortcut, thereby making mistaken outcomes all the more likely. I think there were only two occasions when I voted on substantive motions about alternatives, but that was because I was rather worried about the extent to which the Government seemed to be self-imposing red lines, and on neither occasion did it come anywhere close to success. I accepted that, and I accepted also that I should reserve my position on what the Government were negotiating and indicated that on a number of occasions in debates.

Where I disagree with or differ from my right hon. Friend the Member for West Dorset is that, when I finally came to look at the Government’s deal as negotiated in December, I thought it was a deal that was going to condemn us to a third-rate future. That is the basis on which I have been unwilling to support it. In saying that, I am entirely mindful of the fact that it has been negotiated in good faith by my right hon. Friend the Prime Minister, and I believe that every Member on the Front Bench has exercised as much diligence as possible to get the best possible outcome. Of course, that raises another question. If the outcome secured in December was so unsatisfactory that it was defeated by 220 votes in this House, and defeated because the examination of it from differing directions by Members on both sides of the House found it wanting, that calls into question whether in fact a fundamental error has been made and the entire process has inherent flaws.

A tendency that has crept in ever since the referendum result has been to close down debate on the basis that it is not proper to pursue it, because the referendum result must act as a diktat that prevents such debate from taking place. I have been long enough in this House to have experienced that sort of argument before, sometimes when Governments get very large majorities in general elections. I even remember on one occasion a Member of this House arguing that, because the then Labour Government had such a big majority, there was no real need any more to have the Second Reading debate of Bills, and the matter should be just put through on the nod and we should move on to the detail.

The one thing I am absolutely persuaded of is that we cannot have a working democracy where we close down debates. Democracy is all about the permanent shifting of tectonic plates. It goes on every second of every day, all the time. Just because somebody is defeated on one matter, it does not mean that they have to give up. They can keep going at it—and heaven knows, we have watched Members do just that in this House. In the same way, to argue that the referendum result imposes a permanency that cannot be challenged is, in my judgment, entirely wrong. When I look at the mess into which we have got ourselves, it appears to be at least in part the consequence of pushing that argument and thereby preventing the democratic process from working.

We get criticism that this House is not functioning properly or that democracy is not working. I think that this House has an exceptional capacity to reach sensible outcomes, but, I have to say to my hon. and right hon. Friends on the Front Bench, it has been consistently prevented from doing its ordinary job by the straitjacket that has been imposed on the extent of what is acceptable to debate.

**Stephen Doughty:** Does the right hon. and learned Gentleman agree that, just as our activities in this place are a crucial part of democracy, so too are marches on the street with 1 million people, or 5.5 million people signing a petition? They are all part of our democracy and should all be treated with respect.

**Mr Grieve:** They should indeed, particularly when anybody who participated in Saturday’s march, as I did, will have seen people who were optimistic, tolerant and filled with good humour and benevolence, even towards those with whom they disagree. It was very noticeable. I contrast that with some of the rabidity of the comments of which I have been on the receiving end from those who write to me and insist that, in some extraordinary way, the referendum has closed down areas of debate and made them illegitimate. My hon. and right hon. Friends on the Front Bench really need to ponder that when they consider why things are not working properly for us at present.

I do not want to take up too much of the House’s time, but it is for that reason that I have supported the efforts of my right hon. Friend the Member for West Dorset and worked with him and others on amendment (a). Given that the Government have run into the sand and had their deal rejected, we have to find an alternative. I acknowledge that my right hon. Friend and I may differ in part on that alternative, but where we do not differ is in our willingness to have an open debate. I was greatly helped by the way in which he approached, in his characteristic and tolerant fashion, the examination of alternatives, just as I was by what the Opposition spokesman, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), said about the breadth of the approach that might be adopted. It is clear that, if we are going to make progress, there should be nothing that is forbidden to be discussed. It is equally clear that we have to create an environment in which individual Members of this House do not feel that by supporting one option they thereby close the opportunity to express a view on another.

I will say no more about process at the moment, except to point out that I think it most unlikely that, if this motion is passed, we will come to a conclusion on Wednesday. It is part of a process. It certainly must not be dragged out, because we are so short of time. Equally, however, we have to take it at a sensible pace. Given that we have taken two and a half years to get ourselves into a complete dead end, it is worth taking a few weeks to ensure that we can get ourselves out of it, and that is what we ought to do.

I am the first to accept that the outcome may not be my preferred one, which remains the same: whichever option we take, I happen to believe that the evidence is now very clear that the public would like a final say and
an opportunity to express a completely alternative view, which might even be to remain in the EU. I think that is their right and that we should be aiming to achieve that. Whatever the outcome may be, amendment (a) offers, for the first time, an opportunity to do it. I entirely disagree with my hon. and right hon. Friends on the Front Bench that this is some desperate constitutional novelty. It is the House doing its job. I am afraid that the Government have only themselves to blame—through their intransigence over many months of signals being given right across the House—if on this occasion they have lost the leadership to the House itself. They could have had that leadership.

I will finish with a request. The Prime Minister is indeed the leader—the leading Minister—in this country. She is in post. Will she please provide that leadership? If she does that, participates fully in this process and is prepared to open her mind to the variety of options we are going to discuss and debate, and to close her mind to none of them, I believe she will find the solution to this problem and that the House will be able to support her. But that needs a change in mindset, both by her and by some of my right hon. and hon. Friends, to get out of this narrow locus.

I said earlier that I would find it disgraceful if the Cabinet minutes reflect putting party political advantage ahead of the national interest. I do not know whether that is true or not, but it has been very widely reported. We have to put the national interest first and listen to what people are saying to us. It seems to me there is a consistent pattern of wanting to bring this unhappy problem and that the House will be able to support her. But that needs a change in mindset, both by her and by some of my right hon. and hon. Friends, to get out of this narrow locus.

I rise to support amendments (a) and (f), which were moved in compelling speeches by my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) reminded us of the prayers that start each day. I do not know whether the right hon. and learned Gentleman set out with a desire to please, but I think his speech certainly did please many of us in the House.

I rise to support amendments (a) and (f), which were moved in compelling speeches by my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) and, in this context, my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). We need to remember that we have this opportunity to debate those two amendments for two reasons and two reasons only. First, the Government’s deal was defeated for a second time. We are discussing a motion in neutral terms, and the fundamental problem, however, has not changed, which is the Government’s inability to get their deal through. Indeed, they are so lacking in confidence about their ability to win a third time that we are not entirely sure whether and when they will bring it back before the House. That means that, if nothing changes in 17 days’ time, either we will leave with no deal or the Government will have to apply for—and be granted by the European Union—an extension. The moment of danger has been delayed briefly, but it has not passed.

Angus Brendan MacNeil: The right hon. Gentleman mentions the moment of danger. Would it not be prudent to put in place steps to revoke so that we do not go headlong over the cliff? The European Union’s deal has been rejected twice. We are now staring down the barrel of no deal, and further extension is probably unlikely. We have to get our heads around it: revoke is coming down the line and we have to make a decision quickly.

Hilary Benn: I hear the hon. Gentleman’s argument, but for the reasons I am about to advance I think the Prime Minister made a very significant statement today, to which many others have drawn attention. What she said bears repeating:

“Unless this House agrees to it, no deal will not happen.”

I take that to be a solemn and binding commitment from the Prime Minister, and the inevitable consequence, which she did not want to acknowledge in her statement, is that, unless she gets her deal through, she will have to apply for an extension prior to 12 April.

Why has amendment (a) been tabled? We are discussing it because the Government’s deal has been defeated twice, no deal has been defeated twice, and the Prime Minister has said twice and more, “We know what Parliament is against; what is Parliament for?” The purpose of the amendment is extremely simple: it is to give us the chance to show what we might be in favour of. If the Government were doing their job, the amendment would not be necessary; it is because the Government are not doing their job that it is required.

The Minister for the Cabinet Office is a very charming man, but his arguments against the amendment were, frankly, hopelessly confused. I will summarise the Government’s position. They are opposed to the amendment, but they want there to be a process. If the amendment is defeated they promise their own process, but that appears to consist of a debate later in the week and then something later on, the precise form of which we do not yet know. They seem to want Parliament to agree on something, but they cannot promise to accept any consensus that might emerge out of this process. They castigate us for not having reached an agreement, but oppose tonight the very proposal that is intended to enable us to do precisely that. The situation is frankly absurd. If I may say so in his absence, I do not think that the Minister’s heart was really in his argument tonight, because the Government seem to be saying, in effect, “Well, if it passes, we’ll get on with it.” Let us break out of the circular argument—my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) expressed it brilliantly—and get on with it.

I simply want to encourage every Member who has a realistic proposition to put it forward on Wednesday if the amendment is carried. In the report that the Select Committee on Exiting the European Union published the very day after the first defeat of the Government’s plan, it set out the broad options. This is not about the withdrawal agreement, because the Prime Minister could not have been clearer today when she said:

“Everyone should be absolutely clear that changing the withdrawal agreement is simply not an option. This is about the political declaration.”
There was an exchange across the Chamber about that, and there is a fundamental flaw in the suggestion that the withdrawal agreement alone—not the political declaration—might somehow be passed this week. If that happened and the EU responded by saying, “Ah! You have passed the withdrawal agreement alone this week. Okay, we will give you till 22 May”, what would happen if we then asked the EU in the week leading up to 22 May whether we could have a bit more time? The EU would say, “No, you can’t, because you didn’t take part in the European elections.” I am afraid that the proposition of a separate vote on the withdrawal agreement as a way out of the crisis falls at the first hurdle.

On Wednesday, when our pink slips are distributed, I am looking forward to voting Aye to remaining in a customs union with the EU; Aye to a Norway plus-type arrangement, which could embrace Common Market 2.0; and Aye to a confirmatory referendum. Other Members may be looking forward to voting for things that they would be prepared to consider.

My final point is that the word “indicative” is important. This Wednesday is about indicating a direction of travel that Members might be prepared to support. It is not definitive. We may well need to get to that point in the next stage of the process. So Wednesday is not the end, merely the beginning. It is long overdue, and I hope that the House will enable it to happen by carrying amendment (a) tonight.

Several hon. Members rose—

Mr Speaker: Order. The situation is perfectly manageable, but a significant number of hon. Members are still seeking to catch my eye. As a guide, although I am not imposing a time limit, if each Member spoke for approximately seven minutes, everybody would be accommodated. To speak for significantly longer than that would be a notable discourtesy, of which I know that the hon. Member for South Suffolk (James Cartlidge), for one, would not wish to be guilty.

8.12 pm

James Cartlidge (South Suffolk) (Con): It is novel for me not to have a time limit, so I am used to those structures.

It is a great pleasure to follow the right hon. Member for Leeds Central (Hilary Benn), the Chairman of the Brexit Committee. He made the clear point that we have shown what we are against, but at some point, we as a House will have to show what we are in favour of. Speaking personally, I still think that the best deal on the table is the Prime Minister’s deal. It respects the principle of democracy—but I know that what swung

I believe that we must focus on first principles—the underlying principles of how we will deliver on the referendum result.

The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) said that we should consider a second referendum, a single market plus customs union and so on. However, there is one fundamental problem with all those proposals, which my constituents who voted to leave would raise. It is an issue that we all have to grapple with—free movement. I want to focus on two principles: free movement and free trade. Free movement is not an easy one, because it forces us to discuss immigration, to which we have so far failed to give anything like enough attention.

I feel strongly about the subject. In justifying a second referendum, it has been said that the facts have changed since the 2016 referendum and that therefore there should be another vote. We must consider what has changed, and whether, if it had been known in the referendum campaign of 2016, it would have led to a different result. I suggest that the single fact, if it had been known in advance, that would have had the most impact—whether we like it or not—is that Brexit has directly led to an unprecedented increase in immigration into this country from outside the EU.

Angus Brendan MacNeil: Free movement is of course a double-sided coin. The hon. Gentleman mentioned immigration, but there is also emigration. We have seen on the television some people who voted for Brexit and then decided to retire to Spain now ruining the day of their rush action when they followed some of the crasser tabloid newspapers. When we talk about freedom of movement, we must remember that we are talking about rights that the hon. Gentleman enjoys, which he is perhaps trying to take away from everybody else and himself.

James Cartlidge: It is fair to say that freedom of movement works both ways. Of course, if we end free movement for those coming to this country, there will be an impact on our rights when we go to our nearest neighbours. We must ask ourselves a profound question in the context of the EU debate: would our country still be an impact on our rights when we go to our nearest neighbours. We must ask ourselves a profound question in the context of the EU debate: would our country still

Let us look at the facts. The latest figures show that net migration into this country from the EU is down to 57,000. Net immigration into this country from outside the EU is up to 261,000. A year ago, the two top countries in the list were Poland and Romania, and they are now India and China. We are not talking Liechtenstein in population terms here. That is a serious point.

I remember the referendum campaign, in which I took an active part. I did home and away debates with my neighbour my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin). To anyone who claims that immigration was not a reason for the vote. I say that, yes, there are many people who for many years believed in leaving the EU for reasons of sovereignty—I strongly respect that view, which is based on a noble principle of democracy—but I know that what swung
many undecided people in my constituency was house building in the countryside. Why? Because they believed that if we left the EU, there would be no immigration and we wouldn’t need those houses. It sounds crazy, but I have got the emails to prove it, and colleagues will know it.

Immigration was front and centre of the leave campaign. We remember Nigel Farage standing in front of a poster of the new Untermenschen. Mr Speaker, you know the meaning of that word—it has a very serious meaning. The poster showed a whole column of people and the implication was that if we left, what it depicted would not happen. We know that that campaign played with fire. It opened Pandora’s box, and somehow we have to put the lid back on. When I raise the matter, I do not do it happily. I am personally relaxed about immigration to this country because I recognise the huge contribution immigrants have made and will continue to make.

However, we must now be honest and say to the country that in the coming days, options will come before us in which free movement is back on the table. What if it is the case that keeping free movement will enable us to control immigration in future by having the strictest possible rules on immigration from 90% of the world population?

Carol Monaghan (Glasgow North West) (SNP): I come from a nation that is positive about the benefits of immigration. Indeed, my constituents embrace immigrants in their communities. The hon. Gentleman makes a point about immigration about China and India, but he has not mentioned that those people are generally international students, who leave at the end of their degrees. Those students should be taken out of net migration figures.

James Cartlidge: That is a perfectly fair point, but of course the reason they are in there is that many do choose to remain. [Interruption.] I take the figures as they are. I remember your time strictures, Mr Speaker, so I will move on to my second point, which is on free trade.

The reason we have the situation with immigration is that it is a discriminatory system. We allow free movement from the EU, but not from non-EU countries. The reason it is discriminatory is that we have a trade deal with the EU called the single market. Of course, it was in the Lancaster House speech that the red line on the single market was first stated, but I want to return to a Lancaster House speech in which the Prime Minister was addressing an audience of business leaders. She said: ‘Just think for a moment what a prospect that is. A single market without barriers—visible or invisible—giving you direct and unhindered access to the purchasing power of over 300 million of the world’s wealthiest and most prosperous people. Bigger than Japan. Bigger than the United States. On your doorstep. And with the Channel Tunnel to give you direct access to it. It’s not a dream. It’s not a vision. It’s not some bureaucrat’s plan. It’s for real. And it’s only five years away.’

That was the Lancaster House speech of Mrs Thatcher in 1988. There are only three MPs left in the House who voted against the Single European Act. One is the hon. Member for Blyth Valley (Mr Campbell), one is the hon. Member for Bolsover (Mr Skinner), and the third one is the Leader of the Opposition. The single market is not some socialist conspiracy; it is capitalism and it is free trade, and I believe fundamentally in free trade.

In the days to come, we will have to look at other issues. We will have to be prepared to flex our red lines, to be blunt, to deliver on the referendum result in a way that preserves free trade and gives us the best possible deal for our constituents.

8.21 pm

Helen Goodman (Bishop Auckland) (Lab): As a member of the Procedure Committee, I have been thinking for about six months about the voting system. In autumn, the then Brexit Secretary came with proposals to change how we were going to run the meaningful vote. Since Christmas, however, it has been evident that we need a new system. The simple binary yes-no choice does not work very well in a situation like Brexit, where there are multiple options. We ran into problems on House of Lords reform, and the Prime Minister has found similar difficulties in the past six months. Partly, that is due to the way she has handled the situation, but it is also partly because it is very easy, with a yes-no approach, to build coalitions against things and quite a lot harder to build consensus and coalitions for options.

A month ago, the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), and I proposed using preference votes as we do for Select Committee Chairs. We were probably a bit premature with that idea, and I am extremely pleased to be able to support the right hon. Member for West Dorset (Sir Oliver Letwin) tonight. It is clear that the Prime Minister’s brinkmanship has brought us to this self-inflicted crisis. It is now essential that Parliament takes control and uses a new process. I am also pleased that the right hon. Member for West Dorset has agreed that we should be moving to paper ballots, voting on all the options in parallel. That will reduce considerably the scope for the gamesmanship that is bedevilling this process.

Angus Brendan MacNeil: The hon. Lady makes a very good argument. We were discussing this earlier. Parliament is quite inefficient at making certain decisions, as we are finding out. Just as an analogy, if we sent Parliament off to buy a gin and tonic the questions would be what sort of gin? What sort of tonic? Would there be ice or no ice? Would there be lemon or lime? The paralysis from that one decision would probably be something akin to what we have with Brexit at the moment. Her suggested approach makes eminent sense in a Parliament that cannot decide any more than yes or no.

Helen Goodman: I am very grateful to the hon. Gentleman, because I was going to say that the benefit of a new system is that it would enable us to find out where the consensus actually lies. It is absolutely obvious that not everyone in this situation will get their first choice, but we need to make a distinction between those things that Members and the public are very worried about and find totally unacceptable, such as no deal, and those things that, while they may not be a person’s first choice, they can live with and can go along with. The process we need to move into needs to institutionalise that.

It is also obvious that building consensus will be painful, because it inevitably involves compromise. That, however, is essential on a major national project such as Brexit. It is much better for us to acknowledge those difficulties and take a calmer approach to reconcile
Our international reputation has taken the worst hammering in living memory. The Confederation of British Industry said that it has lost confidence in the political process. The TUC has specifically asked us to look for a new parliamentary mechanism. MPs are always telling other people to change and adapt. Now, perhaps it is time for us to do the same. Confidence in our parliamentary process will be restored only when we show that we can act constructively and creatively.

8.30 pm

Lisa Nandy (Wigan) (Lab): I came to this debate as much to listen as to contribute, and I am very glad to follow my hon. Friend the Member for Bishop Auckland (Helen Goodman), who, in a very rare way in these debates over the past few years, has set out a way in which we might move forward. That may not be comfortable for her and these may not all be her preferred options, but it shows a willingness to listen, to compromise and to move, which has been pretty absent, if we are honest, from this debate so far.

The attitudes out there in the country are hardening. Constituents of mine who told me three years ago that they voted leave and that they were happy to leave on whatever terms Parliament deemed necessary, as long as we respected the result, are now telling me daily that they want to cut all ties and leave with no deal at all. Constituents who voted to remain and who said that we had had the debate, that the other side had won fair and square and that we just had to get on with it are now telling me that they want to halt the process altogether and remain in the EU. Having spent a lot of time with colleagues trying to find a way through this in here and behind the scenes over the past few weeks, I feel that exactly the same thing is happening in Parliament. If we do not start to move, they will not start to move and there is absolutely no prospect of repairing this country.

That is why I very much welcome what the right hon. Member for West Dorset (Sir Oliver Letwin) has done with the amendment, particularly the way in which he presented it. He is not seeking to control the outcome of this process. He is not seeking to do what many of his colleagues on each extreme of this debate have done for several years, which is to knock out any preferred option that is not theirs and undermine any of us who are trying to find a solution by questioning our good faith, intentions and motives.

As somebody who represents a constituency where two thirds of people voted to leave—they did so largely in full knowledge of what they were doing and still feel strongly about it—but where a third of people also voted to remain and have every bit as much of a stake in the future of this country as the rest, I have to say that that bad faith is operating on both sides of this debate. Those threats and the abuse are coming from both sides. I and many hon. Members face them daily, and to seek to pretend, as some Members just did in this debate, that it comes only from one side is quite simply not true. It is insulting and it will not stick.

I am very dismayed today about the Government’s position. I do not think that Ministers understand how little trust there is left. As we stand here in this Chamber, right now—according to lobby journalists who are briefing things out over social media—the Government are sitting in closed rooms trying to persuade Members on their own side to vote down this amendment in favour of
guarantees. We have been here before. Time and again, they come to the Dispatch Box and they tell us they are serious. They tell us they are listening and that the House must make a decision, and then, when we get up and speak with one voice about what we want, they say, “Okay, we will go away and think about it.” They make some promises and pick off Members on their own side, and then, lo and behold, where are those promises when they most count? They are nowhere to be seen.

Given the mess that has been created in this country, what is wrong, honestly, with giving Parliament the right to consider the options that we want to put forward? We speak for very different communities in this country. When the Government seek to deny us a voice, they are not denying me a voice—who cares whether I have a voice?—they are denying the 75,000 people I represent in Wigan a voice and all other hon. Members besides.

I say to both Front-Bench teams that if we are to consider the options in good faith, given the very different needs and priorities of constituencies, a free vote has to be offered on those options. I understand the discomfort. I have served in the shadow Cabinet. It is not an easy thing to do, but when we have this strength of feeling and these very divergent views and experiences across the country, all those have to be heard if we are going to find a way through this.

I say to Ministers, too, that almost entirely absent now is not just the trust, but the good will. Last week, I could not believe what I was seeing when the Prime Minister took to the steps of Downing Street and tried to pit the people against Parliament. The public follow our lead. When we stand in here using language such as “betrayal” and “traitors”, is it any surprise that we step outside and find that same language levelled back at us? If she wants to restore good will, the first thing that she must do is apologise to Members of this House, who are all, in our very different ways and positions, trying to find a way through this in good faith.

We will not believe that the Prime Minister is serious about the interests of the country if she is not—

[Interruption.] The Under-Secretary of State for Exiting the European Union, the hon. Member for Daventry (Chris Heaton-Harris) is asking me why. Last week, I had a constituent on the phone whose son was in line for a clinical trial in the European Union that could save his life. They do not know now whether he will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a临床 trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for a clinical trial in the European Union that could save her life. They do not know now whether she will get it. This is a child who has no certainty about what is going to happen next. I have a constituent who is on dialysis, who rang me to say that she has been told to expect some disruption in the event of no deal. When I went to a Minister to ask what the advice was, he said, “We are doing our best, but we cannot make any guarantees.” My sister is diabetic and has not slept for

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris): I make the point gently that there was a written ministerial statement that did make those guarantees only three weeks ago.

Lisa Nandy: And I can tell the Minister that I was here on Monday when we were debating plans to allow pharmacists to limit access to medication in the event of no deal in just a few weeks’ time. I went to a local pharmacist and had a conversation with him a couple of days later and he had never heard anything about it. So to pretend that this is a responsible course of action is, frankly, a disgrace. The Minister can roll his eyes at me all he likes, but this is an absolute disgrace. The Government have driven this country to the brink and they are not learning. Every Member sitting in this House right now will look at that Minister sitting on that Bench and realise that this is a Government who are not serious about safeguarding the welfare of their citizens.

I will finish with this point, because I know that many Members are desperate to speak. In the next stages, if we get to them—if this shabby Government somehow manage to cobble together a majority for the withdrawal agreement and get us into the next stages—I would just say to hon. Members: look at what we have just witnessed in this House. Do not trust that they are acting with the interests of the whole country in mind. This House has no guaranteed role in those next stages of negotiations. If we do not insist on that right now, we will not get it.

For four months, I have been talking to the Prime Minister and to Government Members about giving Parliament the right to set out the terms of the negotiating mandate in the next stages and to guarantee a vote about the future relationship at the end of that process. They have resisted that. That is why my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) and I will be bringing forward an amendment on that when the meaningful vote materialises, because we have to have a reset. If we are going to get to the next stages of those discussions, that discussion has to involve every single part of this House. We cannot allow the Prime Minister, whoever he or she may be by that point, to go off and negotiate away our rights, freedoms and protections that have been hard fought for for 100 years without any say in it.

This has become a tug of war between two groups of people who I know, from speaking to them every day in my constituency, are quite reasonable people who want this resolved. We are breaking our democracy. I commend the right hon. Member for West Dorset for tabling amendment (a) because he is seeking a way to bring the House together, to compromise and to find a way through this impasse. We as a House have to rise to the occasion, because, my God, I have just seen a perfect example from the Government Benches of why they are not capable of doing it.

8.38 pm

Richard Burden (Birmingham, Northfield) (Lab): I also rise to support amendments (a), (d) and (f), and it is a pleasure to follow my hon. Friend the Member for Wigan (Lisa Nandy). She spent much of her speech talking about the atmosphere within which this debate is happening, and I, too, would like to spend a few moments on that.

Like others, I have been bombarded in recent weeks with emails and other communications telling me to vote in diametrically opposed directions. Many insist that if I vote differently from the way they wish, I will be acting against the will of the people. I have not had the
same level of aggression from all quarters, but some of it has been pretty extreme. I have been compared to a range of bodily parts of both the female and the male variety. Some have called me a traitor. A few have gone further. One email I read yesterday expressed the hope that this place would be burned to the ground with me and other hon. Members in it. I know that several hon. Members have received worse and in far greater quantities. There is no excuse for such threats and abuse. Neither I nor other hon. Members will be intimidated, but we have to face up to what is happening.

This kind of toxic atmosphere in politics is not unique to the UK—it is happening in other countries—but Brexit gives it a focus, and it can lead to violence against people regarded as believing the wrong things or simply because of who they are. My plea is that all of us who have the privilege to speak from public platforms, which can create headlines, think carefully about how we conduct ourselves and the way we frame political debates and take care not to contribute to that atmosphere of toxicity and intolerance, which undermines democracy and intelligence.

There is a deeper problem here. All too often people feel the political debate in this place happens at a level that does not speak to them and bypasses their concerns. They look aghast at how we have got stuck in a logjam over Brexit. Yes, the Prime Minister has made that worse, not better—her attempt last Wednesday to shift the blame on to everyone other than herself was unworthy of her office—but we need to look at ourselves too and understand that too often we appear to embody the stereotype of an institution that talks only to itself, not to the outside world. We need to learn from that, not only in relation to Brexit, but more generally.

What does that mean for the decisions we face tonight? The bottom line is that no deal cannot be allowed to happen by accident any more than by design. As chair of the all-party motor group, I know that all the warnings—from BMW, JLR, Nissan, Toyota, Vauxhall, and Aston Martin—could not have been clearer. Investment decisions are on hold now and our reputation in the international community is being trashed before our eyes. A no-deal Brexit would jeopardise the future of the plants of several of those car manufacturers and many thousands of jobs, and similar warnings are coming from other sectors, as others have said.

The priority has to be avoiding the nightmare of no deal, and that means agreeing a procedure that allows us not so much to vote for or against our perfect or worst options, but to do as the right hon. Member for West Dorset referred will not. Member for West Dorset has urged and express preferences for ways forward we can live with. The idea of doing that through paper ballots is exactly right because it would allow people to express preferences and vote for several different options. This cannot be a zero-sum game. The objective has to be to find a centre of gravity through which we can move forward.

The right hon. and learned Member for Rushcliffe (Mr Clarke) and my hon. Friend the Member for Bishop Auckland (Helen Goodman) are right that, as we move through that process, which may take some time, some kind of preference balloting is likely to be necessary. I suspect that, if we find that centre of gravity, it will involve jettisoning some of the Prime Minister’s red lines, so there is a question for her there, and a decision for her to make. If the centre of gravity in this House becomes a place that is beyond and different from her red lines, she must answer that question. Will she abide by the will of the House, and will she take that forward in negotiations with the European Union? Unless she is prepared to do so, the sustainable majority to which the right hon. Member for West Dorset referred will not be allowed to have its voice, and if it is not allowed to have its voice, democracy will be the poorer, the House will be the poorer, and the debate about Brexit will be set back.

In the few moments that I have left, I want to say a few words about the idea of a second referendum. It seems to me that when a million people take to the streets, that is not something we should ignore. In my view, arguing for a final say on any deal eventually arrived at, or against the possibility that the House is unable to achieve a way forward, has a logic to it, but let us not kid ourselves that the passions aroused in favour of a second referendum—or a people’s vote—are not also aroused in other directions. The risk that a referendum will be conducted in a divisive atmosphere is a real risk, and we must recognise and address it. To me, that does not mean moving away from, or rejecting, the idea of a second referendum, but it does constitute a further indication and a further reminder to us that we must at least approach the coming weeks and months in a way that makes clear the kind of politics that we want to develop in this country. It must be clear that this process is about resolving differences, not about exacerbating them.

Richard Burden: I am afraid that I am very short of time.

Our approach must demonstrate our commitment to equal respect for all our citizens, irrespective of their background, and our determination to ensure that whatever else happens, democracy wins through.

8.46 pm

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I was taken by the speech of the right hon. Member for Mid Sussex (Sir Nicholas Soames), who talked about the diminished place of the United Kingdom after Brexit and during the Brexit process. When Opposition Members mention that, Conservative Members often say we are talking rubbish, but I think the right hon. Gentleman’s belief has a degree of support from his Government. Today we saw the naval process and the EU military complex and engagement process start to unravel, with the naval piracy taskforce moving from the United Kingdom to Cadiz, so I think the right hon. Gentleman was right about that diminished role.

Earlier today, during Defence questions, Ministers could not recognise the element of diminution in defence and security, but I think the right hon. Gentleman would agree that it exists. The Secretary of State for Defence rightly has a lot to say about Russia and China, but seems to have very little to say about our future defence and security engagement with our closest ally, with which we will have a land border: the European Union.

Last week, the right hon. Member for Leeds Central (Hilary Benn), who has just left the Chamber, gave a clear analysis of the process so far. I hope he will forgive
me for saying that only one slight element was missing from it: history. Another Member on the other side of the House—I believe it was the right hon. and learned Member for Beaconsfield (Mr Grieve), who has also left the Chamber—seemed to exclude history in a more robust fashion, expressing utter disgust at the way in which the Government had brought them to this position.

I think both Members would probably agree, as would many other Members, that that is nothing new in this place. The civil war at the heart of the Conservative party is certainly nothing new, especially when it comes to the last 40 years of membership of the European Economic Community, the European Community or the European Union. In many ways, the discourse at the heart of the Conservative and Unionist party is fundamentally exposed by what it has done in walking through the doors with the Democratic Unionist party. Now of course the DUP are not here to defend themselves, but I think we would all agree that they have played a blinder when it comes to Brexit, because the history of the Conservative party with the ancestors of the DUP more or less has made the Prime Minister a modern-day Pitt the Younger, and we all know what happened in 1800 with Pitt the Younger and the utter disgrace that unfolded in Unionist history. So if the Conservative and Unionist party wishes to pin its hopes on doing deals with the DUP it should learn a lesson from its own political history. It is one it has clearly forgotten; it has no collective or institutional memory of its own history, and it is extraordinary to see it unfold before it.

The two main parties, both the Government and the official Opposition, had a commitment in their manifestos in 2017 to deliver Brexit, and the Prime Minister keeps coming back to that, but what was not in the Prime Minister’s party’s manifesto was giving a £1 billion bung to the DUP. That was hidden; there was nothing about that. No one wanted to talk about it, but that is where they are.

There is another issue that has gone about the nation. As you know, Mr Speaker, when I first stood in this House I made it clear that I was neither a Unionist nor a Home Ruler and I think that is self-explanatory, but I do have regard for both the Unionist Members and the Home Rulers in this Parliament and their position. So when it comes to a people’s vote, for example, I am utterly delighted to support it. My party has been supportive of it, and the First Minister was at the march as well as our leader here in the parliamentary group in Westminster. I hope that when push comes to shove in respect of the mandate that already exists in Scotland; I stand here to speak for my constituents, because I do not stand here to speak for the people of Scotland; I stand here to speak for my constituents, who not only voted for their country to be an independent sovereign nation but also voted for the UK to remain within the EU. We were told by the first Brexit Secretary in his first speech that the industrial working class of this political state voted to leave the European Union. I think great delight is visible in the House today, that the industrial working class of West Dunbartonshire voted overwhelmingly to remain. They also voted overwhelmingly for their country to be an independent sovereign state.

I hope that Members understand that in a modern democracy, we can change our mind. How can so many people be afflicted by the proposition that mature adults who are able to go to a ballot box and vote can change their mind? I know that my country will do so, and that it will be an independent one at that.

8.55 pm

Tom Brake (Carshalton and Wallington) (LD): Sorry seems to be the hardest word for the Prime Minister. After her Mini-Me Trump act last week, it would have been appropriate for her to come to the House today—or indeed last week—to apologise for the words she used. She has chosen not to do so, however, and I really do regret that. I also regret the fact that clarity does not seem to be her strong point. She said in her statement that, unless this House agreed to it, no deal would not happen. That seemed to be a fairly clear statement, but...
when I intervened on her to ask her whether she could give us a categorical assurance that we would be allowed to pass a binding motion in this House ruling out no deal, she was unable to answer me positively. I am therefore left none the wiser about whether she has or has not ruled out no deal.

Amendments (g) and (e) have been tabled in support of a people’s vote. Amendment (g) was tabled by the Liberal Democrats with the support of the Independent Group; amendment (e) was tabled by the Independent Group with the support of the Liberal Democrats. It is important to continue to maintain the profile of a people’s vote, if only because absolutely nothing is predictable when it comes to what takes place in this House and whether votes will take place at the agreed time. It is also important because the 1 million people who marched on Saturday will be confused that no amendment relating to a people’s vote has been selected this evening. Others have mentioned the passion, enthusiasm and energy represented on the march, which was attended by people from all over the country and all walks of life. The marchers came from Scotland, Wales, Northern Ireland and England and they were really representative of the United Kingdom as a whole. It was a fantastic occasion. I guess we have to apologise for the fact that a few stickers were left on the Cabinet Office front door, but they had been cleared by the time I attended the no-deal briefing there earlier today.

I am happy to support amendment (a), which has been tabled by the right hon. Member for West Dorset (Sir Oliver Letwin) to facilitate indicative votes. I hope that it will enable the House to find a way forward because the Prime Minister and the Government are clearly incapable of doing so. Once the Prime Minister had set out her red lines, it became impossible for her to come up with an outcome that the House could support. That was made even harder when she blamed the House for her failure to find a way forward. It is regrettable that, when the deputy Prime Minister opened the debate today, he did not simply accept amendment (a). From what he said, it seems to represent what the Government want to do. He will know as well as anyone else that it is perfectly in order for the Government to commandeer an amendment put forward by the Opposition if they find it attractive, and that Governments normally do this. Despite opposition from his own Benches, he had the option today to grab that amendment and put his own name to it. Given that it would deliver what he says he wants to do, that would have been in order. I am also happy to support amendment (f), tabled by the right hon. Member for Derby South (Margaret Beckett). It would give the House some certainty about what would happen in a no-deal scenario.

On the indicative votes, we need to ensure that the Prime Minister is not able to claim at the end of the process that Parliament has come no closer to securing a way forward than she has. The process must enable a strong option to emerge. The Liberal Democrats, like the SNP, would like not only an option to revoke article 50, but something that would ensure a people’s vote as a lock—something that would apply in relation to any proposals that come forward.

To conclude—hopefully well within your time constraints, Mr Speaker—the Prime Minister has lost not only legitimacy and credibility, but support both within and outside her party. She clearly cannot lead this process, so Parliament must now grasp the reins and lever the UK out of the quagmire into which we are gradually sliding. We are up to our necks and we will be in over our heads in a matter of days. We are very much in the last-chance saloon tonight, and shortly after the votes at 10 pm we will know whether we have come out of it alive.

9 pm

Anna Turley (Redcar) (Lab/Co-op): It is a pleasure to follow the right hon. Member for Carshalton and Wallington (Tom Brake), and I want to put on the record how impressed I have been with the calibre and quality of the speeches this afternoon and evening. It has been quite overwhelming and they have done this place some credit. At a time when the House is being vilified—even being disrespected and undermined by the Prime Minister—I have heard Members speak with passion and commitment. There have been different views and perspectives, but everyone has tried to navigate their way through things and to do what is best for their constituents and the country.

I rise to support amendments (d), (f) and, in particular, (a). Finally, Parliament is taking control of the process; the Government should have set that in train two years ago. We are finally about to decide what Brexit actually is. The fundamental dilemma of the 2016 referendum was that it allowed everybody to project all their fears, anger, hopes and fantasies on to a simply binary question, and the result has been interpreted by many different people to mean many different things. As a consequence—we will have to get used to this—whatever option the House supports will be met with cries of “Betrayal” from those who do not get the version of Brexit that was in their mind when they voted, or even the version that they have developed over the past two and a half years.

The narrative of betrayal, which the Prime Minister stoked up last week, is toxic and needs to be confronted with honesty and courage. Whatever version of Brexit comes out the other side of the parliamentary mangle, MPs need to acknowledge that people will be disappointed, upset and even angered. Whatever we do risks losing votes, and possibly even seats, for all parties. That is why we need to be brave and vote in the country’s best interests.

Those who bandy around the word “betrayal” must be honest that the betrayal of the British people has already happened. The betrayal was to ask people to make a vague and over-simplistic decision, with insufficient information that was not honest about the real choices facing our country or the complexity of our economic integration with the European Union. The betrayal was rooted in lies and fantasy promises that were told without any intention of being kept—like those on the side of the bus. The betrayal was the exploitation for personal and political ends of the justifiable and understandable grievances of left-behind areas and working-class communities such as mine. The betrayal was the legitimisation of prejudice, hatred and division that we saw during that debate and have seen since. The betrayal was not to be honest that major constitutional changes should not be put forward to the public unless the work had been done to prepare for them. All that comes even before we have a proper inquiry into the potential law breaking.
Christine Jardine (Edinburgh West) (LD): I am impressed with the hon. Lady’s points. Does she agree that the way to overcome the sense of betrayal that the vote was misleading, or that the work had not been done and the people did not get what they bargained for is to go back to the people once we have decided on something and ask, “Is this what you wanted?”

Anna Turley: I concur completely. I was building up to a crescendo, but I agree that being honest and having a conversation with the people about the reality of Brexit is the way forward. This place owes the public an apology for the referendum—not just David Cameron, but all of us—but instead of an apology the betrayal has continued. Rather than being honest with the public, confronting the mistakes and admitting that the referendum was flawed, we have sought to continue it rather than face up to our historic error. The public are wiser than many in this place give them credit for. They can see that the process over the past two and a half years has been an absolute shambles. They can see that Brexit is nothing like what was promised to them. We should all have the humility to say we know much more now than we did then.

Why is the Prime Minister continuing to drive people to a destination that is not where they were told they were going? We do not even know whether many of them still want to go. She continues to talk about the will of the people, but she ignores not just the 48% but the 42% who did not vote because they did not feel strongly enough to want to change the situation. Some 29 million people either voted to remain or did not feel they wanted to change things. None of them asked to get the vote to a crescendo, but I agree that being honest and having a conversation with the people about the reality of Brexit is the way forward. This place owes the public an apology for the referendum—not just David Cameron, but all of us—but instead of an apology the betrayal has continued. Rather than being honest with the public, confronting the mistakes and admitting that the referendum was flawed, we have sought to continue it rather than face up to our historic error. The public are wiser than many in this place give them credit for. They can see that the process over the past two and a half years has been an absolute shambles. They can see that Brexit is nothing like what was promised to them. We should all have the humility to say we know much more now than we did then.

Is the Prime Minister continuing to drive people to a destination that is not where they were told they were going? We do not even know whether many of them still want to go. She continues to talk about the will of the people, but she ignores not just the 48% but those who did not vote because they did not feel strongly enough to want to change the situation. Some 29 million people either voted to remain or did not feel they wanted to change things. None of them asked to get where we are.

No wonder the public call it betrayal when they are not getting the things they were promised, or when responsible politicians step up to try to stop this carnage. This is the ultimate Brexit paradox. The further we are from Europe and the more abrupt our break, the worse it is for our economy, particularly for areas like mine that voted most strongly to leave. Yet the closer we remain to the EU, with Norway-plus or a soft Brexit option, the more we concede British sovereignty and dilute the so-called will of the people, which is now hardening among many leaders for a no deal.

No one will be getting what they were promised and I believe it is a deceit to vote for Brexit in name only in the hope that people will not notice or to try to get them off our backs. All we would be doing is continuing to reinforce the lie to the public and failing to be honest with them about the reality of our situation. Worse, I hear the Prime Minister patronising them and telling them there is nothing that can be done to prevent it because this is what they wanted two and a half years ago. Denying them the right to change their mind or to have their say on the outcome now that the evidence is clearer is a real betrayal, both of them and of future generations.

Record numbers have marched and signed petitions in the past few days. They, too, are the people, and they, too, deserve to have their voice heard. A new referendum or a vote to ratify a deal that comes through our range of options must be put to the people in the cold light of day. We must be brave enough to ignore the calls of betrayal and do the right thing, and not continue the deceit that we will be able to please everyone with our Brexit outcome. We must do what is in the best interest of our constituents’ jobs and livelihoods and in the national interest of our country. Parliament needs to come clean that we have made a catastrophic mess. We must give the public the chance to help us clean it up.

Anna Soubry (Broxtowe) (Ind): It is a genuine honour to follow the hon. Member for Redcar (Anna Turley). I have previously praised her and many of her Labour colleagues who represent seats that voted leave, yet who, through their leadership in engaging with their constituents, being courageous and forthright in many instances, and listening and engaging in the debate, have now come to the conclusion that the only way through this crisis is for this matter to go back to the British people. It is an unprecedented crisis, and nobody but nobody in Broxtowe or anywhere in our country voted for the incredible and appalling mess we are now in.

Tom Brake: I commend the right hon. Lady for the position she has adopted, which I know has come at some personal expense. Equally, I commend the hon. Member for Redcar (Anna Turley).

Is the right hon. Lady as angry as I am that the advocates of hard Brexit—those who led the campaigns that were fined many tens of thousands of pounds for lying and cheating during the referendum—are very rarely here to defend their views but are quite happy to defend their views from the safety of a newspaper column?

Anna Soubry: I completely agree with the right hon. Gentleman. Indeed, I observe that many of them held the most senior positions in government but, when the going got tough, found life was much easier by leaving those positions, failing to deliver and failing to live up to the responsibility placed on them by their leadership of the leave campaign.

My constituents who are watching at home, reading the reports or, in any event, aware of the current situation are aghast, and I know I am not alone. Other right hon. and hon. Members have received emails and letters from constituents who are worried, and I have also heard about the availability, in the event of a no-deal Brexit, of medicines or, in one instance, of special food for a child with a particular allergy. Yet there are Conservative Members who actually look forward to and welcome a no-deal Brexit. It has to be said yet again that, in the words of the Business Secretary, that would be the most “ruinous” of outcomes for our country.

On that lack of certainty for businesses, let us consider a pharmaceutical company in Broxtowe. It is just in my constituency, although the hon. Member for Nottingham South (Lilian Greenwood) might want to claim it as well—it is all about a line that goes through a car park. However, I know that she shares my concern for this real-life business that employs real people. At the moment, such is the crisis that it does not know what to print on its boxes, because it does not know what the outcome is going to be. That may sound minor, but it shows the problem, because too many Conservative Members do not understand the real crisis facing businesses.

One Conservative Member seems to
pharmaceutical products that they produce every day—can go down to Prontoprint on a Friday and order all these boxes with all the right markings on, and they will be ready on a Monday. I gently say to Conservative Members—

Mr Marcus Jones (Nuneaton) (Con) indicated dissent.

Anna Soubry: The hon. Gentleman shakes his head, but I can tell him for a fact that British business will never forgive the Conservative party for what it has done to business throughout the whole of this Brexit process. Many of us have said this all before, but it is absolutely the case that people like me voted to trigger article 50—the majority of us did. The majority of us voted for the European Union (Withdrawal) Act 2018, and the majority of us accepted that we were leaving the European Union. As the right hon. Member for West Dorset (Sir Oliver Letwin) has explained, we then reached out to find a way of reuniting our country and a way in which we could deliver on the result but do the right thing by British business, by minimising the effect on it, and of course avoid a hard border in Northern Ireland.

In our efforts, we made direct pleas to the Prime Minister in meetings with her and offered her a solution, knowing, for example, that the Scottish National party would have voted for the single market and the customs union, as would Plaid Cymru and many Labour Back Benchers. We would have won a consensus, but she point-blank refused to engage in that. Instead, this Prime Minister has led us—it is the only thing on which she has led—to this terrible situation. She was dogmatic in laying down her red lines, and at every twist and turn when she had the opportunity to change those red lines or just rub them out a little she refused.

I say to Conservative Members that what almost all of them have also spectacularly forgotten is that when we had the general election in June 2017, more than 30 Conservative Members of Parliament in England and Wales lost their seats. The Conservative party lost its majority; there is no mandate for hard Brexit. That was the perfect opportunity for the Prime Minister to abandon the red lines and seek to form the consensus that the country was crying out for, but, yet again, she absolutely refused to do it. It ended up with people, not just those like me, leaving the Conservative party. I represent many sensible, moderate, pragmatic, one nation Tories who are leaving the Conservative party as they see it moving to the right, no longer the party of business and enterprise, and no longer having the one nation Conservatism that so many of us held so near to us. Having failed to persuade the Prime Minister to reach out and build a consensus, we ended up in a position where the only way out that we could see for our great nation was to have a people’s vote.

Others have spoken about what happened on Saturday. It was a real honour and privilege to be here in London and go on that march with people from all over the UK. These were not, as one Conservative Member described them, just fans of the Glyndebourne opera; they were real people from not only my constituency—and of all backgrounds and all ages—but from, for example, the constituency of the hon. Member for Redcar. I know she was heartbroken that she had another engagement and so she could not be here. We know that workers came down from the north-east. The really striking thing was not only people’s background, but to see children with their parents and grandparents, all of them marching in a spirit of hope and happiness, even though they were upset about the referendum result.

Bill Grant: We have to pay attention to the million on the street and the 5.4 million who have signed the petition, but that falls short of the 17.4 million people who voted to leave. That is a simple fact. There are many people in this Chamber today who are here through democracy—a democracy similar to that of the referendum—with wafer-thin margins, and they intend still to sit here.

Anna Soubry: Yes, but the hon. Gentleman forgets two things. The majority of people in this country did not vote to leave the European Union. As somebody who represents a marginal seat with one of the smallest majorities—I do not know what the hon. Gentleman’s is, but we can have that competition—let me tell him that I am not interested in my majority. I am not interested in just coming back to this place to take the money and sit and enjoy all the privileges of being a Member of Parliament. I will put my country and my constituents first and foremost, and I do not care what that costs me, even if that means that I cannot go home of a weekend because of death threats, that I have to get a taxi instead of doing a 10-minute walk, and that I have to be frightened for my wellbeing and for that of my partner and children, which cannot be right, and I feel sorry for them. This is the biggest decision that this country has made since the second world war. We come to this place to represent our constituents and do the right thing by our country. It is not about us and it is not about the Conservative party; it is about doing the right thing. In this instance, the right thing is to get this decision back to the British people. There is no way out.

Bill Grant rose—

Anna Soubry: I am not taking any more interventions, or you will be even more cross with me, Mr Speaker.

I am going to vote for amendment (f), tabled by the right hon. Member for Derby South (Margaret Beckett), and amendment (a), tabled by the right hon. Member for West Dorset (Sir Oliver Letwin). I gently say to Members how important it is that, here and now, we take control of this process and do the right thing. The other thing we need to do is heal the huge division that this ghastly Brexit has created. That is another huge priority of ours, as well as taking it back to the people, which is the only way forward.

Several hon. Members rose—

Mr Speaker: Speeches of six to seven minutes are in order and would be helpful.

9.17 pm

Owen Smith (Pontypridd) (Lab): I will of course follow your instructions, Mr Speaker.

It is a great pleasure to follow the right hon. Member for Broxtowe (Anna Soubry). I agree with everything she said, especially about Saturday’s march. It was a huge privilege for us all to be here in London to march alongside a million people. In our case, there were huge numbers of Labour members and Labour MPs, marching
for what we believe is right for our country and our constituents. We have had a great debate this evening, but that has been most missing from today’s speeches, and the debate has been marred by its absence. Perhaps it is a function of the extraordinary times in which we live that there has been so little mention of the fact that a million people, some of whom travelled for many hours to get to London, came from every corner of Great Britain to take part in the march. It ought to have been given much greater attention. I put on record my personal thanks, and the thanks of many of us in the Labour party, to the People’s Vote team who organised the march and who have performed a great service to our country by keeping alive the democratic dream of a people’s vote. I hope they will continue to do so.

I first spoke in favour of a people’s vote two and a half years ago, when I contested the Labour party leadership with the leader of the Labour party, my right hon. Friend the Member for Islington North (Jeremy Corbyn). Unfortunately, he defeated me, but he did not defeat the democratic dream of a second referendum. I am absolutely convinced by the volume of people who turned out on Saturday that all of us who have kept alive the flame of democracy over the past two and a half years have been entirely right. What people were marching for on Saturday—people who voted leave, people who voted remain and people who may not have voted at all—was nothing less than that. It was a chance to exercise their democratic right, having started Brexit, to end Brexit; and having given the Government a mandate to pursue Brexit, to then have a say at the end of the process when we know what the Brexit reality looks like.

I fear that, marching on the streets on Saturday, what I encountered was a huge amount of frustration and a huge amount of anger gently expressed but powerfully felt. There was a massive degree of despair at the dysfunction of our Parliament and our politics and, frankly, at the breakdown that many people see and feel in our very democracy. I fear that they are to be denied a chance to have their say on the outturn of Brexit, as they had their say on the starting of Brexit. If those people, some of those 1 million people on the march or the 5.5 million people who have signed the petition to revoke Brexit—were listening to today’s statement from the Prime Minister, I fear that they will have been doubly disappointed and despairing, because what they would have heard is more doublespeak. I fear that what they are likely to see tonight is more double dealing, with promises being made to Conservative Back Benchers to try to get them to back off supporting amendment (a) in return for a nebulous promise from those on the Government Treasury Bench that they will offer something similar. The truth is that we have been here before. We have seen countless false promises made from the Dispatch Box, but when it comes to the crunch, we see not just the Treasury Bench but when it comes to the crunch, we see not just the country let down.

I want to say a few things before I close about the process that we are debating in respect of amendment (a)—the idea of indicative votes. The truth is that we have got to this point far too late in the process. It strikes me as extraordinary that the Government have handled—or rather mishandled—this for more than two years.

Worst of all, the most likely scenario and outturn will be a lowest common denominator, second-rate proposal that the Government will not even be bound to follow. Earlier on, we had the extraordinary statement that we were going to have these indicative votes, but then we heard that the Prime Minister was not necessarily going to pay any attention to them at the end of it. Again, that strikes me as entirely reflective of the shambolic way in which the Government have managed this process. If we get to the point where we have a second-rate compromise Brexit deal on the table, it will make with absolute eloquence the point of the 1 million people who marched on Saturday—that if there is a poor Brexit arrived at in this House, the only way in which the Government can honour democracy and honour the will of the people is to give them a chance to cast their vote as to its merit. I hope and anticipate that the people, in their wisdom, will reject such a deal, but they do at the very least need to be given a chance to reject it.

I have one final point on the process. One of the ways in which the Government will, I fear, try to bamboozle Members of Parliament in the coming days is to present a smorgasbord of options: Canada plus; no deal; Norway; and a customs union. All these things will potentially come alongside options such as revoke and a people’s vote. That is no way to honour the will of this House or to properly conduct the democratic business of this House. We need to be absolutely clear that a people’s vote—a vote on the Brexit deal—is entirely separate from any of the options that we might vote on in this series of indicative votes. It would be completely tricky and deceitful of the Government to try to confuse those two things in the public’s mind or in Parliament’s mind. The democratic, principled thing to do is to afford the people a say on whatever sort of Brexit deal is agreed on by this House, and certainly not to present an alternative between a referendum and one of those Brexit deals.

That would be the wrong way to proceed, Mr Speaker, and I am sure that you will make sure that that does not happen.

9.25 pm

Tommy Sheppard (Edinburgh East) (SNP): In opening this debate, the deputy Prime Minister cautioned against voting for amendment (a) because he said that it would alter the relationship between the Executive and the Parliament. That is exactly why we need to vote for amendment (a). We must alter that relationship because we are now in a situation whereby the level of dysfunction and inertia in our political system is without parallel. We are in the midst of a political crisis that is mirrored only by our inability to do anything about it through the normal processes of government, so we must now take back control of the agenda.

We are in a bizarre situation whereby the Government have brought their proposals twice to this Parliament, and twice they have been roundly rejected. Now, not
only do the Government say that they will not bring their proposals back for a third time—they are taking their ball home with them, it seems—but they say that they refuse to change their mind and vary those proposals so that there might be a route to a majority. In those circumstances, there is no option left but for people other than those in the Government to take control of the situation.

Make no mistake, if amendment (a) is passed, it will most definitely be an indictment and a censure of this Government and the way in which they have conducted themselves over the last two and a half years. What we need to know from the Government is whether they are prepared to try to win back our trust—whether they will enter into this process with good faith in the attempt to see whether there is a majority in this House that they can be part of, or whether they just want us to exhaust ourselves running around in circles, so that they can come along two weeks later and bring plan A back again to be defeated.

As others have remarked, we should have been engaged in this process two and a half years ago, rather than leaving it to this last moment, but the right hon. and learned Member for Beaconsfield (Mr Grieve) put his finger on the button when he said that the problem is that, from the word go, the result of the 2016 referendum was hijacked by the winning side and used to close down any debate about how the mandate should be interpreted or what it actually meant. Therefore, for the past two years, there has been a dialogue that has involved only the Government, the ERG and the Democratic Unionist party. Thankfully, we are not yet in a situation whereby that political axis commands a majority either in this House or in the country. I appeal to the Government for the umpteenth time to reach out beyond their own narrow political confines and see whether it is possible to build a political consensus in this country that can put our fractured politics back together.

Time and again, we have heard the mantra of 17.4 million, and we really need to confront this point. In a democratic society, people do not just get one vote; they get a series of votes. In a democratic society, each vote qualifies and updates the ones that came before. What we need to know is what the views of the people are now, not what they were three years ago. I firmly believe that, although 17.4 million people voted for us to leave the European Union, they did not vote to endorse the prospectus that the Government have brought to this House, and they did not vote for the Government’s harsh interpretation of that decision. For example, I do not think that 17.4 million people voted to deny themselves and their children the ability to move freely around the European Union. I just do not believe it; I think that was part of the hijack.

Most importantly, however, it is clear to anyone who wants to see that many of those people have changed their minds. In a democratic society, people have the right to do that, so we need to test the decision again, and that means we will have to put this matter back to the people. We do not need a short break in this process—a short extension—to tweak what is already there; we need a fundamental rethink. We need to go back to the drawing board. We need to scrap the phoney red lines that were imposed by this Government and see if it is possible to come up with a new proposal. To do that, and to give time for that to be put before the people, we will need a serious extension to this process.

Thankfully, the European Union—President Tusk and others—has indicated that it would be happy to look at a much longer extension and at going back to negotiations if the Government change their red lines: their restrictive insistence on what the agreement had to do. So that option is there, but if there are complications in getting that level of extension, the answer is quite simple, and the power lies with us. All we need to do is to revoke article 50—not as a means of getting closure on the whole process but to take back control of it and give ourselves whatever time we need to formulate proposals and to democratically put them before the people.

Of course, we will go beyond 22 May and will therefore get into having the opportunity to elect representatives to represent us in the European Union, of which we are still part. What is wrong with that? How can it be that a bunch of people elected in a democratic election are so scared of having one in two months’ time? Let us put this back to the people in an election. That will give us the opportunity to begin to redefine the narrative in this country—to try to explain to people that we gain most by common endeavour. We need to put hope in front of despair. We can take a positive message to the people in those elections. My party stands ready to do that, and I do not see why others are not ready to contest them, too.

When we get the opportunity to run these elections in Scotland, you can bet, for sure, that we will also be taking the opportunity to explain to the people of Scotland that this process could have been avoided for them and they did not need to go through this if they had had the confidence to take the power for themselves, take back control and become a normal independent country like the others in this world.

9.32 pm

Peter Grant (Glenrothes) (SNP): The hon. Member for Pontypridd (Owen Smith) and my hon. Friend the Member for Edinburgh East (Tommy Sheppard) are two extremely difficult acts to follow, but I will do my best in the limited time that I have.

We are now fractionally under 98 hours away from leaving the European Union without a deal. On Friday night, we are out without a deal unless the Government do something. When the hon. Member for Bishop Auckland (Helen Goodman), who is not in her place just now, listed some of the catastrophic impacts of a no-deal Brexit, the Minister, true to form, was sitting there mouthing across to her, “Thanks to you. Thanks to you. Thanks to you.” Even at this late stage, it is the fault of the hon. Lady, the fault of the Opposition, the fault of the Supreme Court: the fault of everybody apart from the Government, who claim that they have a mandate from the people from the referendum in 2016 and who have failed dismally to bring forward a credible, workable, sensible, rational or even sane way to implement that mandate.

Today, I heard an avid Brexiteer describe the withdrawal agreement as a stitch-up between the Prime Minister and the European Union. Well, that may be the case, because from day one she has sought to exclude anybody who might have been able to help in those negotiations who wanted anything different from her calamitous
red lines. The Government still try to put forward the line that her deal is the only one the European Union was prepared to offer, but that is not true: it was the only one that could possibly offer within the confines of the red lines that she had used to paint herself and us all into a corner.

It has become quite clear that those red lines stand in the way of any deal being acceptable to anything close to a majority of those in this House and stand in the way of a deal that comes anywhere close to commanding a majority of support among the citizens of these nations. The red lines have to go. If that means the Prime Minister has to go, then she has to go. It is not only the right hon. Member for Broxtowe (Anna Soubry) who has to be prepared to say that this is much more important than one person’s political career.

The Prime Minister promised herself a free vote, whipped herself to vote against it and then lost. Government Whips have been giving contradictory advice to different Ministers about whether the Whip existed and whether it was one, two or three lines. Good luck to them trying to count whether they have 325 votes for tonight if they sometimes struggle to count up to three.

The Prime Minister cannot control her own party, but she now cannot even control her own Cabinet. She cannot go in one direction, because half the Cabinet will quit, and she cannot go in the other direction, because the other half will quit. Well, perhaps it is time the whole lot of them quit, so that we can take this issue back to the people. In any other democracy, if the Government failed to get their flagship policy through the House, the Head of State would have two options: a new Parliament or a new Government. Of course, in this democracy—or supposed democracy—when we have a chance to have a new Parliament, we also have a chance to have a new Government.

I find it astonishing that growing numbers of Conservative Members are saying they should be allowed a third chance at the meaningful vote because they did not understand that no deal might be taken off the table. They say that the circumstances have changed and that if they had known that the second vote was the last chance they would get, they might have voted differently. Is that the case? Is it the case that if people realise that circumstances have changed and that they had not understood what they were voting for, they should be allowed another chance? That is a good idea, and if it is okay for a few hundred Tory MPs, it sure as heck is good enough for the 60 million citizens who put all those MPs in place in the first place.

We hear Members talking about the number of people who took part in the referendum. I remind Members that the referendum did not ask what people wanted. We hear Members talking about the number of people who did not vote at all. Those who voted to leave, those who voted to remain or those who did not vote at all have to be given a choice.

I finish by saying that I have been reluctant to endorse wholeheartedly the campaign to revoke article 50, but if it becomes a choice between my nation being dragged out against the wishes of 62% of our people, and two other nations having to revoke article 50, with the option of coming back for another go later on, then article 50 has to be revoked. If we do not do this, in future another treaty will be revoked, thanks to the sovereign will of the people of my nation.
Tonight the House must make an important decision: to take the reins from the hands of the Prime Minister and find a way out of this Brexit impasse. I know that that is not an easy decision for many Members, particularly those on the Government Benches, but we have seen how the Prime Minister has responded to losing two meaningful votes by two historic margins. First she hoped to push through the same deal again without meaningful changes, no matter the rules of the House or the obvious hopelessness of her strategy. Next she tried to pitch the people against MPs, with all the consequences that that has for parliamentary democracy. Then she went to the European Council without a viable strategy and had to have a plan to extend article 50 and avert no deal written for her and for the United Kingdom. Finally, when she should have been seeking consensus across the House, she spent the weekend further trying to placate the very people manoeuvring against her. At every turn, she has made a crisis of her own making even worse.

Well, enough is enough. There is a void where coherent leadership ought to be, exemplified by the Prime Minister’s statement earlier today. Tonight Parliament must step into that void to find a consensus on the best way through. That is what amendment (a) from the right hon. Member for West Dorset (Sir Oliver Letwin) and amendment (d) from the Leader of the Opposition seek to achieve. As my right hon. Friend the Member for Holborn and St Pancras (Keir Starmer), have met colleagues to discuss those ideas. They are engaged in good-faith discussions to find where a majority lies in this House—a majority that I hope will be expressed through the indicative votes process.

As far as Labour can see, that leaves two credible options. The first is a close economic partnership based on a customs union and single market alignment, with dynamic alignment for rights and protections. The second is a public vote between remain and a credible leave option. The Leader of the Opposition and the shadow Brexit Secretary, my right hon. and learned Friend the Member for Holborn and St Pancras, have met colleagues to discuss those ideas. They are engaged in good-faith discussions to find where a majority lies in this House—a majority that I hope will be expressed through the indicative votes process.

Let me finish by saying this: today the Prime Minister said that even if a majority for a way forward is found through the indicative votes process, she cannot commit to implementing it. How characteristic and typical that is of a Prime Minister who confuses the vices of blinkeredness and intransigence with the virtue of steadfast determination, whose first instinct is to ignore and push away the views of others, and who seems incapable of accepting that in our parliamentary democracy the Prime Minister must bring a majority of the House of Commons with her. It is an approach that has brought about a national crisis and brought us to a point where Parliament must now step in and take control of this process.

9.47 pm

The Secretary of State for Exiting the European Union (Stephen Barclay): The central question before the House this evening, as reflected in amendment (a) in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is: who controls the Order Paper? Should control be passed to Back-Bench Members in a process that is still to be fully defined and that would have constitutional implications, or do Members across this House accept the assurances given by my right hon. Friend the Chancellor of the Duchy of Lancaster when opening this debate that the Government will make time available this week for Members to express their preference on the way forward? That would follow consultation, through the usual channels, to enable the House to come to that view.

Stephen Gethins: Before the Secretary of State proceeds, it might be helpful for the House if he could outline whether he will vote in favour of his argument, or vote differently?

Stephen Barclay: If the hon. Gentleman had kept up with my speech last time, he would realise that I spoke to the three amendments, all of which were defeated last time. I hope that the same will happen tonight and that all the amendments will be defeated. That is the purpose of my speech once again. This is not the first time that SNP Members have not been awake during speeches.

The House has also been asked to consider amendment (f) in the name of the right hon. Member for Derby South (Margaret Beckett) regarding the recalling of the House in the event of a no-deal exit being imminent.
The House has been further asked to vote on amendment (d) in the name of the Leader of the Opposition, which calls on the Government to provide sufficient time this week for a series of votes, including on the Opposition’s plan. The Government have committed to providing that time, but that does not change the fact that the plan from Her Majesty’s Opposition has already been rejected by this House and the EU has suggested that key aspects are not negotiable.

Andrew Gwynne (Denton and Reddish) (Lab): So has yours!

Stephen Barclay: The hon. Gentleman is correct. That is referenced in the amendment tabled by the Leader of the Opposition, but he is silent on the fact that his own proposed deal has also been rejected. That points to the lack of consistency that we see so often in his approach.

Let me turn to amendment (a). My right hon. Friend the Member for West Dorset said that his proposal was little different from established practice on a Friday in respect of private Members’ Bills. I gently suggest to my right hon. Friend, who is an experienced and senior Member of the House, that there is a difference between the Government choosing to make time available to Members for private Members’ Bills and Members taking time from the Government to control the very business of the House.

Sir Oliver Letwin: If that is a problem constitutionally for the Government, what about their simply accepting the amendment, thereby turning it into a Government amendment?

Stephen Barclay: My right hon. Friend had that exchange at the beginning of the debate with the Chancellor of the Duchy of Lancaster, who in his usual skilful way addressed the point by saying that the Government will make time available this week to take the matter forward.

Mr Kenneth Clarke: As my right hon. Friend has just indicated that the Government have something different in mind from the proposal of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), will he give us a little more detail than just “will make time available”? When will that time be? Will Members be able to table the motions that are intended for an indicative vote? Will the Government take any notice of the majorities that are achieved for any amendments? Indicative vote? Will the Government take any notice of a vailable”? When will that time be? Will Members be give us a little more detail than just “will make time available this week. Indeed, the shadow Brexit Secretary addressed the point by saying that the Government will make time available this week to take the matter forward.

Let me turn to amendment (a). My right hon. Friend the Member for West Dorset said that his proposal was little different from established practice on a Friday in respect of private Members’ Bills. I gently suggest to my right hon. Friend, who is an experienced and senior Member of the House, that there is a difference between the Government choosing to make time available to Members for private Members’ Bills and Members taking time from the Government to control the very business of the House.

Sir Oliver Letwin: If that is a problem constitutionally for the Government, what about their simply accepting the amendment, thereby turning it into a Government amendment?

Stephen Barclay: My right hon. Friend had that exchange at the beginning of the debate with the Chancellor of the Duchy of Lancaster, who in his usual skilful way addressed the point by saying that the Government will make time available this week to take the matter forward.

Mr Kenneth Clarke: As my right hon. Friend has just indicated that the Government have something different in mind from the proposal of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), will he give us a little more detail than just “will make time available”? When will that time be? Will Members be able to table the motions that are intended for an indicative vote? Will the Government take any notice of the majorities that are achieved for any amendments?

Stephen Barclay: We are in danger of rerunning the opening of the debate. Indeed, the shadow Brexit Secretary asked whether the Government would give a binding commitment to respect and adopt whatever was passed, even though the Opposition, who made that request, were not willing to give that commitment. We cannot give a blank cheque when we do not know exactly what those votes will be—I am sure that, when the Father of the House was a Minister, he would have taken the same line.

The real issue is the constitutional significance of amendment (a) because it is unprecedented in its nature. The Chancellor of the Duchy of Lancaster has already addressed the kernel of the matter, which is whether the Government will make time available this week. Indeed, he set out at the beginning of the debate that, in good faith, we will have discussions with my right hon. Friend the Member for West Dorset, Opposition Front Benchers and Members from across the House on how the process should look. Amendment (a) does not set that out in detail, so the Government have undertaken to have that process and the Chancellor of the Duchy of Lancaster addressed that in his opening remarks.

On amendment (f), I reassure the right hon. Member for Derby South that the Government will return to the Dispatch Box in the event that the withdrawal agreement is not approved this week. We will also return to the House to consider plans for the week of 5 April after any indicative voting. As the right hon. Lady will know as a senior Member of the House, the decision on whether to enter recess is in the control of the House. Although we do not think it is sensible to try to set the Order Paper now for a date in two weeks’ time without knowing what will happen in the interim, I hope that she is content that the House will certainly have a say on the matter.

Margaret Beckett: I will not detain the Secretary of State. If what I have suggested is acceptable, why does he not just accept the amendment?

Stephen Barclay: As I said, we cannot anticipate the business in two weeks’ time, but we have given a signal from the Dispatch Box on behalf of the Government about our position.

Let me turn to amendment (d) in the name of the Leader of the Opposition. The shadow Brexit Secretary said that many Members want to break the current deadlock, yet his amendment raises no objection to the withdrawal agreement and, as he well knows, it is the withdrawal agreement, not the political declaration, that needs to be approved to meet the tests that the European Council set for an extension to 22 May. He went on to criticise the Government for not giving a commitment to be bound by any indicative votes, yet, as I pointed out earlier, when the Father of the House challenged the right hon. and learned Member for Holborn and St Pancras on that very issue, he was unable to give such a commitment for Her Majesty’s Opposition to be bound in that way. Indeed, despite many of his own Members pressing for free votes from the Government in respect of those votes, he was again unwilling to give such a commitment on behalf of the Opposition. The Leader of the Opposition’s amendment notes that the Government’s deal has been defeated, but it is silent on the fact that his own deal has also been rejected by the House.

Regardless of any other votes, if the House does not approve the withdrawal agreement this week, it risks a longer extension, potentially resulting in Brexit being revoked, at odds with the Government’s manifesto. The uncertainty of any longer extension would be bad for business confidence and investments. It would also have lasting implications for our democracy, including our reputation around the world as a country that respects the votes of its citizens.

If this House can find the resolve, we could be out of the European Union in a matter of weeks. This is the ultimate mandate: the one handed to us by the British people; the one that reflects the manifestos that the Labour party, as well as the Conservative party, stood on. The Prime Minister’s deal is the way to deliver what
the people voted for in 2016 and 2017. That is why it is right that the Government maintain control of the Order Paper, in line with constitutional convention, and why the amendments this evening should be defeated.

**Mr Speaker:** I invite the shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), to move amendment (d), which stands in the name of the Leader of the Opposition. Not moved.

**Amendment proposed:** (a), At end, add “and, given the need for the House to debate and vote on alternative ways forward, with a view to the Government putting forward a plan for the House to debate and vote on, orders that –

(a) Standing Order No. 14(1) (which provides that government business shall have precedence at every sitting save as provided in that order) shall not apply on Wednesday 27 March;

(b) precedence on that day shall be given to a motion relating to the Business of the House in connection with matters relating to the United Kingdom’s withdrawal from the European Union other than any Business of the House motion relating to the consideration by the House of a motion under Section 13(1)(b) of the European Union (Withdrawal) Act 2018, and then to motions relating to that withdrawal and the United Kingdom’s future relationship with the European Union other than any motion moved under Section 13(1)(b) of the European Union (Withdrawal) Act 2018;

(c) if more than one motion related to the Business of the House is tabled, the Speaker shall decide which motion shall have precedence;

(d) the Speaker shall interrupt proceedings on any business before the Business of the House motion having precedence at 2.00 pm on Wednesday 27 March and call a Member to move that motion;

(e) debate on that motion may continue until 3.00 pm on Wednesday 27 March at which time the Speaker shall put the questions necessary to dispose of proceedings on the motion including the questions on amendments selected by the Speaker which may then be moved;

(f) when those proceedings have been concluded, the Speaker shall call a Member to move one of the other motions having precedence;

(g) any proceedings interrupted or superseded by this order or an order arising from the Business of the House motion may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption on Wednesday 27 March.”—

(Sir Oliver Letwin.)

**Question put,** That the amendment be made.

*The House divided: Ayes 329, Noes 302.*

**Division No. 373**

[9.57 pm]

**AYES**

Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burt, rh Alistair
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Collins, Damian
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh Jeremy
Costa, Alberto
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Mertyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Djanogly, Mr Jonathan
Doncherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Evelson, Bill
Evans, Cinis
Farr, Paul
Farron, Tim
Fellows, Marion

**Fitzpatrick, Jim**
Fovargue, Yvonne
Foxcroft, Vicky
Freeman, George
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, rh Dame
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hill, Mike
Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Johnson, Joseph
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keely, Barbara
Kendall, Liz
Khan, Atzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Leslie
Lake, Ben
Lamb, rh Norman
Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breton, Jack
Bridge, Andrew
Brooksbank, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Caims, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Clark, Collin
Clark, rh Greg
Clarke, Mr Simon
Cleaver, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Cooper, Rosie
Courts, Robert
Cox, rh Mr Geoffrey
Crab, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

 Tellers for the Ayes:
Jeff Smith and Colleen Fletcher

NOES

Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Dorries, Ms Nadine
Double, Steve
Dowd, Oliver
Doyal-Price, Jackie
Drax, Richard
Dudtridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Fint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Grahame, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Griffiths, Andrew
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Question accordingly agreed to.

10.14 pm

The Speaker put the Questions necessary for the disposal of the business to be concluded at that time (Order, this day).

Amendment proposed: (f), at end, add

“and orders that, in the event that the UK comes within seven calendar days of leaving the European Union without a deal, the Government must make arrangements within two sitting days, or if this House has been adjourned for more than four days to arrange for the House to be recalled under Standing Order No. 13 (Earlier meeting of the House in certain circumstances) for a meeting of the House on any matter whether this House approves the UK leaving the EU without a deal and on whether the UK Government should be required to request an extension of the period in Article 50(3) of the Treaty on European Union in order to avoid a no-deal Brexit and to give time for Parliament to determine a different approach.”

(Margaret Beckett.)

Question put, That the amendment be made.

The House divided: Ayes 311, Noes 314.

Division No. 374

[Ayes 311, Noes 314]

AYES

Abbott, rh Ms Diane
Abbrevams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul

Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes: Michelle Donelan and Jo Churchill.

Boles, Nick
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brine, Steve
Brock, Deirdre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Grant, Peter
Goodman, Helen
Godsiff, Mr Roger
Gibson, Patricia
Gethins, Stephen
Gibson, Patrick
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendy, Drew
Hermon, Lady
Hillary, Menzies
Hobbins, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollem, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, George
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilfen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Karen
Lee, Dr Phillip
Leslie, Mr Chris
Letwin, rh Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr lvan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarty, Kerry
McDonagh, Sic, Brian
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorran, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
O'Mara, Eamon
Onasanya, Fiona
Onsuriah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
 Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thomberry, rh Emily
Timmings, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitefield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woolcock, John
Yasir, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and Colleen Fletcher

NOES

Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Bretheren, Sir Henry
Briscombe, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, rh Sir Greg
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartidge, James
Cash, Sir William
Caufield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Clark, Collin
Clark, rh Greg
Clarke, Mr Simon
Cleaverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Cooper, Rosie
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T C.
Davies, Glynn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Eventh, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Freer, Mike
Fysh, rh Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillian, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grants, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hebpurn, Mr Stephen
Herbert, Mr Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rhSajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Mr Boris
Johnson, Dr Carolyn
Johnson, Gordon
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lefroy, Jeremy
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little, rh Mrs Theresa
Lochhead, Paul
Lozzi, John
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, John
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, rh Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheriff
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Prti
Pattersohn, rh Mr Owen
Penning, rh Sir Mike
Penrose, John
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas (Proxy vote cast by Tracey Crouch)
Rowley, Lee
Rudd, rh Amber
Rutley, David
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Sheelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Royston
Snell, Gareth
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayze, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohnurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Mr Speaker: We are waiting for the result of the Division but, in a cordial spirit, I am sure colleagues across the House will want to congratulate the hon. Member for Strangford (Jim Shannon) on his birthday.

The House having divided:

Division No. 375 [10.33 pm]

Ayes 327, Noes 300.

Tellers for the Ayes: 
Michelle Donelan and Jo Churchill

Tellers for the Noes:

The House proceeded to a Division.

Main Question, as amended, put.
The European Union (Withdrawal) Act 2018 (No. 79)

25 March 2019

The House of Commons,

Metropolitan Borough of Basingstoke and Deane, Hampshire, 4

The House was adjourned by the Speaker at 21.59

Before the House was

The House of Commons

The House met in Committee of the Whole House for

European Union (Withdrawal) Act 2018

On consideration of the European Union (Withdrawal) Act 2018

The Speaker

Tellers for the Ayes:

Mr Speaker, the Ayes are

The Tellers for the Ayes are the Prime Minister, and the Leader of the Official Opposition

Tellers for the Noes:

Mr Speaker, the Noes are

The Tellers for the Noes are the Prime Minister, and the Leader of the Official Opposition

The House was so informed by the Speaker

The House adjourned at 22.04
Section 13(4) of the European Union (Withdrawal) Act 2018" has considered the Written Statement titled "Statement under section 13(6)(a) of the European Union (Withdrawal) Act 2018,

Ross, Douglas
Robinson, Mary
Robinson, Gavin
Robertson, Mr Laurence
Raab, rh Dominic
Quince, Will
Quin, Jeremy
Pursglove, Tom
Quin, Lucy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas (Proxy vote cast by Tracey Crouch)
Rowley, Lee
Rudd, rh Amber
Rutley, David
Scully, Paul

and made on Friday 15 March 2019, and, given the need for the House to debate and vote on alternative ways forward, with a view to the Government putting forward a plan for the House to debate and vote on, orders that—

(a) Standing Order No. 14(1) (which provides that government business shall have precedence at every sitting save as provided in that order) shall not apply on Wednesday 27 March;

(b) precedence on that day shall be given to a motion relating to the Business of the House in connection with matters relating to the United Kingdom's withdrawal from the European Union other than any Business of the House motion relating to the consideration by the House of a motion under Section 13(1)(b) of the European Union (Withdrawal) Act 2018, and then to motions relating to that withdrawal and the United Kingdom's future relationship with the European Union other than any motion moved under Section 13(1)(b) of the European Union (Withdrawal) Act 2018;

(c) if more than one motion related to the Business of the House is tabled, the Speaker shall decide which motion shall have precedence;

(d) the Speaker shall interrupt proceedings on any business before the Business of the House motion having precedence at 2.00 pm on Wednesday 27 March and call a Member to move that motion;

(e) debate on that motion may continue until 3.00 pm on Wednesday 27 March at which time the Speaker shall put the questions necessary to dispose of proceedings on the motion including the questions on amendments selected by the Speaker which may then be moved;

(f) when those proceedings have been concluded, the Speaker shall call a Member to move one of the other motions having precedence;

(g) any proceedings interrupted or superseded by this order or an order arising from the Business of the House motion may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption on Wednesday 27 March.

Jeremy Corbyn (Islington North) (Lab): On a point of order, Mr Speaker. I wish to congratulate the House on taking control. The Government’s approach has been an abject failure, and this House must now find a solution. I pay tribute to the right hon. Member for West Dorset (Sir Oliver Letwin), my right hon. Friend the Member for Leeds Central ( Hilary Benn) and others who have worked to achieve tonight’s result.

The Government must take this process seriously. We do not know what the House will decide on Wednesday, but I know that there are many Members of this House who have been working on alternative solutions, and we must debate them to find a consensus. This House must also consider whether any deal should be put to the people for a confirmatory vote. Where this Government have failed, this House must—and I believe will—succeed.

Mr Speaker: No adjudication by the Chair is required.

David T. C. Davies (Monmouth) (Con): On a point of order, Mr Speaker. I do not wish to pay tribute to the right hon. Member for West Dorset (Sir Oliver Letwin), but since he now seems to have installed himself as a kind of jobbing Prime Minister, could you tell me how we can hold him to account in this House?

Mr Speaker: I have known the hon. Gentleman for a long time, and he is not disorderly, but there is something to be said for observing the precepts of “Erskine May” in terms of moderation and good humour in parliamentary debate, and the right hon. Member for West Dorset (Sir Oliver Letwin) is always unfailingly courteous in his
dealing with others. I think that the question was largely rhetorical, but in so far as the hon. Member for Monmouth (David T. C. Davies) is seeking a response, what I would say in all seriousness is that the effect of—[Interruption.] Order. I do not require any help from the right hon. Member for Chelsea and Fulham (Greg Hands), who would not have the foggiest idea where to start. He was once a Whip; he wasn’t a very good Whip. It would be better if he could keep quiet. That is the reality of the matter. [Interruption.] No, it is not outrageous at all. [Interruption.] Members can shout as much as they like, it will not make any difference. The right hon. Member for Chelsea and Fulham is perfectly capable of looking after himself. If he wants to chunter noisily from a sedentary position, he has to expect that there will be a response. I say to the hon. Member for Monmouth that these matters will be aired further in debate on Wednesday, and if he wants to subject the right hon. Member for West Dorset to appropriate scrutiny, the opportunity is there for him to do so.

Ian Blackford (Ross, Skye and Lochaber) (SNP): On a point of order, Mr Speaker. Tonight’s is an important decision for the House, and let me commend Members from across the House who have given us the opportunity to have indicative votes on Wednesday. This House is seeking a way forward when the Government have failed to provide leadership. In the event that the House does come to a determination on Wednesday evening, what can we do to ensure that the Government and the Prime Minister listen to the determination of this House?

Mr Speaker: It is for the right hon. Gentleman—I think he knows this—to probe Ministers who will be on the Treasury Bench during the course of the debate, to air the issues and to ask, “If x, y or z happens, what will the Minister do?” These are not matters that can be adjudicated by the Chair, but they are matters of debate that I am sure will be ventilated, and the right hon. Gentleman will be at the forefront of ensuring that that ventilation takes place.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): On a point of order, Mr Speaker. A few weeks ago, you sent out a message and a letter to all Members of Parliament, asking them to treat each other with respect. When you said that, you underlined his concern, but I said sorry to the right hon. Member for Chelsea and Fulham (Greg Hands), from a sedentary position, was disorderly. The point was raised by the right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin). I have given an apology. I said sorry to the right hon. Member for Chelsea and Fulham and nothing further requires to be added. I thank the right hon. Member for East Devon (Sir Hugo Swire) for underlining his concern, but I said sorry to the right hon. Member for Chelsea and Fulham and it does not need to be said again.

Sir Hugo Swire (East Devon) (Con): On a point of order, Mr Speaker. It may not cause you any great trouble, but it causes us a certain degree of trouble. You, Sir, have just congratulated my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on treating everybody with courtesy. You, Sir, are the invigilator of this place, and if you insult other Members of Parliament, we have no comeback. Is that not—

Mr Speaker: Order. Resume your seat. What I say to the right hon. Gentleman is this: the right hon. Member for Chelsea and Fulham (Greg Hands), from a sedentary position, was disorderly. The point was raised by the right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin). I have given an apology. I said sorry to the right hon. Member for Chelsea and Fulham and nothing further requires to be added. I thank the right hon. Member for East Devon (Sir Hugo Swire) for underlining his concern, but I said sorry to the right hon. Member for Chelsea and Fulham and it does not need to be said again.

Sir Vince Cable (Twickenham) (LD): On a point of order, Mr Speaker. This evening the House has made a major constitutional innovation. In order that it can be a success and that Wednesday is both orderly and meaningful, would you now establish a business committee of the main parties and those who brought forward these proposals in order to organise these events?

Mr Speaker: I think that everybody would hope, or certainly it is to be reasonably assumed that they do, that the process on Wednesday, in the interests of Parliament, is a success. It is my absolute expectation that the right hon. Member for West Dorset (Sir Oliver Letwin) will communicate with others—and, indeed, quite possibly with the usual channels—about the process to be followed on Wednesday to facilitate the House and try to secure a satisfactory outcome. I do not think in the first instance it is to be expected that I would take the lead on the matter, but the right hon. Gentleman can be expected to do so, and I feel sure that, with others, that is what he will do.

Anna Soubry: On a point of order, Mr Speaker. Would be in order to record that the right hon. Member for Chelsea and Fulham (Greg Hands) was actually a rather good Whip; and, arguably more importantly, as a member of Her Majesty’s Government—as a Minister—resigned on a point of principle?

Mr Speaker: That is absolutely true. Indeed, if memory serves me correctly, I remember having a conversation with the right hon. Gentleman at the Chair at the time, and more recently. He was an exceptionally capable Minister—I do not doubt that. I cannot comment on how good a Whip he was beyond apologising for the offence that I might have caused. He certainly was an immensely capable Minister at the Dispatch Box. I do not dispute that for one moment. I thank the right hon. Lady for what she has said.

Sir William Cash: On a point of order, Mr Speaker. The right hon. Member for Twickenham (Sir Vince Cable) just said that this was a constitutional innovation. I think he may have rather underestimated the fact that it is in fact a constitutional revolution, and the House will come to regret it.
Mr Speaker: I hope the hon. Gentleman will understand if I say that he has made his point and he does not need a response from me. As he knows, I respect his integrity 100%. His view is on the record, and let us see how events play out, but I would always want to acknowledge the force and sincerity of his views.

Ms Angela Eagle: On a point of order, Mr Speaker. Given that the House has now voted to have this process, yet the Government Front Bench was promising it anyway, does it not make sense for both Front Benches to work with those who sponsored the amendment so that we can move forward in an orderly manner on Wednesday with the agreement of the House?

Mr Speaker: That might seem eminently reasonable. Nothing is to be taken for granted, but I can certainly see, and many Members might note, the force and logic of what the hon. Lady has said.

Alan Brown (Kilmarnock and Loudoun) (SNP): On a point of order, Mr Speaker. Tonight’s vote is obviously about the House taking control due to a lack of leadership by the Government. In that vein, we have usually had a point of order or a statement from the Prime Minister after such votes. Have you had any indication of where the Prime Minister and the Leader of the House are hiding and of what the Leader of the House is planning to do about Government business on Wednesday, which needs to be rescheduled? We have not had a statement.

Mr Speaker: I thank the hon. Gentleman for his point of order. In fairness, and speaking off the top of my head without the opportunity to consult and without advance knowledge of what the hon. Gentleman would say, I am not sure that that is quite right in procedural terms, because the effect of tonight’s vote on the amendment in the name of the right hon. Member for West Dorset and then in support of the main motion, as amended, is that what the right hon. Gentleman has commented to the House will have precedence on Wednesday. It does not, however, knock out other Government business of itself; I think that other Government business would follow. So although the hon. Gentleman might want a business statement by the Leader of the House or a response from the Prime Minister, in procedural terms neither of those things is required tonight—he might want it, but neither is required tonight. Perhaps I can leave it there.

Angus Brendan MacNeil: On a point of order, Mr Speaker. Given that, these days, extensions are in vogue, if the 24 hours of Wednesday are not enough to sort out what the mind of this House is—work that probably should have happened two and a half years ago—will it be possible to extend the work that should be happening on Wednesday into further days so that we do find out definitively what the heck they think in here?

Mr Speaker: I thank the hon. Gentleman for his point of order, but I think the best answer to that is, let us take one step at a time; let us see where things go in the consideration by the House of the business. I think I should leave it there. I thank colleagues for their interest and participation in this series of exchanges.

Business without Debate

DELEGATED LEGISLATION

Mr Speaker: With the leave of the House, we shall take motions 3 to 12 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (SOCIAL SECURITY)

That the draft Social Security Coordination (Regulation (EC) No 987/2009) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 30 January, be approved.

That the draft Social Security Coordination (Council Regulation (EEC) No 1408/71 and Council Regulation (EC) No 859/2003) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 30 January, be approved.

That the draft Social Security Coordination (Council Regulation (EEC) No 574/72) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 30 January, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Electronic Commerce and Solvency 2 (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 25 February, be approved.

EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

EXITING THE EUROPEAN UNION (COMPANIES)

That the draft International Accounting Standards and European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 31 January, be approved.

EXITING THE EUROPEAN UNION (ANIMALS)

That the draft Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 14 February, be approved.

EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 12 February, be approved.

That the draft European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 12 February, be approved.—(Mike Freer.)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft Rural Development (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.—(Mike Freer.)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 27 March (Standing Order No. 41A).
EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved. —(Mike Freer.)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 27 March (Standing Order No. 41A).

INTERNATIONAL TRADE

Ordered.

That Catherine West be discharged from the International Trade Committee and Owen Smith be added.—(Bill Wiggin, on behalf of the Committee of Selection.)

Policing: Somerset

Motion made, and Question proposed, That this House do now adjourn.—(Mike Freer.)

11.3 pm

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): For many reasons, I am pleased to have secured this debate, even though some of what I have to say may be distressing to hear because crime, unfortunately, knows no boundaries.

It will come as no surprise that policing in Somerset is a matter of enormous concern to my constituents and to hundreds of thousands of others across the county. To an outsider, Somerset conjures up the image of a peaceful backwater, full of cider orchards and friendly folk with old-fashioned values. Unfortunately, as in so many other parts of our nation, life is no longer like that. Rather alarmingly, the National Crime Agency says that there are 90 organised crime groups operating in the Avon and Somerset area. It is no longer a few light-fingered thieves we have to worry about; it is big-time crooks. Organised crime in the United Kingdom costs £37 billion every year—that is almost as much as the Brexit divorce bill to Brussels. Organised crime causes more deaths than terrorism, wars and natural disasters put together, and there are 90 organised crime groups in my county alone. Frankly, it does not bear thinking about.

The European Monitoring Centre for Drugs and Drug Addiction has just named Bristol the cocaine capital of Europe. That is not an accolade that any of us locally are proud of. The city has shot up the international cocaine leader board. Twelve months ago, Bristol was No. 5 in the charts; now it is No. 1. There is widespread drug misuse in so many corners of Somerset, which the police confess is way beyond their capacity to handle, let alone solve. Users frequently get off with a caution if they are caught at all. Dealers have to be major players to warrant anything approaching a crackdown. The force simply does not have the manpower to do anything other than cherry-pick at a huge, disastrous and growing problem.

Just a fortnight ago, the Avon and Somerset chief constable admitted that his force was “losing the war” against drugs. That is a very scary public statement to make. I have enormous respect for the foot soldiers of our overworked police force. I have watched them do their jobs in difficult circumstances. I have joined them in civvies on patrol and see them risk life and limb in action. The men and women in the ranks perform miracles, and they defy the odds, but I fear the odds are stacked against them. They are not always well led, and they suffer from the slings and arrows of erratic decision making by the office of the police and crime commissioner.

My right hon. Friend the Minister for Policing and the Fire Service will probably know that I have had several bitter spats with the Avon and Somerset police and crime commissioner, Mrs Sue Mountstevens, who has the uncanny knack of opening her mouth and inserting both feet into it—a remarkable achievement. On her first day on the job, she fired the chief constable. A few months later, she fired his successor—the very candidate she had hand-picked as a replacement. The present chief constable must consider himself lucky to have survived a couple of years.
Nobody can relax when the commissioner starts talking. Last week, she offered the benefit of her wisdom on the subject of drug smuggling—"Don’t risk Dover," she told her audience, “because you might easily get caught.” She added that if anybody was smuggling drugs, her personal recommendation was somewhere safer, like Lyme Regis in Dorset. I am sure that Members representing Dorset are pleased.

The local town exploded with justifiable anger. They call Lyme Regis the pearl of the Jurassic coast, which it is, but Mrs Mountstevens has now renamed it Dope-on-Sea. Bang go her chances of getting a glittering career with the Lyme Regis tourist board. Mrs Mountstevens used to run the famous Mountstevens family bakery. I suspect that it will not come as a great surprise to the Minister that the bakery went bust when she was running it. Last week, after the Lyme Regis booboo, she baked an incredible humble pie and was forced to eat the lot.

Frankly, anyone would find it a bit of a challenge trying to run an effective police force with Sue Mountstevens permanently peering over their shoulder, especially when the arithmetic of crime is rising against her. Everything seems to be going up. Knife crime is up 52% in a single year. That amounts to 634 additional crimes in Avon and Somerset in which knives were used. The police response was to organise Operation Spectre, a campaign aimed at educating young people, targeting hotspots and putting out knife surrender bins. That may sound like the sort of thing that officers should be doing all the time, but Operation Spectre lasted for only seven days, which is nothing like enough to make a difference.

I do not believe that these major problems can be tackled with tokenism. Serious crime demands serious answers. Avon and Somerset police and its commissioner have been trumpeting Operation Remedy, which claims to make 100 extra officers available to fight drug dealers. It certainly looks like the first significant increase in manpower in Somerset for several years and will be paid for by a £24 average council tax rise, but I doubt whether Operation Remedy can ever provide an effective remedy, because it only lasts for three months. The chief constable promised that it would make a “big splash”. Really? Operation Remedy comes to an end in June. Unfortunately, as we all know, whether one is a northern or a southern MP, drug barons never stop.

We should remember that the operation is being paid for entirely out of a hefty hike in council tax. The Somerset County Council police panel has given Mrs Mountstevens a hard time, demanding justification for the spending. It wants to ensure that it is not a waste of money, and I think it has very good reason to be cautious.

Jim Shannon (Strangford) (DUP): Will the hon. Gentleman give way?

Mr Liddell-Grainger: With great pleasure.

Jim Shannon: I thank the hon. Gentleman for giving way; I spoke to him beforehand and he will understand where I am coming from. A great benefit of community policing in my constituency, and perhaps in his as well, is having police officers in the community—in the estates, on the streets and in the rural communities—bringing in the intelligence on drugs and other things across the constituency. Does he think that the police force in his constituency could do more of that? If so, what would he like the Minister to do to ensure that it happens?

Mr Liddell-Grainger: I welcome that intervention. This debate is about policing in Somerset, but the issue applies to the whole country. It does not matter whether it is Northern Ireland, Wales, Scotland or England: we are all suffering in the same way. There is an epidemic and we are not yet controlling it. I am not blaming the Government, because the issue goes back over the 18 years I have been in Parliament. I think knife crime has gone up, but the rest has not greatly changed. The hon. Gentleman's point is that this is about frontline services and frontline officers. I have spoken to the Minister, who has championed the issue during his time in office, and I welcome his commitment to continue to fight at every level. This has to be about the community, as the hon. Gentleman has rightly said, but it also has to be led from the centre so that it ripples out, even to bad police and crime commissioners, as in my case. That was a great intervention.

Luke Hall (Thornbury and Yate) (Con): South Gloucestershire, of course, falls under the Avon and Somerset constabulary. Does my hon. Friend agree that if we are unable to get a handle on bigger issues such as knife crime and drug-related organised crime, it is much more difficult to tackle low-level antisocial behaviour issues, which are the ones most raised by constituents in South Gloucestershire?

Mr Liddell-Grainger: I thank my hon. Friend for his intervention. We cover very similar areas and he makes a valid point. I will come on to that, because the Somerset area has some exciting news and I hope we will be able to reach across the border into South Gloucestershire. I know that his area suffers the same problems as we do: crime takes place up and down the motorway, and he will also find that Bristol sucks in loads of resources.

Vera Hobhouse (Bath) (LD): Bath also falls under the Avon and Somerset constabulary. I do not share entirely the hon. Gentleman’s criticism of the police and crime commissioner. Bath experienced a problem when our police station was completely shut, but fortunately, we will get it back. Does he agree that it is important that it is open 24/7 because that is what makes people feel safe and looked after by the police?

Mr Liddell-Grainger: That is an interesting comment. I do not know the situation in Bath, so I am grateful to the hon. Lady for her intervention. I know the feeling that she is experiencing. We lost the police station in Minehead and then in Bridgwater, but a purpose-built police station has been built in Bridgwater. It has been highly successful and that is where the custody suite for Somerset is located. The hon. Lady is right to highlight the fact that we need local policing in our areas, no matter whether it is Bath, South Gloucestershire or elsewhere. I agree with her about that, but I cannot agree with her about Sue Mountstevens. I think she is quite appalling, but that is a personal view.

Of course this is not, and should not be, just a matter of policing. Clearly, as I have said, many agencies need to be involved if the root causes of rising crime are ever going to be tackled. I therefore welcome the approach that the Home Office is pushing.

Sedgemoor, which is part of my constituency, has been selected as one of five national pilot projects to help combat the threat of serious and organised crime.
That is no great surprise to me; it is just another justified feather in the cap for Sedgemoor District Council, which works incredibly closely with the police. As I said in response to the hon. Lady, that is where the police headquarters are located.

The project will tackle the impact of organised drug networks, including the recruitment of vulnerable local youths to push drugs supplied by national dealers—a relatively new threat known by the catchphrase “county lines”.

Peter Heaton-Jones (North Devon) (Con): I hesitate to correct my hon. Friend and constituency neighbour, but the phrase is “county lines”. We share a border along constituencies and counties and therefore constabularies: Avon and Somerset police and Devon and Cornwall police. Will my hon. Friend briefly reflect on two things? First, it is vital to tackle the county lines drug running that he mentioned across borders. Secondly, will he join me in thanking the rank and file officers who do such hard work in my constabulary and in his to try to counter that crime?

Mr Liddell-Grainger: My hon. Friend and I share the beauty of Exmoor. He is absolutely right. It is a remote area and there are too many rogues. We know that it is not just drugs, but sheep and cattle and other things. I am grateful for his correction—I meant “county lines”.

The project will also work with health partners to combat the illicit sale of alcohol and cigarettes and review the impact of rural crime. That is a good idea, particularly the rural crime review. Rural crime has become a forgotten crisis in many parts of Somerset. Some people feel that it is forgotten and ignored. Believe it or not, sleepy-sounding places such as Stogumber and Crowcombe have some of the highest crime rates outside Taunton, and they are tiny. I invite hon. Members to listen to what one farmer’s wife said when she wrote to me about life in rural Somerset: “The countryside is under siege. We’ve been subjected to threats, physical and verbal assault, trespass and criminal damage sometimes on a daily basis, but the response to 999 call outs is absolutely dismal. My husband was tending his livestock when he came across two individuals. He was punched severely in the face, but despite ringing 999 no officer showed up for three hours. How much do we have to be injured before rural crime is taken seriously?”

I assure my right hon. Friend the Minister that, unfortunately, that was by no means an isolated example.

Crime has scarred the beautiful countryside and invaded the respectable areas too, including the county town of Taunton. I have achieved some notoriety in this House for my strident criticisms of Taunton and the way it has been ineptly run by an incompetent council. I recently cited crime figures for parts of Taunton which, without doubt, are shocking. However, tonight, I have come armed with an excellent report and offer a great deal of praise to its cross-party authors. It was compiled by five Taunton Deane borough councillors—two are Conservative, two are Labour and the committee was chaired by an Independent councillor. It throws a harsh spotlight on the way crime is being handled or, in some cases, mishandled.

The councillors were given the task of assessing the impact of crime on the town and recommending action. They took the trouble to obtain evidence from residents and shopkeepers. One shop in Taunton town centre has been broken into twice by the same man in the last two months, costing £1,000 a time. The shopkeeper said: “I have had to update security because the insurance people aren’t happy. The security fitter said it was absurd because the only place you’d find this kind of security is a bank.”

A retired policeman, who had served for 23 years, said: “I feel that it is unsafe to take my young family into the town given the presence of aggressive beggars, street drinking and drunkenness.”

One branch of a big name national clothing store in Taunton reckons that it loses £100,000-worth of goods every year through aggressive shoplifting. Many people related their stories of abuse, assault and harassment from drug pushers, rough sleepers and vandals. It happens even in broad daylight, right in the historic heart of a once proud town.

The evidence in the report is grim and depressing. The council committee’s conclusions are equally blunt: “Neither the council—as the elected custodians of Taunton’s town centre—or the Police are taking the lead to tackle crime and anti-social behaviour. Both need to take robust and expedient action.”

Taunton Deane Borough Council rightly introduced public space protection orders three years ago to get a grip on that. But guess what? There is still no shortage of louts in the town but there has not been a single prosecution. That affects us all.

The committee calls the situation “woeful”. It is appalling. Those Taunton councillors concluded that the police lack presence and do not respond to crimes as they should. There is also criticism of Ms Mountstevens. As for the partnership between Taunton council and the police, the report states: “It lacks leadership, strategy, and accountability”.

The councillors deliberately grilled Taunton council’s antisocial behaviour team. That was an eye opener. The report concludes: “The team lacked credibility due to their lack of knowledge and understanding of the issues. Taunton’s antisocial behaviour team suffers from a skillset deficit and poor management.”

I do not blame the council for that. I did not make this stuff up. It is one of the very few decent pieces of work to come out of Taunton council for years and for that reason alone, I wonder if anyone in a position of leadership will take it seriously.

Taunton has many more rough sleepers than anywhere else in Somerset. Taunton has a town centre full of boarded up shops and derelict building sites. No wonder travellers invade with their caravans and no wonder drug dealers congregate there. It is such a shame, because big problems should have simple solutions, but they are not being done.

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I am a little bit concerned. I have the greatest respect for the hon. Gentleman, but I am a bit worried that he is discussing somebody else’s constituency and the Member is not here. I understand that it is a part of what is being said, but I do feel it is a little bit unfair to the hon. Member for Taunton Deane (Rebecca Pow).

Mr Liddell-Grainger: Mr Deputy Speaker, I wrote to my hon. Friend this afternoon to say that I would speak about this. I also made it clear that I would talk about...
other areas. The report is very good because it reflects on my area, as well my hon. Friend’s. It shows that all of us have a problem. It is the only report I have seen in 18 years as an MP that has taken this issue in our county to this level. The report is cross-party and I therefore think I have the right to talk about it, but I have made it clear to my hon. Friend in writing. I thank you, Mr Deputy Speaker, because Mr Speaker has had his concerns about that as well. I will conclude and allow my right hon. Friend the Minister a couple of minutes to respond.

The same council hired street wardens in 2014, but only for a month. The committee report says it would cost less than £114,000 to employ a proper team for a whole year. Taunton Deane Council wants to spend almost £1 million on fences to hide a very nasty site. I do not disagree with that, but it wants to borrow £16 million to build a hotel. Surely it helps my area and all of us to find the money for town wardens.

Policing in Somerset is not cheap: it costs the whole county £284 million a year. I believe it could do more with officers and money. Perhaps they could do that without too much interference from police and crime commissioners. We need much more than a token operation. A one-week clampdown on knife crime does not cut any mustard with anybody. Sticking plasters are not enough. There is a clear role to be played by local authorities. Some are doing it well, but others are lagging way behind. I hope my right hon. Friend the Minister will agree with what I have said.

11.21 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): My hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) has been in this place for 18 years and we know him to be a tireless champion of the interests of his constituents, as well as the interests of rural areas and the need for, as he put it, a fair share for the shires. I congratulate him on securing the debate.

My hon. Friend asks me where I agree with him. I certainly agree with him and my hon. Friend the Member for North Devon (Peter Heaton-Jones) in expressing admiration for the work of frontline officers. They are extremely stretched at the moment. We ask a lot of them. They have to do difficult work under difficult circumstances. It is good to hear local Members of Parliament stand up to express their admiration and thanks for their work. I also thank my hon. Friend for recognising the importance of serious organised crime in the fundamental shift in the threat to public security that we are trying to police and protect our constituents from. He understands that, and I thank him for reflecting it in his comments. I hope he will welcome the updated Government serious organised crime strategy and the increased resources going into that area. They are necessary for exactly the reasons he sets out.

My hon. Friend left the House in no doubt about his view on the police and crime commissioner. All I would say is that she was elected. I hope that he agrees with me that the introduction of police and crime commissioners has sharpened the local accountability of the police. The bottom line is that the police and crime commissioner for Avon and Somerset has a job to do. She is accountable to the public and if the public of Somerset do not like what she does they can vote her out. That is the strength of the system we have introduced.

My hon. Friend talked about the task and finish group, and the report on Taunton. I very much take on board your point, Mr Deputy Speaker, that my hon. Friend the Member for Taunton Deane (Rebecca Pow) is not in her place. I also accept, however, that my hon. Friend the Member for Bridgwater and West Somerset is clear that there are ramifications for his constituents. There are clearly mixed views about the accuracy of the report. I have read it and it raises important questions, both for the police and crime commissioner and the local borough council, about how resources are allocated across the county, the effectiveness of the local crime partnership and the efficacy of the response to 999 calls in rural areas. I am sure that they will be responsive to that report.

My hon. Friend is passionate about the need for proper attention to be paid to rural crime. I hope that he takes some satisfaction from the fact that the National Police Chiefs’ Council, which, in my experience, is an extremely powerful body for driving change across the police system, published a rural affairs strategy last July that reflects operational and policing priorities in rural crime. There are six priority themes: farm, machinery, plant and vehicle theft—I know my hon. Friend will welcome that—livestock offences, fuel theft, equine crime, fly-tipping and poaching. I know that the police chiefs are very aware of the need to give appropriate priority to rural crime.

On the specific report, as the House would expect, these are local decisions in a local debate on which it is not for me to opin. In response to my hon. Friend I can say what central Government are doing to support the battle against crime and disorder in Somerset and South Gloucestershire. My hon. Friend the Member for Thornbury and Yate (Luke Hall) is entirely right: the research is very clear about the importance of bearing down on what is sometimes misleadingly called low-level crime, because all the evidence says that if we do not get on top of that, it can escalate to bigger problems.

Since being police Minister, my priority has been to get more resources into policing, because I recognised from a very early stage that the system is overstretched. The reality is that as a result of the actions that we have taken, as a country we will be investing almost £2 billion more next year in our police system than we were three years ago. Police forces up and down the country are recruiting additional officers and staff—almost 3,000, including at least 100 in Avon and Somerset—so we are heading in the right direction. I say to my hon. Friend the Member for Bridgwater and West Somerset and other colleagues who are concerned about this issue that this is a stepping stone towards the spending review, which is the next major event in shaping the resources available to our policing. I have given the undertaking, as has the Home Secretary, that police funding is an absolute priority for us in the spending review. Within that, I have also undertaken to look again at the issue of fair funding. I note, for example, that Avon and Somerset has fewer police officers per head of population than the national average. These are issues that we need to address through the comprehensive spending review.

In the meantime, the Government are investing money to support the police in better co-ordinating their efforts on county lines— that point was raised in the debate—
because of course this crosses borders. We are already seeing the impact of additional investment through increased arrests and increased safeguarding of vulnerable children. Our support for the police—not just Avon and Somerset, but the whole system—goes further than that in terms of additional powers for the police, as they have requested, whether those are knife crime protection orders or the Offensive Weapons Bill, which is moving through Parliament and will make it even harder to buy and possess the most dangerous weapons. I know that the theft of vehicles is an issue particularly on farms and in rural areas. I can assure my hon. Friend that we are disturbed by the increase in vehicle crime. In fact, I have convened a taskforce to look specifically at it. The taskforce brings together industry, including the insurance industry, and all stakeholders to bear down on the problem.

Finally on our support for our police and our ability to hold them to account for their performance, we continue to attach enormous importance to the system of accountability we have set up, not just with police and crime commissioners but with independent inspection, which means that we can identify what good looks like, where it is and where things need to improve.

Finally, I would point out that Avon and Somerset police, stretched though they are, are rated by Her Majesty’s independent inspectorate as good for efficiency, legitimacy and effectiveness. They are also probably best in class across the system for their work in exploring how the police can better manage and use data to predict demand on them, which will be a large part of the future of policing, and we are supporting them actively in that, with significant investment over recent years. I congratulate the leadership of the force and its officers on their leadership in that area and their achievement in being rated good across all pillars of Her Majesty’s independent inspection regime.

I acknowledge the points that my hon. Friend has made, which will have been noted in Somerset at the top of the force and by the police and crime commissioner, and I close, as he did, by commending the work of frontline officers across Avon and Somerset for the excellent work they do under extremely demanding circumstances.

-question put and agreed to.

11.30 pm

House adjourned.
The Secretary of State was asked—

Children's Health and Wellbeing

1. Lucy Powell (Manchester Central) (Lab/Co-op): What steps is he taking to help ensure better co-ordination with (a) the Department for Education and (b) other Departments to support children's health and wellbeing.

Matt Hancock: My hon. Friend is absolutely right to raise this. The most forward-looking CCGs in the country are working with all sorts of partners—the voluntary sector, charities, local authorities—to deliver better services that make people healthier, even if they are not purely medicinal in the first instance. For instance, tennis lessons may sometimes help people, Mr Speaker, as may all sorts of other activities. This is all part of a broadening social-prescribing agenda to get people healthy, however that is best done.

Lucy Powell: I thank the Secretary of State very much for that reply. May I first pay tribute to the former Minister, the hon. Member for Winchester (Steve Brine)? I think his actions last night were very honourable, and he has been an exceptional Health Minister.

May I ask the Secretary of State also to look at how we can join up services much more strongly on the ground? Whether it is early years, child mental health or special educational needs and disability support, time and again we hear problems about how services are not joined up.

Matt Hancock: I agree with the hon. Lady on both counts. My hon. Friend the Member for Winchester (Steve Brine) was an excellent Public Health Minister, who did exemplary work and drove the agenda with great passion and determination, and he has behaved honourably in every sense.

On the point about cross-government working, the hon. Lady is completely right. The need to join up, breaking down the barriers of silos that sometimes exist between agencies, is vital. There is a huge amount of work under way in all of the areas she mentioned, and I am determined to see that work.

Tracey Crouch (Chatham and Aylesford) (Con): On Friday, I met two clinical commissioning groups that cover my constituency specifically to discuss mental health and children’s health and wellbeing. While it is an extremely complex issue, does the Secretary of State agree with me that, with the perceived rigorous spending rules requiring health providers to spend only on pure health services, it will remain extremely challenging for them to work with other agencies to support methods, such as those to build resilience, that improve outcomes for children’s health?

Matt Hancock: Yes, I would love to. I think this is an incredibly important agenda. It lies in directly with the question from my former ministerial colleague when I was at the Department for Digital, Culture, Media and Sport, my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch). There is lots to do on this agenda.

Dr Rosena Allin-Khan (Tooting) (Lab): There has been an alarming rise in the need for the use of baby banks for children. While I am proud that organisations such as Little Village in Tooting are doing such amazing work, it is shocking that we even need baby banks in this day and age. Does the Secretary of State agree with me that it is a stain on this Government and highlights the drastic inequalities seen in our society?
Matt Hancock: We are determined to do everything we can to support people, especially at the time—in the first 1,000 days—that is so critical to people’s whole lives, and that is an incredibly important part of the work. Improving maternity services is important, but the link-up with other broader agencies is also important, and we should not denigrate or downplay the vital role that charities too can play in supporting people.

David Tredinnick (Bosworth) (Con): I thank my right hon. Friend for coming to Hinckley to see co-ordination and social prescribing in action. Will he be taking steps to further develop personal budgets, which save money and improve lives?

Matt Hancock: Yes, absolutely. Driving the social prescribing agenda, which is based on increasingly strong evidence of the power of social prescribing to help people stay healthy and get them healthy again when they are ill, will also involve wider use of personal budgets. Almost 1 million people have personal budgets.

Dr Paul Williams (Stockton South) (Lab): I join my hon. Friend the Member for Manchester Central (Lucy Powell) in paying tribute to the very hon. Member for Ellesmere Port and Neston (Justin Madders). Has the Secretary of State seen Professor Clare Bambra’s research in the Journal of Epidemiology & Community Health this month, showing that inequalities in infant mortality between deprived and more affluent areas fell between 1999 and 2010 when there was a Labour Government, and then increased from 2011 to 2017? Is it not true that only Labour has the range of co-ordinated, cross-governmental policies that reduce inequalities in child health?

Matt Hancock: No. The NHS long-term plan has a whole swathe of policy to reduce health inequalities. The best thing we can do to reduce health inequalities is ensure that more people are in work, and the record number of jobs that have been delivered is a vital part of that agenda.

NHS Workforce

2. Derek Thomas (St Ives) (Con): What steps his Department is taking to ensure that the NHS has the workforce that it needs to meet the objectives of its 10-year plan.

Stephen Hammond: The apprenticeship levy was obviously introduced to cover the training and assessment costs of apprenticeships at a rate that would meet employee demand. I recognise some of the challenges that there are, and I would be delighted to meet my hon. Friend to discuss the issues that he has raised.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): The NHS 10-year plan in Plymouth will be delivered not only by NHS staff but by social enterprise staff. Those staff who work for social enterprise Livewell in Plymouth have had difficulty accessing the NHS pay rise and the NHS pension uplift. Will the Minister agree to meet me and Livewell’s staff so that we can resolve this issue, to ensure that all staff who work for a social enterprise receive the pensions they deserve?

Stephen Hammond: The hon. Gentleman knows that I wrote to him on 20 March on this issue, and I outlined that officials from DHSC had contacted the scheme administrator about the issues with Livewell. I can confirm that the members there would still be dealt with in the way set out prior to the implementation date, and I am happy to meet him.

Mr Philip Hollobone (Kettering) (Con): The best way that Kettering General Hospital could deliver the NHS’s 10-year plan would be to have the funding for an urgent care hub. I thank the Hospitals Minister for visiting recently. What can he do to ensure that that project is delivered?

Stephen Hammond: I was delighted to visit Kettering and to meet the chief executive and the chairman of the trust again. They made very strong representations. The representations by my hon. Friend and the trust have been heard, and he knows that they are at the forefront of my mind.

Carol Monaghan (Glasgow North West) (SNP): Changes to the pensions allowance are particularly impacting consultants in their willingness to do additional shifts, or indeed stay in their roles, so what discussions has the Minister had with the Chancellor about the effect of the changes to pension allowances on the retention of consultants in the NHS?

Stephen Hammond: My right hon. Friend the Secretary of State and I have both had conversations with the Treasury and the Chancellor, and there are ongoing discussions.

Andrew Selous (South West Bedfordshire) (Con): The Government have done well to get more medical students into general practice, but we are not doing quite so well at retaining GPs later on. What more can we do to make sure that GPs stay in general practice, so that more of our constituents can go and see a doctor more easily?

Stephen Hammond: NHS Improvement has a number of retention schemes in place, for GPs and for nurses, to look at why some people are leaving. The interim plan being developed by Baroness Harding has an employer of excellence work stream, which will report on a number of potential issues.
Jonathan Ashworth (Leicester South) (Lab/Co-op): May I just take a moment, on behalf of the Opposition Front Bench team, to thank the hon. Member for Winchester (Steve Brine) for all his work? We found him a decent, fair-minded Minister, and I wish to pass on my personal thanks for the work that he did on the children of alcoholics agenda.

We have 100,000 vacancies across the NHS. The Brexit mess means that we have fewer EU nurses and health visitors. Across the NHS, voluntary resignations are up 55% since 2011, and the professional development budgets have been cut by £250 million. Does the Minister agree that for Dido Harding’s review to be taken seriously, those cuts to continuing professional development must be reversed?

Stephen Hammond: As the hon. Gentleman heard me say earlier, Baroness Harding is developing the implementation plan, which will then feed into the final implementation plan published after the comprehensive spending review. The cuts, as he describes them, are not cuts. He knows that we are increasing the budget for the NHS in real terms and in cash terms up to 2023-24.

Jonathan Ashworth: The Minister is responsible for workforce, but does not seem to understand that training budgets have been cut. Baroness Harding’s review will only be taken seriously if it is backed up by real investment.

Outsourcing and transferring of staff, whether to wholly owned subsidiaries or the privatisation of clinical services, further undermines staff morale and creates a more fragmented workforce. The Secretary of State went to the Health and Social Care Committee and said no more privatisations on his watch, yet cancer scanning services in Oxford are being privatised. Will the Minister reverse those privatisations, or can we simply not believe a word the Secretary of State says?

Stephen Hammond: The hon. Gentleman can believe everything my right hon. Friend the Secretary of State says. He has delivered on his promise to work with the NHS to deliver a long-term plan, to deliver the funding that will make it possible, and to deliver the workforce that will ensure the plan is not undermined.

Health Inequalities: Life Expectancy

3. Liz Twist (Blaydon) (Lab): What assessment he has made of the effect on life expectancy projections of health inequalities, and if he will make a statement.

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): The latest work from the Office for National Statistics shows that life expectancy is projected to increase, but none the less there are inequalities within those figures. That is why we are taking action to reduce smoking, prevent cardiovascular disease and diabetes, improve cancer outcomes and, of course, tackle childhood obesity. I can also add that reducing health inequalities is an important component of our NHS long-term plan. All local health systems will be expected to set out how they will specifically reduce health inequalities by 2023-24.

Liz Twist: Sir Michael Marmot, the world-recognised authority on public health, has warned that the country has, since 2010, stalled in the task of improving the life expectancy of our population. There are already wide inequalities. For example, a Gateshead man can expect to have 57 years of life in good health, compared to the England average of 63.4 years; and a Gateshead woman can expect to have an average of 59.1 years in good health, compared to the England average of 64.1 years. What is the Minister doing to redress those real inequalities?

Jackie Doyle-Price: As I mentioned, the NHS long-term plan will be asking local health systems to specifically address this issue. Certainly, there are particular trends that I personally want to address. They are the real inequalities that affect people with learning disabilities, which are worse than the figures the hon. Lady mentions. We also see that the outcomes she refers to can be laid at the door of a slowdown of heart disease and stroke mortality improvements, so we really need to focus our interventions there. We are also seeing an increase in the fall in life expectancy due to alcohol misuse.

Rehman Chishti (Gillingham and Rainham) (Con): Medway has some of the highest health inequalities in the country. As the Minister rightly says, high inequalities are linked to a greater chance of a stroke. Despite that, the sustainability and transformation partnership and the clinical commissioning group decided to put an acute stroke service in Dartford, which is very close to London and is served by King’s College London. The criteria was not followed correctly. The matter is now with the Secretary of State to review. Can the Minister assure me that the criteria will be re-looked at to ensure that justice is done?

Jackie Doyle-Price: My hon. Friend will know that this has to be reviewed independently, but the Secretary of State does have duties to consider inequalities in all his work.

Dr Philippa Whitford (Central Ayrshire) (SNP): I too, wish to pay tribute to the hon. Member for Winchester (Steve Brine), who I sparred with many times in Westminster Hall. We might not have agreed on how to go about it, but he was clearly passionate about improving health.

The Secretary of State’s vision for NHS England includes video links to GPs, diagnostic phone apps and healthy people undergoing gene tests for a few hundred pounds. Considering his own experience of such a gene test, does he not recognise that this just increases access for the well-off, will drive demand in the system and will actually widen health inequalities?

Jackie Doyle-Price: I do not accept that at all. Apart from anything else, we are seeing younger generations be more technologically savvy. We are taking advantage of that technological innovation to spread good health prevention and to help people look after themselves.

Mr Speaker: I call Dr Philippa Whitford.

Dr Whitford: I wish to come in on Question 5, Mr Speaker.

Mr Speaker: I beg the hon. Lady’s pardon; I thought she wanted two questions on this. Maybe I was misinformed. Very well—she can have another question later.
Medicinal Cannabis Products

4. Sir Desmond Swayne (New Forest West) (Con): What estimate he has made of the number of prescriptions for medicinal cannabis products that have been issued since November 2018.

The Secretary of State for Health and Social Care (Matt Hancock): The data that my right hon. Friend asks for is not available, but it is important that we take action to make sure the right drugs are available for the right people.

Sir Desmond Swayne: Was it intended to make them as rare as hens’ teeth? What measures is the Secretary of State taking to support clinicians in actually prescribing?

Matt Hancock: I met the parents of some of the children whose needs are best met through the use of medicinal cannabis. My heart goes out to those who are fighting for this cause. We changed the law in the autumn to try to make it easier, and I am looking very closely at what we can do to make sure that the intention of that decision is met.

Mr Ben Bradshaw (Exeter) (Lab): The Health Committee heard last week that patients are dying unnecessarily and up to a million families are being driven to criminality by getting medical cannabis illegally, and the situation has got worse since the Government changed the law in November. When are these families going to get access to medical cannabis for their children and other sufferers that they would have access to if they lived in Germany, the Netherlands, Canada or the United States?

Matt Hancock: As the right hon. Gentleman knows, I supported and indeed participated in the decision to ensure that access was made legal in the autumn, and I am working right now on trying to make sure that some of the challenges in the system are unblocked. Ultimately, these things have to be clinician led, but my sympathy is with those who are campaigning, whom I have met, because I know of the anguish that this problem is causing.

Prescription Charges: Asthma

5. Mary Glindon (North Tyneside) (Lab): What assessment he has made of the effect of prescription charges on the health and wellbeing of people with asthma.

The Minister for Care (Caroline Dinenage): Extensive arrangements are already in place to help people afford NHS prescriptions. Those include a broad range of prescription charge exemptions, for which somebody with asthma may apply.

Mary Glindon: More than 90% of people on low incomes say they struggle to afford their prescriptions, and 71% told Asthma UK they skipped their asthma medication due to cost. Given the health inequalities in this country, will the Minister investigate that injustice?

Caroline Dinenage: People on low incomes who do not qualify for an exemption may be eligible for either full or partial help with prescription charges through the NHS low-income scheme. In addition, for those who do not qualify for that, the prescription pre-payment certificate is available, under which everybody can get all the prescriptions they need for only £2 a week.

Dr Philippa Whitford (Central Ayrshire) (SNP): Of the 300,000 who have missed out on their prescriptions, a quarter have had a flare-up of their asthma and 13% have ended up in hospital. Does the Minister not accept that prescription charges simply are not cost-effective and should be abolished, as they have been in Scotland?

Caroline Dinenage: Almost 90% of prescription items dispensed in the community in England are free of charge. That includes medicines for the treatment of asthma. The fact is that people who, like me, suffer from asthma and need those prescriptions have to decide, as taxpayers—as the people funding our NHS—whether we would rather contribute to those prescriptions or see the underfunding we have seen in Scotland, where GPs have been underfunded by almost £660 million over the last four years. It is a case of priorities.

Julie Cooper (Burnley) (Lab): I miss the former Minister, the hon. Member for Winchester (Steve Brine), but commend him for his principled stance.

The Minister is missing the point on prescription charges. It is now more than 50 years since the eligibility criteria for medical exemption charges were reviewed, and next week prescription charges will rise again, placing a financial burden on many who require regular medication for long-term conditions. Does she agree that it is high time the Government moved to address the very many anomalies in the system? How can it be fair that patients with some chronic illnesses get free prescriptions for all their ailments, while asthma sufferers pay for everything? When will she review this unfair system?

Caroline Dinenage: We all miss my hon. Friend the Member for Winchester (Steve Brine), so I thank the hon. Lady for her comments.

Since prescription charges were introduced, Governments of all colours have decided that some patients should pay prescription charges to contribute to the cost of running the NHS, but almost 90% of prescription items are dispensed in the community free of charge, which I think the hon. Lady will agree is an enormous amount.

Orkambi

6. Mr Stephen Hepburn (Jarrow) (Lab): What recent progress has been made in the discussions between NHS England and Vertex Pharmaceuticals on making Orkambi available on the NHS.

The Secretary of State for Health and Social Care (Matt Hancock): On 11 March, I held a meeting with all the parties to discuss how best to ensure that people with cystic fibrosis and their families can benefit from the best drugs as soon as possible. Vertex, the National Institute for Health and Care Excellence and NHS England met on Thursday and have agreed to take those discussions forward.

Mr Hepburn: Does the Secretary of State support immediate interim access to Orkambi while the negotiations are going on, and has he asked NHS England, NICE and Vertex to consider this option?
Matt Hancock: We are having constructive discussions—I am delighted that finally Vertex has agreed to participate in them; the parties have committed to providing the data needed for an objective assessment of the drugs in question, and I look forward to the discussions proceeding effectively.

Rachel Maclean (Redditch) (Con): A constituent of mine came to see me in my surgery. He had been born with cystic fibrosis and told me what a transformative effect the drug had had on him. He was lucky enough to be accepted on the trial, but he says we need to raise awareness because millions of people are not getting the drug. What response can the Secretary of State give to him and fellow sufferers?

Matt Hancock: My hon. Friend’s constituent is absolutely right about raising awareness of the issue and the need for these drugs. I know the impact that cystic fibrosis can have on people and of the hope that these drugs will save lives. We have made a significant offer to the pharmaceutical company, Vertex, to allow these drugs to be provided in the UK, and I very much hope we can come to an agreement.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): On NICE decision making, my young constituents Nicole and Jessica Rich have the life-limiting rare condition Batten disease. Last month, NICE turned down a proven treatment for the condition after a year of deliberation. I and several cross-party colleagues wrote to the Secretary of State to ask if we could discuss this urgent matter, but we received a reply from the Under-Secretary of State for Health and Social Care (Baroness Blackwood), saying that she could not meet us because of diary commitments. This is insulting. Will the Secretary of State meet us to discuss this urgent issue?

Matt Hancock: Yes, of course I will. I understand exactly where that process has got to. It concerns a different drug from the one in the question, but it is also a very important consideration for a number of people.

Luke Hall (Thornbury and Yate) (Con): Will the Secretary of State agree to or consider temporary interim access to Orkambi while the negotiations continue, and has he had any discussion so far on that subject?

Matt Hancock: I am happy to consider all options that can secure access in a way that provides value for money based on an objective assessment of what is clinically right. That is the basis of our discussions.

Kerry McCarthy (Bristol East) (Lab): I am glad that the Secretary of State is taking a personal interest in this matter. In Thursday’s debate, I mentioned the case of Oli Rayner, who gave evidence to the Health Select Committee. He fell ill in his 30s and was given Orkambi just to make him well enough to undergo a lung transplant operation. Is it not ludicrous to wait until people are virtually at death’s door before being prepared to give them the drug?

Matt Hancock: That is one very important consideration. Having met people suffering from cystic fibrosis and heard directly the stories they tell about the impact on their lives and how it potentially shortens their lives, I think it is very important that we find a solution, which is why I was so determined to bring the parties together.

Antimicrobial Resistance: Vaccines

7. Stephen Crabb (Preseli Pembrokeshire) (Con): What plans his Department has to help tackle antimicrobial resistance with vaccines.

The Secretary of State for Health and Social Care (Matt Hancock): The new five-year national action plan to tackle antimicrobial resistance contains the commitment to support more research into new and alternative treatments, including vaccines and diagnostic tests, to promote broader access to vaccines for both humans and animals.

Stephen Crabb: Stopping the spread of diseases such as TB by using vaccines will play a key role in tackling AMR worldwide, so what plans does my right hon. Friend have for building on the excellent work of the UK Vaccine Network, with all the funding that goes with that, to ensure continued UK leadership in vaccinology?

Matt Hancock: My right hon. Friend is right to raise this issue. Of all the challenges facing the world, the risk that antibiotics will fail to work in the future is a huge one that we cannot afford to allow to come to pass. We are putting significant research money into the production of new antibiotics and ensuring that we roll out vaccines so that antibiotics do not have to be used.

The use of antibiotics in the chicken population in the United Kingdom has fallen by more than 70% over the last five years. This is double: we will provide the money that is necessary to ensure that people can use antibiotics well into the future.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I beg the Secretary of State to snap out of the trance that he now seems to be in and wake up to the fact that many of the key researchers in this area are going back to their European homes because of the threat of Brexit? We are losing Spanish nurses, for instance, on whom my constituents absolutely depend for healthcare. Up and down the country, our health system is haemorrhaging talent because of the Secretary of State’s lack of action. Wake up, Secretary of State, and smell the coffee!

Matt Hancock: I am afraid that I profoundly disagree with the hon. Gentleman, who used to be so sensible. Antimicrobial resistance is a global problem and we contribute to global funds, because only by coming together as a whole world will we be able to tackle it—and that is what we are going to do.

NHS Nursing Associates

8. Andrew Lewer (Northampton South) (Con): What steps he is taking to increase the number of NHS nursing associates.

The Minister for Health (Stephen Hammond): Health Education England is leading a national nursing associate expansion plan to train 7,500 apprentice associates in 2019, building on the 5,000 who were trained in 2018.

Mr Speaker: Will the Minister face the House, please? Andrew Lewer.
Andrew Lewer: The University of Northampton successfully carried out its partnership with Northampton General Hospital in training the first wave of nursing associates in the United Kingdom, as the Secretary of State saw when he visited the hospital recently. What can he and his team do to encourage other universities and local hospitals to form partnerships to deliver similar results?

Stephen Hammond: I know that the Secretary of State enjoyed his visit and was very impressed by what he saw. Health Education England has led the establishment of test site partnerships across England. There were 11 test sites in the first wave and a further 24 in April of test site partnerships across England. There were

Mr Jim Cunningham (Coventry South) (Lab): What discussions has the Minister had with nursing associations and the Home Secretary about the recruitment of nurses and social care workers from the European Union after we leave and about how it can be made easier?

Stephen Hammond: I know that my hon. Friend the Minister for Care met the Home Secretary last week and that there are ongoing discussions.

Lyme Disease

9. Sir Hugo Swire (East Devon) (Con): What support his Department provides for the (a) study and (b) treatment of Lyme disease. [910030]

The Minister for Care (Caroline Dinenage): The National Institute for Health Research is supporting the study of Lyme disease by researching markers that would offer a faster and more accurate diagnosis. Meanwhile, the National Institute for Health and Care Excellence has published clinical guidance for the diagnosis and treatment of the disease for healthcare professionals.

Sir Hugo Swire: Lyme disease is often misdiagnosed or diagnosed late, which results in widespread suffering such as joint pain, paralysis and brain damage. Will the Minister therefore join me in congratulating the charity Caudwell LymeCo, which has pledged £1 million in research funding, and will her Department commission research on a better test for the disease?

Caroline Dinenage: My right hon. Friend is absolutely right to raise this issue. We know that the outcome of Lyme disease depends on whether it is diagnosed and treated at an early stage. That is why my Department commissioned four separate independent systematic reviews of all the relevant literature on the diagnosis, treatment, transition and prevention of the disease, which were published in December 2017 and which assess the existing evidence for the research community, research funders and the public. We welcome all independent researchers who want to do more work on that basis.

Rachael Maskell (York Central) (Lab/Co-op): My constituents have faced many challenges in relation to Lyme disease. They have had to go overseas to be tested and given a diagnosis. However, the NHS does not recognise those tests. What is the Minister doing about that?

Caroline Dinenage: Most people are diagnosed and treated successfully by GPs and recover uneventfully, but in a few cases people who are diagnosed late or are not treated adequately may develop significant complications. That is why the National Institute for Health Research welcomes applications for research funds.

22. Mr Laurence Robertson (Tewkesbury) (Con): Earlier this month I visited a young lady in my constituency who was living a perfectly good life but was then struck down by Lyme disease. She has not left the House in over 12 months and is in terrible pain all the time. The NHS in this country did not find a diagnosis from her blood sample; it had to be sent to Germany to get the diagnosis. An awful lot more needs to be done to help these people.

Caroline Dinenage: My hon. Friend is absolutely right to raise this: we do need to do more in this space, and that is why we are investing over £1 billion a year in health research through the National Institute of Health Research.

Nic Dakin (Scunthorpe) (Lab): What evaluation is being put in place to see how effective the 2018 NICE guidelines for clinicians on managing Lyme disease are in improving the treatment of this dreadful disease?

Caroline Dinenage: All NICE guidelines are permanently kept under review. If the research we are investing in throws new light on any issues, that will always be taken into consideration.

NHS Access Standards

10. Justin Madders (Ellesmere Port and Neston) (Lab): What assessment he has made of the implications for his Department’s policies of the conclusions of the “Clinically-led review of NHS access standards: interim report from the NHS national medical director”; and if he will make a statement. [910032]

The Secretary of State for Health and Social Care (Matt Hancock): It is a great pity to see the hon. Gentleman back up there on the Back Benches as he was such a force—and a rare force—for reason and progress on the Opposition Front Bench until recently.

Standards in the NHS should be based on clinical evidence, and NHS England’s proposals will be rigorously field-tested to gather further evidence on clinical, operational, workforce and financial implications, all with the goal of improving the quality of care.

Justin Madders: I thank the Secretary of State for his tribute—although it is not going to change the question I am going to ask. He will be aware that since July 2015 the four-hour A&E target has not been met and last month saw the worst performance on record, so regardless of any clinical reviews, is it not time that Ministers admitted that the four-hour A&E target has effectively been abandoned?

Matt Hancock: Of course, we are aiming to meet and improve against the targets, including with the injection of the extra money—£34 billion extra in cash terms over the next five years. At the same time, we must make
sure that the standards to which we hold the NHS are the right ones clinically for the times, and that is what this review of standards is all about.

Cervical Cancer

11. Mary Robinson (Cheadle) (Con): What steps he is taking to tackle cervical cancer. [910033]

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): We have some of the highest HPV—human papillomavirus—vaccination rates in the world. This month we launched a major new national campaign to increase the number of women attending cervical screening across England, and throughout the NHS long-term plan we have committed to radically overhaul screening programmes and further invest in the latest technology to transform diagnosis and boost research and innovation.

Mary Robinson: Figures from Jo’s Cervical Cancer Trust show that 200,000 women in Greater Manchester have missed their smear test, including half of women aged 25 to 29, yet we know that smear tests save lives. What are the Government doing to raise awareness of the importance of attending screening to prevent cervical cancer?

Jackie Doyle-Price: My hon. Friend is right: cervical screening saves up to 5,000 lives every year, so we cannot do enough to encourage women to take advantage of the screening. It is not the most pleasant experience to go through, but it can save lives. I would encourage everyone to take advantage of the screening, and we will continue to do our best to promote it.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): In Newcastle, cervical screening rates have fallen since 2010: they range from 85% to just 23% and are consistently lower in poorer areas and among younger women and ethnic minority women, and across the UK women are more likely to die in more deprived areas. What specifically is the Minister doing not just to encourage women to attend but to make screening more available at the weekends, out of hours and closer to where people live?

Jackie Doyle-Price: The hon. Lady makes some excellent points and highlights those areas of the community where take-up is much lower. We need to be more imaginative about how we promote the need for screening, and in that regard I am very pleased to see the work of Jo’s Trust, and also that of the Eve Appeal to raise awareness. We can all do our bit, and I would encourage everyone to spread the word about the need to get screened.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I, too, want to start by paying tribute to my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders)—he is a big loss to the Front Bench—and also to the Minister I used to shadow, the hon. Member for Winchester (Steve Brine). Credit where it is due: I know cancer charities and campaigners are all tweeting their regret, because the hon. Gentleman was, and hopefully will remain, a true ally of that cause.

Cervical cancer is the most common cancer in women. Smear tests can prevent 75% of cervical cancers from developing, but one in four women do not attend their smear tests and screening is now at a 21-year low. This was not helped by the failure of the outsourced screening to Capita, which failed to write to 48,000 women in six months. What are the Government going to do to ensure that women and girls know what happens at a smear test, what it is for and why it is so important?

Jackie Doyle-Price: As the hon. Lady will know, we have brought that service back in-house, but we should leave no stone unturned in relation to thinking more imaginatively about how we spread the word about the need for screening. I should like to pay tribute to those celebrities who have tweeted pictures of themselves going for their smear tests, because it is only by normalising it and ensuring that everyone realises that it is something they should do that we are going to encourage take-up.

Access to GPs

12. Helen Whately (Faversham and Mid Kent) (Con): What steps he is taking to improve access to GPs. [910034]

The Secretary of State for Health and Social Care (Matt Hancock): Primary and community care are set to receive an additional £4.5 billion a year of taxpayers’ money as part of the NHS long-term plan, to ensure that we can get the best possible access to GPs.

Helen Whately: In parts of my constituency, it is very difficult for people to see their GP. For example, in the area of Park Wood, there is just one GP for 4,000 patients. I welcome the extra money going into primary care that my right hon. Friend just mentioned, as well as the additional GP training places and the fact that a Kent medical school is coming our way, but we need more nurses, physios and other health professionals in primary care. What is he doing to ensure that people can see the right health professional when they need to do so?

Matt Hancock: This is an incredibly important agenda that is close to my heart. It is at the core of the prevention of ill health to ensure that we have the right primary care services. Yes, that includes more GPs, but it also includes more of the other health professionals who support them. We have 1,000 extra non-GP clinical staff already working in general practice compared with just two years ago, but there is much more to do.

Derek Twigg (Halton) (Lab): But what is the Secretary of State doing about retaining GPs? This is a real problem, and we have seen more and more GPs taking early retirement in recent years. What is he doing specifically to support retention?

Matt Hancock: This is a core question that Baroness Dido Harding’s workforce review will be looking into, and work is going on right across government to try to fix it.

Kevin Hollinrake (Thirsk and Malton) (Con): GPs are the first line of defence against superbugs and antimicrobial resistance, and the Secretary of State is already proving to be a world leader in this area. The idea of a resistance tax has the support of other world leaders including Lord O’Neill and Dame Sally Davies. Would he consider this approach?
Matt Hancock: I am happy to look at all approaches to how we can reduce the overuse of antibiotics to preserve them so that they work effectively where they are needed. Of course GPs have a role to play in that, and the number of antibiotics prescribed by GPs has fallen in recent years, but again there is much more work to do.

Jim Shannon (Strangford) (DUP): Will the Minister outline whether his Department is willing to enter into an agreement with medical students to wipe out their student loans if they contract to carry out five years of GP service?

Matt Hancock: That is an interesting proposition and I would be happy to talk to the hon. Gentleman more about the idea. I was in Northern Ireland last week looking at medical services there and at what we can learn, and that might be another idea.

STPs: Five-year Workforce Plans

13. Jeff Smith (Manchester, Withington) (Lab): What guidance the Government have issued to sustainability and transformation partnerships on drafting their five-year workforce plans.

The Minister for Health (Stephen Hammond): Workforce is a key priority for the Government, which is why my right hon. Friend the Secretary of State asked Baroness Dido Harding to develop an interim workforce implementation plan for the spring, including a 2019-20 action plan. It is right that local leaders and clinicians should be empowered to shape the services they need, which is why NHS Improvement has written to all system leaders in England to ask for their views on the vision that is coming forward.

Jeff Smith: The all-party parliamentary group on mental health’s recent report found that workforce is the biggest challenge to delivering improvements to mental health care. Given that there are 4,000 fewer mental health nurses than there were in 2010, what additional guidance and funding will the Government provide to ensure that local partnerships can recruit mental health nurses, and what are they doing to expand medical school places so that we can train more doctors, particularly in psychiatric specialties?

Stephen Hammond: The hon. Gentleman asked a number of questions there. It is true that the NHS has recently asked all sustainability and transformation partnerships and integrated care systems to create new five-year plans by autumn 2019 setting out how they are going to transform services. He will know that mental health is a priority in the long-term plan and that we are expanding the number of places for clinicians.

Jeremy Lefroy (Stafford) (Con): Will my hon. Friend meet me to discuss the severe shortage of pathologists to carry out post mortems? Professor Peter Hutton’s report referenced some ideas that we could take forward.

Stephen Hammond: My hon. Friend has already mentioned several such ideas and I would be happy to meet him to discuss them.
Vicky Foxcroft: The Government are committed to a public health approach, but we heard the Secretary of State dismiss it just a few weeks ago. What assurances can he give that he is now fully signed up to the approach? What evidence is his Department collating? How is the Department working with the Home Office to ensure that we have a long-term strategy for keeping our young people safe?

Matt Hancock: I am a huge fan of the public health approach to tackling knife crime. In fact, I was in Croydon yesterday to talk to charities and to students at Croydon College about the role the NHS can play in tackling the scourge of knife crime. I am a big fan of this agenda, and I look forward to working with the hon. Lady and colleagues from across the House.

Relationships and Sex Education

15. Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): What recent discussions he has had with the Secretary of State for Education on ensuring that lessons on HIV and sexual health form a core part of the relationships and sex education curriculum.

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): All children should receive good-quality relationships and sex education so that they understand the benefits of healthy relationships and how to protect themselves against sexually transmitted infections, HIV, unplanned pregnancy and abuse.

Lloyd Russell-Moyle: Does the Minister believe that the £6 million allocated for relationships and sex education is enough when it equates to a few hundred quid per school? Her Department has cut £3.2 billion from public health spending, meaning that many young people now cannot access STI testing, and we are seeing a boom in STIs among young people.

Jackie Doyle-Price: The hon. Gentleman’s question is actually a matter for the Department for Education, but I do not accept his statement. The new relationships and sex education proposals were widely welcomed across the House when they were announced, and we will improve children’s ability to look after themselves and have healthy sexual relationships.

Topical Questions

T1. [910047] Stephen Crabb (Preseli Pembrokeshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health and Social Care (Matt Hancock): We all in this House have huge admiration for the dedicated staff who work night and day to deliver world-class care to patients in our NHS. We should recognise that today marks the 75th anniversary of the publication of the White Paper on the establishment of the NHS, delivered in this House by a Conservative Minister, under a Conservative Prime Minister.

Stephen Crabb: The prescription of powerful painkillers has soared, as has the number of overdoses and deaths from these prescription drugs, with some of the worst statistics in the poorest areas of the country. What is my right hon. Friend doing to reverse this worrying trend?

Matt Hancock: My right hon. Friend is absolutely right to raise this. There has been a rise in opioid-related deaths, and we need to work across government to tackle the problem. Public Health England is reviewing prescription drug dependence, including opioid dependence, and we recently announced a review of over-prescription in the NHS to make sure patients are taking the right medicines for the right amount of time.

Barbara Keeley (Worsley and Eccles South) (Lab): There are still 2,295 patients who are autistic or who have learning disabilities in hospital in-patient settings, despite a Government pledge in 2012 that no one would be in inappropriate settings by 2014. In 2015, the Government said they would close up to 50% of these in-patient places, and they failed to meet that pledge, too, because of a lack of social care funding. Will the Secretary of State now commit to proper social care funding for this programme and renew the pledge to end the misery of these placements by 2022?

The Minister for Care (Caroline Dinenage): The NHS long-term plan has made it clear that learning disability and autism are one of the key clinical pillars in its absolute priorities. This transforming care work is incredibly important. Where people need access to in-patient services for assessment and treatment of their needs, it has to be for as short a time as possible, it has to be as close to home as possible and it has to be with a very clear discharge plan in place.

T3. [910049] Kirstene Hair (Angus) (Con): We all know that early intervention is vital for the most fatal mental health disorders: eating disorders. I warmly welcome how ambitious this Government have been to ensure that under-19s get seen as quickly as possible, and I encourage them to expand it. My constituents in Scotland do not have that, and they still have to wait up to 18 weeks to be seen. The Scottish Government refuse to see me, and they refuse to come in line with the UK Government. Will the Secretary of State assure me he will push this case next time he meets his counterpart in Scotland?

Matt Hancock: I will certainly do that, and I am very surprised and disappointed to hear what my hon. Friend has to report. I pay tribute to her work in leading on this agenda, including setting up the all-party parliamentary group. She has campaigned hard to get the Scottish Government to act. Given the progress we have made on the target—by 2021, 95% of children and young people with an eating disorder receiving treatment within one week for urgent cases and four weeks for routine cases—we are on track to meet it. That is something we should be discussing, at the very least, with our Scottish colleagues.

T5. [910051] Gavin Newlands (Paisley and Renfrewshire North) (SNP): My constituency hosts world-pioneering hubs of medical innovation that have allowed many patients across the UK and beyond to benefit from cutting-edge treatments like endovascular repair for abdominal aortic aneurysms. What work is the Department planning to undertake to maintain patient access to this highly effective treatment and to foster continued healthcare innovation?
Matt Hancock: We have a range of work going on to improve access to innovative new treatments, both pharmaceutical treatments and the broader treatments that the hon. Gentleman describes, including ensuring, through an accelerated access collaborative led by the former Labour Minister Lord Darzi, that we drive innovation and that those innovations are taken up by other parts of the NHS.

Several hon. Members rose—

Mr Speaker: Order. Last night, in the heat of the moment, I was discourteous to the right hon. Member for Chelsea and Fulham (Greg Hands), and thereafter I apologised to him. However, I take this opportunity in the Chamber today to repeat that apology unreservedly to the right hon. Gentleman, and I hope he will accept it in the genuine and sincere spirit in which the apology is intended.

T4. [910050] Greg Hands (Chelsea and Fulham) (Con): Mr Speaker, I thank you for your apology, and I think we will call it a day.

My right hon. Friend the Secretary of State knows I have been a long-standing supporter of Charing Cross Hospital in Fulham, but I am concerned by the politicised rumours that have surrounded the hospital in recent years. Will he update the House on the “Shaping a healthier future” programme, which many of my constituents believe to be anything but healthy?

Matt Hancock: My right hon. Friend was not only a very good Whip, but is a very good constituency MP. He has made his case very well. “Shaping a healthier future” is no longer supported by the Department of Health and Social Care, NHS Improvement or NHS England. The NHS will look at parts of the proposals that are in line with the long-term plan, such as the aspects that are focused on expanding the treatment of people in the community. As for the changes in A&E in west London that are part of “Shaping a healthier future”—for instance, those at Charing Cross Hospital, which he mentioned—these will not happen.

T6. [910052] Debbie Abrahams (Oldham East and Saddleworth) (Lab): My constituent, who has terminal secondary breast cancer, has had her personal independence payment assessment refused and is having to appeal the decision, in spite of doctors’ letters detailing her debilitating condition and the treatment regimen she has to go through. What discussions has the Health Secretary had with the Secretary of State for Work and Pensions on how to ensure that medical evidence of that sort is accepted, so that people with terminal and progressive conditions do not have to go through this awful process?

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): The hon. Lady makes a very good point. I had regular discussions with the sadly departed Minister for Disabled People, Health and Work, who provided really great challenge within the Department for Work and Pensions about how it handles such assessments. We must do all we can to humanise them, especially when people are going through periods of ill health.

T9. [910055] Kevin Hollinrake (Thirsk and Malton) (Con): Breast cancer oncology is the most recent service to be closed at Scarborough Hospital. It follows the closure of the pain clinic, dermatology, the eye clinic and physiotherapy. These are not cuts, but a contrived centralisation by the trust in York. Will the Secretary of State intervene to ensure that there is a full range of service right across my constituency?

The Minister for Health (Stephen Hammond): I commend my hon. Friend for his commitment to raising the local priorities of his constituents and for the campaigning he does on behalf of the local NHS. I think that these plans are best worked through by the local NHS. However, if he would like, I would be happy to meet him to discuss the concerns that he has on behalf of his constituents.

T7. [910053] Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Possability People is a disability charity in my constituency that has operated consistently for the last 30 years. Some 85% of its funding comes from the clinical commissioning group, but on 12 March it received a letter saying that it would stop in April. That follows the CCG’s decision last year to stop all funding for the low-vision clinic in my constituency. From April onwards, disabled people will have to go to their GP to access these services, which will cost more for the health service. Will the Minister meet me to discuss how we can save money?

Caroline Dinenage: The hon. Gentleman is absolutely right to draw the House’s attention to how vital local community services are in supporting people and to say that we really do need to invest in them. Clearly, these matters of investment are for local areas, which is why we allow CCGs to make these decisions, but I am more than happy to meet him to discuss the matter.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the Secretary of State give an evaluation of the “Future Fit” programme? We have secured more than £300 million for investment in our local hospital trust. What is his understanding of where the “Future Fit” programme has got to?

Matt Hancock: I have called in the independent review panel and asked it to consider all the evidence, at the request of the local council, to ensure that we properly assess all the evidence. We have made the money available, but we must ensure that the plans are the best ones possible for both Shrewsbury and Telford.

T8. [910054] Ian Mearns (Gateshead) (Lab): I listened intently to the replies the Minister for Care gave to my hon. Friend the Member for North Tynesside (Mary Glindon) and the hon. Member for Central Ayrshire (Dr Whitford) about asthma. Is the Minister aware that, in the area of the Newcastle Gateshead CCG alone, 654 people were admitted to hospital with complications arising from their asthma? Asthma UK tells us that, of the 175,000 sufferers in the north-east of England, more than 100,000 report that they cannot always afford their prescriptions. The strategy is not working, so will the Secretary of State commit to removing prescription charges for asthma sufferers to massively reduce preventable hospital admissions and deaths?
Caroline Dinenage: The Government take this very seriously. The NHS long-term plan sets out priorities for the NHS, and deaths from respiratory disease is a key indicator and an absolute priority. However, it is only right that people who can afford to pay for their prescriptions, like me—I am an asthma sufferer and I can afford to do it—do so. Local areas have to decide those priorities. At the moment, 90% of prescriptions are free.

Fiona Bruce (Congleton) (Con): Can Ministers outline the latest steps to support the children of alcohol-dependent parents? In the forthcoming alcohol strategies, will greater support be promoted for the families of alcoholics, who are often best placed to help to reduce alcohol harm in their loved ones?

Matt Hancock: Absolutely. My hon. Friend is right to stress the role of families in supporting the children of alcoholics. We made progress on that and were able to announce funding just last week. I pay tribute to my hon. Friend the Member for Winchester (Steve Brine) for all his work—I enjoyed doing it with him—to do everything we can to support the children of alcoholics.

T10. [910056] Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Stoke-on-Trent ranks 13th in the health deprivation index, yet our funding ranks only 46th. Will the Secretary of State explain that? At what point will funding follow need?

Matt Hancock: The relative funding across the country for different areas is assessed independently, and by law NHS England makes that assessment. I am happy to write to the hon. Gentleman with the precise details of how those allocations are devised—I am sure that he has got them; they are widely available—and an explanation of the conclusion that NHS England independently reached.

David Tredinnick (Bosworth) (Con): What is being done to improve co-ordination between orthopaedic surgeons, osteopaths and chiropractors to reduce the burden on surgeons?

Matt Hancock: It is an important part of the agenda that we look right across the piece at interventions that can benefit patients. I know full well, not least because I am married to a former osteopath, the positive impact that can have.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): In a debate on 24 January in this Chamber, many contributors outlined the dangers of using graded exercise therapy in treating ME. What conversations has the Department had with NICE on that issue before the proposed publication of the revised treatment guidelines in October 2020?

Caroline Dinenage: There are ongoing conversations. As the hon. Gentleman knows, NICE is updating existing clinical guidance on the diagnosis and management of ME and chronic fatigue syndrome. That guidance will be published in 2020.

Julia Lopez (Hornchurch and Upminster) (Con): I met the Secretary of State to discuss my campaign for a new health centre in Hornchurch and I welcome his subsequent announcement that NHS trusts can apply for NHS property assets. Will my right hon. Friend let me know how and when they can make those applications and whether he will consider fast-tracking any bid we make, given how close we were to receiving capital funding?

Matt Hancock: There is no better advocate for Hornchurch in the Chamber than my hon. Friend. She made her case with passion and commitment and I was very impressed by it. I will write to her with the full details, once they are published, of exactly how the process will work, and I look forward to working with her.

Tim Farron (Westmorland and Lonsdale) (LD): The north-west of England has only half the number of ambulances per head of population as London. In rural Cumbria, the situation is far worse. Will the Secretary of State agree to our proposal for an additional two ambulances for Westmorland so that we can keep our communities safe?

Stephen Hammond: The hon. Gentleman will know that, in the winter funding round, extra ambulances were provided across the whole country. I am happy to meet him and discuss his proposals, which I will then consider carefully.

Nicky Morgan (Loughborough) (Con): ADHD Solutions is a community interest company based in the constituency of the shadow Health Secretary that serves children and young people with ADHD across Leicestershire. Fifty per cent. of its referrals come from the NHS, yet it does not get funding for those referrals; however, those NHS services are able to meet NICE guidelines because ADHD Solutions is doing the job. Will the Health Secretary meet me and the shadow Health Secretary to discuss that?

Jackie Doyle-Price: I have corresponded with my right hon. Friend and the hon. Member for Leicester South (Jonathan Ashworth), but I am more than happy to meet him and discuss that issue. From my perspective, services for people with ADHD are a bit of a Cinderella and I would like to do my best to address that, working with colleagues across the House.

Ms Karen Buck (Westminster North) (Lab): With a throwaway answer to the right hon. Member for Chelsea and Fulham (Greg Hands), the Secretary of State has just pulled the west London strategic health framework, which has governed the delivery of hospital and community services for most of the last decade, absorbed tens of thousands of hours and cost hundreds of millions of pounds. Why has he not thought it appropriate to bring forward a statement so that the many of us who are concerned with this issue have an opportunity to interrogate the many very serious implications that this has for the delivery of healthcare across west London?

Matt Hancock: The hon. Lady and the hon. Member for Hammersmith (Andy Slaughter), who is sitting next to her, have run, over a number of years, totally inappropriate scare stories about what they said were potential changes to A&E in west London as part of “Shaping a healthier future”. It has been one of the worst aspects of local parliamentary campaigning and I am absolutely clear that the changes in A&E in west
London as part of “Shaping a healthier future” will not happen. However, there are elements of “Shaping a healthier future” that are about more community services and treating more people in the community. We look forward to working with the local NHS on those parts of the proposal.

Andrew Griffiths (Burton) (Con): Will the Secretary of State, on behalf of this House, thank doctors and nurses in the NHS for the amazing news that death rates from breast cancer are falling at a faster rate here than in the six largest countries in Europe and that, since 2010, death rates have fallen by 17.7%? He will know that I raised the issue of my constituent Nicola Morgan Dingley, who is suffering from terminal breast cancer. He very kindly wrote to me. Will he agree to meet Nicola so that she can describe to him the challenges faced by women with triple negative breast cancer?

Matt Hancock: Yes, of course. I would be delighted to meet my hon. Friend and his constituent. He is right that the fall in deaths from breast cancer is huge progress that we have made as a country. I pay tribute to the work of the NHS on that but, of course, every such death is a tragedy and we need to do yet more.

Andy Slaughter (Hammersmith) (Lab): “Shaping a healthier future” was the biggest hospital closure programme in the history of the NHS, with the loss of two major hospitals, including Charing Cross in my constituency. It was fully supported by the Conservative party not only nationally, but locally, as the right hon. Member for Chelsea and Fulham (Greg Hands) well knows. After seven years, millions of pounds wasted in consultants, staff leaving through insecurity and 2 million people across west London threatened with the loss of essential and world-class hospitals, is that it today? Abandoning “Shaping a healthier future” is a victory for the people of Hammersmith, for the Save our Hospitals campaigners and for our Labour council, but there has been appalling judgment by a succession of Governments and Secretaries of State. Will this Secretary of State now apologise to my constituents?

Matt Hancock: It is astonishing, is it not? My right hon. Friend the Member for Chelsea and Fulham (Greg Hands) has made this case with objective clarity and reasonableness, is supporting his constituents and led to a very positive outcome, keeping the A&Es open but still doing the positive work in the community, and all we continue to get is information that I regard as erroneous from the hon. Gentleman, who has campaigned in the most terrible way on this over many years.

Andrea Jenkyns (Morley and Outwood) (Con): A nine-year-old constituent of mine, Lydia Heptinstall, is a very brave sufferer of hypermobile Ehlers-Danlos syndrome. She suffers from joint pain, headaches and numerous other symptoms and cannot do the things that other children can do. Will the Minister meet me to discuss Lydia and what the Government are doing to raise awareness of this condition?

Matt Hancock: Yes, of course, I would be delighted to meet my hon. Friend and talk about her constituent’s concerns.

Alison Thewliss (Glasgow Central) (SNP): I am wearing purple today for Epilepsy Day. What assessment has the Secretary of State made of the causes of ongoing shortages of epilepsy medications? What action is being taken to address those problems and what impact will Brexit have on the supply of those medicines?

Matt Hancock: I, too, am wearing purple—purple socks in my case—to support this important campaign. Of course, we have done enormous amounts of work across the NHS. I pay tribute to the NHS and to suppliers for working to ensure that, whatever the Brexit outcome, there will be the continued supply of medicines, but there is one thing that the hon. Lady can do if she really wants to make sure that we put this issue to bed once and for all—vote for the deal.

Several hon. Members rose—

Mr Speaker: Order. I am sorry for disappointed remaining colleagues, but we must now move on. Before I take a possible point of order appertaining to business of which we have just treated, I want to say something with reference to yesterday’s decisions and tomorrow’s business.
**Speaker’s Statement**

12.39 pm

**Mr Speaker:** I understand that the right hon. Member for West Dorset (Sir Oliver Letwin) will be tabling a business of the House motion at approximately 4 pm today. Members have until the rise of the House this evening to table motions to be considered tomorrow under the indicative votes procedure. The indicative votes procedure itself, I must advise the House, will be set out in the amendable business of the House motion, which the House will debate tomorrow. I will leave it there for now. The Leader of the House will be making a supplementary business statement later, after the urgent question on Yemen. I hope, as a guide, that is helpful to the House.

**Points of Order**

12.40 pm

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): On a point of order, Mr Speaker.

**Mr Speaker:** We cannot have a replay of Question Time because people are disappointed with the answers they got or whatever, but if there is some material point of order to be articulated briefly, I will hear it.

**Debbie Abrahams:** Can you advise me, Mr Speaker? I think the Under-Secretary of State for Health and Social Care, the hon. Member for Thurrock (Jackie Doyle-Price), might have inadvertently misled the House in her response to Question 3 on health inequalities when she stated that there was an increase in life expectancy. In fact, the latest figures show that life expectancy has been revised downwards. Public Health England has done an investigation into this trend. Can you advise me, Mr Speaker, on how she might correct the record?

**Mr Speaker:** What I would say to the hon. Lady is that every Member in this place is responsible for what he or she says in it. If a Minister believes that an error has been made from the Treasury Bench, it is of course incumbent upon that Minister to correct the record. We shall have to wait to see whether the Minister judges that that is necessary in this case. If it is and it happens, I dare say the hon. Lady will be at least partly satisfied. If it is not thought to be required and therefore does not happen, my advice to her is to persist, if she wishes, through the use of the Order Paper, repairing to the Table Office to table questions, and seeking opportunities to ventilate the matter further at appropriate junctures in the Chamber.

**Andrew Griffiths** (Burton) (Con): On a point of order, Mr Speaker. As always in Health questions, you did your level best to get as many Back Benchers in as possible, so that we could put questions on behalf of our constituents, but obviously the desire of Members of this House to hold the Government to account on the NHS is such that Health questions are oversubscribed, as always. Every time we have Health questions, there are more people standing than the time allows. As Back Benchers, what can we do either to get more time for Health questions, which are so important, or to have them more regularly, so that Back Benchers can properly represent their constituents?

**Mr Speaker:** There are two possibilities. One is that Members can table further written questions—if they have already tabled some—or table them for the first time on the matter about which they are concerned and in relation to which they did not have an opportunity at oral questions. That is one avenue open to the hon. Gentleman and other Members.

Secondly, if the hon. Gentleman has a bigger concern, which I detect perhaps he has, and thinks that the salience of the issues and the level of interest in them are such that they warrant a greater allocation of time in the Chamber, my advice is to write to the distinguished Chair of the Procedure Committee, his hon. Friend the Member for Broxbourne (Mr Walker), to inquire what the Committee might think about allocating greater
time to these matters by comparison with others. For my part, the hon. Gentleman would know, I would happily sit in the Chamber all day and probably all night, listening to nothing other than the dulcet and mellifluous tones of my colleagues in relation to these important matters.

Bob Blackman (Harrow East) (Con): On a point of order, Mr Speaker. Could you further clarify your advice to the House about the processes to be followed tomorrow, and your suggestion about tabling proposed amendments before the rise of the House? There is a risk—we do not know—that the business on the Order Paper might collapse early. Would it not be more opportune to set a time by which all amendments should be tabled in case the business were to collapse and the House rise early?

Mr Speaker: I am grateful to the hon. Gentleman. I confess that I had not considered that point. The Clerk at the Table, having consulted his scholarly cranium with characteristic speed, has swivelled around to advise me on this matter, and he does not think it necessary; on balance, I do not think it necessary either. The hon. Gentleman is obviously concerned about the possibility that the business of the House might conclude early, but it is not automatically to be assumed that that will be so. If that eventuality were to arise and Members were to be disadvantaged as a consequence, I would have to revisit the issue because my concern is to facilitate colleagues.

As things stand, I am working on the assumption—considering matters lying ahead, and playing for time as I do and as colleagues can see—that this need not arise. We have an urgent question on the situation in Yemen, consideration of the Healthcare (International Arrangements) Bill and a number of other items of business, including the consideration of Lords amendments to the Offensive Weapons Bill and a motion regarding section 5 of the European Communities (Amendment) Act 1993 that is amendable. I give the hon. Gentleman a hint that hon. Members may have expressed an interest to me in amending that motion. I can therefore see some hours of learned and eloquent debate ahead of us. I hope that allays his concern.

Melanie Onn (Great Grimsby) (Lab): On a point of order, Mr Speaker.

Mr Speaker: Oh, very well.

Melanie Onn: Sorry to disappoint you, Mr Speaker. It appears that hon. Members are able to submit oral questions for the weeks beginning 8 April and 15 April. Is that accurate, and has future business been amended?

Mr Speaker: I am advised that it may be a glitch in the system. The short answer is that the business for those weeks has not been announced. As I think the puckish grin on the hon. Lady’s face testifies, she knows that the business is a matter of some uncertainty at this stage. I do not know any more than she does, and as of this moment I possibly do not know any better than Members on the Government and Opposition Front Benches as to whether the House will be sitting in the weeks of 8 April and/or 15 April. It is a matter still to be determined.

Dr Rosena Allin-Khan (Tooting) (Lab): On a point of order, Mr Speaker. I am sure that the whole House will join me in condemning the abhorrent racist abuse directed at England footballers during their match last night. I know that you will agree that we must do everything we can to stamp out this vile behaviour. Can you advise me whether it would be reasonable to expect the Secretary of State for Digital, Culture, Media and Sport to come to the House and make a statement on what the Government are doing to protect our players abroad and what action they are taking to push for the strongest possible punishments?

Mr Speaker: It is certainly perfectly reasonable for the hon. Lady to hope for a statement. Whether the Secretary of State has a plan to do so imminently—in truth, I do not know. It may be intended. There are other ways in which the House can air its concerns on the matter. I share entirely the hon. Lady’s view. Any and all racist abuse is to be utterly and unreservedly condemned, and all of us who have public voices—if I may put it that way—should take the opportunity to make it clear that there can be no justification for that behaviour by anyone, anywhere and at any time. A huge amount of work has been done by anti-racist organisations in football and more widely across sport to try to change behaviour and change the attitudes that underlie abhorrent behaviour. It is only a pity to note that, despite some fantastic work—of which the hon. Lady will also be well aware—much still remains to be done.
Yemen

12.49 pm

Emily Thornberry (Islington South and Finsbury) (Lab) (Urgent Question): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the situation in Yemen.

The Minister for Asia and the Pacific (Mark Field): I hope you will indulge me for just one moment, Mr Speaker, while I pay tribute to my right hon. Friend the Member for North East Bedfordshire (Alistair Burt), who has left office and, in a normal state of affairs, would have been answering this question. He is a very old friend of mine. We have shared offices not just in the Foreign Office but in Portcullis House. I know that he will make a great contribution to international affairs and elsewhere, not least in the middle east, in the rest of his time in Parliament.

Today is the fourth anniversary of the intervention by the Saudi-led coalition into the conflict in Yemen, at the invitation of the Government of Yemen, which began when the Houthi rebels captured most of the capital, Sana’a, and expelled the internationally recognised Government. Since then, Yemen’s humanitarian crisis, the largest in the world, has continued to worsen, as many right hon. and hon. Members know. We call on both sides urgently to implement the agreements made at the Stockholm peace talks and bring an end to this dire conflict.

The United Kingdom is at the forefront of work towards a political solution to this conflict—there can only be a political solution, in the long term—and we will continue to show leadership as part of international efforts to end the appalling suffering that millions are facing. My right hon. Friend the Foreign Secretary visited the region at the beginning of the month in a display of the UK’s support for efforts to secure peace. During this time, he visited the port city of Aden, becoming the first western Foreign Minister to visit Yemen since the conflict began. He also attended the peace talks in Stockholm last December. This year—the tax year 2019-20—we have committed an additional £200 million of UK aid, bringing our total commitment to over £770 million since the conflict began. This support will save, and indeed is saving, lives by meeting the immediate food needs of more than 1 million Yemenis each and every month of the year, treating 30,000 children for malnutrition and providing more than 1 million people with improved water supply and basic sanitation.

The UK continues to support the work of the UN, and the UK-led UN Security Council resolutions 2451 and 2452 were unanimously approved by the Security Council in December 2018 and January 2019 respectively. Those resolutions enshrined the agreements made in Stockholm and authorised the deployment of monitors within the UN Mission to Support the Hodeidah Agreement, thus bolstering the peace process further.

We believe that the Stockholm conference was a landmark point, as the first time that the parties had come to the negotiating table in over two years, but we all know that there is a serious risk that this window of opportunity to make progress towards lasting peace may slip away. The UK therefore urges both sides to act in good faith, to co-operate with the UN special envoy and General Lollesgaard and to implement the Stockholm agreements rapidly. We have been clear that a political settlement is the one and only way to bring about long-term stability in Yemen and to address the worsening humanitarian crisis. We shall continue to make every effort to support the UN-led process to get to the solution that so many Yemeni civilians so desperately require.

Emily Thornberry: Thank you, Mr Speaker, for granting this urgent question.

Let me begin by completely agreeing with the Minister about the terrible loss from the Foreign Office Front-Bench team of the right hon. Member for North East Bedfordshire (Alistair Burt), who might well have been answering this question today were it not for his decision on a matter of principle. Labour Members applaud the right hon. Gentleman for that today, as we do the equally principled stance taken by the Minister for Asia and the Pacific. We will miss both the substance and the tone that the right hon. Gentleman has brought to our debates from the Front Bench over the past two years.

Unfortunately, however, the former Minister is one of several Foreign Office and Defence Ministers who have told us repeatedly from the Dispatch Box, in written answers and in evidence to Committees that Britain is not a party to the conflict in Yemen. Most crucially, for the past three years, that phrase has been used time and again by Ministers to explain that it is impossible to assess alleged individual violations of international humanitarian law in Yemen because we are not a party to the conflict. Yet this weekend we read reports in The Mail on Sunday that members of British special forces had been engaged in gun battles with the Houthi rebels in Yemen while providing support to the coalition forces.

I am not for a second expecting the Minister of State to comment on the activities of our special forces—something that the Government never do—but I want to ask him two important questions of principle. First, in the light of these reports, do the Government still stand by their long-standing statements that Britain is not a party to this conflict? We already know about our support for the Saudi air force and our supply of billions in arms for the Saudi coalition. If, in addition to all that, our forces are engaged in actual gun battles with the Houthi rebels and that does not constitute being a party to the conflict, I really do not know what does.

The second question of principle is this. It is an equally long-standing position of the Government that there is no military solution to this conflict. Indeed, the Minister has reaffirmed that today. So I simply ask this: why, if these reports are accurate, are British forces being put in harm’s way trying to deliver that military solution?

Finally, there was one especially disturbing allegation in The Mail on Sunday report that our forces are providing support to locally recruited, Saudi-funded militia and that many of the fighters—up to 40%, it was alleged—are children as young as 13 years old. Is that in any way true? If it is, that would confirm that our forces are not just a party to this conflict but witnesses to war crimes.

Mark Field: I thank the right hon. Lady for the tone of her contribution. She will appreciate—indeed, she expressly appreciated—that in relation to special forces we do not comment either to confirm or deny any
involvement. Clearly, she is well aware that we have liaison officers who are based in Saudi Arabia, and have been routinely, I am very keen not in any way inadvertently to mislead the House on this matter, and therefore I will, if she will forgive me, ensure that she has a written response, liaising with the Ministry of Defence, about the issue of other engagement or involvement of British personnel in Yemen at the moment. We still hold to the firm view that we are not a party to the conflict. Clearly, we are supportive of Saudi Arabia, which has been a long-standing ally, as she is aware. There is no military solution to this matter.

I have never been to Yemen myself, but my late father’s first engagement out of Sandhurst was in Aden, in a different time. He had the fondest of memories, as indeed many people living in that country have of this country. That is why we have been a penholder at the UN Security Council.

I have also, of course, read the article in The Mail on Sunday, if perhaps slightly later than the right hon. Lady did—only this morning. It makes some very serious allegations. I am keen that we get to the bottom of those allegations. Again, I am very keen not in any way to mislead the House, but allegations made in relation to any engagement that involves bringing child soldiers on board would be appalling. I very much hope that the journalist will be in a position, within the sources that he can reveal, to make it clear what knowledge he had on the ground. Clearly, that will be investigated as a matter of urgency.

Several hon. Members rose—

Mr Speaker: Order. I am very much hoping to move on no later than 1.30 pm, so brief questions and answers would be greatly appreciated.

Mr Andrew Mitchell (Sutton Coldfield) (Con): The whole House will be grateful for the words of the Minister and the shadow Foreign Secretary about my right hon. Friend the Member for North East Bedfordshire (Alistair Burt). I have worked with him on international development matters for the last 14 years, and the Government can ill afford to lose such a capable Minister at a time like this.

The welcome change of direction on Yemen that the new Foreign Secretary has ushered in is greatly to be applauded, but there were exceedingly serious, credible and authoritative allegations in the Sunday media that serving British military personnel have been seriously wounded in operations in Yemen. That flies in the face of assurances given from the Dispatch Box on countless occasions, including in emergency debates that you have authorised, Mr Speaker. I tabled a number of questions last night to the Ministry of Defence, and were it not for the all-consuming nature of Brexit, I suspect the House would want to explore this as a matter of urgency.

Mark Field: I thank my right hon. Friend. I know he has a long-standing interest in this issue, not least the humanitarian aspect, from his time as International Development Secretary. He is right; these are very serious allegations, and I am keen that I do not inadvertently give reassurances on the Floor of the House that could turn out not to be the case. We need to have an internal investigation. I will perhaps take this up in writing with him, but I suspect that we will come back to this issue on the Floor of the House before too long.

Stephen Gethins (North East Fife) (SNP): May I add my own remarks about the right hon. Member for North East Bedfordshire (Alistair Burt)? This is a loss that the Government, never mind the FCO, can ill afford. He was a fine Minister, and I am sorry to see him go.

In the deepening humanitarian crisis, some aid agencies are saying that they cannot now work around Hodeidah, and the cholera crisis is spiralling out of control. How are we using our influence? We have been told that the Government are using their influence through arms sales. What influence has £4.6 billion-worth of arms sales delivered? The Minister said in response to the shadow Foreign Secretary, on the subject of the Mail on Sunday allegations, that “we are not a party” to the conflict, but “we are supportive”. Can he give more detail about what the difference is? What advice is the Foreign Office giving to the Home Office about those who manage to flee the conflict in Yemen, who are being diverted to Sudan at the moment? What advice is it giving about the safety of young families who have been sent there?

Mark Field: For obvious reasons, there is constant dialogue between the Home Office and the Foreign Office. I will get back to the hon. Gentleman on specifics, if I may. As far as the broader issue of arms sales is concerned, I appreciate that other Members may wish to raise this, but let me say generally that, as he will be aware, we have one of the strictest arms sales regimes in the world.

Emily Thornberry indicated dissent.

Mark Field: Well, as the right hon. Lady will be aware, it is a regime that came into place under the new Labour Administration.

Emily Thornberry: It has been pushed to the limit.

Mark Field: I can confirm to the right hon. Lady that in my part of the world—in Asia and the Pacific—the issue that I probably spend the most time on is arms licences. All Foreign Office Ministers take that work extremely seriously. I have a strict rule in my mind that if the recommendation is to refuse, I will endorse that, but if it is to accept, I will look very carefully through the papers and will often ask for further and better particulars or will push back to refuse. That causes all sorts of day-to-day concerns with the Department for International Trade, but we do that. We take that very seriously as Foreign and Commonwealth Office Ministers—something I am sure she looks forward to doing at some point in the near future.

Sir Desmond Swayne (New Forest West) (Con): To what extent are offensive coalition air operations continuing? What is their intensity?
Mark Field: I will have to get back to my right hon. Friend on that matter. It is more an issue for the Ministry of Defence, I guess, than for the Foreign Office.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): May I echo what has been said about the former Minister, the right hon. Member for North East Bedfordshire (Alistair Burt)? He will be a huge loss to both the Foreign Office and the Department for International Development.

On Saturday in Birmingham, friends of Yemen from across the country came together with a very powerful voice for the diaspora. Can the Minister seek to ensure that, the next time Martin Griffiths is in the UK, he has a meeting with representatives of the Yemeni diaspora who live here, so that their voice can be heard in this process?

Mark Field: That is essential, and we will try to organise that. I will try to ensure that my private office gives the hon. Gentleman as much notice as possible of Martin Griffiths being here in the UK. We can be very proud of what we are doing on the humanitarian aspects of this. That links into the Yemeni diaspora in this country, and we hope that they will feel that they can play an important part in a better future for that country.

Mary Robinson (Cheadle) (Con): The Minister rightly says that a political settlement is the only way to end this crisis, but pressure must be exerted from all sides. Does he have a message for the Government of Iran about how they can use their influence with the Houthi people to bring about peace?

Mark Field: I thank my hon. Friend for her question. She will be aware that this war did not begin with a Saudi-led intervention. This whole matter began six months after Houthi rebels, representing no more than 15% of the Yemeni population, captured most of the capital, Sana’a, and expelled the internationally recognised Government. As she alludes to, they have been supported by Iran, and clearly the international community needs to try to come together. It is a desperate humanitarian situation on a scale that few of us can comprehend. I have been out to Cox’s Bazar, where the Rohingya are living, but this is on a scale literally 30 times as great; it is really quite horrific.

Keith Vaz (Leicester East) (Lab): I join the shadow Foreign Secretary and others in commending the incredible work of the right hon. Member for North East Bedfordshire (Alistair Burt).

This is a grim anniversary. Since the ceasefire was announced, three civilians have died in this conflict every single day, and there are 110,000 cases of cholera. Three dates are essential: the date that we can have the next meeting of the Quad, the date when the peace talks will resume and the date for the appointment of a new Minister with responsibility for Yemen. When will those be? It is important that we have proper ministerial focus. The Minister cannot run the whole world. We need someone as focused as the right hon. Member for North East Bedfordshire.

Mark Field: That is a fair question. I would like to think that I can do the job at least for urgent questions and the like, but I take on board what the right hon. Gentleman says. As far as a date for peace talks is concerned, we are desperate to ensure at the UN and with all our partners that there is momentum from what happened in Stockholm, which was very positive, but we feel that the momentum is coming to an end. As far as the Quad is concerned, there are ongoing discussions, and no doubt we will again try to get more movement and momentum to ensure that the progress made is built upon and does not dwindle away.

Dr Julian Lewis (New Forest East) (Con): Are there any restrictions on our very large aid budget that would prevent us from applying it to a warzone such as this?

Mark Field: My right hon. Friend will recognise that that is an issue for the Secretary of State for International Development, but there are restrictions on it—in fact, fairly strict restrictions in international law, and our own legislation has come into play in that regard. Clearly, this is a desperate humanitarian situation. I think all of us feel that it is right that a significant amount of international aid is placed there. There is a recognition that it is sometimes difficult to get to the most vulnerable on the ground, but we shall do our level best to ensure that that happens.

Jo Swinson (East Dunbartonshire) (LD): I very much echo the comments that others have made about the right hon. Member for North East Bedfordshire (Alistair Burt). He was one of the very best, most thoughtful and most dedicated Ministers, and his departure from the Front Bench is a loss to the Government and the country.

There has been a huge reluctance on the part of the Government to criticise the Saudi regime, even in the face of the most appalling humanitarian situation in Yemen, which the Minister described, and the appalling conflict. It seems unacceptable that we continue to sell arms to Saudi Arabia. I do not call that leadership. Instead of leveraging our influence from our trading relationship with Saudi Arabia, it seems that we are silenced by it. Does the Minister share my assessment that, after Brexit, we will be in a weaker position, not a stronger one, to criticise states with a bad human rights record?

Mark Field: No. The truth of the matter—I see it even in my part of the world—is that the diplomatic channels are open, and we regularly express human rights concerns with countries with which we have trade. I reiterate that we do take our export licensing responsibilities extremely seriously, and we operate a very robust arms export regime. There is a respectable case that says we should not be in the arms business and should just not sell any at all, but we would like to think that our regime means that in many ways we are able to present a more robust case than many other countries that sell arms across the world.

Bob Stewart (Beckenham) (Con): The Foreign Secretary has said that there are 50,000 metric tonnes of grain stuck in Hodeidah. Is it possible that we could use the port of Aden, which used to be a great port, to deliver aid and divert it another way?

Mark Field: I should say to my hon. Friend that the most vulnerable areas are in the north-west of the country, and important though Aden is as a port,
Yemen is a large country and it is actually too far away. The roads from Aden to the most affected areas are of course particularly dangerous to traverse at this time.

Mark Field: I thank the hon. Lady for her question, and I look forward to crossing swords with her now she is on the Foreign Affairs Committee. We take the issue of children very seriously, and part and parcel of our work with non-governmental organisations and international bodies is ensuring that children are not used in any sort of conflict, particularly those being pushed across borders in the way she describes. We will do our level best, and if we have more specific information, I will obviously ensure that it is brought to her attention.

Mr Philip Hollobone (Kettering) (Con): The Iranian-backed “party of God”—Hezbollah—which is mainly based in Lebanon, has been supplying training, weaponry and missile technology to the Iranian-backed Houthi insurgency. To what extent does the Minister believe that Hezbollah is egging on the Houthis not to adhere to the terms of the ceasefire?

Mark Field: I very much agree with my hon. Friend. We have very long-standing concerns about Hezbollah’s involvement in Yemen. Hezbollah and Iran are of course providing training and weapons to the Houthis, contrary to UN Security Council resolution 2216 and the embargo on the export of weapons by Iran. We shall continue to encourage Iran, the state sponsor of Hezbollah, to end its support for the Houthi insurgency. To what extent does the Minister believe that Hezbollah is egging on the Houthis not to adhere to the terms of the ceasefire?

Mark Field: I very much agree with my hon. Friend. We have very long-standing concerns about Hezbollah’s involvement in Yemen. Hezbollah and Iran are of course providing training and weapons to the Houthis, contrary to UN Security Council resolution 2216 and the embargo on the export of weapons by Iran. We shall continue to encourage Iran, the state sponsor of Hezbollah, to end its support for the Houthi insurgency. To what extent does the Minister believe that Hezbollah is egging on the Houthis not to adhere to the terms of the ceasefire?

Richard Burden (Birmingham, Northfield) (Lab): With nearly 110,000 new cases of cholera since the start of the year, a third of which involve children under the age of five, does the Minister agree that any strategy to protect children must not only stop the appalling attacks on children, such as the attack on the school bus last summer, but take action against killer diseases such as cholera? Will he tell us what we are doing to achieve that?

Mark Field: It is an absolute tragedy of the first order. I am often reminded that cholera was discovered, if that is the right word, in my constituency, a stone’s throw from here, back in the 1840s, when it was discovered that it was a water-borne disease. It is obviously unthinkable that people could suffer from cholera in this country, and we are doing all we can to ensure that there is fresh water, and indeed that water supplies are as pure as possible. The hon. Gentleman will appreciate that there is probably also cholera in some of the more difficult to reach far-flung areas, where it is difficult to get access.

Bob Blackman (Harrow East) (Con): The initial optimism of the peace talks bringing the two sides together seems to have waned. What influence is my right hon. Friend seeking to have on the different parties to bring them to the negotiating table so that international aid can be provided to relieve the humanitarian suffering?

Mark Field: As we see it, the next phase of the Stockholm agreement is to provide for a mutual redeployment of the forces away from Hodeidah. Again, we are looking to work, as we need to do, with both sides of the conflict for an agreement on that, which would obviously have a big impact on the humanitarian situation. That has not been implemented to date, and to be frank with my hon. Friend, until that happens the ceasefire is unlikely to be sustained.

Martin Whitfield (East Lothian) (Lab): To go further on that point, can the Minister give examples of how, practically, he is ensuring that aid is being delivered to all parts of Yemen, no matter who is holding that ground?

Mark Field: The detailed aspects of this are slightly sensitive. They are a matter for the Department for International Development, and I will do my best to write to the hon. Gentleman with some details.

Julia Lopez (Hornchurch and Upminster) (Con): Without wishing to repeat what others have said, keeping Hodeidah port open is absolutely critical to the flow of aid and food supplies to those most in need in Yemen. Given the heavy weapons fire between the warring parties in the city this week, what urgent pressure has the Minister sought to exert to restore the ceasefire there?

Mark Field: The work we are doing within the UN is clearly vital. We have to bring both sides of this conflict together, and we have done our level best to do that. We think the Yemeni Government understand the importance of this issue, and it is the single most important issue that will have such an impact on the lives of the many millions of Yemenis having to put up with this dreadful conflict.

Graham P. Jones (Hyndburn) (Lab): May I add my compliments to those paid to the right hon. Member for North East Bedfordshire (Alistair Burt)?

The allegations about child soldiers are very serious. I have previously raised them in the House, and it is very disappointing that it has taken us so long to discuss them. UNICEF has reported how many child soldiers were employed by the Houthis; the BBC has reported that they were being shot in the back; and we have seen other such crimes such as the use of mines. When are we going to take Yemen seriously, instead of discussing some issues around the edges that do not affect the situation in Yemen?

Mark Field: To be honest, until all parties in Yemen are committed to the peace process or start down that path, it is going to be very difficult. That is the truth. We will do as much as we can on the humanitarian side, and we will obviously continue to do as much as we can diplomatically, but there needs to be a sense within Yemen of all parties being committed to peace. Unfortunately, four years in, that is not yet the case. I entirely share the hon. Gentleman’s deep-seated concerns about the dreadful notion of child soldiers being used in this conflict.
John Howell (Henley) (Con): The Minister has talked of two sides being involved in this, but there is a third, which is Iran. What is being done to bring Iran into the process so the humanitarian crisis can be solved?

Mark Field: As I mentioned in the answer to my hon. Friend the Member for Kettering (Mr Hollobone), we obviously recognise that Iran has an important part to play, not least because it is the state sponsor of Hezbollah. We will continue, in whatever way we can, to make representations to the Iranian Government—we do that out in Tehran, obviously, but also in the international community—and to try to impress on others the importance of their influence. As he says, it has all too often been a malign influence, and it needs to change.

Diana Johnson (Kingston upon Hull North) (Lab): To follow up on that question about Iran, what further measures can the Foreign and Commonwealth Office bring into play to make sure that Iran, which obviously has a proxy in this conflict in Yemen, is brought to account for what it is doing?

Mark Field: On bringing Iran to account, the hon. Lady is absolutely right that it has had a proxy in what has happened, as it has for some years, not least in encouraging the Houthi insurgents. We have recognised that if Yemen is to have unity, sovereignty, independence and territorial integrity, Iran clearly has an important part to play. We hope it will use its influence with the Houthis to encourage a de-escalation of the current crisis and to end their attacks on coalition countries, but also to support the moves back towards a political track.

As I have often said here about diplomacy, sometimes it is a matter of taking three steps forward and a couple of steps back. Stockholm was definitely three steps forward, and I think we are in a far better place today than we were six months ago. Equally, we do not want those advances to slip away. Iran has had an important part to play in that process, and will do in the years to come.

Kevin Foster (Torbay) (Con): The Minister is right to focus on the peaceful and negotiated solution that needs to be sought to bring an end to this conflict, but what discussions are there about long-term support to stabilise and rebuild the country? This is not just about bringing the fighting to an end; the long-term solution is about ensuring that it does not restart.

Mark Field: My hon. Friend is absolutely right, and of course there is thought going into that. I see it in a different part of the world—in Afghanistan, where obviously we have had an engagement—and one realises just how long a haul this must be. As my hon. Friend says, an important aspect of that is to build up a sustainable economy. Of course, one does not start from zero in that regard. We need to work together with the international community to build up a sustainable economy in Yemen that can provide prosperity for future generations.

Kevin Brennan (Cardiff West) (Lab): The right hon. Member for North East Bedfordshire (Alistair Burt) was dedicated in office, a decent person and dignified in the leaving of office. He was also helping me with the case of my constituent Luke Symons, who has been held captive by the Houthis for two years in Sana’a, and we were, I hope, making some progress. Will the Minister—or perhaps the Foreign Secretary, who is aware of this case—agree to an urgent meeting with me in order that we do not lose momentum, given the former Minister’s departure?

Mark Field: I could not suppress a slight smile when the hon. Gentleman talked about my right hon. Friend the Member for North East Bedfordshire (Alistair Burt); it was as though he had died. I think he is still alive and kicking. He is probably having a quiet pint and a quiet afternoon—though maybe not.

The hon. Gentleman raises a serious point about Luke Symons, on whose case he has worked extremely hard. He is aware that the Foreign Secretary brought up the case during his visit to Yemen earlier in the month. We have been providing consular advice to the UK-based family since 2017, and will continue to do so.

I wish to put it on the record that although I appreciate there were particular reasons why Luke Symons was out there—his wife is a Yemeni national—we now advise against all travel to Yemen, and therefore we are unable to provide consular assistance out in the country. Anyone who travels to Yemen against our advice is putting themselves at considerable risk.

Of course I would be very happy to meet the hon. Gentleman, and indeed representatives of the Symons family.

Alison Thewliss (Glasgow Central) (SNP): I, too, would like to share my gratitude to the right hon. Member for North East Bedfordshire (Alistair Burt) for his work. I was very glad to be able to listen to Yemenis last week who were in London for events. They included Dalia Qasem Farea, Laila Al-shabibi and Hisham Al-Omeisy—the House may remember that he was held by the Houthis, and I have raised his case in the House.

Of ongoing concern to many aid agencies is the ability of goods and people to travel around Yemen to get to the places and people who need them. Can the Minister tell us more about what is being done to ensure that aid reaches those who need it the most?

Mark Field: The hon. Lady makes a very good point. I have already alluded to that subject in several answers. Our immediate focus, obviously, remains on ensuring that enough food is getting through to the desperate Yemenis to prevent starvation and a disastrous famine. With the operating environment in Yemen extremely difficult for humanitarian organisations we are now focusing our attention on UN agencies, NGOs and other donors, to get out to those more difficult areas. Part of that is to assess the acuteness of need in those parts of Yemen, but that of course is an ongoing process and we feel that we have made some significant progress along with NGOs and other international partners.

Clive Lewis (Norwich South) (Lab): At a recent lobby of Parliament by Save the Children and Oxfam, my constituents were quite clear that the arms sales to Saudi Arabia need to end if the famine in Yemen is to end. Does the Minister share their sentiments?
Mark Field: The hon. Gentleman and I have spoken on the whole issue of the arms trade. He is putting forward a perfectly respectable position, but I think it is not necessarily shared by us all. I hope that the fact that we have safeguards in place that are, I think, more stringent than most other countries’ should give some comfort to his constituents; but I think that we will have a very active and live debate in this House, in relation to not only Yemen but the whole world, in the years to come.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Diolch yn fawr iawn, Mr Speaker. In an answer to a parliamentary question that I tabled, the British Government confirmed that they had directly trained 102 Saudi pilots over the last 10 years. Last year they signed a deal to sell 48 Typhoon jets to Saudi Arabia. How many of those pilots and planes have been operational in Yemen? Or is it the case that once the pilots are trained and the planes are sold, the British Government wash their hands?

Mark Field: The hon. Gentleman will recognise that I cannot answer that question directly, simply because we obviously do not have that information to hand. And no, it is not a matter of our washing our hands. We have military liaison in Saudi Arabia, and part of that is to try and encourage a sense of ethics. We have military liaison, of course, in a number of other countries that are at the heart of war zones as well. I obviously cannot give a direct answer because I do not have that data to hand, but I very much hope that the liaison officers that we have with the Saudi military are inculcating some of the values that we need, within warfare, to be properly adhered to.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I am sure that the best wishes of the whole House will go out to those members of the British Special Forces who have been reported injured in Yemen. I do not expect the Minister to comment on the details of the operations that they might have been involved in, but can he say whether any members of the British armed forces operating in Yemen have observed, or been witness to, the use of child soldiers by the Saudi Arabian side?

Mark Field: I refer to my earlier answers. I do not wish to fob the hon. Gentleman off. Some serious allegations were made in The Mail on Sunday article. I am sure that they are well sourced, so I would be interested to know more about those sources. There will be an investigation on the matter.

Mrs Emma Lewell-Buck (South Shields) (Lab): The Government clearly recognise the scale of the humanitarian crisis in Yemen, because they have recently increased aid; yet, sickeningly, unlike Germany, Norway, Denmark and Finland, UK arms sales to Saudi Arabia continue. Does the Minister feel that these continued arms sales are helping to cease or intensify the relentless and indiscriminate murder of innocent children and civilians?

Mark Field: I can really only refer the hon. Lady to what I said earlier on arms sales. Many of these are long-standing contracts, with arms that are in the hands of some of the combatants in the Saudi-led coalition in this regard. There is nothing that I can usefully add to that answer.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): The Government contract the manufacture of UK arms for Saudi Arabia. They contract the issuing of bombs into UK aircraft in the kingdom. They have RAF soldiers in command centres, and now we learn that we have ground assets in Yemen. So I can ask again, because I do not think the Minister answered the question: if this does not constitute being a member of the coalition, what on earth does? What legal advice have Her Majesty’s Government received about potential complicity in war crimes and international humanitarian law abuses, which we could now be liable for?

Mark Field: Will the hon. Gentleman please be assured that there is ongoing legal advice on all the matters to which he referred? I should perhaps also say, to correct the record in that regard, that we do not have our liaison officers or others in command centres with the Saudis. The liaison is in Saudi; they are there in a training and advisory capacity.

Douglas Chapman (Dunfermline and West Fife) (SNP): Like many hon. Members, I attended some of the #YemenCantWait events over the past week. I was struck by one quote: “We’ve had 4 years of WAR, and the SUFFERING is reflected on every face you see.”

The situation is beyond dire. What will the Minister say to the UN’s Martin Griffiths when he visits London—I believe this week—regarding the urgency of a continued effort on the peace process?

Mark Field: I thank the hon. Gentleman for what he has said. It is an absolutely desperate situation. We are working closely with Martin Griffiths, and will continue to do so.

As I said at the outset, the most important thing is to try and move towards a political solution. We had some real progress, for the first time in two years, in Stockholm at the end of 2018, and we now need to build upon that. That is the message that goes out: how can we work together to build upon the progress that has already been made? It is, though, an utterly desperate situation.

Mr Speaker, you will be glad to know that we are 110 seconds within your limit, so I could filibuster a little bit longer. [Laughter.] No, I do not wish to be too glib on this. I know that we shall come back to the subject repeatedly in future. I thank all right hon. and hon. Members for their contributions. I appreciate, and they will appreciate, that for obvious reasons, one or two of their replies will have to be provided in writing. I think it is greatly to our credit that we are a UN penholder on this Yemeni issue. It is very close to our hearts. We shall be doing a lot of work, continually, on the humanitarian side. Some of the most important work that we do across the globe will be done, and many, many lives will be saved courtesy of the British taxpayer.

2. [Official Report, 10 April 2019, Vol. 658, c. 4MC.]
Business of the House

1.29 pm

The Leader of the House of Commons (Andrea Leadsom): To assist the House, I would like to make a short business statement. The first business tomorrow will reflect the decision taken by the House yesterday. At the conclusion of that business, the Government will bring forward the draft European Union (Withdrawal) Act 2018 (Amendment) Regulations 2019 for consideration.

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House for the statement. We welcome the fact that we can approve the statutory instrument to extend the exit day. I just have a couple of questions. When will the meaningful vote be brought back, given that the Prime Minister said it would be coming back this week? Can she confirm that it is also the Government’s understanding that: if the meaningful vote is passed, exit day is on 22 May; if there is no meaningful vote, we leave by 12 April; and there will be a further extension if we show purpose? We welcome the fact that the uncertainty of 29 March has now moved, albeit to 12 April.

Andrea Leadsom: I thank the hon. Lady for her questions. What I can say is that, as the Prime Minister has made very clear, the Government continue to believe that the best way to leave the EU is with a deal. The deal that she has negotiated has taken the best part of three years and is extremely complicated. It remains our view that it represents the best compromise for leaving the European Union while keeping a close economic and security partnership. As the Prime Minister has said, she will continue to have discussions with colleagues across the House to seek to build support for her deal, so we can, if possible, this week approve the deal and guarantee Brexit.

On the hon. Lady’s specific question, the draft statutory instrument the Government hope to bring forward tomorrow will provide for two durations that were agreed with the EU27. Exit day, as amended, would be 22 May if the withdrawal agreement is approved before 11 pm on 29 March. Otherwise, it would be 11 pm on 12 April.

Several hon. Members rose—

Mr Speaker: Order. I understand the appetite of colleagues. This is an important business statement by the Leader of the House, but its terms are relatively narrow and it is not the normal business statement so it really should focus on tomorrow, which is the subject matter on which the Leader focused.

Mr Peter Bone (Wellingborough) (Con): Will the Leader just clarify? I thought the 2018 Act required an exit date, not two optional dates. So I am surprised that the statutory instrument is actually naming two dates. I would agree—that if those statutory instruments go through both Houses of Parliament, we will be coming out of the European Union, at least domestically, in three days’ time?

Andrea Leadsom: My hon. Friend raises an incredibly important point. This House voted on 14 March for a short extension to article 50. The EU Council’s conclusions were turned into a legal decision with which the Prime Minister of the United Kingdom agreed. Those conclusions came into force last Friday. So the date for our departure from the EU has already changed in international law. The draft statutory instrument provides for both the durations that were agreed with the EU27. As I said to the hon. Member for Walsall South (Valerie Vaz), exit day, as amended, would be 22 May if the withdrawal agreement is approved before 11 pm on 29 March. Otherwise, it would be 11 pm on 12 April. I want to be very clear that a rejection of the statutory instrument that the Government seek to bring forward tomorrow would create a clash in UK law, because a large volume of EU exit legislation preparing the UK statute book for the moment that EU law ceases to apply is due to enter into force automatically on exit day. In international law, the exit date has already changed. The statutory instrument seeks to clarify that in UK law. I hope that that is clear to all Members.

Pete Wishart (Perth and North Perthshire) (SNP): We all look forward to the Leader of the House’s motion tomorrow, so this can be properly discussed. I think we are all particularly looking forward to a little bit of parliamentary innovation tomorrow. I am looking around for Prime Minister Letwin. He must still be with the Queen discussing the Parliament party legislative programme, which we will obviously get an opportunity to consider and debate tomorrow.

I get the sense that Parliament is about to take control of this process with all the enthusiasm of the first lieutenant of the Titanic taking over from Captain Edward John Smith. Can the Leader of the House confirm today that the Government will observe and respect whatever outcomes are agreed tomorrow, by a majority, in this great piece of parliamentary novelty? That is what the House really needs to hear from the Leader. We are sick and tired of voting repeatedly on motions that are passed, only for the Government to casually and contemptuously ignore them. Will they co-operate fully in ensuring that we get to some sort of solution with this House, and will they respect and observe it?

Andrea Leadsom: I reject what the hon. Gentleman says about the Government ignoring this House. It is, of course, as a result of the motion that was passed by this House on 14 March that we have an extension to article 50. As he knows well, as Leader of the House of Commons, I take very seriously my role to be Parliament’s voice in the Government.

On the options that will be brought forward tomorrow, what I can say to the hon. Gentleman is that, at this stage, we do not know which options will be debated and voted on, let alone which will pass. To use his analogy, my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), the new Prime Minister for West Dorset, has not yet indicated that manifesto. Nor indeed has the right hon. Member for Leeds Central (Hilary Benn) indicated his manifesto. I think we need to wait for that advice. I do jest, in case any hon. Gentleman is determined to take offence at my joke there, Mr Speaker. I say that for clarity in this Chamber.
[Andrea Leadsom]

The second point is that any options passed by this House must be negotiable. They have to be deliverable in negotiations with the EU and they would also have to take account of how long those negotiations would take.

Finally, as my right hon. Friend the Prime Minister pointed out in the discussion yesterday, and as the shadow Brexit Secretary also made clear in the House, it would not be possible for different parties to accept proposals that their party manifestos rejected at the last general election. [Interruption.] The shadow Brexit Secretary was clear in the House yesterday that Labour would reject certain potential outcomes as inconsistent with the Labour manifesto. [Interruption.] The hon. Member for Wallasey (Ms Eagle) shouts “Rubbish”, but she needs to talk to her Front Benchers. It is absolutely vital that this House delivers outcomes that are negotiable, feasible and in line with the will of the manifestos and the referendum on which we all stood.

Sir Desmond Swayne (New Forest West) (Con): If the measure was defeated or the Prime Minister stayed her hand, then the European Communities Act 1972 would cease to apply on Friday evening and we would be free, wouldn’t we?

Andrea Leadsom: My right hon. Friend is correct to say that a commencement order is required under section 25(4) of the European Union (Withdrawal) Act 2018 in order to give effect to the repeal. The timing of that commencement order will depend on the date we leave the EU. We need to commence the repeal of the 1972 Act on the date of our departure, which is either 12 April as things stand if the deal is not approved, or 22 May if the deal is approved.

Ms Angela Eagle (Wallasey) (Lab): May I join the Leader of the House in welcoming her resistance to what I must now call the anarcho-Brexitremists on her own side who want to mess around by voting against the motion she has brought today to put UK law in line with the international treaty agreements that the Prime Minister has made? Will she clarify something she said in her statement? Yesterday, the Prime Minister said she was no longer going to bring the deal back for a third meaningful vote, but the Leader of the House has just said that that might happen this week. Can she clarify which is true?

Andrea Leadsom: The Prime Minister has said that she will continue to seek further support for the withdrawal agreement and political declaration. Should she succeed in that, we will seek to bring back the meaningful vote for this House to consider. To be clear again, it is only if this House approves the withdrawal agreement before 11 pm on 29 March that there is then an extension to 22 May.

Dr Julian Lewis (New Forest East) (Con): If this House does not approve the withdrawal agreement—indeed, it might be that it is not possible for the withdrawal agreement to be brought back before this House anyway—and if the Prime Minister therefore decides that exiting on World Trade Organisation terms is preferable to no Brexit, is there anything that this House can actually do to prevent the Prime Minister ensuring that we exit on WTO terms? I think the answer to that question is no, isn’t it?

Andrea Leadsom: I think my right hon. Friend poses an unanswerable question, because of course the ingenuity of the House knows no bounds. What the House has been clear about is that it does not want a no-deal Brexit or a Brexit on WTO terms. I share that desire, but, as we have always been clear, the way to avoid a no-deal Brexit is to vote for the deal. If I may, Mr Speaker, I will quote directly from the European Council conclusions:

“The European Council reiterates that there can be no opening of the Withdrawal Agreement that was agreed between the Union and the United Kingdom in November 2018. Any unilateral commitment, statement or other act should be compatible with the letter and the spirit of the Withdrawal Agreement.”

So all the terms under which the UK leaves the EU are subject to the agreement by this House of the withdrawal agreement.

Chris Bryant (Rhondda) (Lab): It is potty to announce today that we are going to have the statutory instrument tomorrow evening, at the flag end of the business. That is absolutely ludicrous when we could perfectly easily do it on Thursday.

May I ask the Leader of the House whether we will be sitting on Friday? I have a particular interest: Friday is Brain Tumour Research’s Wear A Hat Day, and it is encouraging everybody around the country to wear a hat to work on that day. As you will know, Mr Speaker, “Erskine May” is now silent, on page 451, about whether we can wear a hat in the Chamber, although I think we are expected to speak uncovered. Would it not be a good idea for the Leader of the House to announce now, if we are sitting on Friday, that we are going to do that on Friday, or if not, that we can all wear hats on Thursday?

Andrea Leadsom: Excellent. I once wore a hat because I wanted to take my hat off to the right hon. Baroness Jowell, who sadly is no longer with us, for her brilliance in establishing Sure Start. I can tell you, Mr Speaker, that you tolerated my wearing of a hat in honour of what I felt was a very good cause.

The hon. Gentleman asks a very specific question. As he will be aware, at the moment there are no plans to sit on Friday. If there were plans to do that, it would require the passing of a motion to that effect, which the House would have to agree.

Vicky Ford (Chelmsford) (Con): Can my right hon. Friend confirm that to get the longer extension requires the passing of the withdrawal agreement, not the withdrawal agreement plus the political declaration, and that the political declaration provides for a wide spectrum of potential outcomes for the long-term relationship between the UK and the EU?

Andrea Leadsom: My hon. Friend is right that the European Council decision requires that this House has agreed the withdrawal agreement—or has introduced the withdrawal agreement—in order to get the long extension ready for the legislation. I encourage all hon. Members to consider that a lot of the proposals being put forward for tomorrow would themselves require a
withdrawal agreement to be approved in order for them to be taken forward. We need to be clear that what we will be talking about in the indicative votes tomorrow are, potentially, replacements for the House business takeover as opposed to replacements for the withdrawal agreement. I urge hon. Members again to consider the Prime Minister’s deal and to accept the reality, which is that the European Council requires us to look positively at the withdrawal agreement.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Leader of the House knows, and I welcome the fact, that I am now semi-clear about what the future progress in the House will be, but does she agree that it is most important in this troubled and tumultuous time that we inform our constituents about what we are doing as honestly and openly as possible? Will she stop her colleagues in the Cabinet going on radio and television and saying that there has been a vote on a people’s vote, or a second referendum? That has not taken place. A minority group in the House moved a motion, on which most of the Opposition abstained. There has not been a major vote on the people having the opportunity of a new referendum. Will she stop her Cabinet colleagues saying there has been?

Andrea Leadsom: There very much was a people’s vote. That was in June 2016, and the people decided to leave the European Union.

Craig Mackinlay (South Thanet) (Con): Will the Leader of the House confirm that the very act of the Prime Minister signing what is, in effect, an amendment to the Lisbon treaty under royal prerogative makes whatever we have to say on the matter of an extension rather irrelevant?

Andrea Leadsom: This House voted on 14 March for a short extension of article 50. At the time, the Prime Minister made it very clear that if this House were to vote for that short extension, she would seek to negotiate it but that she could not be certain what the EU would offer in return. My hon. Friend is right. The Prime Minister agreed a short extension. That was not necessarily every individual’s definition of exactly what that should be, but she agreed it on behalf of the United Kingdom. As such, in international law, the date of our exit from the EU has now changed irreversibly to 12 April, or to 22 May if we have agreed to progress with the withdrawal agreement.

Neil Gray (Airdrie and Shotts) (SNP): Is it the Government’s intention to table their own business motion to deliberate on regarding tomorrow’s business?

Andrea Leadsom: As I set out just now in the business statement, the first business tomorrow will reflect the decision taken by the House yesterday, and at the conclusion of that business the Government will bring forward the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019.

Mr Philip Hollobone (Kettering) (Con): Given that the Leader of the House has said that we are not sitting on Friday, and given that House business tomorrow, does she expect to make a business statement at the end of House business tomorrow announcing that the meaningful vote will take place on Thursday?

Andrea Leadsom: I cannot give my hon. Friend absolute certainty on any issues of future business right now. As I have set out, we are continuing to seek support for the Prime Minister’s deal, and that is absolutely the focus for the Government. Should we feel that there was sufficient support for that deal, we would seek to bring that vote back, because that would mean we would be in a position by the end of this week to have an orderly departure from the European Union, with a close economic and security partnership to go with it.

Clive Efford (Eltham) (Lab): I am sorry if I missed it, but will the Leader of the House clarify tomorrow’s business? Will there be protected time for the SI? It seems strange to cram it in tomorrow, given the decisions the House has made about debates tomorrow. Will she clarify how much business there will be, whether we will have protected time for it and whether the Government will table their own business motion to deal with the indicative votes tomorrow?

Andrea Leadsom: Hon. Members will realise that the vote yesterday was that the Government would not be responsible for tomorrow’s business. The Government are seeking to engage in a productive and constructive way with those who have control of tomorrow’s business to ensure that we debate this very important statutory instrument, which will provide certainty—not certainty about our departure date but legal certainty between 29 March and, in the first instance, 12 April—to businesses and citizens. The Government are working closely with those right hon. and hon. Members who are controlling the business tomorrow to seek agreement that Government business will be able to carry on after the moment of interruption. As is normal with statutory instruments, I would expect that to be a 90-minute discussion followed by a vote, but that is not in my hands.

Alison Thewliss (Glasgow Central) (SNP): There has been a real lack of clarity in what the Leader of the House has said about whether meaningful vote 3 will come back this week, next week or perhaps even the week after. Given that the question sessions for the weeks beginning 8 April and 15 April are now available for tabling on Parliament’s Member hub, will she confirm what we all know to be self-evident: that recess is cancelled?

Andrea Leadsom: As the hon. Lady will know, I have announced the dates for the Easter recess, but recess dates are always announced subject to the progress of business. We will need time in the House either to find a way forward or to pass the withdrawal agreement Bill, and I think the country will rightly expect Parliament to be working flat out in either scenario. Further announcements on future recess dates will be made in due course in the usual way.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): In answering my hon. Friend the Member for Perth and North Perthshire (Pete Wishart), the Leader of the House said that anything the House proposed had to be negotiable and deliverable before the Government could support it. Tomorrow, with cross-party colleagues, I will be bringing forward an amendment on the revocation of article 50 to avoid a no-deal Brexit. Given that revocation has the virtue of requiring no negotiation
and is deliverable, will she confirm that were that to be passed in an indicative vote tomorrow, she would respect that vote?

**Andrea Leadsom:** We will wait to see what the indicative votes are on tomorrow before deciding how to respond.

**Alex Cunningham (Stockton North) (Lab):** The Leader of the House has talked about the Easter recess. One of the dates she mentioned this morning is during that recess. The Table Office is already populating that fortnight for questions. When will the Government come clean and tell us the Easter recess is cancelled?

**Andrea Leadsom:** I refer the hon. Gentleman to the response I just gave. The Easter recess has been announced, but it will be subject to the progress of business. Of course, we hope to have a clear way forward in the next few days, and I will make a further statement on recesses as soon as I can.

**Gavin Newlands (Paisley and Renfrewshire North) (SNP):** I am sorry if I missed this, but, following the question from the hon. Member for Eltham (Clive Efford), will the Leader of the House clarify whether the four SIs on the Order Paper tomorrow—on exiting the EU and food, the protection of trading interests, animals and constitutional law—will remain as Chamber business? I ask because I have a rather excellent Adjournment debate that I do not want Members to miss out on.

**Andrea Leadsom:** As I said in response to an earlier question, we are in proactive discussions with my right hon. Friend for West Dorset (Sir Oliver Letwin) on what Government business can take place tomorrow.

**Kevin Brennan (Cardiff West) (Lab):** As my hon. Friend the Member for Rhondda (Chris Bryant) has referenced the silence of “Erskine May” on sartorial matters, perhaps the newly elevated right hon. Member for West Dorset (Sir Oliver Letwin) could appear in the toga he once wore when he appears before us.

On tomorrow’s business, will the Leader of the House clarify what the Government’s attitude will be if, as expected, tomorrow’s indicative votes do not come up with a solution and more time is required? Will the House have to wrestle that time from the Government again, or, instead, given the clear views of the House, will they be prepared to provide more time to settle the matter?

**Andrea Leadsom:** There is no question of wrestling; what we do in this place is vote and take decisions. The Government’s position is that the withdrawal agreement and future political declaration are essential to an orderly and proper departure from the EU. That is the Government’s position. Anything else that is voted on by the House will have to considered as and when it arises.

**Graham P. Jones (Hyndburn) (Lab):** The Conservative manifesto at the last general election was defeated. Is that true?

**Andrea Leadsom:** No.

**Alan Brown (Kilmarnock and Loudoun) (SNP):** It feels as though the Leader of the House and the Prime Minister still have not grasped that last night’s vote was because Parliament is fed up with this broken record about the only way to avoid a no deal being to vote for the withdrawal agreement the Prime Minister negotiated. To quote one of the most reasonable and respected Ministers, who resigned last night, the Government continue to play roulette with people’s livelihoods. The Leader of the house has not answered this question yet: what will the Government do to respect the votes tomorrow and what measures will be in place to contact the EU and plan for legislation to respect them?

**Andrea Leadsom:** The hon. Gentleman says it is boring, but it is actually true: the only way to avoid no deal is to vote for a deal. The second very important truth is that hon. Members can put forward other bespoke solutions, but they have to be negotiable—that is the absolutely incontrovertible fact. The House cannot just decide; it requires the EU to negotiate the other side of that transaction. The Government will look very carefully at what the indicative votes show tomorrow and then respond accordingly.
**Point of Order**

1.54 pm  

Crispin Blunt (Reigate) (Con): On a point of order. Mr Deputy Speaker. I had hoped to raise this matter directly with the Speaker, as it arises from his exchange with the hon. Member for Tooting (Dr Allin-Khan), who raised a point of order about racism in football. In response, the Speaker from the Chair gave us a homily on racism in football and its evils, which was particularly welcome, coming as it did from a former secretary of the immigration sub-committee of the Monday Club. I have, however, raised previously my concerns about the bias of the Speaker, and I would be grateful if you could have, however, raised previously my concerns about the bias of the Speaker, and I would be grateful if you could convey it to him, Mr Deputy Speaker, that the fewer views he expresses, either from the Chair or as the Speaker, the less anxious we will be about his bias.

Mr Deputy Speaker (Sir Lindsay Hoyle): I think we now need to press on with the business in hand.

**BILL PRESENTED**

**Decarbonisation and Economic Strategy Bill**  
*Presentation and First Reading (Standing Order No. 57)*

Caroline Lucas, supported by Clive Lewis, presented a Bill to place duties on the Secretary of State to decarbonise the United Kingdom economy and to eradicate inequality; to establish a ten-year economic and public investment strategy that prioritises decarbonisation, community and employee-led transition from high-carbon to low and zero-carbon industry, and the eradication of inequality; to require the Government to report on its adherence to the strategy; to establish higher environmental standards for air, water and green spaces; to make provision to protect and restore natural habitats; and for connected purposes.

*Bill read the First time; to be read a Second time on Friday 5 April; and to be printed (Bill 365).*

**Compensation Orders (Child Sexual Abuse)**

*Motion for leave to bring in a Bill (Standing Order No. 23)*

1.55 pm  

Andrew Griffiths (Burton) (Con): I beg to move, That leave be given to bring in a Bill to require the Lord Chancellor to report on the use by courts of compensation orders for child sexual abuse offences; and for connected purposes.

People come to this House for many reasons—to deliver Brexit, to fight racism, to champion social justice, to reform Parliament—but I am sure that everyone in the House, from all parties, comes here to help the victims, the vulnerable and those with the least voice, and there can be fewer in our society more in need of our help than the victims of crime, and in particular victims of child sexual abuse. In this place, we regularly discuss the abuse that has occurred in our country. It has occupied much of our time in the Chamber. We have discussed the horrendous abuse that took place in the 1970s and in the Catholic Church and the Church of England.

More recently, we have spent much time talking about the horrific and widespread abuse in towns up and down the country such as Rotherham and Bradford. The suffering of those children is indescribable and unimaginable, and it is only right that this place does all it can to reduce the possibility of such things happening again. Nobody can take away from those victims the pain that their abuse has caused, the trauma and the suffering that they have endured, not just as a child when the abuse happened but, all too often, in later life, when the trauma comes back and bubbles to the surface.

We all want to do our very best in this place for those survivors. As someone who was himself a victim of child sexual abuse, I know how difficult and traumatic it is to discuss such issues. I kept my secret hidden for some 40 years. I locked it away, chained it down and hoped it would never surface. I convinced myself that if I did not give it words, I could deny it a reality. That was my view. How wrong I was! Talking about what happened to me, and explaining it to other people, was the best thing I could have done. I hope that other people who see this debate or read my testimony will think about coming forward and speaking out about their abuse and the trauma they have suffered.

To talk about these things takes courage. If it took sitting in a psychiatric ward with a psychiatrist for me to be able to talk about my trauma, how much more difficult must it be for victims who find themselves in the courtroom—in that intimidating and forbidding place—who have to suffer cross-examination by a skilled and forensic barrister? All too often, they have to face the perpetrator—the person who caused them so much pain and anguish over their lifetime—across the courtroom. And yet they do it. They speak out. They find, from somewhere within, the courage to be able to do that. Surely we—Parliament, the judiciary and the police—should support them in any way we can if we are to stamp out the scourge of child abuse that we see all too often in our country.

The House has mandated support for those victims. One of the objectives of the Criminal Justice Act 1982 was to increase the use of criminal compensation orders.
to ensure that victims of crime were compensated by right, as a norm, without the need for expensive civil litigation and the prospect of having to retell and relive the story of their abuse in the courtroom. That was consolidated in the Powers of Criminal Courts (Sentencing) Act 2000. The Sentencing Council itself says: “the court must order compensation wherever possible and should not have regard to... other sources such as civil litigation or the Criminal Injuries Compensation Scheme.”

So if everyone agrees that survivors should receive compensation as of right, and judges have the power to award that compensation straight away, at the time of sentencing, CCOs in child sexual abuse cases should be used regularly and to good effect. Surely that is a given, is it not? Sadly, the answer is a resounding “No”.

In 2017, the last year for which figures are available, there were some 6,861 convictions: 6,861 people were found guilty and sentenced for committing a child sexual abuse crime. Yet in how many of those 6,861 cases in which a CCO could have been used was one received? How many would the House suggest—50%, 25%, even 10%? The shocking reality is that just 26 people received compensation: 0.4%. That is a criminal act. We are letting down our victims.

The power is there. It lies in the hands of the judges, whom I also thank. However, there must be more that we can do to help those victims. It is in the Minister’s hands. Victims of child sexual abuse deserve better, and we can deliver it. I ask the House please to accept the Bill.

Question put and agreed to.

Ordered.

That Andrew Griffiths, Sarah Newton, Fiona Bruce, Sarah Champion, Tracy Brabin, John Mann, Dr Philippa Whitford, Antoinette Sandbach, Carolyn Harris and Jim Shannon present the Bill.

Andrew Griffiths accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 5 April and to be printed (Bill 366).

HEALTHCARE (INTERNATIONAL ARRANGEMENTS) BILL (CHANGED TO HEALTHCARE (EUROPEAN ECONOMIC AREA AND SWITZERLAND ARRANGEMENTS) BILL) (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Healthcare (International Arrangements) Bill (changed to the Healthcare (European Economic Area and Switzerland Arrangements) Bill) for the purpose of supplementing the Order of 14 November 2018 (Healthcare (International Arrangements) Bill (Programme):

Consideration of Lords Amendments

(1) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at today’s sitting.

(2) The proceedings shall be taken in the following order: Lords Amendments Nos. 1, 2, 8 to 10, 18 to 20, 3 to 7 and 11 to 17.

Subsequent stages

(3) Any further Message from the Lords may be considered forthwith without any Question being put.

(4) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—[Paul Maynard.]

Question agreed to.
Healthcare (International Arrangements) Bill ( Changed to Healthcare (European Economic Area and Switzerland Arrangements) Bill)

Consideration of Lords amendments

Clause 1

POWER TO MAKE HEALTHCARE PAYMENTS

2.7 pm

The Minister for Health (Stephen Hammond): I beg to move, That this House agrees with Lords amendment 1.

Mr Deputy Speaker (Sir Lindsay Hoyle): With this it will be convenient to discuss Lords amendments 2, 8 to 10, 18 to 20, 3 to 7 and 11 to 17.

Stephen Hammond: It is a pleasure to be in the Chamber this afternoon. We now have the opportunity to turn our attention to an issue of great importance which, I know, commands the support of the House: the issue of reciprocal healthcare. As Members know, our ability to fund healthcare abroad brings invaluable benefits to people, and it is our responsibility to ensure that we continue to make them available to the public. I thank Members on both sides of the House for their work in considering the Bill so far, including those who have spoken to me about it outside the Chamber.

The amendments deal with the global scope of the Bill. It was intended to provide the Secretary of State with powers to fund healthcare outside the UK, to give effect to healthcare arrangements and healthcare agreements between the United Kingdom and other countries or international organisations—such as the European Union—and to make provision in relation to data processing, which is necessary to underpin these arrangements and agreements. Although it was introduced as a result of the UK’s exit from the EU, it was intended to be forward-facing and not to deal only with EU exit. It offered an opportunity to implement new comprehensive reciprocal healthcare agreements with countries outside the EU.

Tom Brake (Carshalton and Wallington) (LD): I am sorry that the Minister was not able to join us at St Helier Hospital yesterday. I understand the reasons for that perfectly, but I hope that he will back the plan for the hospital.

The Minister mentioned the international scope of the Bill. Does he accept that that was a mistake in view of the concerns that people have expressed about, for instance, the opening up of the NHS in future international trade deals with countries such as the United States?

Stephen Hammond: I thank the right hon. Gentleman for his words about why I was unable to go to St Helier Hospital. He knows that, as a Minister, it would have been inappropriate, but as a constituency Member of Parliament, I have no doubt that I will be visiting there again soon. I do not accept his criticism. That was never the point of the Bill. We made that argument consistently both in this House and in the Lords.

But we have listened carefully to what has been said about the scope of the Bill and I am about to address that now.

As we prepare for our imminent exit from the EU, the global scope of this Bill has been the source of much discussion in here, outside this House and in the other place. I am pleased that the noble lords did not fundamentally disagree with the idea of reciprocal healthcare arrangements outside the EU. However, it was strongly felt that this was not the time to provide for it. Although the Government would have welcomed that opportunity to provide for it, they have recognised that through this group of amendments their lordships voted to restrict the scope of the Bill to making provision only for EU/EEA countries and Switzerland.

The Government believe it is disappointing to lose at this particular time the opportunity to be able to help UK nationals to obtain healthcare when they visit countries outside the EU, such as when they are travelling, studying or working abroad, or if they want to give birth or obtain treatment. It remains the Government’s view that international arrangements on these issues could promote more life options for our citizens outside the EU, offer greater personalisation of care and assist further in the fostering of international healthcare co-operation. However, it must be our foremost priority to ensure that the Bill receives Royal Assent and is in place so we can respond to the different scenarios without delay and assist, as appropriate, the people who rely on these vital healthcare arrangements.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Minister and I have form on this, in that we were in a Statutory Instrument Committee only yesterday when I was trying to get over to him the need to be very clear to our constituents that, when we leave the EU, the EHIC—the European health insurance card—will disappear and when our constituents go to anywhere in Europe the full bank of healthcare will disappear. Yesterday, the Minister suggested people should take out private insurance instead. Is it not his job as a Minister to tell his constituents and my constituents the truth about this?

Stephen Hammond: It absolutely is my job to tell my constituents and the whole of the country the truth, and I did that yesterday in Committee and will do it again now. If the hon. Gentleman votes for the withdrawal agreement and it passes, the EHIC will remain in place, as I said yesterday. As I also said yesterday it has always been the Government’s advice that people should purchase travel insurance. None of that has changed and that is exactly what I said yesterday and it is exactly what I am saying today.

Kevin Foster (Torbay) (Con): Does my hon. Friend agree that we need to be very clear that, with the EHIC, people will get treated as if they were a local; it is not the NHS on tour, so to speak, so we can still face some charges? Particular note should be taken of repatriation costs. If going abroad on something like a skiing holiday, people would be foolish not to take out full travel insurance.

Stephen Hammond: My hon. Friend is right. I made that point yesterday; I made it when I was speaking at the Dispatch Box on Report; and I am happy to make that commitment again today.
[Stephen Hammond]

It must be our foremost priority to ensure that the Bill receives Royal Assent and is in place so that we can respond to different scenarios. We take this decision with regard for the people who currently rely on the EU reciprocal healthcare arrangements and, only with that in mind, we are choosing not to disagree with the Lords amendments.

Mr Sheerman: Will the Minister give way?

Stephen Hammond: One last time because the hon. Gentleman and I had form on this yesterday.

Mr Sheerman: This is an important issue. If the Minister wants me to make a series of points of order, I will because this is so important. Yesterday in a Committee Room, none of us could understand this. At one point, the Minister said, “This is transitional. This will only cover the transition until we are out of the EU. After we have left the EU, EHIC won’t apply.” That is what he said yesterday. I am still not sure whether EHIC will apply only in the transition period, or will go on forever. He has not been clear about this.

2.15 pm

Stephen Hammond: I have been clear. One can say these things as many times as one likes, but if someone won’t hear, they won’t hear. I will say one more time to the hon. Gentleman—I am happy to take his interventions if he is going to move on to other points—that, as I made clear yesterday, if the withdrawal Bill passes, the current arrangements for reciprocal healthcare will continue throughout the implementation period. During that implementation period, it is the express intention of the Government and the EU to secure continuing reciprocal healthcare arrangements.

Mr Sheerman: There is no guarantee.

Stephen Hammond: The hon. Gentleman chunterers that there is no guarantee. I have given him the guarantee that it is the express intention of both the UK and the EU to ensure reciprocal healthcare arrangements for our citizens post EU exit. I have set out clearly that, in the event of the withdrawal Bill passing and the implementation period starting, EHIC will continue and I think—

Mr Sheerman: On a point of order, Mr Deputy Speaker. The Minister and I were in an SI Committee yesterday and you will know how pressurised they are. Four SIs were all blended together, so it was very difficult to separate them and do our job of scrutinising the legislation going through this place, which is our prime responsibility. What we could not get from the Minister was absolute clarity, speaking out to the public and saying that actually the likelihood of keeping EHIC after we leave the EU is on a wing and a prayer—there is no certainty at all.

Mr Deputy Speaker (Sir Lindsay Hoyle): That is not a point of order, but the hon. Gentleman has certainly clarified what he believes needs to be put on the record.

Stephen Hammond: The hon. Gentleman put that on the record yesterday. I answered the question yesterday. I did so with clarity, in a way that I think almost any member of the public could have understood, and I hope that with that we can move on.

The next amendment I wish to discuss is Lords amendment 3. Their lordships have amended clause 2 to limit the regulation-making powers at clause 2(1). Clause 2(2) was intended to be an illustrative list setting out examples of the type of provision that may be included in regulations made under clause 2(1). It is not, on its own, a delegated power. The effect of amendment 3 is to make the list at clause 2(2) exhaustive. Regulations made under clause 2(1) can now only provide for those things on the list at clause 2(2). The intention of the Government has always been to be prudent and transparent in the use of the Bill’s delegated powers and the list was included to be helpful by demonstrating the types of provision that the regulation-making powers at clause 2(1) could include.

Mr Sheerman: On a point of order, Mr Deputy Speaker. I like the Minister—he is a nice man—but he is reading a brief that for most of my constituents and his is absolute gobbledegook—brackets, references here and sub-clauses there. Surely his job as a Minister is to tell this House in plain English what the dangers are to their future travel—their holidays and business in Europe?

Mr Deputy Speaker: Let’s calm it down a little. In fairness, I think the Minister needs to get to the end of his speech. We cannot have him being interrupted on points of order; it is not good form in this House to do so. What I would say is, “Who knows?” because I cannot predict what the Minister is going to say. He may well get to the points the hon. Gentleman feels are not being addressed.

Andrew Griffiths (Burton) (Con): On a point of order, Mr Deputy Speaker. As a Back Bencher who is keen to see this debate develop and move on so we can get on to other equally important business, what advice can you give me to stop other hon. Members asking pointless points of order in this debate?

Mr Deputy Speaker: The hon. Gentleman not making another point of order might be helpful as well. Let’s just get on and move forward because it is in everybody’s best interests to hear what the Minister has to say.

Stephen Hammond: Much of what we discuss in this House is clearly of a technical nature, and sometimes its language is impenetrable to others who are watching. However, as the hon. Members for Burnley (Julie Cooper) and for Ellesmere Port and Neston (Justin Madders) will know, the House has had a chance to look at this in a fairly exhaustive way. They will know exactly what I am referring to, and I am sure that they will wish to refer to it in their speeches.

Using “for example” to introduce an illustrative list of things that can be done under a regulation-making power can be found in a number of other pieces of legislation. Section 11(2) of the Automated and Electric Vehicles Act 2018 states:

“Regulations under subsection (1) may, for example”.

Section 48G(2) of the Banking Act 2009 says:

“An order may, for example”.

See 2.15 pm
Using “for example” is not unknown. However, we acknowledge the concerns raised about the breadth of the delegated powers in the Bill, and the Government have taken considerable steps to address those concerns via a number of Government amendments that were accepted in the other place, which I will come to shortly. In addition, we are choosing not to disagree to this amendment, to give further reassurance that the delegated powers in the Bill are no wider than necessary.

Mr Sheerman: The Minister knows that I have also been on another, similar Statutory Instrument Committee, which looked at the use of the green card that gives our constituents the assurance when they travel to Europe that if they are hit by an uninsured driver they will be covered by the insurance industry. That will be lost when we leave the European Union. I used that example yesterday, but the Minister did not come back on it. That is a right and privilege that our constituents expect, and now they are going to lose a similar one relating to healthcare. Is it not clear that these are both examples of the real damage that leaving the European Union will do to us?

Stephen Hammond: The hon. Gentleman has confused various clauses of the Bill, but I will not trouble to explain that. I simply say that the green card is clearly an issue for another Department. I also say again, as I said to him yesterday, that citizens are not going to lose the benefits they enjoy under the EHIC if the withdrawal agreement is passed and the implementation period starts. I would guide him by saying that the easiest way to ensure that all the good burghers of Huddersfield whom he so ably represents can continue to enjoy those rights is to vote for the withdrawal agreement.

As I was saying, the Government have taken considerable steps to address these concerns via a series of Government amendments that were accepted in the other place. In addition, we are choosing not to disagree to this amendment, to give further reassurance that the delegated powers in the Bill are no wider than necessary. Our primary concern, as I have said, is to ensure that the Bill is in place so we have the legal mechanism to support people who rely on these vital healthcare arrangements, as may be necessary.

I would now like to turn to the Government amendments in this group. The Government have also sought to restrict the regulation-making powers in clause 2(1). Amendments 4, 5, and 6 will ensure that, if we confer or delegate functions, this will only be to public authorities. The Government have listened closely to the concerns raised about the breadth of the delegated powers in the Bill, and the Government amendments that were accepted in the other place, which I will come to shortly. In particular, the regulation-making powers in clause 2(1)(a) and 2(1)(b) provide a means for dealing with situations where there is no bilateral or multilateral agreement in place.

The Government listened carefully to the concerns raised by parliamentarians across both Houses about the scope of the Bill’s regulation-making powers and concluded that the powers used to establish unilateral healthcare arrangements outside of reciprocal healthcare agreements should be sunset for a period of five years following the UK’s exit from the EU. During the five years before the sunset, we will have the ability to use regulations under clause 2(1) as appropriate. These powers can be used to support UK nationals in the EU in different EU exit scenarios. After the sunset, making use of the regulation-making powers under clause 2(1) would be limited to clause 2(1)(c) only. This provides the Government with a mechanism to give effect to future complex healthcare agreements with the EU, individual EEA member states and/or Switzerland.

Mr Sheerman: Will the Minister give a crystal clear guarantee to all those people who are related to our constituents and who live across Europe and have perhaps retired there that, if they have a long-term health need, the benefits they enjoy under the EHIC at the moment will continue? I do not want to hear anything about the difference between transitional and long term; can he assure those people that they will continue to get those health benefits in the long term?

Stephen Hammond: If the hon. Gentleman votes for the withdrawal agreement, he will be able to give them that reassurance.

I want to turn now to Government amendment 11. The matter of financial reporting and parliamentary scrutiny has also been a matter of legitimate concern to this House and the other place, and amendment 11 speaks to this concern. As I explained in Committee, the Government are firmly committed to transparency in the use of public money. We have made this commitment plain in the Bill with a duty on the Secretary of State to lay a report before Parliament each year. This report will outline all payments made during the preceding financial year in respect of healthcare arrangements implemented by the Bill. I believe that this amendment directly addresses the concerns raised by hon. Members in Committee, particularly those raised by the hon. Member for Burnley. The nature and implementation of future reciprocal healthcare agreements is a matter for future negotiations. However, we envisage that through this reporting mechanism we would also be able to provide Parliament with further information on the operation of future agreements.

Before I speak to Government amendment 12, I am pleased to report that we have secured legislative consent motions from both the Scottish and Welsh Governments, in addition to having positive and productive engagement with colleagues in the Northern Ireland Department of Health and the Northern Ireland Office. I want to put
on record my thanks to all of them. We have amended the Bill to reflect the outcome of our productive discussions, and the Secretary of State must now consult the relevant devolved authority before making regulations under clause 2(1) that contain any provision that is within the legislative competence of a devolved legislature. To underpin and facilitate this consultation, we have developed and agreed a memorandum of understanding with the devolved Administrations. The MOU sets out a practical and mutually beneficial working relationship that will ensure that the devolved Administrations continue to play a vital role in delivering reciprocal healthcare for the benefit of all UK nationals. We believe that this practical and pragmatic agreement allows us to move forward in a collaborative way with all our colleagues in the devolved Administrations.

Mr Sheerman: The Minister will remember that, in our previous encounter on this matter in Committee, we asked him how far he had spread his discussions about the impact of this Bill in Northern Ireland. He was very honest and said that he had spoken mainly to officials and civil servants, and not to the politicians who represent the constituents there. Has he changed his mind about that, because that seems like a strangely narrow sort of consultation?

Stephen Hammond: I do not think that it was narrow in the slightest. We have discussed matters with the Welsh and Scottish Governments and, given the situation in Northern Ireland, which the hon. Gentleman well knows, with the Northern Ireland civil service, the Northern Ireland Department of Health and the Northern Ireland Office here. I think that that is exactly what I said yesterday, and I am happy to repeat it.

Turning to amendment 15 and transparency, we have also amended the Bill to allow for further parliamentary scrutiny of the list of persons who can lawfully process data as a part of implementing new reciprocal healthcare arrangements under the Bill.

2.30 pm

Finally, amendments 13 to 17 amount to the removal of the consequential Henry VIII powers from the Bill. It will come as no surprise to hon. Members that the inclusion of Henry VIII powers in this Bill has been the source of considerable debate both here and in the other place. The powers were initially included as a future-proofing mechanism. They were never free standing and were capable of being used only in a limited set of circumstances, because we cannot rule out that it may be appropriate to amend primary legislation to give effect to a reciprocal healthcare agreement. However, the Government have chosen to alleviate any fears that we are taking powers in this Bill that are not absolutely necessary, and we have taken the significant step of removing the entire Henry VIII consequential powers at clause 5(3) and within clause 5(4).

Mr Sheerman: The Minister is being generous in giving way. He will be aware that even Henry VIII in his full pomp would not have got away with stealing the right to health cover of British citizens travelling on holiday to Europe or visiting on business without full democratic scrutiny of the decision. Henry VIII would have been pleased to have had that privilege. This Government have been smuggling the decision through, both in Committee and here in this empty Chamber, and they are stealing the rights of British people.

Stephen Hammond: Given that I just said that we have accepted the amendment that would remove the powers, that argument is hardly powerful. I also suspect that the Opposition spokesperson and the other members of the Committee will be surprised to hear that they had not fulfilled their role when they sat through the hours of scrutiny in Committee.

In conclusion, I offer my thanks to hon. Members from across the House and to the Lords for its constructive work in scrutinising and improving this Bill. We share a common goal in wanting to ensure that we can continue to benefit from the current reciprocal healthcare arrangements and benefit from similar arrangements in the future. This Bill is an important and necessary piece of legislation that seeks to ensure that the Government are ready and able to respond to different EU-exit scenarios and that we are in a position to support, as appropriate, people who rely on current EU reciprocal healthcare arrangements. For that reason, it is critical that we take those steps and that the Bill can become law.

Julie Cooper (Burnley) (Lab): I rise to support the Lords amendments before us. I thank all the Members who have worked on the Bill at various stages and the staff of the House, who have provided invaluable support. I also put on record my particular thanks to my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) for his great work during the Bill’s earlier stages. I also thank those in the Lords for their exceptional work on this Bill. Thanks to their endeavours, we now have a Bill that is fit for purpose. I am pleased that the Government have decided to listen to our noble friends and give full support to the amended Bill, which marks a welcome, if rather belated, climbdown by the Government.

As we prepare to leave the European Union, it is vital that the Government are able to respond to the widest range of possible EU-exit outcomes in relation to reciprocal healthcare. So many people are reliant on the continuation of reciprocal arrangements and the Government are quite right to seek to secure such arrangements as we leave the EU. The Opposition have supported the principle of this Bill from the outset, but our concerns have been around the scope and the wide-ranging powers that were originally proposed. We were not happy to give the Government a blank cheque to enter into any number of health agreements, with anyone anywhere in world, with no requirement to report back to Parliament, and with little or no opportunity for parliamentary scrutiny. These amendments have addressed our concerns, and I again thank those in the Lords for their work.

Turning to amendments 1, 2, 8, 10 and 18 to 20, I want to stress to the House the scale of the issue before us, as pointed out by my hon. Friend the Member for Huddersfield (Mr Sheerman), who is no longer in his seat. Under the existing arrangements, 190,000 UK state pensioners and their dependants who live abroad, principally in Ireland, Spain, France and Cyprus, enjoy the benefits of reciprocal health agreements. The current arrangements also provide full access through the EHIC to healthcare and emergency treatment for UK residents who visit the EU on holiday, to study or to work. The
same protections are extended on a reciprocal basis to EU nationals who reside in the UK or who seek to visit. For the sake of those people, I am glad that the Government have come to their senses. These arrangements, which give full peace of mind for healthcare, must be protected.

I remind the House of the evidence given by representatives of Kidney Care UK. We heard that 29,000 people in the UK are dependent on dialysis, which involves three five-hour sessions per week to ensure survival. Under the current arrangements, if those people choose to holiday in the EU, they can easily pre-book slots for dialysis, with Kidney Care UK saying that that “means that people are able to go away with the confidence that they will be able to be supported and receive the treatment they need.”—[Official Report, Healthcare (International Arrangements) Public Bill Committee, 27 November 2018; c. 12, Q39.]

That also means that they and their families are able to get a much-needed break. Kidney Care UK also made the point that “it is easier to go away for two weeks in Europe and take a break in that way than it is to get two weeks in a UK unit”—[Official Report, Healthcare (International Arrangements) Public Bill Committee, 27 November 2018; c. 14, Q43.]

Perhaps there is a learning point for us there.

Based on that evidence, the Minister concluded at the time that without a continuation of these arrangements it would be more or less impossible for sufferers of kidney disease to travel. I totally agree, and I am delighted that the Government appreciate the urgency of the situation in which we find ourselves and are giving their full support to this amended Bill. That is important because we may yet leave the EU with no deal, and there will be many British citizens listening nervously to this debate because they have already booked holidays—some of them will be departing at the weekend or in the coming weeks. However, they can now be reassured that the legislation will pass without further delay.

I reassure Baroness Chisholm that the main Opposition priority is always to ensure that those who need care get it. Further to that, we are right in the first instance to protect the rights that UK citizens already enjoy. In short, we must protect our rights to reciprocal healthcare in Europe before we seek to acquire global healthcare provision. Similarly, those UK citizens who have retired to the EU will be relieved to know that treatment for chronic health conditions and ongoing health support will continue to be provided for them, as it is now, without interruption.

If that was not the case because the Bill was unable to receive Royal Assent in a timely fashion, there would have been much understandable consternation and anger among UK citizens currently residing in the EU. A significant proportion of these citizens are pensioners, and they would have been personally liable for healthcare costs after exit day unless a new agreement with the EU or new bilateral agreements with member states were in place. We must also consider the fact that if there is an interruption in provision, many British expats would have no alternative but to return to the UK, which would of course add to the pressures on our already overstretched NHS.

At every stage, both here and in the other place, concerns have been raised about what those in the lords described as the breathtaking powers sought in this Bill. Lords amendments 3 to 7 serve in part to restrict the powers to those that are clearly defined and to those that are necessary for the purpose of protecting reciprocal health arrangements. In amendment 3, just removing the words “for example” assists in terms of essential accountability issues by restricting the powers of the Secretary of State to those regulations specifically listed. The powers listed remain extensive, and the lords was assured that they give the Government everything they need to take forward the negotiations on reciprocal healthcare. We welcome amendments 5 and 6, which ensure that the power to deliver functions is conferred only to a public authority. We are happy that the powers conferred by clause 2 should also be subject to a five-year sunset clause.

We support amendment 11, which provides an important and necessary requirement to consult with the devolved authorities, namely the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. We fully support the vital role that the devolved Administrations play in delivering reciprocal healthcare arrangements, and we welcome the memorandum of understanding that has already been achieved.

Amendment 12, which requires the Secretary of State to report on repayments made under this Bill, is also welcome. This amendment reasonably calls for annual reports to be published after the end of each financial year as soon as is reasonably practicable. It is anticipated that these reports will include details of both expenditure and income. This will facilitate transparency on the Government’s use of public money. I am especially pleased that the Minister has withdrawn his former opposition to that procedure.

On a wider point, in connection with repayments, it is important that we do not overlook the fact that many hospital trusts are struggling to recoup moneys owed under current EU arrangements. Indeed, some costs are never recovered. The UK recovers less than £50 million a year for the cost of treating European patients, while paying £675 million for the care of Britons in Europe.

Mr Philip Dunne (Ludlow) (Con): The hon. Lady is pointing out the disparity in payments between the UK and the EU. Recognising that there are considerably more EU users of the NHS than UK users of health services on the continent, why is it that the Labour party, in the past, criticised the NHS and the Department of Health and Social Care for trying to recover sums due from EU citizens for taking advantage of our health service?

Julie Cooper: I think the objections raised by the Labour party in the past were based on the methodology used and the potential abuse of personal data, but we would fully support an efficient system to recover moneys owed to the UK.

Dr Philippa Whitford (Central Ayrshire) (SNP): When talking about the disparity in numbers—there are more than 3 million European citizens here and approximately 1.5 million UK citizens there—is it not the case that the majority of EU citizens here are working and paying taxes and therefore are not covered by this system but are covered by the tax they already pay?

Julie Cooper: The hon. Lady makes an important point. I was referring to the fact identified by the Public Accounts Committee in its concerns about collecting what is due, but I take her point that many people pay for their own health provision while in the UK.
My point further reinforces the rationale of restricting the scope of this Bill to the EEA and Switzerland, which will help to ensure the priority is to improve the recovery of healthcare costs, where they are due, before we even begin to think of entering into non-EEA agreements.

We, of course, welcome the Government’s decision to remove the Henry VIII powers from this Bill. We repeatedly return to that issue in this raft of Brexit legislation, and I hope now, and certainly in connection with this Bill, that the Government agree it can never be right to confer on any Minister the same powers as are conferred on Parliament.

I understand that the Minister has a big vision and wants to take this opportunity to extend the current arrangements and to present a Bill that allows the Government to enter into any number of new reciprocal health agreements with any and every nation of the world, should they so choose. There could be a time and a place for such legislation, but it is not now because time is so short. There is not time for Parliament to scrutinise such an extensive range of proposals properly for such wide-ranging powers.

Our noble Friends raised some very reasonable concerns on that point, and they are correct to note the comments of the Delegated Powers and Regulatory Reform Committee when it concluded that the Bill, in its original form, gave law-making powers that were too wide. Our noble Friends were right to give serious consideration to the Constitution Committee’s recommendation that the scope of the Bill should be limited to countries that participate in the existing EHIC scheme:

“While the exceptional circumstances of the UK’s departure from the European Union might justify legislation containing broader powers than would otherwise be constitutionally acceptable, this does not extend to giving effect to new policy unrelated to Brexit.

Above all, we now have a Bill that does what was intended: to ensure the continuation of the current reciprocal healthcare arrangements with the nations of the EU and the EEA. Given that that is the Bill’s principal target, there is no need to give the Bill worldwide scope.

I am pleased to join the Minister in giving our full support to the amended Bill before us.

2.45 pm

Kevin Foster: It is a pleasure to be called to speak in this debate. I do not intend to detain the House long with my observations. I enjoyed the Minister’s introduction.

I welcome the Lords amendments, particularly the ones that change the thrust of the Bill to the EEA and Switzerland, but I hope that right hon. and hon. Members will bear in mind that, in the long run, the goal of having reciprocal healthcare arrangements with other nations is not a negative one in itself. I was disappointed yet again to hear from the right hon. Member for Carshalton and Wallington (Tom Brake) that this is all about opening up the NHS to the US health giants—it is not. It is about having reciprocal arrangements for visitors to other countries, including those on business and those who are travelling.

Julie Cooper: I made the point that, in future, there may be a place for such arrangements, but does the hon. Gentleman accept that time is so short, given the urgency of getting something in place to secure arrangements, that now is not the time for that?

Kevin Foster: I meant it more as a comment. I accept the Lords amendments. To be blunt, given the pressure of time and the need to get the Bill on the statute book to give people certainty about their healthcare arrangements, if these amendments achieve consensus with Opposition Front Benchers and the other place, I am more than happy to support them.

In relation to the remarks of the right hon. Member for Central Ayrshire (Dr Whitford) rightly said, people who work will start earning rights under that country’s social insurance system, which would trump the Bill.

Mr Dunne: My hon. Friend is generous in giving way. In talking about other Commonwealth nations to which we would like to extend such arrangements, does he agree that the dominions of the Channel Islands, which do not currently have reciprocal status with the UK, should not be ignored and should be a matter of importance once the EU arrangements have been completed?

Kevin Foster: As always, I thank my right hon. Friend for his incisive intervention. The Channel Islands might use our currency and, in many ways, fly our flag, but people forget they have a very different constitutional status and are not part of the European Union. For some visitors, it can be a surprise that there is not a reciprocal agreement. There is a reciprocal arrangement with Gibraltar, for example, and it makes eminent sense to try to have such an arrangement between the UK and the Channel Islands, not least given the strong cultural links and the fact that many families split their time between the mainland and the islands.

Looking across the Commonwealth more widely, it might make sense to have arrangements with countries such as Canada and Jamaica in the long run, based on the fact that they have comparable systems of healthcare provision. That is perhaps where the oft-cited example of the United States starts to fall apart, because it is one of the handful of modern, developed countries that do not have a guaranteed system of universal healthcare free at the point of need rather than a system based on insurance schemes for which people may pay.

It is welcome to have ambition, and the Bill is clear about where we are going. I have no problems with the Lords amendments, which are welcome, and I am happy to support them. I am conscious that we are looking to move the debate forward, but I wanted to get those thoughts on the record.

Dr Whitford: Obviously, the Bill itself is quite small. It does not extend or protect continuing reciprocal healthcare rights; it is simply an enabling Bill that gives
the Secretary of State powers to try to do that. It enables him to pay for overseas treatment in the EEA and Switzerland. We have heard how the Lords removed the powers to extend that worldwide and increase the scope, as well as limiting some of the Henry VIII powers.

The Bill will allow the Secretary of State and his team to negotiate healthcare agreements with the EEA and Switzerland as a group through the EU system or, failing that, to make bilateral agreements. Unfortunately, that would mean having bilateral agreements with 31 countries, which would inevitably be more complex, more bureaucratic and more expensive.

Clause 4 allows data exchange, which most Members would recognise is absolutely critical not just for collecting payments or swapping money, but for accessing medical health records if someone goes for treatment in another country. It is important that that will be handled only by an authorised person who is part of a statutory body—a public body.

I welcome the new clause in Lords amendment 11, which says that the devolved Governments must be consulted, because it is the three devolved Governments who deliver healthcare in Wales, Northern Ireland and Scotland. It is critical that they are involved in any agreements.

This legislation is needed whether there is a deal or no deal. As came out of the points of order exchange earlier, the withdrawal agreement would extend through the transition period, but we have all seen how the last three years have melted away like snow off a dyke. The next 20 months will also disappear, so legislation is required for the long-term protection of those who already live in Europe and want to stay there, particularly those who have been there only a few years and do not have five years-worth of residency rights in the country they have chosen to settle in. After the Bill is passed, it is therefore important that the Government hope to negotiate the continuation of reciprocal healthcare.

The problem is that reciprocal healthcare is not a free-standing thing on its own; it is there simply to enable freedom of movement. People cannot exercise their freedom of movement rights if they simply cannot afford healthcare where they choose to live, work, love, settle or retire. We have had the right over the past few decades to retire and settle anywhere. People are well aware of my husband’s situation as a German citizen who lives here and has spent virtually all his adult life working in our health system. That was certainly his first concern after the Brexit vote, and I am sure it is a concern for all 5 million people who have either settled here from Europe or settled in Europe from the UK.

The problem is that, as the Government reject freedom of movement and talk merely about a mobility framework, any reciprocal arrangement is likely to be proportional to that mobility framework, as is described in the impact assessment. The Government are not offering visas of over a year for unskilled workers. They are demanding that people be high skilled, possibly that they earn more than £30,000 a year and that they are economically active and are contributors. Will pensioners still be able to retire elsewhere, since they are not necessarily contributors in a major sense and are certainly not necessarily economically active?

People highlight the difference between what the UK has to pay into the European system and what we get back from Europe. A lot of that difference is quite simply because of the number of UK pensioners who choose to retire to sunnier climes—who can blame them?—and the general lack of obsession with retiring to the drizzle and moving in the other direction. Living in Scotland, I can vouch for that. Who would choose to leave the south of France and come to live in the mist, fog and drizzle? That is why the number of European pensioners retiring to the UK is considerably smaller than the number of UK pensioners who retire to the south of Spain and the south of France. That is simple logic.

Mr Dunne: Would the hon. Lady account for the massive diaspora of Scots all around the world as a comment on the mist and greyness of Scotland’s location? Why does she think so many Scots live abroad?

Dr Whitford: The right hon. Gentleman probably would not like me to get into the clearances of the 17th and 18th centuries when people were burnt out of their villages and put on boats, or when people were transported for criminal activities. There are all sorts of reasons why Scots have ended up all over the world, and they are not all about the weather.

Mr Charles Walker (Broxbourne) (Con): I just want to say to the hon. Lady that I adore Scotland. I just love the mist, the fog, the rain—it is what I call proper weather, and it is to be celebrated.

Dr Whitford: That is why I live there, right beside the sea, but that does not necessarily mean that somebody living in the vineyards of France will think, “You know what? The weather’s a bit boring here. I fancy somewhere with snow, sleet, hail and sunshine all in one day.”

It is a fact that the disparity is because of the number of pensioners. It is often described as if it is the EU somehow tricking the UK—it simply is not. We are obliged to pay for the pensioners from the UK who have settled in Europe. Indeed, we pay a fixed rate per head that is considerably lower than—just over half—what would be charged for a European citizen settling here.

Jeremy Lefroy (Stafford) (Con): Does the hon. Lady agree that another reason for the disparity is that the NHS, in being free at the point of need, has not over the years been as geared up as other countries for recording the patient episodes of EU nationals and collecting that kind of data? Because it is not an insurance-based system but is free at the point of delivery, it does not necessarily have the mindset or the paperwork to think about healthcare in terms of money.

Dr Whitford: I totally agree that that is part of it. The Government have to consider, given the numbers involved, whether creating that entire administrative system will bring more money back in than is spent on administering it.

It is important to consider exactly how we will expect doctors and other health staff to demand to see someone’s settled status. Will it be based on a foreign sounding name, a skin colour or an accent? Will people have to produce an ID card if they were born here, they grew up here, they have never been anywhere else and their family are 20 generations English? That is the point: there is no ID card here. In other European countries, there is an ID card and it will show that UK citizens...
have whatever the equivalent of settled status is. I think doctors and others are anxious about the circumstances in which they should ask for proof of habitual residency.

We see that already in respect of universal credit. I have dealt with a German lady who has been settled here for 30 years and who was refused universal credit on the basis that she was not habitually resident. We are already seeing these things, and we do not want to see them around healthcare.

As we have heard, there are three main groups. The biggest group is the almost 200,000 pensioners using their S1 rights to register somewhere they have never paid tax—and yet they benefit as if they have. It is important that their rights continue, or they may end up having to come back home. They would cost more here than the Government are paying France or Spain to deliver their healthcare. It is important that they are not limited in some way, so that only people who do not have medical health risks are accepted, as happens with insurance. Ordinary pensioners who have exercised those rights would simply not be able to afford comprehensive private health insurance.

A lot of work is being done to protect those who have settled already, but what about the rest of us, who might fancy settling in the south of France or Spain? Will this be achievable by ordinary pensioners in the future?

Approximately 1,300 UK citizens use S2 forms for planned treatment, and the biggest number is the 250,000 claims a year that are made through the EHIC card, which allows people to travel or study all over the EU. As the hon. Member for Burnley (Julie Cooper) said, that includes people with expensive chronic conditions that require treatment such as dialysis three times a week. I defy any Member to find affordable health insurance that would cover such treatment. That is not a risk of healthcare, but planned healthcare, otherwise the trip simply cannot be made.

3 pm

As I mentioned earlier, that should not be extrapolated to EU citizens who live here or UK citizens who live and work in Europe. If they already pay full tax and national insurance here, or the equivalent in Europe, they qualify through those payments, and the UK does not currently reimburse those countries.

The withdrawal agreement Bill only covers transition. It does not go beyond that. The problem is the prospect of no deal, which is still hovering over our heads. It is therefore important that the Government negotiate, but recognise that provision may well be on a much more limited basis. Reciprocal healthcare was not designed around a stag weekend in Prague, but to facilitate freedom of movement.

For me, the Bill highlights what we are losing with Brexit. We are losing freedom of movement, which has often been described from the Dispatch Box as something negative, the end of which we should celebrate. It is actually one of the greatest benefits that we as individual citizens have had from being in the European Union, and it works both ways. We all know people who have worked or studied in Europe; those who have met people from Europe and settled there, or those whose partners have settled here. Free movement has been a great contributor to friendship and love across Europe. The problem is that those rights cannot be exercised unless healthcare can be afforded.

We will not vote against the Lords amendments—they are necessary; the work needs to get done—but it still makes me sad, because all the measure does is highlight what we are losing.

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to speak in this debate—from the Back Benches on this occasion. Although I would have preferred to contribute from the Front Bench as I did during previous stages of the Bill, the Opposition are in safe hands, thanks to my hon. Friend the Member for Burnley (Julie Cooper).

It is curious that both the Minister who led for the Government on Second Reading and I, as Opposition spokesperson, have moved on since then, him to become Brexit Secretary and me to become a Back Bencher. We could have a debate—perhaps even a Division—on who got the better deal.

However, perhaps most curious is that, along the way, the measure has gone from being an international arrangements Bill to an EEA and Swiss arrangements Bill. I have been here for only four years, but I have never heard of a Bill changing its name—but then before this year, I had never heard of Cabinet Ministers breaking collective responsibility and staying in their job, or Parliament taking control of the Order Paper. There are obviously many other examples of the strange times we live in, and this is just another curiosity to add to the list.

The Lords amendments pick up on many of the anxieties we expressed previously about the implications of the sweeping powers in the Bill. I pay tribute to Baroness Thornton and her team who have obviously got greater powers of persuasion than us. They have come up with a series of amendments that rightly curtail the breathtaking powers the Government sought to claim for themselves.

When the Bill began its progress in November, there was a clear assumption on the part of the Government that agreement with the EU would have been reached by now and that arrangements would be in place to carry on very much as we are, at least in the interim period. That in itself raised serious questions about why the scope of the Bill was so wide, and it would not be an understatement to say that the orderly exit envisaged at the time is now not quite so certain. That makes it all the more important that we have a Bill with proportionality and transparency at its heart.

It is worth reminding ourselves that when the Bill first surfaced, the Delegated Powers and Regulatory Reform Committee in the other place set out very clearly its potential impact if it remained unamended. It said that the measure gave the Secretary of State the power to fund the cost of all mental health provision in the state of Arizona, or the cost of all hip replacements in Australia. Although we pushed the Minister on the reason for the need for such wide powers—accepting of course that they would be unlikely ever to be used—the only justification given was that they might prove useful at some future time in trade deals. Although that might be the case, without a clear objective, debated and agreed in Parliament, the powers were unnecessarily broad, so it is right that the Lords raised those concerns and amended the Bill accordingly.
We all have constituents who regularly raise concerns about access to the NHS being used as a bargaining chip in trade negotiations. If the Bill had remained unamended, it would only have given those people more reason to be concerned about such deals. Restricting its scope to EEA countries and Switzerland is therefore proportionate and sensible.

I want to say a few words about amendment 12, which is very similar to an amendment that the Opposition tabled in Committee. It deserves support because even under the current arrangements, cost recovery has not always been handled satisfactorily. Indeed, the Public Accounts Committee described it as “chaotic”. The Law Society of Scotland was clear on the importance of that issue when it gave evidence to the Lords Committee. It said that

“as the NHS has never been very effective in reclaiming the fees owed to it by overseas visitors to the UK, the UK may find itself substantially worse off financially when new arrangements for funding cross-national use of health services are put in place.”

The case for greater accountability is there and has been strengthened by the Government’s impact assessment, which seemed to seriously underestimate the consequences of a no-deal scenario. It set out that the cost of establishing future reciprocal healthcare arrangements on the same basis as now would be £630 million a year, but it went on to estimate that, in the event of a no-deal scenario, the costs are expected “to be similar or less, depending on the number of schemes that are established.”

I do not think it has ever been clear why the costs might be less unless we stopped reciprocating with some countries, and I do not believe that has ever been an express policy objective of the Government. In fact, they have often—rightly—said the opposite, but the reality is that, in that scenario, the costs could be significantly higher. Both the BMA and Royal College of Paediatrics and Child Health stated that if no EU-wide reciprocal agreement was achievable, the significant extra costs of establishing bilateral reciprocal arrangements with EU and EEA countries in future could fall on the NHS. We need, but have never had, a commitment that, in those circumstances, any extra costs would not be borne directly by NHS trusts. I hope that today the Minister can give such an assurance.

The Lords picked up on a related issue, which we have raised previously, on the lack of clarity about how dispute resolution will work in the event of bilateral agreements being necessary. We know from what the Minister has previously told us that, if we manage to reach full agreement with the EU27, there will still be a limited role for the European Court of Justice, but we do not know what the dispute resolution procedure will be if we do not.

The Lords rightly pointed out that there would be little incentive for other countries to agree to a brand new dispute resolution procedure, and they would certainly be loth to do that if they were expected to pay for it, so in the event of a no-deal scenario, is it not the case that there will be significant additional costs for the UK taxpayer in setting up and resourcing a new dispute resolution scheme? Does the Minister envisage those costs being part of the reporting requirements under amendment 12 and again, can he give a commitment today that those costs will not be directly borne by NHS trusts?

The Bill is in a much better condition than when it started. It does what it is supposed to do, and no more. Crucially, it gives much greater parliamentary oversight than we originally had. I think it is called taking back control.

Lords amendment 1 agreed to.
Lords amendments 2, 8 to 10, 18 to 20, 3 to 7 and 11 to 17 agreed to.

OFFENSIVE WEAPONS BILL (MONEY)

Queen’s recommendation signified.
Resolved,

That, for the purposes of any Act resulting from the Offensive Weapons Bill, it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to the Act in the sums payable under any other Act out of money so provided.—(Amanda Milling.)

OFFENSIVE WEAPONS BILL (PROGRAMME) (NO. 3)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Offensive Weapons Bill for the purpose of supplementing the Orders of 27 June 2018 (Offensive Weapons Bill (Programme)) and 28 November 2018 (Offensive Weapons Bill (Programme) (No. 2)):

Consideration of Lords Amendments

(1) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at today’s sitting.

(2) The proceedings shall be taken in the following order: Lords Amendments Nos. 27, 28, 1 to 26 and 29 to 95.

Subsequent stages

(3) Any further Message from the Lords may be considered forthwith without any Question being put.

(4) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—(Amanda Milling.)

Question agreed to.
Offensive Weapons Bill

Consideration of Lords amendments

Mr Deputy Speaker (Sir Lindsay Hoyle): I must draw the House’s attention to the fact that financial privilege is involved in Lords amendments 27, 28, 35, 43 to 48, 50, 51, 53, 55, 57, 62, 63, 65, 66, 69, 73, 88 and 93. If the House agrees to any of these amendments, I shall ensure that the appropriate entry is made in the Journal.

I must also remind the House that certain of the motions relating to Lords amendments are certified as relating exclusively to England and Wales as set out on the selection paper. If the House divides on any certified motion, a double majority will be required for the motion to be passed. I inform the House that Mr Speaker has selected all the amendments as provided on the relevant papers.

Clause 17

Delivery of bladed products to residential premises etc

3.11 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):

I beg to move, That this House disagrees with Lords amendment 27.

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

Government motion to disagree with Lords amendment 28.

Government amendments (a) to (k) in lieu of Lords amendments 27 and 28.

Lords amendments 1 to 6.

Lords amendment 7, and amendments (a) to (d) thereto.

Lords amendment 8.

Lords amendment 9, and amendment (a) thereto.

Lords amendment 10, and amendment (a) thereto.

Lords amendment 11.

Lords amendment 12, and amendments (a) to (c) thereto.

Lords amendment 13.

Lords amendment 14, and amendment (a) thereto.

Lords amendments 15 to 22.

Lords amendment 23, and amendment (a) thereto.

Lords amendments 24 to 26.

Lords amendments 29 to 61.

Lords amendment 62, and Government amendment (a) thereto.

Lords amendment 63, and Government amendment (a) thereto.

Lords amendments 64 to 95.

Victoria Atkins: I thank you, Mr Deputy Speaker, for what I know to be quite a complicated bit of procedure. I hope that I deal with the procedure correctly, and I am very grateful to your learned Clerks for advising me on the wording. I shall be speaking to amendments 27 and 28, Government amendments (a) to (k) which are laid in lieu, and Lords amendments 1 to 26 and 29 to 95. I may not be able to speak to the details of some of those later amendments, but, obviously, I will be very happy to take interventions.

The Offensive Weapons Bill is an important piece of legislation. It is just one of the measures that the Government are taking to tackle serious violence in the serious violence strategy. The Bill has proved a collaborative approach across the House, and I thank all right hon. and hon. Members and noble lords who have helped with the passage of the Bill thus far. I am sure that this afternoon will continue in that spirit.

I will first address Lords amendments 27 and 28, which were moved by Lord Kennedy in the other place. I am grateful to him for his assistance on this part of the Bill. We have laid amendments in lieu, because the Government cannot agree with the trusted courier amendments as they sit, but I very much hope that the amendments that we have laid in lieu will meet with the House’s approval.

The trusted courier scheme would have practical difficulties in its bureaucracy and regulation. It risks making it more difficult to determine whether a delivery company can be trusted to provide reassurances that a bladed product will not be handed to a person aged under 18, and it is not clear, for example, how this scheme would apply to self-employed delivery drivers working on a casual basis for some of the larger firms. We are also concerned that simply being part of a scheme, or being in possession of a seal of approval as a trusted courier, does not guarantee compliance with the conditions in the scheme. We note that no responsibility is placed on the courier or company, and therefore there does not appear to be any consequence for the courier company if it fails to comply with the requirement not to hand a bladed product to a person aged under 18. One can envisage a courier in a rush, for example, pushing a package through a letterbox without conducting checks. It is this lack of liability for age checks in the scheme that we believe risks undermining the purpose of the Bill, which means that we must, I am afraid, disagree with it at this stage.

The Government have, however, given considerable thought to the views expressed on the sale-of-knives provisions throughout the passage of the Bill by Members both in this place and the other place and, importantly, by representatives of the business community, particularly those in small and medium-sized businesses in the capital of knife and steel manufacturing in Sheffield. I am very grateful to the hon. Members for Sheffield South East (Mr Betts) and for Sheffield Central (Paul Blomfield) for their assistance in this. We have tabled amendments (a) to (k) in lieu of Lords amendments 27 and 28, which I hope address their concerns. In short, these amendments in lieu would enable a remote seller to deliver a bladed product to residential premises where they have arrangements in place with a deliverer not to hand them over to a person aged under 18. This approach mirrors, largely, the clause already in the Bill regarding delivery companies relating to overseas sales, although it is limited to bladed products and to deliveries to residential premises. Regulations on overseas sales by contrast apply to deliveries to all premises and to all bladed articles.
Mr Jim Cunningham (Coventry South) (Lab): I thank the hon. Lady for giving way, and I hope that she will show me where I am wrong, but I always understood that delivery companies, particularly those delivering post and packages, have an X-ray procedure to see what the contents are.

Victoria Atkins: I am not sure whether I am in a position to answer that. Of course, every company will have its own security arrangements. The hon. Gentleman will know that what we have inserted through this Bill are further conditions on sellers to ensure that their packages, if they contain bladed products, are labelled very clearly so that anyone handling that package will know that what we have inserted through this Bill has its own security arrangements. The hon. Gentleman will know that delivery companies, particularly those delivering post and packages, have an X-ray procedure to see what the contents are.

Victoria Atkins: Yes, and I thank my hon. Friend, who has been particularly persistent about looking away bladed products or sharp knives. We absolutely keep that point under review. We have had a good response from the retail industry thus far, but we will of course keep the pressure up, and I am extremely grateful to him for his contribution to that.

Liability under our amendments in lieu attaches only to companies that enter into arrangements to deliver bladed products. A delivery company could choose simply not to do so. Our amendments therefore provide the flexibility that the hon. Member for Sheffield South East described, so that if a seller does not enter into an arrangement with a delivery company, the provisions in the Bill that prohibit delivery to residential premises of a bladed product will still apply. A seller in those circumstances will not be able to send a bladed product to residential premises and the product will have to be collected in person at a collection point, which at least gives small and medium-sized businesses the choice over how to conduct their business. We believe that these amendments will help to address the concern behind the Bill and achieve the aim of stopping young people and those under 18 having access to these products through online sales when they should not have such access. I very much hope that our amendment will meet the approval of the House.

Let me turn to knife crime prevention orders. It is vital that the police have the powers they need to prevent knife crime and to protect the public from the devastating effects of violent crime on our streets. It is frankly already too late when we prosecute young people for knife crime. If measures are available that might help to steer children and young people away from carrying or using a knife, we should not hesitate to put them in place. That is why the Government have introduced, in short order, knife crime prevention orders in the Bill. The police made that request of us at the very end of the summer last year, and we were pleased to insert the provision into the Bill in the House of Lords. These are civil orders aimed at young people at risk of engaging in knife crime, people whom the police call habitual knife carriers of any age and those who have been convicted of a violent offence or an offence involving knives.

Sarah Jones (Croydon Central) (Lab): Will the Minister confirm that although these are civil orders, if they are breached they become criminal, and that 12-year-old children could end up in prison for two years? Will she also confirm that not a single organisation, from the magistrates and local government to charities, lawyers and anybody involved in youth offending teams, supports this change? They all think that we are acting too quickly and need to take more time looking at the implications before introducing it.

Victoria Atkins: I am about to come to the framework for these orders, because I am conscious that in an ideal world we would have had the measure in the Bill when it was first laid before the House in the early summer...
[Victoria Atkins]

last year. However, the police came to their view and alerted us to their thinking at the end of summer, and although we have frankly acted pretty quickly, we could not by definition have put the measure in the Bill before the police asked us to. We are doing this in response to the express wish of the police; in fact, the Mayor of London wrote to the Home Secretary in December asking that the orders be inserted in the Bill.

I do not know whether the hon. Lady has had a chance to speak to the Mayor of London, but the reason we are introducing these orders is that we want to try to help local communities to tackle knife crime. They are one measure. We do not pretend that they will solve all knife crime, but they are about preventing young people from getting ensnared in criminal gangs or getting into a situation where they think that carrying a knife will protect them. This is about trying to wrap services around those children before they become criminalised.

I know that concerns have been raised about the age at which the orders can be imposed. The orders apply from the age of 12 upwards because the police tell us that the age at which people carry knives is getting younger. We also know from hospital data that younger children are victims and perpetrators. That is why we have chosen that age. If we are serious about tackling knife crime on our streets, the measures that we take must apply to young people and children.

Sir Edward Davey (Kingston and Surbiton) (LD) rose—

Victoria Atkins: I will give way, but then I must make some progress.

Sir Edward Davey: I think the whole House is with the Minister in the determination to tackle knife crime and to try to prevent young people from getting into it, but can she tell the House what other mechanisms, orders or contracts the Government looked at before she considered expanding Prevent, a programme with proven successes, or early intervention measures such as the orders succinctly, and I thank him for all his work on the Bill. The point of the orders is to try to reach those children before they are in the criminal justice system. They include, for example, the ability to prohibit a child from accessing social media or entering certain postcodes, because we know the tensions arising on the streets from particular groups of young people in certain parts of our large cities. This is not about criminalising those young people; it is about trying to reach them.

Vicky Foxcroft (Lewisham, Deptford) (Lab): In the Minister’s discussions with the police about programmes that work and the investment that they want to see, has she considered expanding Prevent, a programme with proven successes, or early intervention measures such as investing in our youth services? What the police keep saying, and what Ministers keep quoting, is that we cannot just police our way out. If that is the case, we need to invest in all those programmes that support our young people, so I would be grateful if the Minister said something about Prevent in particular.

Victoria Atkins: I thank the hon. Lady again for all the work that she does through the Youth Violence Commission. She is absolutely right. As I said at the beginning of the debate, the Offensive Weapons Bill is but one measure within the serious violence strategy, and these orders are but one measure within the Bill. We do not, however, accept that the breach of an order is, in itself, a criminal matter. I know that some have argued that it would be better to go down the antisocial behaviour injunction route, which applies to children as young as 10. The argument is that having a contempt of court rather than a criminal offence for a breach would make the orders more palatable, because it would mean that children did not get a criminal record. The advice from the police—it is advice that we must listen to very carefully—is that making it a criminal offence to breach an order is important if we want these orders to be taken seriously.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): May I congratulate my hon. Friend most sincerely on producing a much needed Bill? Acid, knives and certain firearms are issues that we absolutely need to crack down on. Does she agree that knife prevention orders are a good mechanism? It is becoming de rigueur in some of our cities for people to carry knives in self-defence, in case they might want to use them, which is totally the wrong culture. With these orders, the police will be able to warn youngsters that if they carry knives again, they will be subject to an order and could be subject to a criminal penalty if they breach it.

Victoria Atkins: My hon. Friend summarises the orders succinctly, and I thank him for all his work on the Bill. The order may impose such requirements or prohibitions on a person as a court considers necessary to protect any person from risk of harm or to prevent the commission of an offence involving a bladed article. A KCPO that imposes a requirement must specify a person who is responsible for supervising compliance with that requirement. Again, I emphasise that this is about protection and prevention. It is not about criminalising children. The order is a civil order. We do, however, accept that the breach of an order is, in itself, a criminal matter. I know that some have argued that it would be better to go down the antisocial behaviour injunction route, which applies to children as young as 10. The argument is that having a contempt of court rather than a criminal offence for a breach would make the orders more palatable, because it would mean that children did not get a criminal record. The advice from the police—it is advice that we must listen to very carefully—is that making it a criminal offence to breach an order is important if we want these orders to be taken seriously.
the youth endowment fund, through which we are investing £200 million over the next 10 years to give certainty to the organisations that win bids. All those measures are really important.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): As I have stated previously in the Chamber, the Offensive Weapons Bill has been a cause of serious concern within the British Sikh community, with a feeling that the centuries-old religious requirement of wearing a kirpan, a Sikh sword, could be unintentionally criminalised and that even the tradition of honouring a non-Sikh within a gurdwara, a place of worship, by bestowing them with a kirpan could be deemed illegal. However, thanks to the strong leadership of the noble Lord Roy Kennedy and others in the House of Lords, with excellent assistance from Lord Singh, Lord Paddick, Baroness Verma, the organisation Sikhs in Politics and others, amendments were tabled. As Lord Tunnichiffe and Baroness Williams said, those amendments were passed with unanimity. Although I am extremely grateful to the Minister for the courtesy that she extended to me during our recent meeting to seek my views on the matter, for the record—and to assuage community concerns—can she confirm that the Government wholeheartedly support those amendments and will incorporate them into the Bill?

3.30 pm

Victoria Atkins: The hon. Gentleman has jumped right to the end of my speech. However, I will respond now because I am conscious that it is such an excellent intervention. I will then return to KCPOs.

Let me put on record my thanks to the hon. Members for Slough (Mr Dhesi) and for Birmingham, Edgbaston (Preet Kaur Gill), my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), the right hon. Member for Wolverhampton South East (Mr McFadden) and many noble lords in the other place for their work to ensure that this Bill reaches the issues in knife possession and possession of Sikh kirpans, which was never the Government’s intention. I am grateful to all hon. Members, as well as to the many Sikh organisations that have been involved in this process, for helping us to clarify and improve the law.

I can confirm that the amendments will create defences to sections 141(1) and 141A of the Criminal Justice Act 1988 and section 50(2) and (3) of the Customs and Excise Management Act 1979 relating to the custom of gifting kirpans by ceremonial presentation. The amendments will create a defence for a person of the Sikh faith to present another person with a curved sword in “a religious ceremony or other ceremonial event.”

They will also provide a defence for possessing such swords for the purposes of presenting them to others at a ceremony, and for the recipients of such a gift to possess swords that have been presented to them. It was never the intention of the Bill to affect this custom, and I am extremely grateful to hon. Members for their work on these measures.

Mr Dhesi: Will the Minister give way?

Victoria Atkins: If the hon. Gentleman will forgive me, I must move on because I am conscious that others wish to speak.

Let me return to KCPOs. I know that the shadow Minister has tabled some amendments, and I will deal with them in a moment. On the question of age and the concern that youth offending teams must be consulted, we have included in the Bill a requirement that youth offending teams must be consulted on any orders for people under the age of 18. We have also said that we will consult publicly on the guidance with community groups, youth organisations and others before these orders are brought into force.

Vernon Coaker (Gedling) (Lab): Before the Minister finishes discussing prevention orders, will she tell the House a little bit more about the pilots? How many pilots are there going to be, when are they going to start and how long will they last? Given the urgency of implementing this legislation and the concerns that have been raised, will the Government report back to the House on how the pilots have operated, so that we have a further opportunity to amend and adapt the measures if necessary?

Victoria Atkins: Yes. I am grateful to the hon. Gentlemen for raising the pilots. Some of the concerns raised today were also raised in the other place, so their lordships saw fit to insert an amendment regarding piloting. I hope that it gives some comfort to the House that we will pilot the provisions in one or more specified areas in England and Wales. We have not yet determined which forces will have the privilege of starting these pilots. The second condition of piloting is that the Secretary of State will lay before Parliament “a report on the operation of some or all of the provisions” relating to KCPOs, so the House will be fully updated on the progress. I am sorry that I cannot give the hon. Gentleman more details regarding the operational aspects of the pilots at this precise moment in time, but I want to deal with the amendments tabled by the shadow Minister.

Amendments (b) and (c) to Lords amendment 7, and amendment (a) to Lords amendment 14, would make it a requirement for the police to obtain—and, by implication, for the youth offending team to produce—a pre-injunction report, including an assessment of the defendant, before making an application on conviction, or otherwise than on conviction if the defendant is under the age of 18, and to provide that report to the court as part of their application. It follows from this proposed amendment that the outcome of the consultation should be available to the court. The requirement to consult is an important safeguard to ensure that the youth offending team has a chance to influence the process, and we expect the YOT’s view to be before the court when it is considering the application. We will state in guidance that we expect the police and the Crown Prosecution Service to share with the court the outcome of the consultation with the youth offending team, and we will reinforce the message during the pilots that the applicant police force should share the outcome of the YOT consultation with the court.

Amendment (c) to Lords amendment 12 would also set down a requirement in relation to a pre-injunction report. Again, we believe that the requirement to consult the youth offending team addresses this, and I am not persuaded that it would be appropriate to include a requirement to consult the youth offending team if an
application without notice were made, given the urgency of such applications. However, the consultation requirement must be fulfilled before the full hearing takes place.

Amendment (d) to Lords amendment 7 is not needed. The Bill already provides a power for the court to require evidence from the individual responsible for promoting, supporting and monitoring compliance with any requirement included in the order. That individual could be the youth offending team, but it could also be a community group or a charity, for example. Let me remind the House that the police fully support the provisions in the Bill as they stand in the Lords amendments that we have tabled in the Home Secretary’s name. There are already safeguards in the Bill to ensure that the orders are proportionate and that the views of the youth offending teams are taken into account during the application process. I therefore ask the shadow Home Secretary and the hon. Member for Sheffield, Heeley (Louise Haigh) not to press their amendments.

Vicky Foxcroft: Will the Minister confirm that when that report is laid before Parliament, there will not be a further roll-out of the KCPOs without our seeing it in Parliament first?

Victoria Atkins: I think the hon. Lady is talking about the amendment tabled by the shadow Minister. We do not agree with that amendment. We believe that piloting and then the Secretary of State laying a report before the House is a perfectly proportionate way of assessing the pilots’ success. Let us not forget that we are talking about youth courts and magistrates courts using civil orders, with all the safeguards that are in the regime. This regime mirrors similar regimes used in, for example, gang injunctions. We should have trust in our youth courts and others that they will be able to meet the expectations of the House in terms of ensuring the wellbeing and the welfare of the young people they are looking after. The aim of these orders is to protect young people and also the wider community. On the proposal that a full report should be laid out, I am afraid that, in the usual way, such regulations are not subject to any parliamentary procedure, and the Government see no reason to adopt a different approach in this case.

There are of course other provisions that I have not even begun to address, although I may well have a chance do so at the end. However, I hope that my focusing on the three main issues arising during the passage of the Bill meets with colleagues’ approval. I very much look forward to hearing their contributions in the rest of the debate.

Louise Haigh (Sheffield, Heeley) (Lab): I thank those in the other place for their careful consideration of this Bill, which is certainly in better shape than when it left this Chamber.

As the Minister has outlined, we have offered our sincere and constructive support throughout the passage of the Bill for the Government’s attempts to respond to the surge in violent crime. We offered our support in Committee, on Report and at Third Reading. We have fought to enhance protections on the sale of knives, to close dangerous loopholes in our gun laws, to force the Home Office to release evidence on the consequences of cuts to vital services for levels of serious violence, to force the Government to assess whether the police have the resources they need to tackle violence involving offensive weapons and to put the rights of victims of crime on a statutory footing—rights that have been neglected despite repeated manifesto promises by the Conservative party.

Let us not forget the absolutely farcical spectacle of the Home Secretary and the Minister, on Second Reading and in Committee, making the case for a ban on high-powered rifles—guns that have an effective range of 6 km—and then coming back to the Chamber on Report and making the exact opposite case in the face of Back-Bench rebellion. Our gun laws are in need of updating, and it is a sad reflection on the Government that all the passage of this Bill has done is weaken the provisions on firearms and kick the can down the road once again in pushing the issue to consultation.

Furthermore, the Bill as it stands still ignores much of the key evidence contained in a leaked Home Office report on the drivers of serious violence. This included compelling evidence that violence was, in part, being driven by a precarious and vulnerable youth cohort shorn of the support, early intervention and prevention work necessary to stop those vulnerable people falling into a spiral of serious violence.

Turning to the amendments, I am grateful for the work of the noble Lord Kennedy, and that of my hon. Friends the Members for Sheffield Central (Paul Blomfield) and for Sheffield South East (Mr Betts), who have managed to find a consensus on the delivery of knives to residential premises that protects children while not unduly hampering specialist knife manufacturers and businesses. We are therefore happy to support the amendment in the name of the Home Secretary whereby businesses will need to prove they have taken all necessary measures to ensure that a knife is delivered into the hands of an adult or will feel the full weight of the law.

On kirpans and Sikh ceremonial swords, I again congratulate my hon. Friends the Members for Slough (Mr Dhesi) and for Birmingham, Edgbaston (Preet Kaur Gill) on their work. We understood the concerns raised across the House, and I am pleased that the Labour Lords amendment has been accepted that will allow Sikhs to practice their religion freely without fear of criminalisation.

But undoubtedly the biggest change has been the introduction of knife crime prevention orders, and that is what I wish to focus my remarks on. It is important when making any changes to the suite of police powers that Parliament has the fullest opportunity to consider the evidence and implications. That is why we are extremely concerned about both the way in which these proposed orders have been brought forward and some of their content. Our concerns are threefold, and I will address each in turn. As the Minister said, our amendments to the Lords amendments speak to those concerns.

3.45 pm

First, it is regrettable there has been little to no parliamentary scrutiny—far below the standard we would expect for potentially punitive orders that impose criminal
sanctions on children as young as 12. Secondly, there is no statutory requirement for the needs of the child who may be subject to an order to be assessed, to establish their circumstances and what support may be beneficial. That eschews all evidence on combating youth violence, which is clear that the focus should be on avenues to a route out of crime and not on punitive restrictions. Finally, we are extremely concerned that the lack of consultation and evidence base for these orders may lead to them doing more harm than good.

Our point about parliamentary scrutiny is not just some narrow concern about process. The orders carry criminal sanctions of up to a two-year custodial sentence for a breach. The civil standard of proof could find a child on the receiving end of a prison sentence for breach of an order that was itself imposed only on the balance of probabilities. It is wholly inappropriate to have introduced such potentially punitive penalties in the House of Lords, once scrutiny of the Bill in the Commons had already taken place, and for this to be the first, limited opportunity for the Commons to debate them.

In Committee, we took evidence from a wide range of witnesses, including the police and counter-terror police, on the need to ban .50 calibre rifles, which the Government later dismissed. At no point were these orders mentioned, and it is regrettable that they may enter legislation with such little scrutiny or opportunity to test the opinion of experts in the field of youth violence.

We were pleased that our colleagues in the other place fought and won the case for the orders to be assessed, to establish so-called wraparound care for young people, brought in by these orders. We are concerned, and this is what our amendments speak to, that in trying to establish so-called wraparound care for young people, these orders will inevitably end up focusing on the restrictive elements such as curfews, social media bans and prohibitions, rather than the potential for positive, rehabilitative action.

Before Parliament approves any roll-out, the Government should release a report giving an explanation of what guidance has been given to authorities on the burden on proof, which is a civil standard, the impact of orders on the rights of children and the impact on different racial groups as defined in section 9 of the Equality Act 2010.

Sir Geoffrey Clifton-Brown: Does the hon. Lady not think it is a bit rich that she is complaining on the one hand about the Government introducing a full consultation on a whole range of firearms issues enshrined in statute under the Bill, and on the other hand that the Government have not consulted enough on knife crime prevention orders, which are suggested by the police and are a much-needed part of the armoury in the fight against knife crime?

Louise Haigh: The Government consulted on the ban on weapons ahead of the Bill and concluded, on the basis of evidence from the most senior counter-terror police in the country, that it was right to ban assault rifles. It was only in response to a Back-Bench rebellion led by the hon. Gentleman that the Government caved and made the exact opposite case to the one that they made on Second Reading.

These are very basic requests for what is, in truth, information that Parliament should already have when being asked to pass legislation. The parliamentary lock we are seeking to add to the orders should not be necessary, but we know the damage that can result from a lack of joined-up thinking in youth justice, and our communities simply cannot afford another misstep. That is why it is only right that parliamentarians are given the full facts before being asked to approve a further roll-out.

Turning to the content of the orders themselves, all of us in this place are united in our mission to do everything in our power to bear down on the terrible scourge of knife crime, but we must be wary of taking action for the sake of action. Interventions must be evidence-based, have a clear purpose and fill a gap in the existing legislation. The police already have a substantial suite of powers for those they suspect of possessing a knife. The issue is, and has been for several years, the ability and capacity of the police to enforce those powers. As the chair of the Police Federation has said,

“How the Home Secretary thinks we have the officers available to monitor teenagers’ social media use or check they are at home at 10pm when we are struggling to answer 999 calls is beyond me.”

This Government have taken 21,000 police officers off our streets. Response times have rocketed, and in some force areas residential burglaries are rarely attended. The police’s capacity to respond to crime has been extremely diminished, so it is beyond doubt that they do not have the capacity to place orders on people who have not actually committed a crime, and then to monitor and implement those orders effectively. There has been no impact assessment of the resource implications for the police or any of the other services that may be brought in by these orders. We are concerned, and this is what our amendments speak to, that in trying to establish so-called wraparound care for young people, these orders will inevitably end up focusing on the restrictive elements such as curfews, social media bans and prohibitions, rather than the potential for positive, rehabilitative action.
[Louise Haigh]

I think we have now reached consensus in this place that, to combat youth violence effectively, a whole-system, cross-governmental public health approach is required. These orders could have been an attempt to bridge such a divide, but instead they place sole responsibility on the police as the only authority that can apply for an order, which risks narrowing the focus of the suite of options available. The fact that there is no statutory requirement to assess the needs of a child, establish their circumstances and consider the safeguarding implications of an order or their family history prior to an order being granted should be fatal for a legislative proposal that the Government have styled as a route to address youth violence and to prevent the deaths on our streets, they should be fined accordingly. Let us not build more prisons. Let us not lock more recreational users up—but let us hit them in the pocket. If they are caught in possession, 50% the first time they are caught in possession, 75% the second time and 100% the third time. When we introduce the parliamentary lock, as the report that the Home Secretary brings forward must be voted on before the pilots can be rolled out.

I conclude by thanking and congratulating my right hon. and hon. Friends who have significantly improved the Bill and subjected it to scrutiny during its passage, especially my right hon. Friend the Member for East Ham (Stephen Timms) and my hon. Friend the Members for Sheffield Central, for Sheffield South East, for Lewisham, Deptford (Vicky Foxcroft), for Croydon Central (Sarah Jones), for Birmingham, Edgbaston and for Slough. The amendments in our names have sought to strengthen and improve the weak legislation before us today. They have sought an evidence-based response to the long-term trend of violence that we are witnessing as a result of this Government’s austerity agenda. We hope that the Government will accept that much more needs to be done if we are to prevent any more young lives from being needlessly taken, and we hope that the Government will accept the amendments in our names today.

Mr Charles Walker (Broxbourne) (Con): It is a pleasure to follow the hon. Member for Sheffield, Heeley (Louise Haigh).

I should like to focus on knife crime prevention orders. If we are to reduce knife crime, we need to address the issue of drug usage. So many of the young people dying in our communities are dying as a result of the drugs trade—particularly cocaine. We need to consider increasing the costs attached to the usage of drugs, because drugs are historically extremely cheap at the moment; and if we want to attack usage, we have to increase the costs attached to recreational possession. The Minister said that she had looked at dealing with gangs—she had looked at knife crime prevention orders—but I think we need to look at drug prevention orders.

I think it is appalling that the chattering classes, wherever we may find them, whatever their politics, are wringing their hands about the deaths of mostly young men and children on our streets and then, moments later, too many of them are shoving a line of cocaine up their noses. That is not a line of white powder; that is a line of blood, and users of cocaine have blood on their hands—the lives of many, many young people and children.

So I say this to the Minister. Let us not build more prisons. Let us not lock more recreational users up—but let us hit them in the pocket. If they are caught in possession of cocaine, if they are responsible for the deaths on our streets, they should be fined accordingly. Let us say that you are a City trader on £300,000 a year, Minister; you should be fined a third of your income—a third of your income—if you are caught in recreational possession. Then users might start to think. If they do not care about the young lives being lost on the streets, they might start thinking about the consequences to themselves and their finances.

It may be a City trader. It may be a Member of Parliament. It may be a doctor. It may be a teacher. But if they are using cocaine, they are responsible for the tragedies that are happening daily, and I think they should pay—pay for recreational usage. They should pay by being fined a significant amount of their income the first time they are caught in possession, 50% the second time and 100% the third time. When we introduce...
laws like that, Minister, people may start taking this matter seriously, and we may actually start to address the mayhem, destruction and tragedy that is afflicting so many of our communities.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I start by confirming that the SNP has supported the Bill from the outset. As I previously acknowledged, the Government here have worked closely with the Scottish Government on many of its provisions, given that the Bill’s subject matter covers a range of both devolved and reserved competences. We remain of the view that the Bill will help tackle crimes involving corrosive substances, knives and certain firearms, so it continues to enjoy our support. However, we took—and continue to take—the view that more important tools include police funding, police numbers, cross-government working and a genuine switch to a public health approach to knife crime.

For today, though, the 95 amendments passed in the Lords focus on three specific areas. One set of changes proposed in the Lords does not convince us at all. One set of changes appears absolutely reasonable to us. Another group of amendments is welcome but still falls short of what was in the Bill at the outset. We are far from convinced on the knife crime prevention orders. As we have heard, things have moved very quickly, essentially closing down time for proper consideration, scrutiny and consultation. It is fair to recall, however, that this morning the Metropolitan Police Commissioner defended the proposals robustly before the Home Affairs Committee. I absolutely respect the fact that they are well-intentioned. I question, however, whether the reasoning behind them and the form they now take are well-founded. The all-party group on knife crime, excellently chaired by the hon. Member for Croydon Central (Sarah Jones), heard evidence from a series of groups who have significant concerns about the impact they will have. As we have heard, concerns have been raised by magistrates, local government, the Children’s Society, the Standing Committee for Youth Justice, the Prison Reform Trust and the Police Federation.

4 pm

Ultimately, I find it difficult to see how 12, 13 or even 15-year-olds groomed into gang violence are going to turn around to the gang leader and those grooming them and say, “Sorry, I’ve had a knife crime prevention order made against me and I can’t have anything more to do with you.” I am concerned that there is a danger that, rather than preventing or steering away a young person from falling into the youth justice system, it may instead accelerate it when the orders are breached. I very much hope that I am proved wrong. If this was not a matter for England and Wales only, I would definitely support the safeguards proposed by the official Opposition. Even then, I doubt I would be persuaded that the case for these powers has yet been made. However, it is a matter for Members for England and Wales, so having briefly provided my tuppence-worth, I will leave colleagues to grapple with the clear divergence of opinion that has emerged.

On the amendments and new clauses on deliveries to residential premises, I, too, want to congratulate the hon. Members for Sheffield Central (Paul Blomfield) and for Sheffield South East (Mr Betts)—Sheffield, the capital of steel. I am pleased that the Government have listened and worked up what seems to me a suitable alternative proposition, one that commands our support. The changes go some way to addressing one of the anomalies I flagged up in Committee, in that the Bill placed various obligations on couriers who were operating on behalf of sellers stationed outside the UK, but not on couriers operating on behalf of sellers who were in the UK. That seemed as strange to me as it did to many Members of the House of Lords, although, as the Minister said, there remain some differences in treatment. Anyway, the amendments have our full support.

Finally, on the vexed issue of firearms, obviously we voted against the Government when, on Report, they took out the provisions on high-energy rifles without any form of replacement provision. It is of course welcome therefore that at least there are now some enhanced measures on security back in the Bill. Members on both sides of our earlier debates can unite on that. Like the official Opposition, however, we remain very concerned about how we got into this position. When he introduced the Bill, the Home Secretary said that the original prohibition measures were based on evidence that we received from intelligence services, police and other security experts.—[Official Report, 27 June 2018; Vol. 643, c. 918.]

and the Minister said such a prohibition was necessary in light of “the threat assessment of the National Crime Agency and the police.”—[Official Report, 27 June 2018; Vol. 643, c. 997.]

The Minister referred to the range of these weapons and to recent seizures of higher-powered weaponry and ordnance at the border showing growing demand for more powerful weaponry in the criminal marketplace. That was backed up by the evidence we heard in Committee. I know that the witnesses the Committee heard from have not in any way changed their minds. Only the Government have changed their mind. If the Government accepted that evidence and the need for prohibition, I do not understand how they can justify their change of stance.

As I said in earlier stages, we do not take lightly the banning of anything, but we are talking about the leisure pursuit of a very small number of people, perhaps 150 in total. If the evidence the Home Secretary and the Minister referred to is correct, it seems a troubling change of stance but we are where we are. Although the Minister will not be speaking again in the debate today, I will be seeking assurances that this does not mean we are watering down what have previously been fairly robust firearms laws and making this new enhanced security category the new default for firearms that had previously been prohibited, based on evidence, under section 5 of the Firearms Act 1968. I also seek assurance that the Scottish Government and Police Scotland will be fully involved in developing any new conditions for high-powered rifles.

In conclusion, we welcome the Bill, subject to the concerns I have laid out. However, the key to tackling serious violence remains in police numbers, police funding and cross-government co-ordination. It depends on the genuine adoption of a public health approach to tackling knife crime and youth violence, as we have seen through the work led by the Violence Reduction Unit in Glasgow. The Bill is a small positive step, but the Government have many other, much bigger steps to take if they are to be seen to be properly and urgently tackling the serious problem of youth violence.
Huw Merriman: It is a pleasure to follow the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), whose constituency I will not even try to pronounce correctly. He always speaks with such eloquence. I attended the same meeting of groups hosted by the hon. Member for Croydon Central (Sarah Jones) and listened to the arguments about knife crime prevention orders. It was hard not to be persuaded by some of those arguments, but I want to explain why I think introducing those orders is the right thing to do.

The Government are absolutely right to follow a public health approach to knife crime. It is time to look holistically at all our agencies in delivering both a health-based solution and a criminal justice solution. We have the youth endowment fund and the review of drugs policy, and we should recognise that prison sentences for knife crime have increased: 85% of people convicted serve at least three months, compared with 53% only 10 years ago. The courts are putting in place a whole range of tougher measures, and the Government and local authorities are looking to introduce wraparound support, yet the reality is that knife crime is endemic and will not be solved in the short term with those measures alone. I therefore absolutely support knife crime prevention orders.

What makes this issue so stark for me is the number of recorded knife crime offences in the 12 months to September 2018. There were 40,000—an increase of two thirds since March 2014. Those figures are appalling. In the context of overall violence having fallen by a quarter since 2013, it is clear that we have an issue specific to the carrying of knives. I was struck by a recent survey by the Centre for Social Justice, in which 6% of Londoners polled confessed to having carried a knife in the past 12 months. There is a contagion effect. Young people carry knives to protect themselves, because they do not feel confident, but we all know that someone not even trying to pronounce correctly. He always speaks with such eloquence. I attended the same meeting of groups hosted by the hon. Member for Croydon Central (Sarah Jones) and listened to the arguments about knife crime prevention orders. It was hard not to be persuaded by some of those arguments, but I want to explain why I think introducing those orders is the right thing to do.

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The Mayor of London was absolutely right in his letter to the Home Secretary in December. He was critical when they are not. We must make some kind of intervention to tackle that.

Sir Geoffrey Clifton-Brown: I want to back up what my hon. Friend the Member for Beckenham (Bob Stewart) just said. In addition to the safeguards my hon. Friend has ably set out, there is the provision for under-18s that, before an order can be granted, a youth offending team has to be consulted, meaning they can be helped by experts not to reoffend.

Huw Merriman: My hon. Friend is absolutely right; YOTs will be consulted. I do not agree with the idea of having a more specific order, because that would tie the whole process up in knots, whereas this needs to be a fluid process. YOTs would indeed be consulted, and then appropriate adults—youth workers—would supervise any requirements under the order.

These interventions can help people turn their lives around. I spent five years working in a youth organisation that was trying to turn young people’s lives around and stop them making these mistakes. We helped with their education and encouraged them to put their energy into sports, performing arts, environmental projects, and so on—something that could turn them away from a life of crime and give them something more interesting, exciting and exciting to work on. That said, we have now regressed. Far too many young people are being attracted by gangs and carrying knives either because of the glamour or as protection. We need to do something now to turn that around and save lives.
Sir Edward Davey: The hon. Member for Bexhill and Battle (Huw Merriman) speaks with authority as a former youth worker, and one listens to him with great attention, but I disagree with his conclusion that the proposal before the House is the best way forward. I want to suggest alternatives that I hope he will consider.

There is no doubt that action on knife crime is needed—that fact unites us all—and a lot of the action will involve spending money, whether on policing, including community policing, or on youth workers. There may have been a lot of youth workers when the hon. Gentleman was active, but when I look around communities today I do not see many youth workers or community police officers, but we will need them to implement these orders. We will need to spend money if we are to have the people in place to give those young people alternatives and protect them. We as a Parliament have to recognise that the public health approach is not a cheap option.

Do we need another legal power? The Government argue that, despite the panoply of powers already on the statute book, we need a new one, which is why the House is right to scrutinise the proposal, I only wish it had more time. Will the proposal work? We have some evidence from the past. As you will remember, Madam Deputy Speaker, we have had many debates in this House, in previous Parliaments, on how to tackle antisocial behaviour, and we have seen policies such as antisocial behaviour orders, on which, I believe, these knife crime prevention orders are modelled. My noble Friend Lord Paddick in the other place has pointed out some of the major problems with ASBOs that we believe knife crime prevention orders will also have.

I want to be constructive, however, and to support the Minister in her work to tackle knife crime. I hope that she will agree to meet me to discuss the Liberal Democrats’ proposal for what I have named anti-blade contracts—linked to the ABCs, or acceptable behaviour contracts, of the past—which could be far more effective in preventing young people from carrying knives in the first place. I would also make the case for other similar initiatives, such as what I call knife crime prevention injunctions, which would have the benefit of not resulting in criminal records for young people.

First, though, I will make the case against the Government proposal. The fundamental problem is that these will be pre-conviction orders—as opposed to on-conviction orders—which means that young people as young as 12 could be handed a court order on the grounds that, on the balance of probability, they may have carried a knife. That ought to alarm every colleague. Guilty before anything has been proven—that is a shocking legal principle. I am surprised that a lawyer as distinguished as the Minister feels comfortable about young people getting court orders even when it has not been proved that they committed a crime.

The Minister’s mitigation is that this is a civil offence, but if the order’s conditions are breached, it becomes a criminal offence. A condition may, for instance, be a requirement to notify. A young person who fails to notify a police officer of a change of address because they have moved from one parent or carer to another, thus avoiding a prison sentence, is total nonsense. Why do we need to criminalise young people who have not committed a crime? Where is the evidence that that will tackle knife crime? Prisons are overcrowded, and there are high levels of self-harm. Is this really a sensible approach?

Sir Edward Davey: There I have sympathy with the Minister, and I want to propose an alternative which addresses that very point. However, she was beginning to suggest—I am not sure that she meant to—that a criminal test had to be passed, and that is not what is in the Bill. It is not a criminal test that must be passed; it is a civil test, which could then result in a criminal record. I think that the House should think very carefully before going down that road.

Let me say a little about the alternative model that I want the Minister to consider. I am proposing what I have called anti-blade contracts. The idea is that a police officer, along with the parents or a carer, or possibly a youth officer, would sit down with a young person and require them to sign a contract saying that they should not carry a knife and that there would be consequences—for instance, fines or community sentences—if they were caught doing so. Crucially, however, linked with the public health or prevention approach would be positive elements. Young people could, for example, contact a named youth worker or police officer if they were concerned about their safety. There could also be a package of other support, which might involve access to youth services.

That is the way to change behaviour. That is the way to prevent a young person from ending up on the pathway to more crime. People who go to prison often see it as a college of crime, and we must try to avoid that. The approach that I am suggesting would do what the Minister wants: it would meet her objectives, but without the cost and without the potentially damaging impact that her orders would have.

Bob Stewart: Is the right hon. Gentleman suggesting that all young people should sign such contracts? That has a certain appeal to me—the idea that everyone at school, say, is given a lesson and then signs a contract, so that they understand what they are doing. Is that what the right hon. Gentleman is proposing?

Sir Edward Davey: Not in the first place. The idea—and this goes alongside the Government’s proposal—is not that every young person would be open to the process, but that it could be offered to young people who were thought to be in danger. I am not sure whether we would want it to be applied to every young person, although it could go further and be part of an educative process as well. Given the lack of resources in the police and youth services, I think that we should target those who are most at risk in the first instance.
[Sir Edward Davey]

The crucial part of my argument is that I am putting forward something that is based on evidence. The evidence from the Home Office, in its reports on the difference between antisocial behaviour orders and acceptable behaviour contracts back in 2004, and the evidence from the National Audit Office in a 2006 report, suggested that ABCs were far more effective in changing young people's behaviour, which is what we want to do. More important—or, at least, as important—was the fact that they were cheaper. They took less time. Orders that need to go to court require considerable police resources, and we do not have those resources. They also take up the time of magistrates, which is already rather stretched, so we are putting forward something that goes against the evidence from the past and that we know is going to be more expensive and more time consuming. This is an urgent problem, and our proposal based on evidence does not need even this place to legislate. We could get on with it; we could issue guidance. Why on earth are we doing this? The situation is far more urgent than the Government seem to think. The Minister's proposal would take so much time and money when we know that is not available.

I implore the Minister: I am pleased that she has nodded from a sedentary position to indicate that she is prepared to meet me to discuss our proposal—

Victoria Atkins: I confirm that I am.

Sir Edward Davey: I am very grateful to the Minister for doing that, but I hope she will reflect on this.

I will be supporting the Labour amendments in the name of the hon. Member for Sheffield, Heeley (Louise Haigh) tonight, which are well tailored. The Labour proposal requiring this House to vote on a report on the evidence from the pilot is a good compromise; it is an example of this Parliament working together to make sure that what we do is evidence-based. The good thing the Minister could do if she goes down my route is proceed with my anti-blade contracts while those pilots are going on, because an anti-blade contract does not need to bother this legislature.

Sarah Jones: It is a pleasure to follow the right hon. Member for Sheffield, Heeley (Louise Haigh) tonight, which are well tailored. The Labour proposal requiring this House to vote on a report on the evidence from the pilot is a good compromise; it is an example of this Parliament working together to make sure that what we do is evidence-based. The good thing the Minister could do if she goes down my route is proceed with my anti-blade contracts while those pilots are going on, because an anti-blade contract does not need to bother this legislature.

Sarah Jones: It is a pleasure to follow the right hon. Member for Sheffield, Heeley (Louise Haigh) and I agree with much of what he said. The hon. Member for Bexhill and Battle (Huw Merriman) put his finger on it when he said that these knife crime prevention orders are a roll of the dice. That is absolutely the point we all want to make, and while I completely disagree with the conclusion he has come to, this is what we are doing in this House: we are rolling a dice and there might be unintended consequences that we do not know yet. That is what I want to speak about today. I shall speak to the amendments I added my name to: 7, 9, 10, 12 and 23.

I chair the all-party group on knife crime, and yesterday we hosted an event on knife crime prevention orders. We heard evidence from the Magistrates Association, lawyers, academics, charities and youth offending teams who work with children and young people involved in knife crime. There was resounding agreement: they all want to stop knife crime and protect young people, but they all believe that these orders are not the answer. I think they are a knee-jerk reaction to a moral panic and they risk exacerbating, not diminishing, the problem. Lawyers, magistrates and youth offending teams are all in agreement that, far from being preventive, as the name of the orders suggests, the orders will have unintended consequences that could criminalise a generation of young people and actively work against the Government’s stated aim of reducing knife crime.

This final stage of the Offensive Weapons Bill is the first opportunity MPs have had to have our say on whether or not these orders should become law. This is indicative of the Government’s approach of late: rushing through ill-thought-out plans so they can appear to be doing something without actually listening or engaging with experts or allowing parliamentary scrutiny. No real consultation took place other than some rushed consultation within the police—although we heard yesterday that even the senior police representative for children and young people was not asked about these knife crime prevention orders.

As far as we can tell, the orders are the result of a few behind closed doors conversations between the Home Office and a few senior Met police. They have not comprehensively been thought out, and they were not a part of the Government’s own serious violence strategy. This is not the proper way for the Government to create laws, and it is an example of how bad, ineffective policy is created.

As we have heard, these are civil orders that would be placed on children as young as 12 who are suspected of carrying a knife. They could place severe, lengthy and potentially unlimited requirements and restrictions on the person subject to the order. If the requirements are not all met, a breach will be punishable by up to two years in prison. We have a situation in which somebody—a child—who may never have carried a knife and never have broken the law will end up with a criminal record and potentially a prison sentence for an order placed on them just on the basis of probability, rather than a criminal standard of proof. This leaves room for subjective decisions being made and for many young people to feel unfairly targeted.

The Government should be seeking to draw people away from the criminal justice system, not pushing children into it. And for solutions to be effective, they need to target the underlying cause of the behaviour. Sending children to custody does not work and is not an appropriate or proportionate response. Vulnerable young people must have access to education and employment so that they have routes away from drug gangs and the like. Criminal records and other criminal sanctions will disrupt lives and further marginalise young people, locking them out of mainstream society and exacerbating the root causes of violence. Children and young people have told our all-party parliamentary group many times that many are picking up knives out of fear. They feel that it is a necessary form of self-protection because everyone else has one and the police are not there to help them. Knife crime prevention orders will not deter children from picking up knives. They would rather be in prison for carrying a knife than be stabbed to death.

Another thing that was clear from our meeting yesterday was that the orders are neither necessary nor new. Magistrates and lawyers who are involved in children’s sentences have not called for more sentencing options. There are already intervention options available that could be promoted and developed. Many youth offending teams have programmes to address knife carrying, and if they had the money to do more outreach, they could
help more children in this way. Conditional cautions can place requirements on children and young people, such as having to see their youth offending team and attend education programmes. These have lower reoffending rates than other more punitive responses, and they deal with behaviour outside the court system. Likewise, there is the triage system, where a young person who is arrested in a police station can be directed to appropriate intervention without being unnecessarily over-criminalised.

The similarities between knife crime prevention orders and the old antisocial behaviour orders are clear. The author of the Youth Justice Board report on ASBOs told us yesterday that they were disproportionately used on children and that they were breached in over two thirds of those cases. The use of ASBOs petered out over time because the courts and other agencies became increasingly concerned that they were counterproductive. Children had come to view them almost as a badge of honour and to define their identity around them. ASBOs were actually encouraging the behaviour they were designed to discourage. Over a nine-year period, more than 5,500 children were sent to prison for breaching their order. The bottom line was that they were not effective, because they had kept coming back.

A number of other concerns have highlighted how little time has been given to the detail of these orders. Who will monitor them? Who will be responsible for reporting breaches? It seems that charities running programmes with young people would be expected to tell on their young people if they did not turn up. That would betray all the trust those organisations had carefully built up and would undoubtedly affect engagement. If the orders are imposed on the basis of probability, will not the victims of crime be more resistant to going to the police in case they get an order slapped on them, too? If school exclusions are already a big problem and a driver of young people becoming involved in violence, what impact do the Government expect the orders to have on access to education? A school will not want to take on a child who has been issued with a knife crime prevention order.

Finally, young black boys are already disproportionately represented in the criminal justice system, and there are real problems with trust and community relationships with the police. The imposition of restrictive orders such as these, especially when someone is only suspected of carrying a knife, will feed into those young boys feeling disproportionately targeted or harassed by police, their feelings of marginalisation and alienation, and their feeling that they are being treated less fairly than others by the justice system. This will be a major setback.

In 2010, the then Home Secretary, the right hon. Member for Maidenhead (Mrs May), described ASBOs as a “top-down, bureaucratic, gimmick-laden approach”. She said that they were “too complex and bureaucratic...they were too time consuming and expensive and they too often criminalised young people unnecessarily, acting as a conveyor belt to serious crime and prison.” The Government should listen to that now. They should also listen to the wide coalition of professional bodies and organisations that have come out against these orders. They should listen to concerns raised by the Joint Committee on Human Rights and to the Justice Secretary himself, who has highlighted a lack of evidence that the orders will be effective. They should also look at the evidence of what works to tackle violent crime. They should consult, and they should work out the actual impact of the policy before imposing it.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): It is a pleasure to follow my hon. Friend the Member for Croydon Central (Sarah Jones). On behalf of the all-party parliamentary group for British Sikhs, I want to thank Members across the House for their support for the amendment that we tabled in this House and for their subsequent support for removing the unintended consequences for the Sikh community that the Bill would have had in its previous form. Unamended, the Bill would have meant that Sikhs who possessed a 50 cm kirpan in the home would be committing a criminal act and subject to a year’s imprisonment, so I am grateful for the Minister’s intervention to amend the justification for a Sikh possessing a kirpan from the narrow “religious ceremonies” to “religious reasons”. This was a fundamental change to protect the rights of Sikhs to purchase and possess a kirpan.

The Lords has made a further amendment on the gifting of the kirpan to others at a ceremony, and I thank Lord Kennedy and Lord Paddick for their work. I also pay tribute not only to the work done behind the scenes, especially by my right hon. Friend. Friend the Member for Wolverhampton South East (Mr McCartney) and the right hon. and learned Member for Beaconsfield (Mr Grieve), but to the Offensive Weapons Bill team in the Home Office.

With this amendment, the Sikh community have been given a clear commitment by the Government that they will not be penalised, and I hope that that approach will be taken by all other Departments. The APPG would like to work with the Minister on developing the statutory guidance surrounding the amendment, and I hope that she will continue to work with us to protect the Sikh community from any further discrimination.

4.30 pm

Paul Blomfield (Sheffield Central) (Lab): I will speak briefly about the Government’s response to Lords amendments 27 and 28. The Minister talked about the collaborative approach that has been adopted in relation to many aspects of the Bill, and I want to thank her for her engagement and also thank her colleague Baroness Williams. My hon. Friend the Member for Sheffield South East (Mr Betts) and I had two constructive meetings where we brought knife manufacturers to meet the Minister and Baroness Williams, and we were pleased with how the Minister engaged with the concerns that were raised. I thank my hon. Friend. Friend the Member for Sheffield South East, who is no longer in his place, for his generous comments and—there is a bit of a Sheffield theme here—the shadow Minister, my hon. Friend the Member for Sheffield, Heeley (Louise Haigh)—[Interruption. ] Sheffield is the centre of the world, depending on where you start from.

The point on which we all agree relates to the deep concern within all our communities that are affected by knife crime in some of the most horrific ways. We all want effective action to tackle the problem, and the emphasis should be on effective action. We need the right laws to tackle the problem without unintended consequences. I was concerned about the original proposals, which would not have addressed the problem and would have caused unnecessary damage to the knife manufacturing sector and to small businesses in particular, to which the Minister referred in her opening remarks.

It was for that reason that I proposed a trusted trader scheme on Report simply to open up the debate, and that discussion developed in the Lords into the proposals for a trusted courier scheme. I pay tribute to Lord Kennedy
[Paul Blomfield]

for taking up the issue effectively, brokering some of the meetings and engaging productively with Ministers. Although the proposals that we have from the Government today offer a different approach, they nevertheless address our concerns and are probably better than my original amendment on Report.

I have consulted with the local businesses who joined us at the meetings, and I pay particular tribute to James Goodwin from Egginton Bros Ltd for first raising the issue with me, and also to Alastair Fisher from Taylor’s Eye Witness. They welcomed the Government’s proposals in response to the Lords amendments. More widely, the knife manufacturing sector and retailers, who also had a lot at stake in ensuring that we got things right, will also welcome the proposals. With that, I join other hon. Members in endorsing the Government’s proposals.

Lords amendment 27 disagreed to.
Lords amendment 28 disagreed to.
Government amendments (a) to (k) made in lieu of Lords amendments 27 and 28.
Lords amendments 1 to 22 agreed to.
Amendment (a) proposed to Lords amendment 23.—
(Paul Blomfield)

Lords amendment 27 disagreed to.
Lords amendment 28 disagreed to.
Amendment (a) proposed to Lords amendment 23.—
(Louise Haigh.)

Question put, That the amendment be made.

The House proceeded to a Division.

Madam Deputy Speaker (Dame Rosie Winterton): I remind the House that the motion relates exclusively to England and Wales. A double majority is therefore required.

The House having divided: Ayes 249, Noes 308.

Votes cast by Members for constituencies in England and Wales: Ayes 237, Noes 285.

Division No. 376] [4.35 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amsbury, Mike
Antoniassi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Benn, rh Hilary
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Caudry, Ruth
Campbell, rh Sir Alan
Campbell, Mr Ronnie
Carden, Dan
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh Sir David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Hendrick, Sir Mark
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollem, Kate
Hug, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilian, Ged
Kinnock, Stephen
Kyle, Peter
Laid, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David

Lavery, lan
Lee, Karen
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Mansden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mears, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Norris, Alex
O’Hn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Philips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Daniellle
Ruane, Chris
Russell-Myler, Lloyd
Ryan, rh Joan
Saville Roberts, rh Liz
Shah, Naz
Sharra, Mr Virendra

Sheerman, Mr Barry
Sherriff, Paula
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smethurst, Karin
Snell, Gareth
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Starter, rh Keir
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sweeney, Mr Paul
Swinson, Jo

Tami, rh Mark
Tami, rh Mark
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twiq, Derek
Twiq, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Dr Paul
Wilson, Phil
Zeichner, Daniel

Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Gamier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Hain, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heatons-Harris, Chris
Heatons-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Holiday, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Sir Jeremy
Hurd, rh Mr Nick
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Philip
Lefroy, Jeremy
Leigh, rh Sir Edward
Lewin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLaughlin, rh Sir Patrick
McVeigh, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Phillip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Question accordingly negatived.

Lords amendment 23 agreed to.

Lords amendments 24 to 26 and 29 to 61 agreed to, with Commons financial privileges waived in respect of Lords amendments 35, 43 to 48, 50, 51, 53, 55 and 57.

Government amendment (a) made to Lords amendment 62.

Lords amendment 62, as amended, agreed to, with Commons financial privileges waived.

Government amendment (a) made to Lords amendment 63.

Lords amendment 63, as amended, agreed to, with Commons financial privileges waived.

Lords amendments 64 to 95 agreed to, with Commons financial privileges waived in respect of Lords amendments 65, 66, 69, 73, 88 and 93.

ROYAL ASSENT

Madam Deputy Speaker (Dame Rosie Winterton): I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts:

Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019
Northern Ireland (Regional Rates and Energy) Act 2019
Healthcare (European Economic Area and Switzerland Arrangements) Act 2019.
Section 5 of the European Communities (Amendment) Act 1993

Madam Deputy Speaker (Dame Rosie Winterton): I inform the House that Mr Speaker has selected the amendment in the name of the hon. Member for Glasgow Central (Alison Thewliss).

4.57 pm

The Chief Secretary to the Treasury (Elizabeth Truss): I beg to move,

That this House approves, for the purposes of Section 5 of the European Communities (Amendment) Act 1993, HM Government's assessment of the medium term economic and fiscal position as set out in the latest Budget document and the Office for Budget Responsibility's most recent Economic and Fiscal Outlook and Fiscal Sustainability Report, which forms the basis of the United Kingdom's Convergence Programme.

I hope, first of all, that this will be one of the last times that we talk about this subject. We do not want to be holding this debate on the convergence programme document any more. I look forward to the opportunity to move on to a period of future growth outside the European Union.

Madam Deputy Speaker, if you listened to some of the public discourse today—the teeth gnashing, the wailing, the portents of doom—you would not realise that in fact the British economy is doing rather well and that Britain is on the up. We have more people in work than ever before, the fastest wage rises in more than a decade and a record number of new start-ups. What is particularly interesting is that it is younger people in particular who are starting up those businesses. We have seen an 85% increase in the number of 18 to 24-year-olds setting up businesses in the last three years, so far from being a bunch of Starbucks-hating socialists, they are in fact more pro-low taxes and pro-enterprise than many older generations.

We are also seeing investment flooding into Britain. We have got more investment in technology than other European countries, and the latest growth forecasts show that the UK economy is set to grow faster than Germany’s or Japan’s. The public finances have been brought back under control after years of profligacy under Labour; debt is falling as a proportion of GDP; and we are reducing the deficit ahead of the first time since the financial crash we have choices, we have said that business is a friend of success and aspiration, and we need to back it.

This year represents a big opportunity for Britain. First, 2019 is the year when we are leaving the European Union, but it is also the year of the spending review. As the Chancellor announced in the spring statement, we will be launching the spending review just before the summer and completing it in the autumn. That spending review will set the budgets for the next three years. For the first time since the financial crash we have choices, because there is now headroom in our budget. That headroom is thanks to the fact that there are more people in work than ever before, and they are contributing in taxes.

We now have choices we can make. First, we have the ability to cut taxes, which we will already be doing this April. People will see more money coming into their bank accounts from this April onwards thanks to the fact that this Government have decided to reduce taxes for those on the basic rate and for those on the higher rate. We are also able to invest in public services. Because we have taken these difficult decisions, we have allowed the economy to grow. We have an opportunity to modernise government to make it sleeker and better value for the people it serves.

Mr Jim Cunningham (Coventry South) (Lab): On investing in public services, what is the right hon. Lady going to do to invest in local authorities so that they, in turn, can invest? Coventry is a good example. Coventry has encouraged small businesses, and we have the University
of Warwick science park and so forth. What is she doing to encourage local authorities to invest in their public services, as she knows that for the past few years that has been very difficult for local authorities, to say the least?

Elizabeth Truss: I was very glad to visit a successful business in the hon. Gentleman’s constituency. I know that he is very committed to the development of business in his area. It is important that money spent is raised locally as far as possible. As a Government, we have rebalanced from central Government giving money to local government to more of that money being kept locally, whether through business rates retention or council tax. That is an important principle. However, we did recognise in the Budget that local authorities were under pressure. That is why we put in an extra £650 million, which can particularly be spent on adult social care and children’s social care where there is pressure. Of course, we will look at that balance in the spending review.

At the moment, we have a complicated landscape in the support offered to business. When there is a complicated landscape, it can sometimes be the big businesses that know how to work the system that end up getting the money. We need to move to a system where we have lower taxes and it is clearer and simpler to see where the support is. Of course, we are also investing in the infrastructure that helps business to succeed, whether it is local roads, fibre or rail. Ahead of the spending review, I am making visits around the country to hear from people on the ground to understand what the public’s priorities for public spending are. It can sometimes be easy in Whitehall to listen to the big lobby groups—the big organisations that have an operation here in Westminster—but I want to hear what people in Coventry and other places around the country think about what their priorities are. I have done a few of these sessions so far, and the topics that come up tend to be education, their priorities are. I have done a few of these sessions so far, and the topics that come up tend to be education, local roads, the NHS—for which we have already put in additional money—and police. We need very much to keep in mind what the public want to see our money spent on rather than just listening to the big organisations.

Simon Hoare (North Dorset) (Con): I am delighted to hear my right hon. Friend mention education. May I press her to consider the fact that in our rural areas the funding per pupil is still not as it should be by comparison with urban schools? We have a huge number of Victorian schools, such as that which I visited earlier in the week in Motcombe in my constituency, where the maintenance of the buildings costs far more. We are therefore looking, in the comprehensive spending review, for a long-term increase in new money to deliver the first-class education in our rural schools that we put in their education while they were at school.

Elizabeth Truss: My hon. Friend makes a very good point about education funding and how important young people having a good education is to the future of the economy. In this year’s spending review, we are looking not just at how investment in physical infrastructure like bridges and roads improves our economy, but at human capital—where we need to put in extra money to make sure that children and young people leave school, university or an apprenticeship with the skills that will help them to get a good job and to live a successful and fruitful life. That is very important. In the past, Governments have been more interested in spending money on things that are sexy and new—the big new pieces of infrastructure—and maintenance has sometimes taken a back seat, but it is very important to make sure that all the existing assets we have, whether roads or schools, are fit for purpose. In the zero-based capital review, we are looking at the balance between maintenance and new infrastructure investment.

Matt Rodda (Reading East) (Lab): I thank the Chief Secretary for giving way. Has she had any discussions with the Children’s Minister, who is currently considering the very relevant issue of investment in nursery schools, which is an obvious case of human capital investment as it has a considerable benefit for society after only a few years?

Elizabeth Truss: I have had discussions with my hon. Friend the Children’s Minister. That is one reason why we put additional funding into children’s services at the Budget. Part of the human capital review is looking at where we invest in education. As a country, we currently put more money into the later stages of education. There are laudable reasons for that, but we put more money equivalently into universities than secondary schools. We are looking at how to ensure that all children are getting the best possible start in life. There is a lot of evidence that the earlier the investment, the better.

I mentioned the zero-based capital review, which will look at all capital infrastructure to ensure that we are getting the most bang for our buck. That is an opportunity in 2019 to look afresh at our future projects and where the greatest impact can be made. We are also looking at opportunities to reform the way we do things in government. Housing is a good example. At the moment, we spend £34 billion on housing through the housing benefit budget and things such as the housing infrastructure fund and Help to Buy. My question is: by liberalising planning and making it easier to build, can we reduce costs for people looking to get on the housing ladder and at the same time reduce costs for the Government? We should not always assume that it is just about spending more money. We also need to think about how we reform things to do them better, to reduce the cost for people for whom housing is a big item on their household budget and to reduce the cost for the Government.

In summary, 2019 is going to be a huge year for our country. The economy and the public finances are on the right trajectory, but we are not complacent at the Treasury. We are looking very carefully at how every single pound is spent. We want it to be spent as much as possible on ensuring that everybody has access to a good start in life, that our core public services are provided and that we help companies and enterprises continue to deliver the economic growth that they have over the past few years.

5.13 pm

Peter Dowd (Bootle) (Lab): The Chief Secretary referred to the gnashing of teeth. The only gnashing of teeth going on in this country is by those people who cannot get access to a dentist because of her party’s health policy. She talked about the Tories being the party of
business. She may well wish to have a word with the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), who used an Anglo-Saxon phrase in relation to business—the second word was “off”, basically.

If education is so wonderful and marvellous and schools are in such a good state, how come headteachers marched on Downing Street and presented the largest petition about the condition of schools and education? The answer from the right hon. Lady. Lady is always more deregulation.

Elizabeth Truss indicated dissent.

Peter Dowd: That is what the right hon. Lady said in relation to planning law. It is deregulation—that is what it comes down to. However she wants to dress it up, it is deregulation. Deregulation has got this country into so much trouble in a whole range of areas, including banking and housing. Let us not hear any more about how deregulation is going to solve all the problems of the world. It will not.

After that, I would like to thank the Chief Secretary to the Treasury, and give credit where credit is due. In a speech given on 19 March, the Chief Secretary finally acknowledged that we will now “throw off the constraints of the post-financial crash world”. There it is: it is official. It was a financial crash world, not Labour’s crash. But better late than never—apology accepted.

We find ourselves in the absurd and surreal position of debating a motion to approve the Government’s programme of convergence with the EU at a time when the issue of Britain’s membership of the EU is about to bring down yet another Conservative Prime Minister, so the only convergence on the cards is the one between the Prime Minister and her P45. The theological obsession of the European Research Group, which is opposed to any convergence with reality in fact, has hamstrung the Brexit negotiations and left the majority over there—on the Government Benches—as spectators in an unfolding disaster of their own making.

Reflecting on the first time I spoke in the debate on the Government’s convergence programme with the EU, I recall it was just before the snap election in spring 2017. I am sure we all remember that. At the time, prominent newspapers ran headlines such as “Blue Murder” in the sure and certain belief that the Conservatives would wipe out the Labour party, or “Steel of the New Iron Lady”, comparing the Prime Minister to Margaret Thatcher.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): We’re still in government.

Peter Dowd: The hon. Gentleman says that they are still in government, but that is a complete and utter fantasy, and even his honourable colleagues all smiled and smirked at that particular one.

Those supine, oleaginous headlines in the newspapers are gone, along with the words that dare not speak their name. “Strong and stable”. Whatever happened to that? Just two years later, those same newspapers now call for the Prime Minister to resign, stating, “Time’s up, Theresa”. This sea change among the Tories’ biggest supporters in the press sums up the failures of this Government.

While we are on the maritime theme, the Environment Secretary could not even use the limited imagination he has to think up another metaphor, and resorted to the hackneyed one:

“It’s not time to change the captain of the ship”.

What an imagination!

The Prime Minister’s red lines and her intransigence and insistence on a deal that has little or no support in the country or in this House have led us to this crisis. This weekend, we had the ludicrous spectacle—the ludicrous spectacle—of Cabinet Ministers jostling to brief the press about her imminent departure and her would-be likely successor, only to be followed by quick recants and unconvincing oaths of loyalty. It is almost Shakespearian.

The Government’s motion is based on the economic forecast provided by the Office for Budget Responsibility and the Chancellor’s spring statement—what there was of it. I am sure all Members would agree that the work of Robert Chote and his staff at the OBR is indispensable in informing debate and offering an independent forecast of UK economy. [Interruption.] If the hon. Member for Solihull (Julian Knight) wants to intervene, he should feel free to do so, but perhaps he could stop muttering across the Chamber inane comments that nobody can hear and nobody understands, and I suspect he himself does not even understand what he is actually saying.

However, it is worrying that the OBR’s recent forecast continues to be based on the UK securing a Brexit deal, which the Chief Secretary did not even mention, and a smooth transition, which she did not mention, particularly at a time when the Prime Minister continues to keep the option of no deal on the table. It is still there; it has not been taken off. This assumption means that if the UK does leave without a deal or leaves with a poor deal, the OBR’s forecasts will be in serious need of revision.

Similarly, at the spring statement the Chancellor spoke again of this mythical Brexit “deal dividend” that the economy will receive once parliamentarians sign up to the Prime Minister’s deal. According to the Chancellor’s imagination—which is significantly more febrile than the Environment Secretary’s—this “deal dividend” will lead to an increase in the public coffers. However, the Chancellor’s claims have already been debunked by the Treasury Committee, which described the dividend as “not credible” and “not fully consistent” with his own fiscal rules—yes, the rules that keep changing.

Rather than the fantastical picture that the Chief Secretary to the Treasury seeks to paint for our EU partners, I will take the opportunity to outline the real state of the UK economy and the Government’s woeful record. That is where we hear the gnashing of teeth—woeful record. Under the Conservatives, we have faced nine years of politically instituted austerity, which has weakened our economy and pushed our public services to breaking point. The Government’s austerity programme has suppressed incomes by more than £3,600 per household, costing the economy £100 billion; yet austerity is far from over. The departmental spending review that the Chief Secretary mentioned—likely to report in the autumn, as she said—will see real-terms cuts for most Departments. I will sit down if the right hon. Lady would like to give us some more information on that one.

Elizabeth Truss: I would be happy to. It is a 1.2% increase in real terms.
Peter Dowd: I do not think that is correct. I am afraid we will have to look at those figures. We will see them and we will hold the Chief Secretary to account when she is at this Dispatch Box and I am at the Dispatch Box where she is now.

Matt Rodda: My hon. Friend makes a good point about the complete failure of the Government’s austerity agenda. Earlier, the Chief Secretary mentioned nursery schools. Many school and nursery school heads are experiencing a continuing programme of austerity, which is actually due to get worse. She mentioned that she had a brief conversation with her colleague in the Education Department. [Interruption.] However long the conversation was, the message I have had from headteachers is quite to the contrary; actually, a very short stay of execution has been given, for just one year, when the headteachers I speak to in my Reading constituency need a long-term programme of sustainable investment in nursery schools, rather than warm words.

Peter Dowd: My hon. Friend is absolutely right. May I nip back to the point about the 1.2% increase, if I may beg your indulgence, Madam Deputy Speaker? The 1.2% is the overall increase. What will happen— [Interruption.] No; the reality is that some Departments will have major cuts in their budget.

Rachel Maclean (Redditch) (Con): The hon. Gentleman is referring to a number of figures that he claims show a hit to every taxpayer; but 32 million taxpayers have had their taxes reduced under this Government, so they are keeping more of what they earn and they are better off. How many of those 32 million people would see their taxes put up under his proposals, and how many would be poorer under his proposals?

Peter Dowd: I will pick up some of those points later.

The reality is that meanwhile, the Government have presided over the slowest recovery since the 1920s—stubborn fact. The OBR has revised down GDP growth, and business investment is now falling. Those are not my figures; they are the OBR’s figures. What about wages? I will touch on the points that the hon. Member for Redditch (Rachel Maclean) raised. Real wages are still lower than they were a decade ago, and according to the OBR, “average earnings growth remains below the rates typical before the financial crisis”.

These are real people’s real lives—real wages are not going up. For many workers who have seen their wages stagnate, borrowing and debt has plugged the gap. Household debt relative to income is forecast to increase over the next few years.

What about transparency in Government spending? Long gone are the days when Tory Ministers hailed their Government as the most transparent in history—replaced by a culture of secrecy and a disregard for parliamentary convention that the Government held in contempt of Parliament for the first time in history. It is not a proud record to have.

Even on transactional issues, such as the regular and timely release of figures for departmental spending of over £25,000, the Government seem to have quietly backslid, in some cases releasing data series late, incomplete, or not at all. The question is: what are they hiding? The Chief Secretary has made much of the Government’s record on the deficit, yet the reality is that on her watch, and that of her predecessor, they have simply passed deficits on to our schools, our hospitals and our local councils, with departmental spending cuts of over £40 billion since 2010.

Mr Jim Cunningham: When we talk about more money being put into Departments, whether for education or the health service, we have to remember that any additional money starts from a lower base. The Government are partially replacing what they took out in the first place. People do not seem to understand that major point. They said that austerity was over, but we still have it. Yes, people are in jobs, but they are very low-paid jobs. That is not taking people out of poverty; that is keeping people in poverty. What interests me the most, however, is that nothing has been said about further education, which has had major cuts. If the Government want to continue with austerity, they have to do something about further education.

Peter Dowd: My hon. Friend has obviously been reading Labour’s “Funding Britain’s Future” document, in which we picked up on that particular point. The hon. Member for Redditch mentioned tax cuts. Try telling that to people who have had 15% and 16% rises in their council tax, because the Government have shunted that on to the people. They are still taxpayers. Try mentioning to them that they have fantastic local services, when increases to their council tax do not even cover social care bills.

The Chief Secretary has bragged about the so-called Tory jobs miracle. However, she made no mention in the speech of the fact that it is built on insecure work, low pay and regional disparities. We have nearly 4 million people in insecure work and nearly 3 million people working under 15 hours a week across the UK. Workers in the north-east earn around £200 less than those in London, reifying the regional imbalance.

Simon Hoare: I hate to shoot the hon. Gentleman’s unicorn just as he has started to ride it, but 90% of new jobs created are full-time jobs. This is a total myth that his party keeps peddling. It belies the hard work, initiative and enterprise of the British people. Is it not time to stop misleading?

Peter Dowd: Try telling that to the 3 million people in insecure work. It is okay hon. Members jumping up and being outraged at the facts. The facts are stubborn. I completely grant them that. We are not living in the halcyon world that the hon. Member thinks we are living in. There are 3 million people living in insecure work. That is not acceptable in a modern society. The Chief Secretary has done nothing to help headteachers who have to close schools early or the 87 people a day dying while they are waiting for social care, or to assist the nurses, doctors, police officers, social workers, road sweepers, fire fighters, security services staff, civil servants or the back-office staff who keep all those services running day in, day out and night in, night out. Those are the so-called vested interests the Chief Secretary refers to in her regular speeches.

The Chief Secretary recently visited Felixstowe, Walsall and Tadcaster—commiserations to the people of Felixstowe, Walsall and Tadcaster. She said that people want “the local roads fixed and not to have to sit in a traffic jam.”
Well, the Government are in a big jam at the moment. She went on:

"They want a less crowded commute into work. They want the basics sorted."

This is after nine years of Tory Government! Where has she been? Did she really have to ask that question? A report today highlights that there are 2 million potholes out there with a £10 billion backlog of repairs under the Tories. No wonder people are sitting in traffic jams—they cannot get through the road for potholes. That is the reality under the Tories. Anyone with a scintilla of awareness already knows the answer to that. The good people of north Lincolnshire were certainly aware of it when I was in Crowle on Saturday, campaigning to rid them of their useless Tory council with the excellent Labour candidates. They want the Transport Secretary to do his job, and they want the Chief Secretary to do hers.

What about productivity—another abysmal failure of Tory economic policy? Productivity remains weaker than in most other advanced economies. The fact is that the Government have failed to prepare the UK economy for the future. Britain’s infrastructure ranks behind that of Germany, France, the USA and Japan in terms of quality, and its rate of public investment is among the lowest in the OECD.

Elizabeth Truss: Is it not the case that in 1997 the Labour Government cancelled the road building programme?

Peter Dowd: Yes—to invest in public transport. We now have the Chief Secretary to the Treasury resorting to decisions made by a Labour Government two decades ago. That is how grim it has got for the Conservatives’ arguments—they are talking about something that happened 20 years ago.

Despite that, the Government have cut planned public sector investment. Their failure to negotiate a credible Brexit deal has already led to huge uncertainty, stifling investment and putting jobs at risk. Manufacturing is in recession; numerous employers have announced job losses; and businesses that rely on the EU supply chain have been left in confusion and despair—like most Government Members, who are in confusion and despair at the actions of the Prime Minister.

The internecine warfare within the Conservative party has paralysed the Government yet again, while the economy and many people’s livelihoods hang in the balance. It is affecting people’s livelihoods, manufacturing and business—more vested interests to be ridiculed and ignored by the Chief Secretary to the Treasury. All that while the Government are reporting to our EU partners that everything in the garden is rosy—no pun intended, Madam Deputy Speaker. Surely it is time for the Chief Secretary to acknowledge that the only Brexit that will gain majority support is Labour’s alternative plan: a permanent customs union, a strong relationship with the single market and full guarantees of workers’ rights and environmental protections.

The Government’s assessment of the UK economy is not based in reality. It does not account for the Conservatives’ catastrophic record of austerity, which continues to destroy our public services and suffocate the economy. It pays no regard to the ‘Tory failure on wages, which remain lower than they were a decade ago. In addition to radio silence on productivity, there is little mention of the lack of public investment in our infrastructure. In short, the Government’s assessment says far more about the ideological position of Tory Ministers and their insolvent ideas than it does about the actual economy. It says more about the hubris of a Government who have stayed in office well past their sell-by date and do not recognise the experiences of ordinary people.

In summary, economic growth stands at 1.2% productivity is 35% below the Germans’; household debt as a proportion of income is set to rise from 139% to 143% by 2024; the national debt still stands at 82% of GDP—the Conservatives have doubled the national debt—and the deficit is £22.8 billion. That is the Conservative Government’s record after nine years of economic incompetence. That epitomises why the country needs a Labour Government that will put jobs and our economy first and invest to rebuild Britain for the many, not the few. I urge Members to reject the motion.

5.34 pm

Simon Hoare (North Dorset) (Con): It is a pleasure to follow the Chief Secretary to the Treasury.

Elizabeth Truss: Shadow.

Simon Hoare: I mean the shadow Chief Secretary. [Laughter.] Of course, it is a pleasure to follow the Chief Secretary to the Treasury. It is a greater pleasure to follow her shadow, the emphasis being on the word “shadow”—it is sort of me and my shadow. I call him a friend; I think we get on pretty well when we have a gossip in the Tea Room. He is known for his great sense of humour, and it was deployed beautifully in his speech, which started as a serious attempt and then descended into some sort of 1890s music hall act slightly on its way out—rather like the Labour party and its economic manifesto. I am sorry he did not talk about the need to ring-fence anything in the Budget for the re-education of Treasury officials, which the little red book and Chairman Mao will doubtless be planning the curriculum for even as I speak.

I rise to make a few points to the Treasury Bench. This is a key time in our national economic affairs. The challenge/opportunity of Brexit, including the need for a deal to ensure an orderly withdrawal from the EU, will provide a fundamental foundation for maintaining economic growth and jobs, as my right hon. Friend referenced. From those jobs, of course, come the taxes that pay for the nurses, the doctors, the teachers, the roads and any other project the Government wish to support. We are approaching, if we have not already arrived at, that opportunity which comes with having fiscal headroom and permits choices to be made.

In the last few years—let us be frank—it has been economic management by necessity. We have been trying to deal with the task that we were bequeathed, not by choice, but which the electorate trusted the Conservative party to resolve. Treasury Ministers past and present deserve the nation’s thanks for facing into those difficult decisions. It is all too often characterised, sometimes by the hon. Member for Bootle (Peter Dowd) and his colleagues, as an ideological pursuit by the Conservative party that in some way engenders jollity and laughter. I believe that all politicians enter public office and service to improve lives and the lot of our constituents. More and more of our constituents, as they get older, look to
public services, and it should always be a matter of pride for a Conservative Government with a sound record of economic stewardship to deliver quality public services as efficiently as possible.

The end of the legacy of the crash and everything that flowed from it now provides that opportunity for choices. I would characterise those choices as needing the striking of a balance that is both sensitive and sophisticated. With my right hon. Friend the Chief Secretary and my right hon. Friend the Chancellor at the helm of the Treasury, I think we have both those characteristics, although I will not say which of them is sensitive and which is sophisticated—probably they will meld into the two. That is important, though, because we now have an opportunity to choose.

My right hon. Friend the Chief Secretary and I are very much children of the 1980s—our views and thoughts were shaped by the economic miracle that Mrs Thatcher and Geoffrey Howe worked—but we must appreciate that times have moved on. I am very struck by the fact that people in an earning bracket such that 25 or 30 years ago they would have looked to private health provision and education now look to and use state provision. I applaud that. I used the NHS. I had an operation at Dorchester last week, and I use my local education service—we have three girls in our local primary school. It is important to bear that in mind.

My right hon. Friend is right to point to the need for competitive taxation, whereby we can take people out of tax such that they have more money to spend, and it is absolutely right that our policies focus on those on the lowest incomes, but it is also right, in a fair and equitable society, that those who can should shoulder the burden, in a competitive way, to make sure we can deliver those services that people are looking for. I think it is too easy a prescription merely to say that we must pursue an agenda of tax cuts, as if British society had not evolved since 1985, 1986 or 1987. That is where the balance needs to be struck. It may be the balance between a liberal Tory and a more Thatcherite Tory—I do not know—but it needs to be struck.

As other Members have pointed out, as a result of a period of austerity we are now in a period in which the fiscal headroom allows for additional investment. The spring statement was helpful, and what my right hon. Friend the Chief Secretary has said about an average increase of 1.2% in departmental expenditure was also welcome. However, we would be foolish to ignore the fact that we are now having to claw our way back from a period in which spending has been—albeit quite justifiably—capped.

Any Member whose constituency contains a prison will notice that the fabric of the prison estate has been—albeit quite justifiably—capped. It is great that we are offering the widest and deepest range of free-at-the-point-of-use educational opportunities in our country, and when T-levels come on stream, it will become even wider and even deeper, but it is folly to suggest that we can continue to provide that, and can make the necessary investment to deliver a happy, educated, productive next generation, with the fiscal envelope currently enjoyed by the Department for Education.

Matt Rodda: The hon. Gentleman is making an interesting and thoughtful speech. Has he considered the Government’s policy of placing additional pension demands on schools in an unfunded way? If so, what does he think of it?

Simon Hoare: In an intervention on the shadow Chief Secretary, the hon. Gentleman referred to something that I am sure we have all heard from headteachers in our constituencies. Whether we are talking about national insurance, about pensions or about the demands of special educational needs, although increased DFE expenditure is going into most of our schools, it is nowhere near enough. We are asking schools to do more for more pupils with not quite as much money as they need. That is why I make the distinction. I welcome the increase, but new money is required, particularly as the range and the choice become wider and deeper.

I challenge anyone who represents a rural constituency, as I do, not to share my views on rural schools. I was delighted when the Chief Secretary took my point about the needs of maintenance. The costs of heating and running a whole estate of Victorian primary schools are greater than those in new build, perhaps in an urban setting, although that is not to say that there are no Victorian schools in urban settings. Such schools do not provide a good learning environment. Last month, I visited Motcombe primary school in my constituency. In a small classroom, one child is effectively being fried against a not particularly adequate heater, because the school does not have enough money to replace the heating system.

We must make a balanced judgment: we must aim to take those at the lowest end of the earning spectrum out of taxation, while also investing properly. We must strike that sensitive and sophisticated balance. My right hon. Friend was absolutely right: it is not just the big and sexy that we must consider, but schemes for local roads such as the C13 and the A350 in my constituency, and support for those who wish to remedy the rural broadband and mobile blackspots, which could become engines of economic growth and entrepreneurialism.

That takes me to my closing point, to which the hon. Member for Bootle alluded. Some of our recent debates appear to have pitted my party against the Government. I am sorry—I meant to say “against business”. [Laughter.] That was not a Freudian slip—or perhaps it was.

Business is the engine that generates the tax that delivers the services. We cannot have a hostile viewpoint: we cannot have a hostile environment for UK business to flourish. Without a flourishing business sector, without the freeing up of the entrepreneurial spirit that underpins the British character, the proceeds of growth—

Peter Dowd rose—

Simon Hoare: I am drawing to a conclusion.

We all want to see the proceeds of growth and the investment in our public services that is required.
Alison Thewliss (Glasgow Central) (SNP): I beg to move amendment (a), in line 1, leave out from “House”, to end, and add “declines to approve for the purposes of section 5 of the European Communities (Amendment) Act 1993 the Government’s assessment of the medium term economic and fiscal position as set out in the latest Budget document and the Office for Budget Responsibility’s most recent Economic and Fiscal outlook and Fiscal Sustainability Report, because it does not contain detailed analysis of the impact of the Withdrawal Agreement and the Framework for the Future Relationship with the EU on the UK’s economic and fiscal position; and calls on the Government to publish an assessment containing that analysis immediately.”.

I was curious to hear the Chief Secretary to the Treasury start by saying she is so glad that this is the last statement she will ever have to make to the EU. I cannot agree, and the Scottish National party cannot agree either. It is surreal to be standing here days from the original day of departure from the EU attempting to fulfil this legal obligation as though things were business as usual. These past few days prove beyond any doubt that we could not be any further from business as usual in this House; we are absolutely through the looking glass. Events are developing every day around what kind of country we are going to be left with; there are grave concerns about the future from every aspect of civic society. So I certainly do not share the Chief Secretary’s optimism that there is a bright future ahead.

The Chief Secretary talked about young people. Young people are the most pro-EU group in this country, and it is their future that this Government want to take away, so shame on her for not recognising the limitations that young people will face when they want to set up businesses, when they want to trade with the EU, when they want to travel and advance their education and opportunities in life.

I do not wish by way of proposing the amendment to diminish the work that the Office for Budget Responsibility does. My colleagues on these Benches and I will always welcome efforts to make public accounts more transparent and independent. The OBR has conducted this analysis rightfully and properly within its remit, but unfortunately this is precisely the reason why the SNP cannot support the approval of this statement tonight: because the OBR can only make forecasts on the basis of stated Government policy regardless of whether the policy is likely to be achieved or, as the hon. Member for North Dorset (Simon Hoare) said, whether it is his party against the Government, or whether in fact the right hon. Member for West Dorset (Sir Oliver Letwin) is now the Prime Minister, because who knows? It is a Dorset thing: Dorset is leading the rebellion against their own Government. That is very interesting—and I see how happy the hon. Member for North Dorset is to be doing so. It is an absolute shambles when a Member who ought to be supporting the Government ends up leading the charge against them—although that is not at all uncommon these days; it is part of the whole madness of this Government.

The latest OBR fiscal sustainability report was published on 17 July 2018. It does not reflect the reality of the Prime Minister’s proposed deal, which was published much later, on 25 November 2018. In the OBR’s outline of the assumptions made in its economic and fiscal outlook, it is clear that the terms of the UK’s departure from the EU are unclear and that there is “no meaningful basis” on which to predict the nature of the relationship between the UK and EU. That is the situation in which we have we remained.

I checked and I have £3.52 in my purse and I would be as well throwing it down the sink as putting it on any outcome of the UK leaving the EU, so it would be an understatement to say that I could find it risky to endorse a fiscal spending plan based on one assumption of our future relationship with Europe. It is ludicrous for MPs to be asked to approve this motion without having any sight of any analysis of the Prime Minister’s deal. It is our job in this place as MPs to scrutinise the UK Government, but we are not being given the opportunity to do so effectively.

The Prime Minister has said that such an analysis of her deal does exist. She confirmed it in a letter to my colleague, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), so why will the Prime Minister not share the details of that analysis with the House? Is it because she knows, as we all know, that the economists are right and her deal will be bad for GDP, public finances and the living standards of all our constituents?

GDP growth has gone from being the highest in the G7 before the EU referendum to the lowest today. Imports have been slower than for other G7 countries, despite an unprecedented drop in the value of sterling, and it is interesting that for some time now the exchange rate on the cash machines at Glasgow airport, which I see when I come down to London every week, has been taken off, because nobody would take any money out if they saw how dreadful it was.

Inward and outward foreign direct investment have dropped, with some analysis suggesting that the drop in inward FDI is as much as 19% compared with a no-Brexit scenario, and we are starting to see job losses on a regular basis across these islands. It is no coincidence that this is happening. The Brexit job loss index says that more than 200,000 jobs have been lost already, without the UK having even left. In a no-Brexit scenario, Scotland can expect to lose 100,000 jobs, according to research by the Fraser of Allander Institute, which is based in my constituency. Speaking of my constituency, I recall hearing from a significant business there on Friday afternoon. It says that it is going down from a five-day week to a four-day week, that it has laid off temporary staff and that it is losing orders because of the uncertainty of this Government. It is unacceptable that businesses the length and breadth of these islands are being put into this position because of an internal dispute within the Tory party.

The OBR has not explicitly modelled the effects of a no-deal Brexit on the economy, but the London School of Economics has suggested that if the UK Government were to stick to their frankly unreasonable targets for reducing net migration, it would not be unreasonable to expect a long-term decline in output and productivity. The UK Government’s shambolic Brexit deal would also be hugely damaging, because EU nationals contribute hugely to our society and our economy. The Government’s aim to reduce the number of EU nationals here by 80% would have a massive impact on the UK’s economy, on population growth and, quite frankly, on our ability to survive as a country. The Government do not want poor people to have children—they have brought in the two-child limit—and they do not want people to come
to this country and build their lives here, but we have an ageing population. Where do they think we are going to get the people from? I have absolutely no idea, and neither do they.

On top of all this, income inequality has risen since the Brexit vote to the extent that on two occasions the OBR could not predict the levels of tax that the Treasury was going to receive from the 1% in society. The tax windfall that the Chancellor is celebrating is not a sign that the economy performing well; it is a sign of deep-seated inequality, which is worsening under the UK Tory Government.

Peter Dowd: I am sure the hon. Lady is aware that, according to the Institute for Fiscal Studies, an extra £5 billion will be required to maintain services in line with population growth, along with an appropriate number of people to support those services.

Alison Thewliss: The hon. Gentleman makes an excellent point, and he is absolutely correct. Without people, the economy will falter. That is the economic reality.

The Resolution Foundation has said that the income tax take is up 8% so far this year, but that that is coming from the very highest earners. The wages at the bottom continue to stagnate. If the OBR cannot openly predict the short-term economic performance, it is unreasonable to ask the House to sign off on its guidance. It is more difficult now for families to survive on the money they have. Since the vote, the cost of bread is up 11%, the cost of butter is up 23% and the cost of milk is up 11%—and we still have not left the EU. If people cannot afford to put bread and butter on the table, this economy is heading for the drain.

It is a well-established fact that Scotland did not vote for or particularly want to leave the EU. I checked just before I stood up to speak, and 13,920 of my constituents have now signed the petition to revoke article 50. The Prime Minister has consistently ignored attempts by the Scottish Parliament to find any kind of compromise solution, such as staying in the customs union and the single market, which would limit the damage of this hard Tory Brexit. If she wants to drag Scotland out of the EU against its will, she should have the bottle to do it.

If the Prime Minister does not believe that her Brexit deal can stand up to scrutiny in this House, the UK Government need to face up to reality and ditch Brexit altogether by revoking article 50. They are throwing good money after bad on no-deal planning, on fridges, on staged traffic jams and on botched ferry contracts, when they could be spending that money on lifting the awful austerity cuts that we have seen over the past nine years. The Chief Secretary to the Treasury talks about going round the country and listening to people’s public spending priorities, but I bet none of them talked about spending £33 million on Eurotunnel due to the shambles created by the Secretary of State for Transport, or about the £1 billion to bribe the Democratic Unionist party in an attempt to keep the Government in power.

Day after day in my constituency, I see the impact of this Government’s callous approach to cost-cutting. I see the benefits freeze, which is expected to cost families £800 a year, on top of the £900 a year that the Bank of England says Brexit is already costing every family. I see the two-child policy, which leaves families nearly £3,000 a year worse off if they have a third child and which makes a woman with three children on a 16-hour contract work the equivalent of 45 hours to make up the difference. I also see the thousands of pounds a year being lost by the WASPI women who are no longer entitled to their side of the pension bargain, having had their pensions cruelly stolen by previous Governments and by this one as well. How can any Minister look the population in the eye and say, “There is no money for you,” when the Government are asking us to sign a blank cheque for a hard Brexit?

I am a lifelong campaigner for Scottish independence and scarcely have I seen a clearer case for it than the shambles of the Conservatives and the incompetence of the Labour party in opposing them. The UK Government’s incompetence is changing hearts and minds all over Scotland on the merits of independence, and I hope that there will soon be an opportunity for the people of Scotland to take matters into their own hands.
on with Brexit and to vote for the Prime Minister's deal. The economic clouds would lift; the pound would shoot up; and investment would increase. The Government could then carry on with the next general election, when we could really put the spotlight where it needs to be: on the disaster that would befall this country if the shadow Chief Secretary gets anywhere near power.

5.58 pm

Colin Clark (Gordon) (Con): I am glad to rise to support my right hon. Friend the Chief Secretary to the Treasury. I serve on the Treasury Committee, and it is a pleasure to follow my right hon. Friend the Member for Gainsborough (Sir Edward Leigh), who is so optimistic. I am also glad to follow the hon. Member for Glasgow Central (Alison Thewliss), who always speaks from the heart.

Do Labour Members and SNP Members welcome the fact that, despite their concerns about Brexit, Forbes recognises the UK as the No. 1 place to do business? The UK is currently the second highest location for inward investment in the world and the highest in Europe. The market believes that the UK has a future after Brexit; Opposition Members do not.

Alison Thewliss: Does the hon. Gentleman not agree that there is no deal as good as the deal that the UK currently has as an EU member state?

Colin Clark: I do not agree with that, actually. The Treasury Committee has discussed the fact that the UK has the highest employment growth in Europe, which is an inexplicable miracle. Mark Carney, the Governor of the Bank of England, could not explain why it is happening. This country is a jobs miracle because this Government believe in private enterprise. Opposition Members do not believe in private enterprise. They believe in the crushing hand of the state, which damages business and does not build it up.

In my constituency, we have 1.2% unemployment. We have the highest employment levels we have ever had. The oil and gas industry expects £200 billion-worth of future investment because it is optimistic about business. This Government's Treasury is supporting the oil and gas industry and backing much of the fiscal policy that is making this the most attractive place to do business.

This is so difficult because the Opposition parties simply cannot get their heads around the Conservatives being the party that supports aspiration, which is instinctively what we do. Many Conservative Members are, like me, self-made businessmen. We are the party of enterprise, and I am living proof of that enterprise.

Several hon. Members rose—

Colin Clark: We are the party of optimism and, on the subject of optimism, I will let a pessimist speak up.

David Linden (Glasgow East) (SNP): The hon. Gentleman spoke earlier about the UK’s high ranking in Forbes magazine. Can he tell us how the UK rates on food bank usage?

Colin Clark: That is the difference between the hon. Gentleman and me. Because I consider the fact there are food banks to support people to be an example of charitableness. I want to celebrate the success of this country, not the failure, and it is the Conservative party that will make sure this country is a success.

Stewart Malcolm McDonald (Glasgow South) (SNP): Will the hon. Gentleman give way?

Colin Clark: I will finish, because we are running out of time.

We are the party of opportunity, and they are the parties that would destroy opportunity. We are the party that wants to support everyone in society and give people a hand up, and they are the parties that would crush people with taxation. It is interesting that the hon. Member for Glasgow Central mentioned the OBR and taxation, because it was the OBR that recognised that the differential in taxation will damage the Scottish economy—and that was the Scottish Government’s choice.

This is a Conservative party building the economy, and the socialist parties on the Opposition Benches would crush the United Kingdom economy as we leave. I support the motion.

Question put. That the amendment be made.

The House proceeded to a Division.

Madam Deputy Speaker (Dame Eleanor Laing): I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 288, Noes 309.

Division No. 377

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglass
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Chwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Cressy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria  
Debonnaire, Thangam  
Dent Coad, Emma  
Dhesi, Mr Tanmanjeet Singh  
Docherty-Hughes, Martin  
Doughty, Stephen  
Dowd, Peter  
Drew, Dr David  
Dromey, Jack  
Duffield, Rosie  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Elford, Clive  
Elliott, Julie  
Ellman, Dame Louise  
Elmore, Chris  
Esterson, Bill  
Evans, Chris  
Farrellly, Paul  
Farron, Tim  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flint, rh Caroline  
Fovargue, Yvonne  
Foxcroft, Vicky  
Frith, James  
Furness, Gill  
Gaffney, Hugh  
Gapes, Mike  
Gardiner, Barry  
George, Ruth  
Gelhins, Stephen  
Gibson, Patricia  
Gill, Preet Kaur  
Glindon, Mary  
Godsiff, Mr Roger  
Goodman, Helen  
Grant, Peter  
Gray, Neil  
Green, Kate  
Greenwood, Margaret  
Griffith, Nia  
Grogan, John  
Gwynne, Andrew  
Haigh, Louise  
Hamilton, Fabian  
Hanson, rh David  
Hardy, Emma  
Harman, rh Ms Harriet  
Harris, Carolyn  
Hayes, Helen  
Hayman, Sue  
Healey, rh John  
Hendrick, Sir Mark  
Hendry, Drew  
Hepburn, Mr Stephen  
Heron, Lady  
Hill, Mike  
Hillier, Meg  
Hobhouse, Wera  
Hodge, rh Dame Margaret  
Hodgson, Mrs Sharon  
Hollern, Kate  
Hosie, Stewart  
Huq, Dr Rupa  
Hussain, Imran  
Jardine, Christine  
Jarvis, Dan  
Johnson, Diana  
Jones, Darren  
Jones, Gerald  
Jones, Graham P.  
Jones, Helen  
Jones, rh Mr Kevan  
Jones, Sarah  
Jones, Susan Elan  
Kane, Mike  
Kealey, Barbara  
Kendall, Liz  
Khan, Afzal  
Killen, Ged  
Kinnock, Stephen  
Kyle, Peter  
Laird, Lesley  
Lake, Ben  
Lamb, rh Norman  
Lammy, rh Mr David  
Lavery, Ian  
Law, Chris  
Lee, Karen  
Leslie, Mr Chris  
Lewell-Buck, Mrs Emma  
Lewis, Clive  
Lewis, Mr Ivan  
Linden, David  
Lloyd, Tony  
Long Bailey, Rebecca  
Lucas, Caroline  
Lynch, Holly  
MacNeil, Angus Brendan  
Madders, Justin  
Mahmood, Mr Khalid  
Malhotra, Seema  
Mann, John  
Marshall, Gordon  
Martin, Sandy  
Maskell, Rachael  
Matheson, Christian  
McCabe, Steve  
McCarthy, Kerry  
McDonagh, Siobhan  
McDonald, Andy  
McDonald, Stewart Malcolm  
McDonald, Stuart C.  
McDonnell, rh John  
McFadden, rh Mr Pat  
McGinn, Conor  
McGovern, Alison  
Mclnnes, Liz  
McKinnell, Catherine  
McMahon, Jim  
McMorrin, Anna  
Mears, Ian  
Miliband, rh Edward  
Monaghan, Carol  
Moon, Mrs Madeleine  
Moran, Layla  
Morden, Jessica  
Morgan, Stephen  
Morris, Grahame  
Murray, Ian  
Newlands, Gavin  
Norris, Alex  
O'Hara, Brendan  
Onn, Melanie  
Onwurah, Chi  
Osamor, Kate  
Owen, Albert  
Peacock, Stephanie  
Pearce, Teresa  
Pennock, Matthew  
Phillips, Jess  
Phillipson, Bridget  
Pidcock, Laura  
Platt, Jo  
Pollard, Luke  
Powell, Lucy  
Qureshi, Yasmin  
Rashid, Faisal  
Rayner, Angela  
Reed, Mr Steve  
Rees, Christina  
Reeves, Ellie  
Reynolds, Jonathan  
Rimmer, Ms Marie  
Robinson, Mr Geoffrey  
Rodd, Matt  
Rowley, Danielle  
Ruane, Chris  
Russell-Moyle, Lloyd  
Ryan, rh Joan  
Saville Roberts, rh Liz  
Shah, Naz  
Sharma, Mr Virendra  
Sheerman, Mr Barry  
Sheppard, Tommy  
Sherriff, Paula  
Siddiq, Tulip  
Skinner, Mr Dennis  
Slaughter, Andy  
Smeth, Ruth  
Smith, Angela  
Smith, Cat  
Smith, Eleanor  
Smith, Jeff  
Smith, Laura  
Smith, Nick  
Smith, Owen  
Smyth, Karin  
Snell, Gareth  
Sobel, Alex  
Soubry, rh Anna  
Soubry, rh Anna  
Spellar, rh John  
Stamper, rh Keir  
Stephens, Chris  
Stevens, Jo  
Stone, Jamie  
Streeting, Wes  
Stringer, Graham  
Sweeney, Mr Paul  
Swinson, Jo  
Tami, rh Mark  
Thebill, Alison  
Thomas, Gareth  
Thomas-Symonds, Nick  
Thornberry, rh Emily  
Timms, rh Stephen  
Trickett, Jon  
Turner, Karl  
Twigg, Derek  
Twigg, Stephen  
Twist, Liz  	Umunna, Chuka  
Vaz, Valerie  
Walker, Thelma  
Watson, Tom  
West, Catherine  
Western, Matt  
Whitehead, Dr Alan  
Whitfield, Martin  
Whitford, Dr Philippa  
Williams, Hywel  
Williams, Dr Paul  
Williams, Christopher  
Wilson, Phil  
Wishart, Pete  
Wollaston, Dr Sarah  
Zeichner, Daniel  

Tellers for the Ayes:  
Marion Fellows and Patrick Grady  

votes:  

Adams, Nigel  
Afolami, Bim  
Afriyie, Adam  
Allous, Peter  
Allen, Lucy  
Amess, Sir David  
Andrew, Stuart  
Asgar, Edward  
Atkins, Victoria  
Austin, Ian  
Bacon, Mr Richard  
Badenoch, Mrs Kemi  
Baker, Mr Steve  
Baldwin, Harnett  
Barclay, rh Stephen  
Bellingham, Sir Henry  
Benyon, rh Richard  
Beresford, Sir Paul  
Berry, Jake  
Blackman, Bob  
Blunt, Crispin  
Boles, Nick  
Bone, Mr Peter  
Bottomley, Sir Peter  
Bowie, Andrew  
Bradley, Ben  
Bradley, rh Karen  
Brady, Sir Graham  
Braverman, Suella  

NOES  

Beretson, Jack  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, rh James  
Bruce, Fiona  
Buckland, Robert  
Burghart, Alex  
Burns, Conor  
Burt, rh Alistair  
Cairns, rh Alun  
Campbell, Mr Gregory  
Cartlidge, James  
Cash, Sir William  
Caulfield, Maria  
Chalk, Alex  
Chishti, Rehman  
Churchill, Jo  
Clarke, Colin  
Clarke, rh Greg  
Clarke, rh Mr Kenneth  
Clarke, rh Mr Simon  
Clevery, James  
Clifton-Brown, Sir Geoffrey  
Coffey, Dr Thérèse  
Collins, Damian  
Costa, Alberto  
Courts, Robert  
Cox, rh Mr Geoffrey  
Crabb, rh Stephen
The House divided: Ayes 309, Noes 292.

Division No. 378

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Question accordingly negatived. 
Main Question put.

26 MARCH 2019

Section 5 of the European Communities (Amendment) Act 1993

The House divided: Ayes 309, Noes 292.

Division No. 378

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Question accordingly negatived. 
Main Question put.

26 MARCH 2019

Section 5 of the European Communities (Amendment) Act 1993

The House divided: Ayes 309, Noes 292.
Section 5 of the European Communities (Amendment) Act 1993

26 MARCH 2019

Section 5 of the European Communities (Amendment) Act 1993

Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Alison-Khan, Dr Rosena
Amess, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian

Tellers for the Ayes:

Wendy Morton and Iain Stewart

Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keely, Barbara
Kendall, Liz
Khan, Afzal
Kilren, Ged
Kinnock, Stephen
Kyle, Peter
Laid, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Steward Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian

Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onn, Melanie
Onwrubah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruanu, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Souby, rh Anna
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
**Section 5 of the European Communities (Amendment) Act 1993**

26 MARCH 2019

Mr Speaker: I have to inform the House of a correction to the result of the Division held earlier today on amendment (a) to Lords amendment 23 to the Offensive Weapons Bill. The number of Members voting in the No Lobby was 308, as previously announced, but the number of Members who represent constituencies in England or Wales and who voted No was 286, not 285. There is no change to the outcome of the Division.

**Business without Debate**

**DELEGATED LEGISLATION**

**Motion made, and Question put forthwith (Standing Order No. 118(6)).**

**EXITING THE EUROPEAN UNION (SEA FISHERIES)**

That the draft Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 17 January, 2019, be approved. —[Mike Freer.]

Question agreed to.

**Motion made, and Question put forthwith (Standing Order No. 118(6)).**

**EXITING THE EUROPEAN UNION (AQUACULTURE)**

That the draft Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.—(Mike Freer.)

The House divided: Ayes 304, Noes 275.

**Division No. 379**

[6.36 pm]

**AYES**

Adams, Nigel
Afroldi, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Braverman, Suella
Brereton, Jack
Brigin, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Mr William
Caulfield, Maria
Chalk, Alex
Chihaht, Rehman
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Mims
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
 Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Donnies, Ms Nadine
Double, Steve
Downen, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Ephchicke, Charlie
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nasrul
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gylnah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinsrake, Kevin
Hollotence, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, rh Alister
James, Margot
Javid, rh Sajid
Jayawarden, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema

**TELLERS FOR THE NOES:**

Bamfro Charalambous and

Jeff Smith
Mr Speaker: With the leave of the House, I propose to take motions 10 to 26, all appertaining to exiting the European Union, but covering sea fisheries, animals, a plentiful supply on agriculture, matters relating to the health service and to health and personal social services, and one on customs, together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (SEA FISHERIES)
That the draft Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019, which were laid before this House on 28 February, be approved.

EXITING THE EUROPEAN UNION (ANIMALS)
That the draft Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 10 January, be approved.

EXITING THE EUROPEAN UNION (AGRICULTURE)
That the draft Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

That the draft Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019, which were laid before this House on 14 February, be approved.

That the draft Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019, which were laid before this House on 13 March, be approved.

That the draft Food and Farming (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 11 March, be approved.

That the draft Market Measures (Marketing Standards) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

That the draft Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

That the draft Market Measures (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

That the draft Agriculture (Legislative Functions) (EU Exit) Regulations 2019, which were laid before this House on 4 March, be approved.

That the draft Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 21 January, be approved.

EXITING THE EUROPEAN UNION (HEALTH SERVICES)
That the draft Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 11 February, be approved.

EXITING THE EUROPEAN UNION (NATIONAL HEALTH SERVICE)
That the draft National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019, which were laid before this House on 11 February, be approved.
**Dividing the Vote**

**Division No. 380**

**AYES**

Adams, Nigel  
Afriyie, Adam  
Aldous, Peter  
Allan, Lucy  
Amess, Sir David  
Andrew, Stuart  
Argar, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Badenoch, Mrs Kemi  
Baker, Mr Steve  
Baldwin, Harriett  
Barclay, rh Stephen  
Bebb, Guto  
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Benyon, rh Richard  
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Bridgen, Andrew  
Brine, Steve  
Brooks, Sir James  
Bruce, Fiona  
Buckland, Robert  
Burghart, Alex  
Burns, Conor  
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Cairns, rh Alun  
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Grayling, rh Chris  
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Greening, rh Justine  
Grieve, rh Mr Dominic  
Griffiths, Andrew  
Gyimah, Mr Sam  
Hair, Kirtestne  
Hall, Rhobert  
Hall, Luke  
Hammend, rh Mr Philip  
Hammond, Stephen  
Hancock, rh Matt  
Hands, rh Greg  
Harper, rh Mr Mark  
Harries, Rebecca  
Harrison, Trudy  
Hart, Simon  
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Heald, rh Sir Oliver  
Heappey, James  
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Henderson, Gordon  
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Heron, Lady  
Hinds, rh Damian  
Hoare, Simon  
Hollingbery, George  
Hollinrake, Kevin  
Hollobone, rh Mr Philip  
Holloway, Adam  
Howell, John  
Huddleston, Nigel  
Hughes, Eddie  
Hunt, rh Mr Jeremy  
Hurd, rh Mr Nick  
Jack, rh Mr Alister  
James, Margot  
Javid, rh Saqib  
Jayawardena, Mr Ramil  
Jenkin, Sir Bernard  
Jenyns, Andrea  
Jenrick, Robert  
Johnson, Dr Caroline  
Johnson, Gareth  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, rh Mr Marcus  
Kawczynski, Daniel  
Keegan, Gillian  
Kennedy, Seema  
Kerr, Stephen  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lamont, John  
Lancaster, rh Mark  
Latham, Mrs Pauline  
Leadsom, rh Andrea  
Lee, Dr Philip  
Lefroy, Jeremy  
Leigh, rh Sir Edward  
Letwin, rh Sir Oliver  
Lower, Andrew  
Lewis, rh Brandon  
Lewish, rh Dr Julian  
Liddell-Grainger, Mr Ian  
Lidington, rh Mr David  
Little Pengelly, Emma  
Lopez, Julia  
Lopresti, Jack  
Lord, Mr Jonathan  
Loughton, Tim  
Mackinlay, Craig  
Maclean, Rachel  
Main, Mrs Anne  
Mak, Alan  
Malthouse, Kit  
Mann, Scott  
Masterton, Paul  
Maynard, Paul  
McLoughlin, rh Sir Patrick  
McVey, rh Mr Stephen  
Menzies, Mark  
Merryer, Johny  
Merriman, Huw  
Metcalfe, Stephen  
Miller, rh Mrs Maria  
Milling, Amanda  
Mills, Nigel  
Milton, rh Anne  
Mitchell, rh Dr David  
Murray, Mrs Sheryl  
Murrison, Dr Andrew  
Neill, Robert  
Newton, Sarah  
Nokes, rh Caroline  
Norman, Jesse  
O'Brien, Neil  
Offord, Dr Matthew  
Paisley, Ian  
Parish, Neil  
Patel, rh Priti  
Paterson, rh Mr Owen  
Payway, Mark  
Penning, rh Sir Mike  
Penrose, John  
Percy, Andrew  
Philp, Chris  
Pincher, rh Christopher  
Poulter, Dr Dan  
Pow, Rebecca  
Prentis, Victoria  
Prisk, rh Mark  
Pritchard, Mark  
Pursglove, Tom  
Quin, Jeremy  
Quince, Will  
Raab, rh Dominic
Berger, Luciana
Bardell, Hannah
Bailey, Mr Adrian
Ashworth, Jonathan
Antoniazzi, Tonya
Amesbury, Mike
Allin-Khan, Dr Rosena
Allen, Heidi
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
-Shoff, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian

Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Sym, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tudghat, Tom
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watting, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, Tony
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wood, Mike
Wragg, Mr William
Zahawi, Nadhim

Tellers for the Ayes:
Wendy Morton and
Iain Stewart

NOES
Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allen-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonya
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Ben, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brook, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Eldford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Foxglove, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gelhins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hepburn, Mr Stephen
Hill, Mike
Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarty, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Means, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Question accordingly agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (CUSTOMS)

That the draft Cash Controls (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 27 February, be approved.—(Mike Freer.)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (CUSTOMS)

That the draft Customs (Economic Operators Registration and Identification) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 26 February, be approved.—(Mike Freer.)

Question agreed to.

EXITING THE EUROPEAN UNION (PUBLIC PASSENGER TRANSPORT)

That the draft Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 26 February, be approved. —(Mike Freer.)

Question agreed to.

Bereavement Counselling

Motion made, and Question proposed, That this House do now adjourn.—(Mike Freer.)

7.4 pm

Matt Warman (Boston and Skegness) (Con): “You have a lot of misfortune in your family.” Those, Mr Speaker, are the words that a registrar spoke to me when I registered the death of my mother, who died 20 years ago today, aged 53. Kind, compassionate, understated, he said them because just six weeks previously I had registered the death of my father.

I was, Mr Speaker, 27. I was not a child, but I was, I think, too young to know how to bear some of the sadness that I felt in 2009. Some people have, by the age of 27, borne far more emotion: they have married, had families, served and sometimes died for their countries, and in many instances they have also buried both their parents. However, 27 is young to be an orphan in the western world. I struggled to admit it then and I struggle to admit it now, but I found it impossibly hard. I should have looked for help, because grief makes us all angry, irrational, upset and difficult.

Perhaps too many of us in the House think that that strength is incompatible with weakness. Perhaps too many of us are stubborn. It is often said that that which does not kill us makes us stronger; perhaps that which kills those closest to us can make us stronger still, but few can do it on their own. In this Adjournment debate, I want simply to say to those who struggle with the loss of loved ones—and even the loss of close family members who are not so obviously loved—that there is already help out there, and to say, “You are strongest when you take it up, and go to the doctor or just talk to friends.” However, it is also true that more can be done by the Government and by others.

This week, we celebrate Mother’s Day. Mothers up and down the country will be appreciated through cards, breakfast in bed, and often questionable artwork from their children. For some, though—myself included—that day is a reminder of what we have lost. To use the modern jargon, it is a trigger. I thank you, Mr Speaker, for letting my personal circumstances have some influence on the parliamentary calendar. Changing it seems to be all the rage at the moment, but you know that MPs are surely at their best when we draw on our personal experiences.

The coming of Mother’s Day gives this debate a broader relevance, because I also want to raise the question of what more we can do in government to support those who have been bereaved, and how we can encourage wider society to make small, seemingly insignificant changes that can prevent immense upset for so many people. The bereavement charity Cruse currently claims on its home page that it can “help this Mother’s Day”, and that is hugely welcome, but such is the volume that the charity has suspended its email help service, and its phone lines are not open 24/7. It takes more than charity to tackle bereavement; it takes society, in all its little family platoons.

The Government have done great work in introducing bereavement counselling for parents who lose children, thanks in part to my hon. Friends the Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach), as well as other Members on both sides of
the House. I am not calling for a similar kind of bereavement leave for everyone, because businesses, in truth, are largely respectful, and they are also hugely varied. However, I know from personal experience that many people do not feel the true impact of their loss for weeks, months, or even, in some instances, years after the person whom they have loved has passed away. Often they are in shock or trying to be strong for others, and that is on top of all the mundane considerations that have to be dealt with in such circumstances.

Paul Scully (Sutton and Cheam) (Con): My hon. Friend is making an incredibly powerful speech, and I know how proud his parents would have been to witness him doing so. I know about the delay that he has mentioned. My father died 30 years ago this year, of mesothelioma, and I remember reading my mother’s diary, in which she was crying out for help nine months later. It is incumbent on us to recognise that delay, and I appreciate everything that my hon. Friend is saying.

Matt Warman: I thank my hon. Friend for that intervention, and that is why in some ways I am calling on the Government to have ongoing support for those who are recently bereaved and an open-ended offer of counselling on the NHS which can be accessed when they are ready, not at the easiest point for the NHS.

Jim Shannon (Strangford) (DUP): I also commend the hon. Gentleman on securing this debate and telling his own personal story. Across the United Kingdom of Great Britain and Northern Ireland one in four people suffers from mental health issues, and many of them are a result of the grief from someone close to them leaving, especially when that is sudden. Early intervention is key, and I would like the Minister to respond on that. Does the hon. Member for Boston and Skegness (Matt Warman) agree that we should have early intervention through the use of Cruse and perhaps other groups—I am thinking of church groups and ministers who are on call if needed?

Matt Warman: I thank the hon. Gentleman for his words. The Co-op has done interesting and very valuable work on this, and the Department can put some of these initiatives together.

One interesting example I would like to see introduced across the board is the new policy from an online flower company called Bloom & Wild. It has given customers across the board is the new policy from an online flower company called Bloom & Wild. It has given customers these initiatives together.

Victoria Prentis (Banbury) (Con): My hon. Friend is making a fantastic speech and a series of good points. I am not at all ashamed to say that I had bereavement counselling when my son died, and I cannot see why anyone would not; we go to the doctor when we are feeling unwell, and of course we go to the bereavement counsellor when we need help with grief. Does my hon. Friend agree that it is very important that we normalise this?

Matt Warman: I absolutely agree.

There is also a role for us to play in opening up the debate and shining light on steps outside organisations can take to make bereavement in general more bearable, but also, on the theme of this debate, to make Mother’s Day or Father’s Day less difficult for those who have experienced loss.

Susan Elan Jones (Clwyd South) (Lab): I wonder if there may be a role for funeral directors in this, given the links they have with families. I congratulate the hon. Gentleman on his moving speech.

Matt Warman: I thank the hon. Lady for her kind words. The Co-op has done interesting and very valuable work on this, and the Department can put some of these initiatives together.

One interesting example I would like to see introduced across the board is the new policy from an online flower company called Bloom & Wild. It has given customers the opportunity to opt out of Mother’s Day emails as it recognises that it can be a very sensitive time for some. If other companies were to follow suit, the dread—and I do mean dread—around this day might be mitigated for many people. I personally do not feel, for whatever reason, the same dread about Father’s Day marketing, but obviously it should be treated equally in case anyone is worried. Organisations such as the Advertising Standards Authority could perhaps make this part of a voluntary code around data. I am not a Tory asking for some enormous nanny state. I am saying that providing another tick box for when people sign up for yet more emails would be kind. Companies bang on about corporate social responsibility all the time, so why not try this?

This debate is important to me for three reasons. Yes, this is a sad anniversary, but I am lucky to have this platform to say that the Government are right to acknowledge that they need to do more to ensure that there is ongoing support for those who have lost someone they love. This is also a chance to open up the discussion on how everyone in society and business can play a role in increasing the sensitivity with which these difficult days, which last for many years, are handled. I hope that by securing this debate, through your good offices, Mr Speaker, we will move fractionally closer to ensuring that all men and women who, like myself, have not always felt comfortable discussing such emotional topics are able to do so more freely, to seize the help that is there and perhaps ultimately to need that help just a fraction less.
7.15 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): Thank you for allowing this debate, Mr Speaker. I am really glad to have this opportunity to respond to my hon. Friend the Member for Boston and Skegness (Matt Warman), who has spoken incredibly movingly about his personal experience. In this place, it is difficult to speak rawly from the heart, but he has done well today. He has done extremely well. His speech sets in stark relief the fact that we are all human beings in this place, although people might be forgiven for thinking otherwise in recent days. We all bring our own experiences here, and it takes a lot of courage to share some of them. I am not always as confident and brave as he is when it comes to sharing my own stories. It is a pleasure to reply to him tonight.

The effects of bereavement and loss are different for us all, as my hon. Friend said. They can differ depending on age, on family circumstances and on whom we can reach out to for help, but one thing that I would really like to land is the fact that grief is lifelong. Grief never leaves us. When we lose a loved one, it stays with us for the rest of our life. My hon. Friend mentioned triggers, and they can happen at any point. It is important that I, as a Minister in the Department of Health and Social Care, ensure that we have sufficient support for people who are grieving, because it can come from nowhere. He used the word “normalise”, and that is so important when we talk about any aspect of mental ill health and mental stress, because it is not uncommon for us all to go through periods when we feel like that.

It is difficult, particularly for men, to reach out and ask for help. That is because it is seen as a sign of weakness, but it really should not be. “No man is an island” is the trite phrase that we often use, but it is also true. Sometimes, people feel that they cannot show weakness because they are the linchpin of their family and cannot grieve because they need to be strong for everyone else. It will be the mark of a compassionate society that we ensure that we have services for all those people. From a health perspective, it is also really important that we do that, because people who are suffering in this way are more likely to suffer from physical ill health and from weight loss, depression and anxiety. I have witnessed this within my own family following a bereavement. We must encourage people to access support from bereavement counsellors.

My hon. Friend spoke movingly about the fact that Mother’s Day was a particular trigger for him. He lost his mother and father at a young age, and the sense of grief when life ends prematurely is perhaps even more acute at that time. I was reminded of people I have met who were victims of terror, for example, or of Grenfell Tower. There, too, life ended very prematurely for those people. Sometimes we do not even think about the effects of seeing pictures of that fire flashed up every time Grenfell Tower comes up on the news. We risk re-traumatising people in that way, and as a society we really need to start looking at some of those behaviours. These things are often done with the best of intentions. I remember when we started the independent inquiry into Grenfell, there was obviously great interest in it on the news, but those pictures being flashed out on every news programme cannot have been pleasant for those left behind. There is a role for us to think carefully about news reporting, broadcasting and what is available on the internet. There is also a challenge for editorial teams about how to report such things after the event, because we really should not expect people just to tolerate living with ongoing trauma.

Bereavement counselling is available to people at any time, and it is important to realise that the grieving process does last a lifetime and that feelings could be suppressed for decades before being triggered again. The first step for someone wanting to access a counsellor should be to go to their local GP or to self-refer to Cruse, as my hon. Friend mentioned. I am pleased that we will be making more services available through the 111 facility, because people being able to access care, advice and support when they need it will mitigate any harm that they are experiencing.

Cruse Bereavement Care is funded by clinical commissioning groups and local authorities and has branches all over the country that offer free, confidential advice to anyone who needs it. Cruse’s aim is that everyone who loses somebody should have someone to talk to when they need it, and I am pleased with the service it offers. The quality of service could be improved, however, so we are working with NHS England to develop better provision so that everyone can access it.

I also cannot commend the voluntary and charity sector’s input enough. I keep saying to CCGs that we should not look at mental ill health just as something to be medicalised, because support from voluntary providers and people with other skills can be just as important in helping people to get better and get used to their condition as any appointment with a clinician. The 111 service will provide 24/7 mental health crisis support, enabling access to a trained mental health professional who can signpost to treatment and other support, but the system should be holistic; so we need voluntary services, bereavement counselling and mental health professionals where they are needed.

My hon. Friend told us this evening that Mother’s Day is a particularly difficult time for him, and any kind of anniversary can reignite grief. I was interested to hear about Bloom & Wild’s policy, which is a good reminder of how a bit of sensitive thinking can make life so much easier. I would encourage all companies that are involved in activity around such times—any business that builds relationships with its customers—to be more sensitive in how it contacts people. That is just good corporate social responsibility, as he said. Advertising in the United Kingdom is regulated by the Advertising Standards Authority, but it could do more to spread good practice and encourage companies to think more carefully, because everyone can support people who have been bereaved.

I am pleased to see my hon. Friend the Member for Eddisbury (Antoinette Sandbach) here, and my hon. Friend the Member for Banbury (Victoria Prentis) was here earlier. The Baby Loss Awareness Week debate is now an annual fixture, and there is never a dry eye in the House when hon. Friends share their direct experiences. I find it amazing that it was so taboo to talk about such things until recently, but in this sphere we have led the way in acknowledging our grief and talking about it, and in so doing we are setting a good example for the rest of society. I know that it is difficult for colleagues, as I said, to talk so rawly about the emotions that they
have experienced, but when pictures go out from this House showing not a point-scoring bear pit but real naked human emotion, that is what the public want to see. They are the things that remind them that, in this place, we are all citizens of the United Kingdom with all the problems and challenges that everyone else has. We are not some class apart living a completely different life—not living in the real world, as some would say.

Those pictures from the annual baby loss debate open people's eyes and tackle the taboo. I very much hope that people watching those debates will think, "Do you know what? It's okay to feel bad. It's okay to have a good cry about something that happened to me many years ago." Grief is something you have to manage. You will never stop missing that loved one, and you will never stop regretting the fact you have lost them. Much of the time memories are happy and, in your own mind, you can celebrate their life and their contribution to your life, but the regret that they cannot see what you are doing now is something that never leaves you, and that is just a sign of being a good human being.

I sincerely thank my hon. Friend the Member for Boston and Skegness for securing this debate. He raised the issue of suicide, and particularly male suicide, which underlines the need to encourage men to acknowledge that it is okay to have a good cry and to ask for help. They do not have to be superhuman and it is not a sign of weakness. We need to do much more to encourage men to open up, and I have seen that directly in my role as Minister for suicide prevention. I have met families who have lost young men to suicide, and it might sound weird, but it is a privilege to have heard their stories and for them to be able to share their pain. I find it so inspiring that people who have gone through the most tragic things want to use that experience to make life better for everyone else.

Perhaps that is a good note on which to finish. We are all very proud of my hon. Friend, because he has done exactly that. He has shared his pain so we can all learn from it. That is the best of Britishness.

*Question put and agreed to.*

7.27 pm

*House adjourned.*
Mel Stride: The Government are most certainly listening to all those who have concerns about the introduction of tariffs where they are not in existence, as is currently the case between ourselves and the EU27. Once again, that is why the deal that is before the House, which has been negotiated with the European Union, is so important—because that would mean that we would not run into those particular difficulties.

Lesley Laird: This question is specifically to the Secretary of State for Scotland. The Secretary of State for Scotland has three responsibilities: strengthening and sustaining the Union; acting as Scotland’s voice in Whitehall; and championing the UK Government in Scotland. Which one does he think he is doing best, and why?

Mel Stride: I have no hesitation in answering on behalf of my right hon. Friend. Friend the Secretary of State, bound as I am to do so, given that I started this series of questions and convention dictates that I have to reply on his behalf. Those are all absolute priorities for my right hon. Friend, and he will continue to speak up for the people of Scotland.

Lesley Laird: I have to express the Opposition’s disappointment that the Secretary of State for Scotland is repeatedly not standing up and being accountable. Once again, this question is directly to the Secretary of State for Scotland, because it is he who holds the office, not the right hon. Gentleman sitting next to him.

I am afraid that I have to tell the Secretary of State that I disagree with the previous response. His record is abysmal. He has failed on the stronger towns fund; failed on Brexit funding for Scotland’s businesses; failed to stand up for Scotland’s shipbuilding communities through his non-action on the fleet solid support ships contract; and failed to respect the devolution settlement. He has even failed to follow through on his own resignation threats. Secretary of State, how bad does it need to get for the people of Scotland under this Tory Government before you do the right thing and actually resign?
Mel Stride: I categorically do not accept the points the hon. Lady makes. My right hon. Friend does indeed stand up for Scotland, which is partly why—[Interruption.]
The reason why he is not at the Dispatch Box, as the hon. Lady well knows, is to do with the way in which the conventions of the House operate in respect of the answering of questions. She knows that and it is a little unfair of her, if I may say, Mr Speaker, to try to make political capital out of that particular procedural element. My right hon. Friend has stood up for Scotland to the extent that there was £950 million additional budget for Scotland as a consequence of the last autumn Budget, with £1.3 billion going into city growth deals across Scotland. That is to support Scotland, the economy and the Scottish people.

Leaving the EU: Public Services

2. Jo Swinson (East Dunbartonshire) (LD): What discussions he has had with the Secretary of State for Exiting the European Union on the potential effect on public services in Scotland of the UK leaving the EU.

The Secretary of State for Scotland (David Mundell): I have regular discussions with my right hon. Friend the Secretary of State for Exiting the European Union. The best way to ensure that public services in Scotland and across the rest of the UK are protected is to ensure that we leave the EU with a deal.

Jo Swinson: May I share with the Secretary of State an email from one of my constituents, Ian? He says:

“As a doctor, I have already seen the adverse impact of Brexit on the NHS. Staff shortages are already hurting us... We cannot have Brexit and give the NHS resources it so badly needs. I know which people in our local community would prefer.”

Which does the Secretary of State think the people of Scotland would prefer: a decently funded NHS or Brexit?

David Mundell: I think everybody in Scotland wants to see a decently funded and supported NHS. I disagree with the hon. Lady on Brexit—her position is well known. If we want to encourage doctors like Ian to come to Scotland, what we should not be doing is taxing them £1,900 more than they would pay in the rest of the UK.

Tom Pursglove (Corby) (Con): Is it not the case that what we have just heard is a complete scare story? The Government are making millions more extra available for the health service and all EU nationals who are currently here are welcome to stay. Surely, in the future, we will be able to have an immigration system that treats people equally regardless of where they come from in the world?

David Mundell: I agree with the points my hon. Friend makes. In the future, we have to make Scotland an attractive place to come to. If we want doctors and senior health service professionals to come to Scotland, we should not be taxing them significantly more than they would be paying in other parts of the UK.

Marion Fellows (Motherwell and Wishaw) (SNP): The number of EU nurses applying to work in the UK has fallen by 87%, and more than 7,000 nurses and midwives from the European economic area have left the UK since the EU referendum. Can the Secretary of State say, with any honesty, that his Government’s pursuit of Brexit, and their hostile immigration policy, has not seriously harmed the NHS?

David Mundell: I could absolutely say that, because the Government are committed, as they have demonstrated across the UK for which they are responsible, to the additional funding of the NHS. We have set out an immigration White Paper, a route for engagement, to ensure that going forward we have EU and other citizens in our country to support the NHS and other services.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): It is nice to get a chance to actually shadow the Secretary of State, instead of myriad other Departments that turn up from week to week, particularly as his own Government analysis shows that their plan for Brexit will result in a 4% drop in gross domestic product. If his party’s track record tells us anything, it will choose to impose austerity and poverty pay on public services and workers to make up for that decline. One of the worst consequences of austerity is rising food insecurity, resulting in food bank use rising faster in Scotland than across the rest of the UK. Given the pressure that the failed austerity agenda is putting on our public services, will the Secretary of State say how many food banks are currently operational in Scotland and does he predict that the number will go up or down under the current policies of this Government?

David Mundell: I thought the hon. Gentleman might have begun with an apology for his shameful remarks, when he said that people who did not agree with him in the Labour party leaving was “necessary cleansing”. I do not know if Labour Members are aware of those comments, but I believe that they are truly shameful. Of course, in relation to food banks, everybody regrets the need that people have in emergency situations to use food banks, but we are clear that the support that we are providing to people as we leave the EU will be sufficient to meet their needs.

Leaving the EU: Discussions with Scottish Government

3. Pete Wishart (Perth and North Perthshire) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.

4. Peter Grant (Glenrothes) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.

6. Kirsty Blackman (Aberdeen North) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.

8. Dr Philippa Whitford (Central Ayrshire) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.

9. Patrick Grady (Glasgow North) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.

15. Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): What recent discussions he has had with the Scottish Government on the UK leaving the EU.
The Secretary of State for Scotland (David Mundell):
I recently chaired the joint Scottish Business Growth Group and regularly meet the Scottish Government in a number of other forums, including the Joint Ministerial Committee, to discuss a range of matters related to EU exit.

Pete Wishart: I am sure that the Scottish people will be comforted by that fact. I am pretty certain that the Secretary of State has been able to have a look at the petition to revoke article 50. If he has not, I can tell him that nearly 10% of his constituents have now signed it. The Scottish people just want this chaotic Tory Brexit gone, but with the UK options quickly diminishing for Scotland to remain, surely he agrees that at some point, the Scottish people will have to decide whether they want to go down with this disastrous, isolating, ugly Brexit Britain or whether they should determine their own way in Europe as an independent nation.

David Mundell: I became aware that the hon. Gentleman did not support the First Minister’s policy of a people’s vote when I did not see any pictures of him cuddling Alastair Campbell at the weekend. At least the hon. Gentleman is honest—he wants to revoke article 50. I do not agree with him. That would not implement the outcome of the referendum. The best way for Scotland and the UK to proceed is to leave the EU with the Prime Minister’s deal.

Peter Grant: We know that the Prime Minister, yet again, has had private discussions with the leader of the Democratic Unionist party, who is not a Member of this House and does not represent any Government. She represents only a minority view within one nation of these islands. When did the Prime Minister last speak to the First Ministers of Scotland or Wales? What has the Secretary of State done to ensure that such important discussions take place between now and 12 April?

David Mundell: I am surprised that the hon. Gentleman is not aware that the First Minister of Scotland was invited to join a Cabinet committee, chaired by the Prime Minister, to discuss Brexit preparedness, as was the First Minister of Wales. Surprisingly, the First Minister of Wales has attended and the First Minister of Scotland never has.

Kirsty Blackman: I am surprised to hear the Secretary of State suggest that the best future for the people of Scotland is to leave the EU, because the UK Government’s modelling shows that any Brexit will mean that the people of Scotland are worse off as a result. Will he now do his job, stand up for the people of Scotland and vote against any Brexit?

David Mundell: I am presuming that the hon. Lady is part of the “Remain elite” that Alex Neil MSP and Jim Sillars referred to in their letter to the Scottish Daily Mail, when they encouraged all Scottish National party MPs in this House to back the Prime Minister’s deal as the best way forward for Scotland. They should listen to them.

Dr Philippa Whitford: Almost all future population growth in Scotland is predicted to come from inward migration, so a welcoming immigration policy and freedom of movement are critical for our public services and our rural communities. What discussions has the Secretary of State had with the Prime Minister and the Home Secretary about meeting Scotland’s needs or devolving the power so that we can do it ourselves?

David Mundell: I was going to answer that I had regularly raised the issue at Cabinet, until the hon. Lady raised the last bit about devolving powers. I have been very clear at this Dispatch Box that the Government, in line with the Smith commission, does not support the devolving of immigration.

Patrick Grady: Sixty-two per cent. of people in Scotland voted to remain, so that is an elite that I am pretty happy to be part of. Some 7,500 of his constituents and 14,500 of mine have signed the petition to revoke article 50. They want to do his job, stand up for Scotland and stand up to the Prime Minister, and stop Scotland being taken out of the European Union against its will?

David Mundell: Clearly the hon. Gentleman’s view is not shared by Alex Neil MSP and former deputy leader of the SNP, Jim Sillars, who I know commands great respect in Glasgow. The issue at the heart of the hon. Gentleman’s question is an unwillingness to accept the outcome of the 2014 referendum. We had a United Kingdom referendum, and the United Kingdom as a whole voted to leave the EU.

Drew Hendry: Will the Secretary of State join me in commending the hon. Member for Watford (Richard Harrington) not only for threatening to resign over this Government’s ruinous Brexit policy, but for actually having the courage, honour and conviction to follow through, or is that an alien concept to this Secretary of State?

David Mundell: As we see repeatedly from SNP Members, they want a chaotic Brexit—and the chaos and disruption that no deal or no agreement would bring—because they believe that chaos and disruption are the best ways to advance their independence referendum agenda.

Douglas Ross (Moray) (Con): I am aware that the UK Government have provided the Scottish Government with millions of pounds for Brexit preparations. In the rest of the UK, that money has gone to local authorities. Can the Secretary of State tell me how much of that funding the SNP Scottish Government have given to Moray Council or any other council in Scotland?

David Mundell: I am sure the whole House will join me in congratulating my hon. Friend and his wife Krystle on the birth of their son, Alistair, and on using the proxy voting system to reflect his views throughout his paternity leave.

The House might not be aware but the UK Government have provided nearly £100 million to the Scottish Government for Brexit preparations, but, at the weekend, the First Minister of Scotland was unable to identify a single penny that had been paid directly to Scottish local authorities.
Martin Whitfield (East Lothian) (Lab): Could the Secretary of State assist the people of Scotland by indicating how he intends to vote this afternoon?

David Mundell: I am awaiting your decision, Mr Speaker, on which motions will be selected this afternoon.

Bob Blackman (Harrow East) (Con): From my right hon. Friend’s discussions with the Scottish Government, can he tell us what preparations they have made for a smooth exit from the EU and to take advantage of the benefits that will apply to Scotland?

David Mundell: I would commend the Scottish Government for their actions in relation to preparing for a no-deal outcome in the imminent future—that these preparations were being made was acknowledged by Mike Russell, their own Minister, in a TV interview at the weekend. The Governments are capable of working on that basis. That said, in response to the point of my hon. Friend’s question, no, the Scottish Government have not embraced Brexit or the opportunities it could bring to Scotland.

Tommy Sheppard (Edinburgh East) (SNP): Twice the elected representatives of the British people have rejected the Government’s withdrawal agreement, and today we move on to consider alternatives. I know that the Secretary of State is conflicted on this matter, but I would like to give him an opportunity to be clear with the people of Scotland. Will he still rule out a no-deal Brexit, and if not, will he support that?

David Mundell: I do not accept the hon. Gentleman’s analysis. I do not support a no-deal Brexit, but I do not support revoking article 50 either.

Tommy Sheppard: We can only interpret that to mean that there are circumstances in which the Secretary of State for Scotland would consent to a no-deal Brexit. In doing so, he stands against the views of the national Parliament of Scotland, of Scottish civil society and of the overwhelming majority of the Scottish people. Is it not time now to rename his post “Secretary of State against Scotland”?

David Mundell: I am sure that that line sounded better when the hon. Gentleman practised it in front of the mirror. He clearly misconstrued my response. The House has made very clear that it will not accept a no-deal Brexit, but we are committed to ensuring that we deliver on the referendum result. That means leaving with a deal, and that is why I continue to support the Prime Minister’s deal.

Borderlands Growth Deal

5. John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): What steps he is taking to deliver the borderlands growth deal.

The Financial Secretary to the Treasury (Mel Stride): In his spring statement, the Chancellor announced the provision of up to £260 million for the borderlands growth deal, which will take the total investment to £345 million.

John Lamont: Extending the borders railway to Hawick, Newcastleton and on to Carlisle would bring economic prosperity and jobs to the Scottish borders and the wider borderlands area. Will the Minister join me in asking for some of that £260 million to be spent on a feasibility study?

Mel Stride: I can certainly confirm that the Department for Transport will be considering a feasibility study on the extension of the borders railway.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): Has the Minister looked at anything to do with local transport in Scotland? Has he looked at the shambles of ScotRail, and the shambles of local communities that have been left isolated?

Mel Stride: We are totally committed to supporting infrastructure in Scotland. That is why we have announced £1.3 billion to support eight city growth deals that will promote economic growth, prosperity and jobs in Scotland.

10. [909981] Luke Graham (Ochil and South Perthshire) (Con): Perth city centre is just outside my constituency, but it is nevertheless a cultural and commercial hub for many of my constituents. Is my right hon. Friend considering further funding applications for the city centre and the rural areas of Perth and Kinross?

Mel Stride: Regeneration is of course a devolved matter, but I can assure my hon. Friend that the Government will be supporting Perth via a £150 million commitment to the Tay cities deal.

Elite-level Professional Tennis

7. Toby Perkins (Chesterfield) (Lab): What information his Department holds on the amount of elite-level professional tennis that will be played in Scotland in 2019.

The Secretary of State for Scotland (David Mundell): I know that you, Mr Speaker, take a particular interest in this question.

Although my office does not routinely hold information on this matter, I acknowledge the great opportunity to build on the continuing legacy of Andy and Jamie Murray to develop tennis throughout Scotland.

Toby Perkins: If Scottish Office Ministers invested in access to the internet, they would discover that there are no elite-level events in Scotland, which is why many people feel that the Lawn Tennis Association is failing to take the opportunity to build on the legacy of Andy Murray’s success. Will the Secretary of State meet representatives of the LTA and the Scottish Government to see what more can be done to ensure that this huge opportunity is not missed once and for all?

David Mundell: I should be happy to give that undertaking. Perhaps you will join us, Mr Speaker, given your passion for tennis and your attendance at major events in Scotland.

Mr Speaker: I entirely agree with the Secretary of State. We all commend the heroic successes of Andy and Jamie Murray and want to build on them this year.
and beyond. I think that we should also acknowledge and salute the extraordinary efforts of Judy Murray, one of the greatest women in the world of tennis.

Paul Masterton (East Renfrewshire) (Con): Of course Scotland’s reputation in elite tennis extends beyond the Murray brothers to the likes of Gordon Reid, Jonny O’Mara and the late and much missed Elena Baltacha. Will my right hon. Friend join me in calling on the Lawn Tennis Association to provide the money that will enable Tennis Scotland to take advantage of this golden opportunity to ensure that children, no matter where they live in Scotland, can take part in and enjoy the benefits of tennis?

David Mundell: I absolutely agree with my hon. Friend, and I will do that. Perhaps he would like to join me, along with the hon. Member for Chesterfield (Toby Perkins) and you, Mr Speaker, at the meeting with the LTA and other interested parties.

Spring Statement: Block Grant

11. John Stevenson (Carlisle) (Con): What recent discussions has he had with the Chancellor of the Exchequer on the effect of the spring statement on the Scottish Government’s block grant.

The Financial Secretary to the Treasury (Mel Stride): The spring statement builds on the autumn budget, which resulted in an extra £950 million for the Scottish budget, and also at the spring statement my right hon. Friend the Chancellor announced a further £260 million commitment to the borderlands growth deal.

John Stevenson: Scotland clearly receives a very fair share of funding, but the Scottish Government have decided to increase taxes. Does the Minister agree that becoming the highest taxed part of the United Kingdom risks undermining Scotland, particularly through investment and in its wider economy?

Mel Stride: Substantial tax powers have been devolved to the Scottish Government, including those relating to the rates of income tax, but the UK Government are committed to bringing taxation down, first and foremost by increasing the personal allowance to £12,500 one year earlier than our manifesto commitment and reducing tax in total for over 32 million people throughout the UK.

Mr Speaker: I hope colleagues across the House will want to join me in extending a warm welcome today to the United States Ambassador to the Court of St James’s, Woody Johnson. Woody, welcome, it is a pleasure to have you here.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [910057] Stewart Hosie (Dundee East) (SNP): If she will list her official engagements for Wednesday 27 March.

The Prime Minister (Mrs Theresa May): Mr Speaker, I join you in welcoming the United States ambassador to see our deliberations today in Prime Minister’s questions.

I recently announced at Prime Minister’s questions that I would be chairing a serious violence summit, and I can inform the House that this will take place next Monday. The summit will bring together Ministers, community leaders, agencies and experts to explore what more we can do as a whole society to tackle the root causes of serious violence, as well as intervening with those most at risk. Following the initial summit, Cabinet Ministers will be hosting a series of roundtable discussions with national leaders and those on the frontline. This will complement the recent announcement of a £100 million violence reduction fund targeted at hotspot areas, along with the £200 million youth endowment fund being established this week.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Stewart Hosie: I wish the Prime Minister well with the serious violence discussions she is having. However, Brexit is already costing the UK around £1 billion a week in lost growth, and we know that 80% plus of the public are unhappy with the way in which this has been handled. This is not the fault of Guy Verhofstadt, Michel Barnier, Donald Tusk or any MP in this House voting according to their conscience; that fault lies with the Prime Minister, who is the architect of the withdrawal deal. So can she finally concede to the House that she is liable, responsible, culpable for the chaos that is the Brexit debacle and say when she will be resigning?

The Prime Minister: The Brexit deal delivers on the result of the referendum. The hon. Gentleman has a different view from me: I know he does not want to deliver on the result of the referendum. He wants to try and keep the United Kingdom in the European Union; 17.4 million people voted to take us out of the European Union and that is what we are going to do.

Q2. [910058] Andrew Bridgen (North West Leicestershire) (Con): North West Leicestershire voted overwhelmingly to leave the European Union and for the past two years the Prime Minister has told my constituents on over 100 occasions that we will be leaving on 29 March 2019 with or without a withdrawal agreement. At the last minute, she begs our EU masters for an extension to article 50, delaying our departure. Does my right hon. Friend realise that the good people of North West Leicestershire will forgive her for this? They are good people, but they are not stupid people, and they will never trust the Prime Minister again.

The Prime Minister: I hope the message my hon. Friend takes back to his constituents is a very simple one: we can indeed guarantee delivering on Brexit; we can guarantee delivering on Brexit if this week he and others in this House support the deal.

Jeremy Corbyn (Islington North) (Lab): This chaotic and incompetent Government have driven our country into chaos. We know the scale of the crisis when the TUC and the CBI are united in writing to the Prime Minister saying:

“A Plan B must be found—one that protects workers, the economy and an open Irish border”.

My question on Monday went unanswered, so will the Prime Minister now say what is her plan B?
The Prime Minister: As the right hon. Gentleman knows, we are continuing to work to ensure that we can deliver Brexit for the British people and guarantee that we deliver Brexit for the British people. We have a deal that cancels our EU membership fee, stops the EU making our laws, gives us our own immigration policy, ends the common agricultural policy for good and ends the common fisheries policy for good. Other options do not do that. Other options would lead to delay and uncertainty, and risk never delivering Brexit.

Jeremy Corbyn: The only problem with the Prime Minister’s answer is that her deal has been twice defeated in this House, in one case by the largest ever majority by which a Government have lost a vote in our recorded parliamentary history. Reports today suggest that a former Conservative Prime Minister is telling Conservative MPs that pursuing a customs union with the EU is the best way to get Brexit over the line. Does she agree with him, and will she be supporting any motions for a customs union this afternoon?

The Prime Minister: The Government’s deal that we have negotiated with the European Union delivers the benefits of a customs union, while enabling us to have an independent free trade policy and to negotiate free trade agreements in our interests and not rely on Brussels to negotiate them for us. The right hon. Gentleman used to stand up for an independent trade policy; now he wants to have a customs union and to throw away the idea of an independent trade policy and leave Brussels negotiating for us. We want to negotiate our trade in our interests and the interests of people across this country.

Jeremy Corbyn: The Prime Minister knows perfectly well that our policy is for a customs union to protect jobs and society. She will also know that the TUC and the CBI have called for a customs union as part of a deal. In fact, the letter they wrote to all MPs yesterday said that “a deal that delivers a customs union and strong alignment with the UK and the EU rules is the preferred outcome for the business community”.

It is a bit strange when a Conservative Prime Minister says she does not want what the business community wants. These are indeed strange times. Can she say why she will not include a customs union in the options that will be discussed today?

The Prime Minister: May I suggest to the right hon. Gentleman that he does not just read the question that he had thought of previously but listens to the answer that I gave to his previous question? I will repeat it. He stood on a platform to enable us to do independent trade deals and have an independent trade policy and to deliver Brexit. His policy on a customs union breaks the first promise. He has never explained why he wants to abandon an independent trade policy, and his policy on a second referendum breaks his second promise. Whatever happened to straight-talking honest politics?

Jeremy Corbyn: The Prime Minister does not seem to realise that she does not have a deal that has been supported by this House. Our proposals for a customs union give us alignment on workers’ rights, consumer standards and environmental protections; they do not begin with a race to the bottom, which is what she and many of her Front Benchers actually want. Earlier this week, the Business Minister resigned from the Government saying that the Government’s approach to Brexit was “playing roulette with the lives and livelihoods of the vast majority of people in this country”.

Why is she prepared to carry on risking jobs and industry in another attempt to yet again run down the clock and try to blackmail the MPs behind her into supporting a deal that has already been twice rejected?

The Prime Minister: We have been negotiating to protect jobs. What the right hon. Gentleman says about a race to the bottom is wrong, as he well knows. We have been working across this House and it is absolutely clear in the political declaration that we agree to not falling back on workers’ rights. Also, we are the Government who have enhanced workers’ rights—[Interruption.] This is the problem. The Labour party can never stand it when they are told that Conservatives have stood up for workers, but that is what the Conservative party does. We have enhanced workers’ rights. We stand up for workers with our tax cuts and our national minimum wage and with higher employment.

Jeremy Corbyn: In answer to a straight question to the Prime Minister, she was unable to guarantee what is called dynamic alignment with European standards. She knows full well that Labour’s proposals are to use EU standards as a baseline from which we would improve them, including giving workers full rights at work from day one of their employment, ending zero-hours contracts and many other things.

In the former Business Minister’s resignation letter, he also said to the Prime Minister that he hoped that she would “now act in the national interest and enable Parliament this week to find a consensus... negotiating position”. If today or on Monday a consensus alternative plan emerges across the House, will the Prime Minister accept that decision of the House and accept it as the basis for the UK’s negotiating position with the EU henceforth?

The Prime Minister: The objective that we should all have is being able to guarantee delivering Brexit to the British people. The right hon. Gentleman stands there and raises workers’ rights. We have been very clear about non-regression on workers’ rights and environmental standards—[Interruption.] He shakes his head, but it is in black and white in the political declaration that has been agreed. He ends his question—[Interruption.] The shadow International Trade Secretary is shouting from a sedentary position about listening to Parliament. What are we going to do on workers’ right is say that, no, we will not simply automatically accept what the European Union does; we will listen to Parliament and give Parliament a say in that. I thought the Leader of the Opposition wanted Parliament to have a say in these things.

Jeremy Corbyn: That sounds awfully like a recipe for regression away from those standards and for damaging workers’ rights.

After the two largest defeats in parliamentary history, surely the Prime Minister should be listening to Parliament. She did not answer my question about whether an agreement reached in this House would become the Government’s negotiating position. I think that the House and, perhaps more importantly, the whole country deserves to know the answer to that question.
This country is on hold while the Government are in complete paralysis. The vital issues facing the country, from the devastation of public services to homelessness and knife crime, have been neglected. The Prime Minister is failing to deliver Brexit because she cannot build a consensus and is unable to compromise and reunite the country. Instead, she is stoking further division and is unable to resolve the central issues facing Britain today. She is, frankly, unable to govern. The Prime Minister faces a clear choice—the one endorsed by the country and many in her party—which is either to listen and change course or to go. Which is it to be?

The Prime Minister: My hon. Gentleman asks about the indicative votes tonight, but I actually answered that question in this House earlier this week. He might want to talk to his shadow Brexit Secretary, who made it clear that the Labour party will not commit to supporting the result of any of the indicative votes tonight. The Leader of the Opposition then talks about what is happening in this country, so let us just look at what is going to happen in this country next week: nearly £1 billion extra for the police, £1.4 billion more for local councils, £1.1 billion extra for our schools, another fuel duty freeze, another rise in the national living wage and another tax cut. That is happening under the Conservatives. What would Labour give us? He wants to scrap Trident and pull out of NATO. Labour would give us capital flight, a run on the pound and a drop in living standards. The biggest threat to our standing in the world, to our defence and to our economy is sitting on the Labour Front Bench.

Q3. [910059] Maggie Throup (Erewash) (Con): Will my right hon. Friend undertake to reform the Government’s online petition system, which currently accepts unverified signatures from across the world? This fundamental flaw can produce an inaccurate reflection of public opinion on important issues, such as revoking article 50, and leaves our democracy potentially under threat of manipulation by foreign state aggressors.

The Prime Minister: My hon. Friend raises a very important issue. Like the traditional paper petition system, we need to strike a balance in the e-petition system between allowing people to easily register their support for issues that are important to them while discouraging dishonesty. I have been assured that the Government Digital Service has been constantly monitoring signing patterns to check for fraudulent activity. I am sure she will understand that I cannot comment in more detail on the security measures that are taken, but petitions are subject to checks as part of due diligence.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I am sure the House will want to join me in welcoming the members of the 6th Royal Scots Reserves who are joining us in the Gallery today and in thanking them for their service.

It is becoming increasingly clear that the cost this Prime Minister will pay to force her disastrous deal through is the price of her departure. Yet again, another Tory Prime Minister is willing to ride off into the sunset and saddle us with a crisis in the UK and an extreme right-wing Brexiteer coming into Downing Street. Does she feel no sense of responsibility for what she is about to do?

The Prime Minister: My sense of responsibility and duty has meant that I have kept working to ensure that we deliver on the result and the will of the people.

Ian Blackford: Let me help the Prime Minister. She can still change course: it is not too late. On Saturday I joined Opposition leaders and 1 million people to demand a second EU referendum, and 6 million people have signed an online petition demanding that the Prime Minister rethinks her strategy. Today this House will give her a way out, a chance to prevent disaster. Will she finally respect the will of Parliament, or will she continue to allow Scotland and the rest of the United Kingdom to be held hostage by the extreme right wing of the Tory party and the DUP?

The Prime Minister: I am interested that the right hon. Gentleman joined the march for a second referendum. Last week his policy was revoking article 50, and now his policy is having a second referendum. Let us look at what the Government are doing: the Government are delivering on the vote of the 2016 referendum. What the right hon. Gentleman wants to do is to stay in the EU. [Interruption.] All the Scottish nationalists nod their heads and say they want to stay in the EU, and what would that mean? It would mean staying in the common agricultural policy—not in the interests of Scottish farmers. It would mean staying in the common fisheries policy—not in the interests of Scottish fishermen. It is Scottish Conservatives who are standing up for the interests of Scotland’s farmers and fishermen.

Q4. [910060] Bill Wiggin (North Herefordshire) (Con): Under my right hon. Friend’s Government, 1 million more disabled people are in work, but I am sure she would like to do so much more. For example, can she get disabled access for Ledbury station so that disabled passengers can simply get off the train, saving them an extra 20-minute journey to Hereford and back? The Access for All programme is too slow, and disabled people need to go to and from work, too.

The Prime Minister: May I thank my hon. Friend for highlighting the Government’s record in helping more disabled people get into the workplace? We do want to tackle the injustices that face disabled people and, as he says, if we are to enable disabled people to go as far as their talents will take them, we need to ensure that they have access to work and are able to travel to work easily, conveniently and confidently, as everybody else does.

Our Access for All programme has an additional £300 million of funding to upgrade historical station infrastructure. I understand that Ledbury station is being considered for part of that funding, and we expect to make an announcement shortly.

Q6. [910062] Chris Elmore (Ogmore) (Lab): Violent crime has risen by 19% and robberies have risen by 17%, and we have all seen the devastating and tragic impact of the increase in knife crime in our communities. This is the reality of the Prime Minister’s reckless cuts since 2010, with youth centres closed, police budgets slashed and the closure of all early intervention services across the UK. I plead with and beg the Prime Minister to understand that we need more real investment—before any more lives are lost.
Since 2015, in direct contrast to a Labour party that budget in 2019-20. We have protected police funding South Wales police are getting an increase in their officers lose control of the situation and terrible mistakes which he is very keen to do, if something goes wrong, reassure him that when he goes on an operational tour, of his family to do so. So can my right hon. Friend Artillery, Gunner Michael Lopresti, the fourth generation on the run. I have a son who serves in the Royal Artillery, Gunner Michael Lopresti, the fourth generation of his family to do so. So can my right hon. Friend reassure him that when he goes on an operational tour, which he is very keen to do, if something goes wrong, officers lose control of the situation and terrible mistakes are made; in 50 years’ time he will not be dragged out of bed at six in the morning, taken to a police station, questioned and then charged with murder?

The Prime Minister: First, let me say to my hon. Friend that I congratulate Gunner Lopresti on, and commend him for, the service he is giving to our country. We have been clear, in looking at the issue of Northern Ireland and the legacy there, that the current system is not working well for anyone. On that specific matter, we recognise that about 3,500 people were killed in the troubles, the vast majority of whom were murdered by terrorists. Many of those cases do require further investigation, including those relating to the deaths of hundreds of members of the security forces. That system does need to change, to provide better outcomes for victims and survivors of the troubles. But we are working on proposals across government to take those proposals forward and of course we are looking constantly to make sure that we can give maximum confidence to our brave servicemen and women, who, day in, day out put their lives on the line for us.

Q7. [910063] Stephen Lloyd (Eastbourne) (Ind): We all know that policing has changed significantly over the past 50 years; we have seen that with cyber fraud and cyber-bullying, and the recent tragic increases in knife crime. On the way, the public have lost trust in politicians when it comes to policing. There is a way to restore that trust, Prime Minister: will you commit to setting up a police royal commission, so that facts and evidence, rather than political spin, prepare our police to properly tackle 21st century crime?

The Prime Minister: The hon. Gentleman is absolutely right to say that the nature of crime is changing—or we are seeing new types of crime being introduced. The police need to have the ability and resources to deal with those, and the understanding of how best to do so. I do not think we need a royal commission to do that; one of the things I did as Home Secretary was to set up the College of Policing, and one of the points of that college is to ensure that it is identifying new types of crime and identifying how best to deal with all types of crime, so that we have the confidence that our police are using the best tools available to them.

Q12. [910068] Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I have an unlicensed airfield—Eshott—in my constituency. It is a small business that is continuing a long history of general aviation on that site ever since the airbase was built during world war two as the home for one of the largest Spitfire bases. A neighbours’ dispute is threatening the safety of the runway, but the Civil Aviation Authority is refusing to assist the owners to enforce safety orders. Can the Prime Minister please help us to stop a totally avoidable disaster?

The Prime Minister: My hon. Friend has raised an important issue, and safety in aviation is absolutely paramount. I understand that she has raised this issue directly with the aviation Minister, who is looking at it carefully as a matter of urgency. We are hoping for a positive resolution for all parties involved. The Minister will be writing to my hon. Friend as soon as possible, but I also know that the CAA has been in contact with all parties involved. She is right to raise this important issue and urgent action is being taken.

Q8. [910064] Carol Monaghan (Glasgow North West) (SNP): The condition myalgic encephalomyelitis affects approximately 25,000 children in the UK. When those children’s parents make the extremely difficult decision to remove their sick child from a programme of graded exercise therapy, child-protection proceedings are triggered against many of these families. In the midst of this Brexit chaos, will the Prime Minister commit to looking into this issue, to ensure that loving parents who are caring for extremely sick children are not threatened with that child being taken into care?

The Prime Minister: The hon. Lady has raised an issue that I was not aware of previously. I am happy to look into it and to make sure that the responsible Ministers look into it, too.

Q13. [910069] Sir Peter Bottomley (Worthing West) (Con): Following the referendum result, the Government have had the responsibility of negotiating the withdrawal and transition, and then the withdrawal itself. Up to now, the deal has not passed Parliament because of three incompatible groups that surround the Government: those who want to stay in, those who want to be out-out, and the Labour party, with its vague policy that even the Labour leader does not agree with. Most people in the country want the Prime Minister to succeed and the deal to go through so that we get the best possible advantage in future arrangements.

The Prime Minister: My hon. Friend is absolutely right: the message that I consistently get from people throughout the country is that we want to deliver Brexit. There is a way to guarantee the delivery of Brexit, and that is supporting the deal.

Q9. [910065] Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): My constituents are pleased that it has been decided that the UK’s first space launch facility will be in the north of my constituency. They are pleased not least because it gives us a great opportunity to redeploy the considerable skills that we have at Dounreay in Caithness. Does the Prime Minister agree that it is a splendid business opportunity, not only for my constituency and for the UK, but in terms of
building and launching rockets for countries in Europe and the rest of the world that will never have their own launch facilities?

The Prime Minister: I am a little disappointed that the hon. Gentleman did not give me another invitation to come to a hotel in his constituency, but there we are. I thought perhaps I might have been able to look at the spaceport from the hotel windows. He raises an important point, and the development of this spaceport is significant. It will indeed be good for local business and local jobs—skilled jobs in an important area of employment—but as the hon. Gentleman says it will also give opportunities for the UK to offer services to other countries throughout Europe that are not able to provide those services for themselves. It is good for our economy, for the hon. Gentleman’s local economy, for his constituents and for the UK as a whole.

Kirstene Hair (Angus) (Con): Unlike most professions, those in the armed forces do not get to choose where they are stationed, but those in Scotland are undoubtedly penalised by Nicola Sturgeon’s high-tax agenda. In my view, that is simply unfair. Will the Prime Minister commit to extend for another year the compensation that the UK Government paid last year to armed forces personnel based in Scotland? We need to send a clear signal that the Scottish Government are prepared to penalise those in our armed forces, while it is this Conservative UK Government who will always ensure that those who put their life on the line for our country will come first.

The Prime Minister: First, I pay particular tribute to everyone stationed at RM Condor in my hon. Friend’s constituency. She is absolutely right about those brave men and women across our armed forces who put their lives on the line for us. She is also right that both this year and next the SNP’s tax hike unfairly hits a majority of our brave and loyal service personnel based in Scotland. We need to send a clear signal that the Scottish Government are not part of it. Just so I am clear before I vote this evening, will the Prime Minister confirm—just between us, if she likes—that none of that is contrary to the manifesto that she and I stood on two years ago?

The Prime Minister: I am absolutely clear when I was absolutely clear when I became Prime Minister that we want a country that works for everyone. Our modern industrial strategy is exactly aimed at ensuring that we are developing across parts of the country that need it and that perhaps feel that they have been left behind. The hon. Lady talked about investment in the north and the northern powerhouse. The northern powerhouse is not stalling. We have made significant investment into the northern powerhouse and into infrastructure in the north, and into the deals that we have negotiated across the north, to ensure that the benefits of the economic prosperity under this Government are felt across every part of our country.

Steve Brine (Winchester) (Con): A very large number of my constituents voted to remain in 2016, many voted to leave and some were not old enough to take part—they all have a view. They and their MP now overwhelmingly want to leave the EU with a deal, so that we exit in a safe way that protects our economy and their jobs and just lets us move on. In the long term, we want a deep and special relationship with the European Union, while embracing the opportunities of the 168 countries that are not part of it. Just so I am clear before I vote this evening, will the Prime Minister confirm—just between us, if she likes—that none of that is contrary to the manifesto that she and I stood on two years ago?

The Prime Minister: First, I thank my hon. Friend for his excellent work as a Minister. He was an exemplar of the Government, and I am sorry that he felt it necessary to resign from the Government. We do indeed want a deep and special partnership with the European Union. We also, as he says, want to embrace the opportunities of the 168 countries that are not part of it, by having an independent trade policy. That is precisely what is delivered by the deal that the Government have negotiated with the European Union. We can guarantee our leaving the European Union with a deal and in a safe way by ensuring that the deal is supported, so that we leave the European Union, as set out by the EU Council, on 22 May.

Q10. [910066] Diana Johnson (Kingston upon Hull North) (Lab): No matter what happens with Brexit, I am sure we all agree that we need a new industrial renaissance in the north. With the northern powerhouse and Yorkshire devolution stalling, is it not about time that we gave the same priority and attention to the Humber docklands as has been given to the London docklands for the last 40 years?

The Prime Minister: I was absolutely clear when I became Prime Minister that we want a country that works for everyone. Our modern industrial strategy is exactly aimed at ensuring that we are developing across parts of the country that need it and that perhaps feel that they have been left behind. The hon. Lady talked about investment in the north and the northern powerhouse. The northern powerhouse is not stalling. We have made
advice of the Attorney General before the end of the day, when the motion will be received by the House. Where is the advice of the Attorney General? Will she produce it and withdraw the motion?

The Prime Minister: It is a matter of international law that the date of the UK’s exit has been changed. The purpose of the SI this evening is to reflect that change in domestic law. Should the SI not pass, there would be severe uncertainty for citizens and businesses, and contradictory provisions between EU rules and UK rules, but it would be clear that the date of our exit had changed. The House of Commons voted to seek an extension to article 50, and an agreement was reached with the European Council in relation to that. My hon. Friend has raised the question of the commencement order with me previously. The commencement order is due to come into effect on the date that we leave the European Union. I know that he wants to leave the European Union, and we can of course leave the European Union. Dare I suggest to my hon. Friend that, if he cares to back the deal, we could guarantee leaving?

Q14. [910070] Afzal Khan (Manchester, Gorton) (Lab): This weekend The Guardian reported that 15 Tory councillors who were suspended for Islamophobia or racism had been quietly reinstated. The Conservative party has so far failed to quell fears that it is in denial about Islamophobia. Since I asked the Prime Minister about this issue in June 2018, there has been no concrete action. Will she instruct her party chairman to respond to the three letters that I have sent him on this subject, and when will the Tory party adopt the definition of Islamophobia set out by the all-parliamentary group on British Muslims, as the Labour party, the Lib Dems, Plaid Cymru, the Mayor of London and councils across the country have done?

The Prime Minister: The Conservative party has a complaints process that deals with complaints of Islamophobia and of any other sort against councillors or other members of the party. It is absolutely clear that discrimination or abuse of any kind is wrong. We take action where there are cases of discrimination or abuse. The hon. Gentleman says that we have not acted since he raised this issue in 2018. We have acted on cases. The party chairman takes very seriously any allegations that are brought before the party and we will continue to do so.

Mr John Baron (Basildon and Billericay) (Con): Most of us would prefer a good deal to no deal at all, but may I urge the Prime Minister to ignore the dire forecasts about what would happen should we leave on World Trade Organisation terms? It is the same people who predicted doom and gloom in 2016 if we voted to leave. Since then, we have had record low unemployment, record high investment and record manufacturing output. Those people were wrong then. They are wrong now. We could be leaving as per the legal default position of article 50, which is without a deal.

The Prime Minister: My hon. Friend references leaving on WTO terms. Of course, what I want—what I think is right and what the Government consider right for the United Kingdom—is for us to be able to negotiate trade agreements with countries around the world that give us a better operation with those countries, rather than just the WTO basis. But I also want us to be able to negotiate a good trade deal with the European Union. We want a good trade deal with our nearest trading neighbours, and opportunities for good free trade agreements around the rest of the world.

Q15. [910071] Jim Shannon (Strangford) (DUP): I have a very important question for the Prime Minister. There are 1,152 people living with dementia in my constituency alone. With the cost of dementia to society across the whole United Kingdom of Great Britain and Northern Ireland predicted to be £30 billion by 2021, what commitment can she make to increase dementia research into new avenues of discovery that could lead to a cure or treatment? Will she commit the Government to allocating just 1% of the societal cost of dementia towards research annually?

The Prime Minister: The hon. Gentleman raises a very important issue. He mentioned the number of his constituents who are living with dementia. Across all our constituencies, there are increasing numbers of people living with the condition. That is why we have committed to delivering our dementia 2020 challenge in full. The challenge supports research into dementia, which he specifically mentioned. The UK research community is playing a significant role in the global effort to find a cure or a major disease-modifying treatment by 2025. We have committed to double spending on dementia research by 2020—the equivalent of around £60 million per annum—and we are on track to meet that commitment. As he referenced, much of this investment is for research to better understand the nature of dementia, to inform the development of future treatments and to find ways to prevent the onset of the condition. Preventing the condition is of course the best route to take. Meanwhile, we look to provide better treatment for those with the condition.

Mike Wood (Dudley South) (Con): Thirty years ago, Margaret Thatcher told the UN General Assembly that the threat from global warming needed an equivalent response from the whole world. What progress is being made on reducing greenhouse gas emissions that contribute towards man-made climate change?

The Prime Minister: I am very grateful to my hon. Friend for raising this very important issue. He has also reminded people that it was a Conservative Prime Minister who was one of the first world leaders to raise the issue of climate change and to put it on the international agenda. He asked about some of the changes that have taken place. Between 2010 and 2017, we reduced the UK’s domestic greenhouse gas emissions by 23%; in 2018, nearly 50% of UK electricity came from low-carbon sources; and UK CO₂ emissions have fallen for six years in a row. That is just a few of our achievements. That is our record as a Government. But of course we continue to work internationally to help to deal with this issue, and that is why we believe it is so important to adhere to and remain part of the Paris climate change agreement.

Nigel Dodds (Belfast North) (DUP): I am sure the Prime Minister will join me in welcoming the signing yesterday of the heads of terms—the agreement—on the Belfast city regional deal, the first city deal in
Northern Ireland, which it is estimated will bring about 20,000 new jobs, £350 million of investment by the Government, and a lot of extra investment by local councils and the private sector. Will she confirm that she will do everything in her power, in the absence of devolved government—the civil service signed on behalf of Northern Ireland—to ensure that there will be no impediment to the good progress of that city deal, which has been welcomed right across the community in Northern Ireland?

The Prime Minister: The right hon. Gentleman raises a very important point about the considerable benefits that these city deals can bring in bringing together provision by both government at all levels and the private sector. I absolutely take his point that in the absence of devolved government we need to make sure that there is no impediment to moving ahead with this city deal as fast as possible and commit to ensuring that that does indeed take place.

Andrew Selous (South West Bedfordshire) (Con): The Prime Minister knows of the huge improvements to the quality of clinical care brought about by the Getting It Right First Time programme authored by Professor Tim Briggs, who I brought to see her, and indeed to see Gordon Brown as well. Given the importance our constituents place on a good service from their local GP practice, will she ensure that the general practice roll-out of Getting It Right First Time is speeded up so that the excellent practice in places like Worksop, Whitstable and Peterborough can be made available to all our constituents?

The Prime Minister: I thank my hon. Friend not only for his question but for bringing Professor Tim Briggs to see me. When Professor Briggs came to see me, he did raise this issue of spreading the concept of getting it right first time beyond hospital consultants and into GP practices. My hon. Friend is absolutely right: we should make sure that we do that. We want to make sure that absolutely the best practice is adopted by GP practices across the whole country—that is for the benefit of all our constituents.

Chris Bryant (Rhondda) (Lab): Skin cancer is on the rise in the United Kingdom. As many Members know only too well, it can kill, though when detected very early, or early enough, the NHS is able to perform absolute miracles—thank God. Is it not time, though, in the UK in particular, that we had a major public health campaign to persuade people to check out their body to see whether they have any suspicious moles, to take those suspicious moles to the doctor, to avoid the sun in the midday heat, to cover their children with at least factor 30, and to make sure that we can save lives—because if people are in doubt, they should check it out, and if they do, we can save lives?

The Prime Minister: The hon. Gentleman has raised a very important point, and he speaks on this issue from personal experience. He is absolutely right. We need to ensure that people are aware of the dangers, aware of the signs that they need to take notice of and aware that they need to take them to their doctor, because lives can be saved. The Health Secretary has heard the passionate case that the hon. Gentleman has made in relation to public health information on this, and I am sure that he will be happy to meet him to discuss this further.

Martin Vickers (Cleethorpes) (Con): I hope that the American ambassador is enjoying his visit here today as much as he enjoyed his visit to north-east Lincolnshire last Friday, when I was able to join him at Young’s Seafood in Grimsby, where we enjoyed some of the finest seafood possible. Does the Prime Minister agree that Brexit increases the opportunity to build on our existing trading relationship with the United States?

Mr Speaker: We hope the ambassador’s palate was satisfied. I dare say we will be hearing about it if it was not.

The Prime Minister: I assure my hon. Friend, having recently visited north-east Lincolnshire, that we all enjoy our visits there and seeing the many opportunities across the economy. He talked about seafood and fishing opportunities. He is absolutely right: ensuring that as we leave the European Union we have the ability to have our own independent trade policy means that we will be able to have free trade agreements around the world, including with the United States. As we have heard on many occasions, we are keen on both sides of the Atlantic to be able to pursue that free trade agreement.

Caroline Lucas (Brighton, Pavilion) (Green): One of the many tragedies associated with this Brexit chaos is the huge distraction it is from other key priorities such as the climate catastrophe. Just this week, we learned that global climate emissions have hit their highest ever level. In the Prime Minister’s answer to the hon. Member for Dudley South (Mike Wood), she only gave half the story. The other half is that the UK is way off track to meet our long-term climate targets, and our consumption emissions are down just 4%. Will she support growing calls for a green new deal—a green transformation of our economy, creating hundreds of thousands of good-quality jobs in constituencies up and down this country?

The Prime Minister: First, the hon. Lady should do more to welcome the action that this Government have taken on that issue. Secondly, she will have noted that clean growth is one of the challenges we have set in our modern industrial strategy. For a long time, people used to say that it was not possible to deal with climate change and environmental issues without damaging the economy. That is absolutely wrong. Actually, clean growth is a very good opportunity for us to take economic benefits. When I visited north-east Lincolnshire, I went to Ørsted and saw the work it is doing on offshore wind farms, which is making a huge impact on renewable energy in the United Kingdom. I am pleased that this Government are looking at the opportunity of hosting COP 26 in the UK.
Points of Order

12.47 pm Helen Jones (Warrington North) (Lab): On a point of order. Mr Speaker. The hon. Member for Erewash (Maggie Throup) made in Prime Minister’s questions some allegations about the petitions system. I point out that the petition to revoke article 50 had 96% of its signatures from the UK, and the Government Digital Service has in place both automated and manual systems to detect bots and other fraudulent activity. Can you do anything to ensure that, if Members wish to undermine the most successful parliamentary petitions system in the world, they do so on the basis of facts and find out those facts from the Committee before they raise it in this Chamber?

Mr Speaker: I am very grateful to the hon. Lady for her point of order. I do not think it is for me to advise on the identification of facts, which I imagine would be an extremely lengthy, possibly painful and conceivably unproductive exercise. However, I do not treat her point with levity. I will not arbitrate between her and the hon. Member for Erewash, and no one would expect me to do so.

I would like, however, to acknowledge the outstanding work of the Petitions Committee under the august and respected chairmanship of the hon. Member for Warrington North (Helen Jones) and to emphasise that the staff who support the Committee display exemplary professionalism. I do not imagine, to be fair, that the hon. Member for Erewash would cavil at that at all; I do not think that that was her point. I want to put on the record that they are dedicated, hard-working and extremely skilled staff discharging a public duty on behalf of Parliament in the public interest.

Several hon. Members rose—

Mr Speaker: I will come to the hon. Member for Shipley (Philip Davies), but first I call Vicky Ford.

Vicky Ford (Chelmsford) (Con): On a point of order, Mr Speaker. In order to come into the House of Commons from the tube station today, one has to walk past a large poster saying “Death” and then, underneath it, the words “to democracy”. It is not clear how the protesters want to carry out their death wish—whether it is to democracy, to those of us who are elected as part of democracy, or to members of staff who work for us as democratically elected Members—but there can be no place in our public life for intimidation of Members of Parliament or their staff. While we respect the right to free protest, may we ask again if you can look at the right to freedom of speech versus the intimidation of those in public life and how we are protected around this Parliament?

Mr Speaker: The hon. Lady raises an important point, and I respect the force of her observation and the sincerity that underlies it. There is of course a delicate balance between freedom of speech on the one hand and a safe space for parliamentarians and for those who report our proceedings on the other. As the hon. Lady, who is an extremely assiduous participant in the Chamber, will attest, this matter has been raised before in the Chamber—there is no harm in its being raised again; there is considerable necessity, no doubt, for doing so—and I have made the point that I will in this House have made representations to the Metropolitan Police Commissioner and had regular contact with Cressida Dick and her senior officers in order to make the case for a more proactive policing approach of a character and on a scale that will protect people going about their daily business either as parliamentarians or as journalists, or indeed as members of the public who fall into neither of those categories.

I know the hon. Lady will understand when I say—I do not say it with an ounce of flippancy; I say it because I think it is right, and I do not think she would suggest otherwise—that I cannot be the poster policeman. It is not for me to police posters, and it is not for any Member of Parliament to police posters. I accept that there is an ambiguity about the poster to which she has referred, and I acknowledge that it may be regarded by some as intimidating. Moreover, many of the threats to people have in particular been threats to female colleagues and female journalists, and we need to take careful account of that. I will relay the hon. Lady’s remarks to Eric Hепburn, the Parliamentary Security Director, and, as necessary, will have further discussions with the police.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Further to that point of order, Mr Speaker.

Mr Speaker: I will come to the hon. Gentleman. But I did promise the hon. Member for Shipley (Philip Davies), and it would seem unkind to deny him a moment longer.

Philip Davies (Shipley) (Con): On a point of order, Mr Speaker. Recently, the shadow Secretary of State for Transport, the hon. Member for Middlesbrough (Andy McDonald), who is in his place, came and made a very welcome visit to the Shipley constituency. Unfortunately, he did not have the courtesy to let me know beforehand that he was coming. This follows hot on the heels of the shadow Chancellor, the right hon. Member for Hayes and Harlington (John McDonnell), coming to visit the Shipley constituency, who did not have the courtesy to tell me that he was coming to visit my constituency either. Do not get me wrong, Mr Speaker—they are very welcome to visit the Shipley constituency. Anything that draws attention to the fact that my Labour opponent is a hard-core Corbynista, who will be a loyalist to a Marxist Government in her ideal world, is very much to be welcomed, and I hope next time they will bring Owen Jones and Eddie Izzard with them as well. Would you not agree, however, that they should at least have the courtesy to let me know when they plan to make a political visit to my constituency?

Mr Speaker: Yes. I quite understand Members’ desire to visit the constituency of the hon. Gentleman. I say that not merely in the abstract, but on the strength of my very agreeable personal experience. As the hon. Gentleman knows, I visited his constituency with him to speak to school students some time ago, and I positively salivated over the experience, so I can quite understand why others would want to visit Shipley.
Members should do each other the courtesy of prior notification. This matter is now regularly being raised by Members on both sides of the House, and I hope there will not be further recurrences of discourtesy.

Anna Soubry (Bromsgrove) (Ind): Further to the point of order from the hon. Member for Chelmsford (Vicky Ford), Mr Speaker—and I see that the hon. Member for Cardiff South and Penarth (Stephen Doughty) wants to raise what I suspect will be the same point. As you know, Mr Speaker, following an incident involving the hon. Member for Chelmsford last week, we have had further incidents outside that entrance to the tube station. There are not simply posters, although that is bad enough; members of our staff are being intimidated in what is now a very confined area. Further to that, a member of the Lobby told me that when she left this place at 11 o’clock on Monday night, she went past people who were injecting class A drugs. There was then an incident outside the entrance itself, where the gates are into the tube station.

In short, Mr Speaker, a number of us have done exactly what you have asked us to do. We have raised all of this with the senior police commander and directly with the gentleman whose name I have forgotten. The hon. Member for Cardiff South and Penarth did so in an email, as I know because I was copied in to it. Fine words—no action, and it is not acceptable. What is happening outside that entrance to this place is a serious threat to the safety of everybody who uses that entrance.

Mr Speaker: I think the fairest thing I can say to the right hon. Lady, whose extremely alarming personal experience lends weight to her observation, is that I might usefully convene a meeting with our advisers to be attended by those Members who are airing their concerns today. I think that is the fairest thing I can say, and the Leader of the House herself may wish to attend that meeting. I obviously cannot resolve the issue here and now, but so that we are all in one room and preferably, at the end of the conversation, in the same place, what better way but to have a meeting sooner rather than later? I hope the right hon. Member for Broxtowe (Anna Soubry) will accept that I cannot pursue it further now, but I hope that is a constructive approach.

Stephen Doughty (Bromsgrove): Further to that point of order, Mr Speaker—

Mr Speaker: I am not sure how much “further” there is, but I call Stephen Doughty.

Stephen Doughty: Mr Speaker, I just want to confirm to you that I in fact spoke to the Metropolitan Police Commissioner yesterday, after she appeared before the Home Affairs Committee, to raise these concerns directly with her. Unfortunately, this issue is not being dealt with to our satisfaction. We have now raised it with the Home Secretary as well, and with parliamentary security officials. Staff and Members are being threatened.

May I add, Mr Speaker, that the behaviour of some individuals, particularly on social media, with sexist, misogynistic, homophobic, antisemitic and Islamophobic language directed at Members of Parliament because of the ways that they vote and the opinions they hold, has to be dealt with? There is a huge responsibility on the social media companies to take action as well; it is not just the posters and physical threats of intimidation.

Mr Speaker: I accept that the abuse is wider and must be addressed—indeed, I do—and I thank the hon. Gentleman for saying what he has said.

Ms Angela Eagle (Wallasey) (Lab): On a point of order, Mr Speaker. I ask this question to seek your guidance, because I think what I am going to refer to is a novel thing. It has become clear that the Government have been buying Facebook ads to send out—to all of our constituents, presumably—the Prime Minister's views in putting herself on the side of the people and setting the people against MPs. Clearly, Facebook has not been available as a way to do this until recently, but we now have Government money being spent so that the Executive can actually say controversial and potentially dangerous things about the legislature. Can you give me any guidance on how we might pursue this, because it seems to me to be a very alarming new trend?

Mr Speaker: If the hon. Lady had an allegation of contempt to make, it would have to be made in writing to me. More widely, and I am not insensitive to her concern, I think I would need to look at the specifics, and rather than shoot from the hip now and offer a response that may be ill informed and unsatisfactory, I would prefer to offer a well informed and satisfactory response. The route to that might be an exchange between us in writing, and I look forward to receipt of the hon. Lady's letter.

Marsha De Cordova (Battersea) (Lab): On a point of order, Mr Speaker. Two weeks ago, the Minister for Disabled People, Health and Work, the hon. Member for Truro and Falmouth (Sarah Newton), resigned. To date, the Prime Minister has yet to appoint a new Minister to that post. The role has strategic importance and there is utter chaos in the Department for Work and Pensions—there are seven reviews into disabled people being wrongly denied social security, and the assessment framework for employment and support allowance and personal independence payment is in crisis. Those issues are important, and I seek your guidance on how I can go about holding the Government and the Department to account.

Mr Speaker: The short answer is by persistence: persist, persist, persist; pose questions; press the case; push the point of view that you wish to express. This is a very serious matter—I would not dream of treating it otherwise. The hon. Lady is speaking up—as, indeed, the Minister responsible for those matters would be expected to speak up—for the interests of disabled people. However, I hope that she will not take it amiss if I say that although I have a considerable number of matters on my plate, ministerial reshuffles are not among my responsibilities—thankfully so. I rather think the House would echo my saying that thankfully they are not matters for the Speaker.

Mr Mark Francois (Rayleigh and Wickford) (Con): On a point of order, Mr Speaker. The House will shortly move on to discuss the business motion, which will, if it is passed, govern the conduct of the indicative votes this afternoon. It states:
“Members may record their votes on each question under arrangements made by” you, Sir. So may I take it that at some point fairly soon, you will explain to the House what those arrangements are and how they will work? May I ask you specifically to scotch a rumour, which was circulating this morning and is probably inaccurate, that there will be some sort of secret ballot and that constituents will not know how their MPs have voted? Will you explain how—because presumably it will not be in Hansard—constituents will be able to tell how their Member of Parliament voted on each of the motions that you select?

Mr Speaker: I am grateful to the right hon. Gentleman for his point of order. I will indeed make a statement or an announcement to the House on that matter in a timely way. Of course, it is for the House to agree—or not, as the case may be—to a business motion. However, in so far as the right hon. Gentleman is perturbed by the prospect of secret—and thereafter to remain secret—votes, I think I can put his mind at rest. There is no such plan. I hope that reassures the right hon. Gentleman. He has a sunny countenance in the circumstances, and we should be grateful for that.

Alex Cunningham (Stockton North) (Lab): On a point of order, Mr Speaker. On 20 February at Prime Minister’s questions, I highlighted the decision by the Tees Valley Mayor to spend £90 million of taxpayers’ money on buying the loss-making Durham Tees Valley airport when local people in most parts of the area cannot get a bus home after 6.30 pm. I asked whether the Prime Minister could help them out. She answered by claiming that the bus service had been considerably expanded across the midlands and the north, but according to a letter from the Parliamentary Under-Secretary of State for Transport, outlining the statistics, that is most certainly not the case. The Prime Minister may therefore have inadvertently misled the House. Is there anything you can do to encourage a Minister to come to the Dispatch Box to correct the record and acknowledge that the vast increase in bus services that the Prime Minister suggested simply has not materialised?

Mr Speaker: I am grateful to the hon. Gentleman for giving me advance notice of that point of order. Responsibility for the veracity of what is said in the Chamber is that of each individual Member, including members of the Executive branch, up to the highest level. If a Minister reckons to have made a mistake, it is their responsibility to correct the record. I am not aware of any imminent intention on the part of the Prime Minister to correct the record, but knowing the hon. Gentleman’s perspicacity and tendency to focus his beady eye on the activities of Government, I feel sure that he will be looking out for what he thinks is the required correction. Whether he will look out to his advantage or whether he will be disappointed remains to be seen.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. This point of order about today’s business is genuine, even though it may seem trivial to others. We are in unique circumstances. It is the first time since I have been a Member of Parliament that a business motion will not be moved by the Leader of the House at the Dispatch Box. I understand that the right hon. Member for West Dorset (Sir Oliver Letwin) will move the business motion. He is allowed to be in that position only because he got hundreds of Opposition votes and 30 from the Conservative Benches. I sit on Her Majesty’s Government’s Benches, and I support Her Majesty’s Government—[Interruption]—at least most of the time. [Interruption.]

Mr Speaker: Order. I was rather enjoying listening to the hon. Gentleman talking about his support for the Government. I thought that I ought to learn more and be educated about that.

Mr Bone: The point is that I assume that the business motion will not be moved from the Dispatch Box, and I understand that. However, surely the right hon. Member for West Dorset should at least move the motion from the Opposition Benches, given that Opposition votes put him in a position to do it. That is a serious point. Otherwise, do I have to move to the Opposition Benches to speak against the motion?

Mr Speaker: The hon. Gentleman has raised his point with some force and insistence. However, the right hon. Member for West Dorset (Sir Oliver Letwin) is just that: the right hon. Member for West Dorset. That constituency is represented by a right hon. Member who, for the vast bulk of his career—we came into the House together—has voted with the Government. In recent times, somewhat to his chagrin or even distress, he has felt unable to do so. However, he is making his case today as a constituency Member of Parliament, and he sits on the Government Benches. If he were to perambulate to the other side, it would be regarded at the very least as deuced odd.

Daniel Zeichner (Cambridge) (Lab): On a point of order, Mr Speaker. My hon. Friend the Member for Stockton North (Alex Cunningham) made a point about the Prime Minister’s suggestion that there were 10,000 new bus routes in the midlands and the north. That was quite surprising to those of us who follow transport issues. I seek your guidance on how we could get on the record the actual figures from the Department for Transport. They are that 13,279 routes have been registered and 13,153 routes have been withdrawn, which means that there are actually only 126 new routes. I would grateful if you explained how that can be put on the record.

Mr Speaker: As the hon. Gentleman well knows, and he comes from a constituency that is very academic, rather highbrow, intellectual—

Kerry McCarthy (Bristol East) (Lab): And he is one.

Mr Speaker: The hon. Lady observes from a sedentary position that “he is one”, meaning that the hon. Gentleman is highbrow, intellectual and academic. He has found his own salvation. He has got his point on the record. I feel sure that copies of the Official Report will be veritably winging their way to his Cambridge constituents ere long so they can note his prodigious efforts on their behalf.
If there are no further points of order, we come to the presentation of a Bill. The hon. Member for Stone (Sir William Cash) has been a most patient fellow.

BILL PRESENTED

HOUSE OF COMMONS (Precedence of Government Business) (European Union (Withdrawal) Act 2018) Bill

Presentation and First Reading (Standing Order No. 57)

Sir William Cash, supported by Sir Bernard Jenkin, John Redwood, Mr Owen Paterson, Priti Patel, Mr David Jones, Mr Mark Francois, Mr Steve Baker, Mr Marcus Fysh, Suella Braverman, Michael Tomlinson and Richard Drax, presented a Bill to give precedence in the House of Commons to Government business in connection with the European Union (Withdrawal) Act 2018 until the United Kingdom withdraws from the European Union.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 367).

Sky Lanterns (Prohibition)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.9 pm

Ruth George (High Peak) (Lab): I beg to move, That leave be given to bring in a Bill to make it an offence to use a sky lantern; and for connected purposes.

Last summer, when, after an unprecedented heatwave, a spate of wildfires was raging around the moorland of High Peak, I was shocked to discover that an American company called the Lights Fest was promoting a sky lantern festival at a venue on the moors above Buxton.

A sky lantern comprises a paper lantern and a candle, and this company was selling tickets, at £20 or £30 each, for thousands of people to release naked flames across the tinder-dry moors. At the same time, our fire service in Derbyshire and hundreds of firefighters from Greater Manchester and further afield, as well as park rangers, farmers, gamekeepers and our military, were battling dozens of moorland fires, putting their own safety at risk. I pay tribute to them.

Although our fire service, local councils and the Peak District national park and I all objected to the sky lantern festival, we had no authority to prevent it from taking place as it was organised on private land. I wrote to Lights Fest to set out the local fire situation and to ask it to cancel the event, and Derbyshire fire service did the same, but neither the chief fire officer nor I received a response. In the meantime, local people set up an online petition, which quickly gathered almost 10,000 signatures. Fortunately, at that point the venue refused to host the event, so it was finally cancelled with just days to go. It cannot be right, however, that a company can organise such a dangerous event without us having any jurisdiction to prevent it from doing so.

It is not just on dry moorland that sky lanterns are a problem. They have caused significant fires in recent years, most notably at Smethwick in 2013 where more than 200 firefighters tackled a fire in a tyre depot that lasted for three days, caused £6 million-worth of damage and injured 16 firefighters, three of whom needed hospital treatment. Had it not been for CCTV capturing the sight of that sky lantern descending on those tyres, we would not have known that that was almost certainly the cause of the inferno.

Following that incident, in 2013 the Department for Environment, Food and Rural Affairs and the Welsh Government produced a report that concluded that the “fire risk associated with the use of sky lanterns is significant.”

In theory, sky lanterns should remain airborne for as long as they are filled with hot air and should fall back down only when the flame goes out. In practice, however, that is not always the case, and therefore sky lanterns can be a significant fire hazard.

A survey of fire and rescue services found that between 2008 and 2011 there had been eight wildfires in Dorset caused by lanterns and one in Northumberland that took 20 firefighters four hours to extinguish.

The DEFRA and Welsh Government report also found:

“When airborne, sky lanterns pose a safety risk to aviation due to possible ingestion into engines.”
The Civil Aviation Authority has said that 48 reported incidents between 2011 and 2012 were due to sky lanterns and helium balloons. The report also states that “sky lanterns pose a significant risk to the proper and effective operation of coastal rescue services...particularly...red sky lanterns...being mistaken for distress flares.”

The Royal Society for the Prevention of Cruelty to Animals and the National Farmers Union are particularly concerned about the injuries caused to animals by sky lanterns, which can result in a long and painful death. The RSPCA has reported numerous incidents, including a foal that had to be put to sleep after his legs were so badly injured from bolting through a fence having been terrified by a lantern coming down, and a barn owl that died having become entangled in a lantern frame.

The RSPCA has said:

“Given our remit, the RSPCA’s focus regarding sky lanterns is the damage they can do to an animal's welfare. Yet, a ban on their use would also have wider social benefits, chiefly enhancing community safety and reducing fire risk, whilst reducing potential problems faced by coastal rescue services and the aviation sector.”

The NFU has long called for a total ban on sky lanterns, which pose dangers and nuisance to farm animals and our countryside. Sky lanterns are a danger to livestock. Animals panic when confronted with an unusual sight such as a sky lantern. Poultry may smother together, leading to suffocation, and other animals may bolt, causing themselves injury. Sky lanterns often leave behind sharp objects such as the metal or bamboo fragment, which can injure livestock either by direct contact or through ingesting the debris. Sky lanterns also pose a significant fire risk to property, crops and livestock. They are a littering nuisance, particularly when there has been a mass release, resulting in a lot of debris for farmers to clear. For those reasons, the NFU wholeheartedly supports a total ban on their use.

More than 200,000 sky lanterns are sold each year in the UK. Following the Smethwick fire and the DEFRA report, an industry code of conduct said that sky lanterns should “be of a design and construction to ensure that they only fall back to the ground when the fuel cell flame is extinguished and that, once the lantern has landed, any impact on animals or the environment is minimised.”

However, with a paper construction and a naked flame, no design can guarantee it will work as designed in any weather condition.

Each sky lantern should be accompanied by warnings and instructions for use, including:

“Launching a lantern in an inappropriate location or unsuitable weather conditions, or in any manner that results in damage to persons or property may make you liable for criminal charges or civil claims for damages”.

In spite of that guidance, however, problems are still being caused by sky lanterns, and the companies promoting them are seemingly heedless of the guidance.

Last summer’s event showed the need to prevent the use of sky lanterns. The chief fire officer for Derbyshire has said that last summer’s wildfires resulted in devastation to the natural landscape. Resources from across the UK fire and rescue service were deployed for several weeks, tackling those fires at great cost to the UK taxpayer. As a chief fire officer leading a service whose main aims are to protect our communities by preventing and responding to fires and other emergencies, he was surprised that appropriate legislation was not in place to prevent the proposed reckless release of sky lanterns in the heart of the Peak District at the height of summer. Our chief fire officer therefore supports the proposed prohibition of the use of sky lanterns in England, to protect our countryside, wildlife, the farming industry and beyond.

All Welsh councils have banned the release of sky lanterns on council-owned land, and 70 councils in England—from Plymouth to Carlisle—have done the same. However, they cannot protect our countryside, animals and people from lanterns released on private land. There have been calls from across this House to prohibit sky lanterns. I hope that the advent of the environment Bill will give the Government an opportunity to put in place this sorely needed legislation. In the meantime, I ask the House please to accept my proposed Bill.

Question put and agreed to.

Ordered.

That Ruth George, Kerry McCarthy, Sir David Amess, Sir Peter Bottomley, Jim Fitzpatrick, Sir Mike Penning, John Spellar, Richard Benyon, Sir Patrick McLoughlin, Julian Sturdy, Antoinette Sandbach and Angela Smith present the Bill.

Ruth George accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 368).
Business of the House

Mr Speaker: I inform the House that I have not selected any of the amendments.

1.19 pm

Sir Oliver Letwin (West Dorset) (Con): I beg to move,

(1) That, at today’s sitting –

(a) any proceedings governed by the resolution of the House of 25 March (Section 13 of the European Union (Withdrawal) Act 2018) or this order may be proceeded with until any hour, though opposed and shall not be interrupted;

(b) the resolution of the House of 25 March shall apply as if, at the end of paragraph (b), there were inserted “and then to a motion in the name of a Minister of the Crown to approve the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019”;

(c) notwithstanding the practice of the House, any motion on matters that have been the subject of a prior decision of the House in the current Session may be the subject of a decision;

(d) the Speaker shall announce his decision on which motions have been selected for decision by recorded vote before calling a Member to move a motion under paragraph (f) of the resolution of 25 March; 

(e) the first signatory of a motion so selected may inform the Speaker up to 4.00 pm that they do not wish a recorded vote to take place on that motion;

(f) having been so informed, the Speaker shall announce that information to the House and may announce a new decision on selection;

(g) the Speaker may not propose the question on any amendment to any motion subject to decision by recorded vote or on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(h) debate on the motions having precedence under paragraph (f) of the resolution of 25 March may continue until 7.00 pm at which time the House shall proceed as if the question had been put on each motion selected by the Speaker for decision by recorded vote and the opinion of the Speaker as to the decision on each such question had been challenged;

(i) in respect of those questions –

(i) Members may record their votes on each question under arrangements made by the Speaker;

(ii) votes may be recorded for half an hour after the Speaker declares the period open and the Speaker shall suspend the House for that period;

(iii) the Speaker shall announce the results in the course of the sitting;

(j) immediately upon the conclusion of the voting period the Speaker shall call a Member to move one of the other motions having precedence;

(k) during the period between 7.00 pm and the announcement of the results on the questions subject to recorded vote–

(i) no motion for the adjournment may be made;

(ii) the House shall not proceed to a division other than on the question referred to in sub-paragraph (j); and

(iii) the Speaker may suspend the sitting if any other business, including proceedings provided for in sub-paragraph (i) and in paragraph (g) of the resolution of 25 March, has been concluded.

(2) That, on Monday 1 April –

(a) Standing Order No. 14(1) (which provides that government business shall have precedence at every sitting save as provided in that order) shall not apply;

(b) precedence shall be given to a motion relating to the Business of the House in connection with matters relating to the United Kingdom’s withdrawal from the European Union other than any Business of the House motion relating to the consideration by the House of a motion under section 13(1)(b) of the European Union (Withdrawal) Act 2018, and then to motions relating to that withdrawal and the United Kingdom’s future relationship with the European Union other than any motion moved under section 13(1)(b) of the European Union (Withdrawal) Act 2018;

(c) if more than one motion relating to the Business of the House is tabled, the Speaker shall decide which motion shall have precedence;

(d) the Speaker shall interrupt proceedings on any business having precedence before the Business of the House motion at 5.00 pm and call a Member to move that motion;

(e) debate on that motion may continue until 6.00 pm at which time the Speaker shall put the questions necessary to dispose of proceedings on that motion including the questions on amendments selected by the Speaker which may then be moved;

(f) when those proceedings have been concluded, the Speaker shall call a Member to move one of the other motions having precedence;

(g) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.

I am very grateful to you, Mr Speaker, and to the House authorities, for the organisation you have tentatively put in place for today. Of course that organisation can only operate if the House approves this business of the House motion.

I would like to begin by explaining, in as plain English as I can, the two paragraphs of which the motion consists, neither of which is in any way complicated, but both of which have been drafted very carefully to ensure that the business proceeds smoothly and in good order as we go through what will no doubt be a quite complicated and highly contentious set of discussions about the substantive motions that have been tabled, from which you, Mr Speaker, have not yet selected, but that will no doubt be announced as a series of selections after we have completed the discussion and votes on the business of the House motion.

Paragraph (1) is an effort to order today’s business in an orderly way, given that there may be a considerable number of substantive motions selected by Mr Speaker and that will therefore be debated, and, at 7 o’clock if the business of the House motion is accepted, be voted on. I therefore draw the attention of hon. Members first to paragraph (1)(i), which describes the method of voting. It is the intention that, to avoid taking too long voting on the substantive motions, we should retire into the two Lobbies. The Aye Lobby will be devoted to those whose names begin A to K, and the No Lobby will be devoted to those whose names begin L to Z. There will be, in those Lobbies, voting slips—I think of a different colour, but very similar in character to the deferred Division slips that we have used today and are quite used to using—which will be in a bundle and will
relate to all those motions on the Order Paper today that have been selected by Mr Speaker for vote at the end of the day.

David Hanson (Delyn) (Lab): This is just a general point. I do not often follow tweets as being law and the way in which things will be, but I have just seen a tweet that says No. 10 will indicate that it will vote against the business motion in an attempt to thwart all the measures the right hon. Gentleman wishes to secure at 7 o’clock this evening. Does he agree that that would be a misuse of parliamentary time by the Government, given the will of the House as expressed only yesterday or the day before?

Sir Oliver Letwin: I do not know whether the right hon. Gentleman is reading a tweet that is a Trumpian tweet or an accurate tweet. I have followed the practice of not paying any attention to tweets of any kind at any time, but it may be, as the right hon. Gentleman says, that the Government will decide to whip Government Members against the business of the House motion. That is, of course, a perfectly legitimate thing for the Government to do if they wish to do it. It is slightly sad, given that those of us who have prepared the business of the House motion took great care to negotiate with the Government a suitable way to include the statutory instrument, which is needed to alter exit day, at the end of our proceedings. That is provided for in orderly way in the business of the House motion and I had hoped that that degree of co-operation might induce the Government to look kindly on the motion. But I am as perfectly aware as he is that it was not the intention of the Government to promote the indicative votes in the way in which the motion does. Therefore, I understand that they may whip against it.

I hope that not only the right hon. Gentleman but those of my hon. Friends who voted for this process in the first place will again vote in a Division, if there is one, to sustain the business of the House motion and to allow us to continue the process that we inaugurated by voting by a narrow, but nevertheless significant, majority for amendment (a), which stood in my name a couple of days ago. I look forward to being in the same Lobby as the right hon. Gentleman as we do that.

Mr Philip Hollobone (Kettering) (Con): My right hon. Friend said that a significant majority voted in and join me in the Lobby to do so when it is necessary.

Mr Bob Seely (Isle of Wight) (Con): If there is movement towards meaningful vote 3, and there is some indication that there is, will my right hon. Friend and his somewhat successful parliamentary insurgency work with the Government to ensure that there is time, presumably early next week if not this week, for a meaningful vote 3 to be back and presented to this House, either by way of a paving motion or directly?

Sir Oliver Letwin: My hon. Friend asks an entirely reasonable question to which there is an absolutely definitive answer. There has been no insurgency here.

Pete Wishart (Perth and North Perthshire) (SNP): Will the right hon. Gentleman give way?

Sir Oliver Letwin: No. I will in a moment, but I must answer this point first. It is more productive to answer one point at a time.

I am absolutely clear that this is not an insurgency at all. It is an adjustment of the Standing Orders for today, and, if this is agreed, for Monday. It does not affect tomorrow, nor does it affect Friday, should the Government choose to make Friday a sitting day. Either tomorrow or Friday—personally, I would entirely welcome this—the Government may of course bring forward meaningful vote 3, for which I will vote. I hope my hon. Friends will vote for it. I give my hon. Friend a further piece of good news, which he will be easily capable of verifying, which is that should meaningful vote 3 pass on Thursday or Friday, there would be no further need for the whole of this process. This process has come about as a result of the increasing concern that many of us have had across the House of Commons that we were heading not towards an approval of the Prime Minister’s deal, but, alas, towards a no-deal exit, which is something I have pitted myself against for many months.

Pete Wishart: I am grateful to the right hon. Gentleman for giving way. I am very much enjoying the “Letwin People’s Parliament” already. It has much to commend it. I am sure he finds it as astonishing as I do that the Government intend to vote against this business motion. Surely he will agree with me that there was nothing to stop them bringing forward an amendment to his motion today and that there was nothing to stop them bringing an alternative business motion to the House today?

Sir Oliver Letwin: I promised myself throughout this process that I would be honest with the House and I cannot honestly say that I am astonished that the Government are voting against it. Although I regret it, I somewhat suspected that it might be the case—as I suspect, in fact, the hon. Gentleman did—but I do share his view that it is a pity that the Government did not do what would have remedied what the Government described as a constitutional oddity by endorsing amendment (a) and, indeed, at the right moment, by putting themselves on amendment (a) as signatories. Under parliamentary convention, which you, Mr Speaker, supervise, they would of course have immediately arrived at the top of the order and superseded any mere Back Bencher. It would have become a Government amendment and the order 3.4.5 of the proceedings of the House would have been restored. That would have been the natural way to go. Alas, the Government decided not to do that and I understand that they had reasons for that.
Sir Peter Bottomley (Worthing West) (Con): Returning to the subject of how we will vote, will my right hon. Friend say, or might the Speaker be able to tell us, whether the voting papers will be available before we go into the Lobby to avoid a great big crowd and to avoid slowing down the voting procedure?

Sir Oliver Letwin: I am sure that Mr Speaker will want to say something about that at a later stage, but I believe that the House authorities, who have been extraordinarily assiduous in this and have gone way beyond their mere duty, will have not only provided for the relevant pieces of paper to be in the Lobbies at an early stage, but provided very large numbers of copies of the Order Paper, so that Members will be able very quickly to refer from the voting slips to the actual motion and nobody has any confusion about what they are voting for or against.

Kate Hoey (Vauxhall) (Lab): The Speaker has ruled that no amendments will be taken with the motion and obviously, I would not challenge him on that. However, is not this business motion today different from what was agreed last week, because now the right hon. Gentleman is proposing Monday as well, and amendment (a), in the name of my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell), has not been selected by the Speaker? Surely we are now voting on something very different from what was agreed last week.

Sir Oliver Letwin: The hon. Lady is absolutely right that paragraph (2), which I have not yet had time to talk about because of taking interventions, does indeed book a slot for Monday. The reason why is that I think there is quite a high chance that at the end of today’s votes, despite the best endeavours of the promoters of each of the motions that fall to be debated and voted on, they may not receive majority backing. Perhaps the hon. Lady was not present, but I said during the debate on my amendment (a), very specifically—this point was echoed by many of her hon. Friends in their remarks about amendment (a)—that we all recognise the fact that the first time round, it is very likely that there would not be a natural majority for one proposition or another and that we should therefore regard this as a process and not as a single point in time. I did also specifically say that I therefore anticipated that we would need a further day. In many discussions and interviews, many of us who have proposed the business of the House motion today and who were supporting amendment (a) have made that point. There is no novelty to it; it is simply carrying through what we said would be the case.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): Further to the point that was raised by my hon. Friend the Member for Vauxhall (Kate Hoey), what we want to have is the business of the House motion that we will be asked to support on Monday will not also include another paragraph (2), which seeks to book a third day for indicative votes and a subsequent motion? I believe that the hon. Member for Grantham and Stamford (Nick Boles) referred to it as “daisy-chaining” in a briefing. If that is the case, can the right hon. Member for West Dorset (Sir Oliver Letwin) be up front about it? Also, what does he think is going to change between today and Monday? Every Member of this House has had the opportunity to table a motion with their thoughts on the way forward. Every Member of this House will have the chance to vote on it in an up and down straight vote, with no knock-out rounds. Will we not just repeat ourselves on Monday with the same potential options and the same votes, with the same arguments?

Sir Oliver Letwin: I am delighted that the hon. Gentleman, who has played an important part throughout these proceedings, raises both of those points, because they are ones that I wanted to come to anyway. Let me come to them in response to him rather than taking them later.

On the first question of whether there may be later stages beyond Monday, I do not believe that there needs to be any further round of voting after Monday on motions or propositions. I want to be very clear that I have said this to the hon. Gentleman so that he cannot later complain that there was any concealment at all, which is not part of our intention: I believe that if a majority for a particular proposition does emerge on Monday, as I very much hope that it will for reasons that I am about to come to, and if the Government do not immediately signal that they are willing to implement the majority view of the House of Commons at that point and if the Government have not by then—as I hope they have, although others may not—achieved a vote in favour of MV3, I think it would make sense for the House to move to the position of beginning to legislate to mandate the implementation of that majority. I think that would be a reasonable proceeding at that stage. It is only possible if we reach a majority view, of course.

I come now to the hon. Gentleman’s second point, which was the question of why Monday will be any different from today. The difference lies in two facts. This will be the first opportunity after a very long time—the right hon. Member for Carshalton and Wallington (Tom Brake) made this point—for the House of Commons, in an orderly way, to have the opportunity to express the views of Members in votes on specific propositions and for us all to see the lie of the land. When politicians do that, they very often discover that
Sir Oliver Letwin: I give way to my hon. Friend the Member for Wellingborough (Mr Bone), because he made such a splendid case against me earlier.

Mr Bone: I was trying to compliment my right hon. Friend—I was just suggesting he should be sitting on the Opposition Benches. He is making a very interesting and well-thought-out speech, as he always does, and he is being exceptionally honest with the House, saying that on Monday he will again be taking over the Order Paper and that that would then possibly lead to a legislative programme and a Bill to implement whatever comes out as the most likely thing to succeed. Will he give the House an estimate of how many days he is going to have to take over between now and 12 April so that we can have a guide and at least the Government can have a guide to when they might get some of their business done?

Sir Oliver Letwin: The coda in my hon. Friend’s remark was, I think, an amusement, in the sense that I do not discern a vast pile of other Government business of the first order of importance currently being transacted in this House. The Government are rightly focused, as we all are, on the question of Brexit. We are approaching 12 April, as my hon. Friend and I both know and as he mentioned. Of course, he has a very different view of what would happen to our nation if on the 12th we left without a deal, and I respect that view. It is not my view and I do not believe that it is the majority view of the House of Commons, as expressed in a series of votes. Those of us who are determined to follow that majority view—as conscientiously as he believes that it is a good thing to leave without a deal, we believe conscientiously that it is not a good thing for our country to leave without a deal—want to prevent that eventuality. The only way we can do that is by crystallising an alternative majority and trying to carry it forward. That is what we will do, but there is an easy route to preventing that, which is for him and his like-minded colleagues, whose positions I understand, to compromise—as many of the rest of us have compromised—and to vote for MV3. Were that to happen, none of this would be necessary.

Mr Bone: What about the number of days?

Sir Oliver Letwin: I am sorry—I have not mentioned any more days than the days I have mentioned already because I do not think it will be necessary to have any more, although, of course, if there were legislation, there would have to be a day or days for that in the House of Lords.

Mr Seely: I apologise for asking, but I am trying to find out about this process, as I suspect are millions of people throughout the country. I am asking about MV3 next week because, if my right hon. Friend has taken over the Order Paper on Monday, and if, based on the opinion of the House today and on Monday, we legislate for a customs union on Tuesday or Wednesday, MV3 becomes redundant. Is he assuming that the only day for a third meaningful vote on the Government’s withdrawal agreement is this Thursday or Friday, or can he envisage a time next week when there may be space for MV3 to come back—for example, before a day of customs union legislation on the Wednesday?

Sir Oliver Letwin: Again, that is a perfectly reasonable set of questions with a definitive set of answers. On a third meaningful vote this Thursday or Friday, that timetable has been set by the EU—it is not the making of any Member of the House or the Government. The EU made it clear in its legal decision that the withdrawal agreement had to be agreed by the House by 11 pm. I think, but in any event late at night, on Friday in order for 12 April not to be activated and to move us to 22 May. That would be necessary for the Government to pass the withdrawal and implementation Bill, which is in turn necessary for their meaningful vote to be meaningful—without the Bill it is a nothing, as both my hon. Friend and others on both sides of the House who study this very well understand. The fact is that the Thursday/Friday schedule this week has been set by the EU, not any of us, and there is nothing that I or anybody else here can do about it. It is very important therefore—for those of us who want to make sure we do not drop out without a deal on the 12th—to ensure that, if my hon. Friends do not support those of us—who would be in the Lobbies voting for MV3 by Friday night, there is an alternative, and this is the only way we can do that.

John Redwood (Wokingham) (Con): If the House voted for a particular outcome for negotiation with Europe that the Government thought either not desirable or not negotiable, who would do the negotiating, given that it is normal for only the Government to be a recognised negotiator?

Sir Oliver Letwin: My right hon. Friend, who is one of the two or three most distinguished and long-serving Members of Parliament and had a distinguished record in government, knows as well as I do that he is absolutely right: only the Government of the United Kingdom can negotiate with foreign powers. That is obviously true. It is also true, however, that the Government, like the rest of us, are governed by the law. Just as much as any private individual, Ministers are governed by the law. It frequently happens that, when Ministers bring legislation before the House of Commons and that legislation is amended in a way that they did not wish, they are still compelled to implement the law that the House and the House of Lords have passed as it is written. That is a justiciable matter and they are subject to judicial review if they do not do so. Now, I have said frequently that I
do not think the Prime Minister’s Brexit strategy has been ideally suited to the task, but I have never met an hon. Member of this House, or any other living human being, who is more law abiding than the Prime Minister, so I am certain that she would follow not just the letter but the spirit of the law were there a law that flowed from a majority view of the House of Commons.

John Redwood: When, as is normal, the Government have control of the Order Paper, if the House amends legislation in a way the Government do not like, the Government need not bring that law into effect or go through the remaining proceedings necessary to make it a law.

Sir Oliver Letwin: As one would expect, my right hon. Friend is right, but actually the Government often choose not to do that; they often allow legislation that contains things they do not quite like to go forward because they have some greater objective. The truth is, therefore, that Ministers often do—he and I as Ministers had this experience—find themselves implementing legislation with which they are not wholly in accord, but they know how to do that, and the civil service knows how to support them in doing that, and that is of course what would happen in these circumstances.

Mr Kenneth Clarke (Rushcliffe) (Con): Does my right hon. Friend agree that it is actually a very novel proposition that the House should have to pass a law to effect Government policy in this way? Can he think of any example in his experience—I cannot think of one, and my experience is longer than his—of the Government pursuing a policy on such a vital national matter knowing that they did not have the support of the House of Commons for the way they were going about it and simply defying the majority that had voted for another approach?

Sir Oliver Letwin: As my right hon. and learned Friend is not just a former Chancellor, Lord Chancellor and almost everything else, but is also the Father of the House, he will certainly have more experience of this than most of the rest of us put together, and if he cannot think of such a case, I will certainly not be able to. I do not know of such a case. Indeed, simply because of the possibility that people would raise this issue, I did some research to try to find out whether there was any such case recorded by historians, who have longer virtual memories than we have actual memories, and I could not find one.

That suggests that there is a pretty strong precedent that if the House of Commons, in a matter of extreme significance to the nation, passed a resolution expressing a clear view of how to proceed, it would be not unlawful—so far as I know, though that would be a matter for the Attorney General to rule on, not me—but nevertheless very constitutionally unusual for the Government not to accede to that resolution and to proceed in the way that the House of Commons had requested them to. I profoundly hope that if on Monday we find a majority view in favour of a particular proposition, the Government will say, as they ought to say, that they will carry that forward. I am merely protecting against the possibility that they take the view that it is not a binding utterance by the House of Commons. Under those circumstances, we have methods, through legislation, of compelling—undoubtedly by law—an action that otherwise might not occur.

Mr Clarke: My right hon. Friend may recall that the Maastricht treaty caused a little difficulty, on a cross-party basis, in the House. Had the Government been defeated by a motion disapproving of the treaty, would he and others then concerned about the treaty have been content had the Government then proceeded with their declared policy on the basis that they had stood on it at the election?

Sir Oliver Letwin: The answer is no, obviously, as my right hon. and learned Friend intends. He and I were on opposite sides—bizarrely—on that issue. I actually believe that the whole of this imbroglio is largely due to the fact that the wretched Maastricht treaty was approved by the House in the first place. Had there not been qualified majority voting, the British people would probably never have come to disapprove of the EU in the way that they did and we would have been spared all this, but that is ancient history. He and I have a long record of agreements and disagreements at different times. This afternoon, we are agreed.

Mr Jacob Rees-Mogg (North East Somerset) (Con): In response to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), my right hon. Friend said that for the Government to ignore a motion of this House would be constitutionally very unusual, but it has to be said that the process this afternoon is constitutionally deeply irregular.

Sir Oliver Letwin: I am particularly glad that my very distinguished hon. Friend has participated in this part of our proceedings. He has not, though he is an assiduous attender of debates, ever had the horror of having to listen to me on this subject because he has not been present when I have been speaking about it, but I have tried to say to those who have been present on each occasion that the proposition he has just advanced is manifestly false, and the reason is this: the Order Paper of the House of Commons—this is the most ancient principle of our constitution as a matter of fact—is governed by the Standing Orders of the House of Commons, and those are the property of the House of Commons and nobody else. They are the property not of the Executive but of the House of Commons. The courts recognise that in the principle of comity and never interfere in the proceedings of our House. That principle goes back not to 1906 when the Government—in my view, improperly—instituted Standing Order No. 14 in its current form, but way back into the origins of Parliament. From the very beginning, Parliament sought to establish its right, through the Speaker and otherwise, to control its own proceedings, which is a very proper thing for Parliament to do. We have been driven to this only in an extreme emergency—that is how some of us see it, though I know that he takes a rather different view—and we are doing it in a perfectly proper way through the amendment of Standing Orders, which it lies open to this House to do.

Mr Rees-Mogg: I cannot entirely agree with the constitutional proposition that my right hon. Friend is advancing. He will recall that, in the Tudor House of
Commons, it was Privy Counsellors who guided the business. It is a principle of the greatest antiquity that the business of the House is guided by those representing the sovereign in Parliament. That principle is being eroded by today’s proceedings.

Sir Oliver Letwin: I little imagined that we would find ourselves debating the sequence of our constitutional history, but because my hon. Friend is genuinely learned in the matter and this may be my only opportunity ever to have this debate with him in the House of Commons before—thank goodness—I leave it, I want to explain to him that the succeeding history of our country was virtually focused on a debate about that very matter. It was because the House of Commons refused to be dominated by Privy Counsellors that all the things that happened in the later 16th and 17th centuries happened. I am on the side of those in the House whom I actually thought that, on the whole, my hon. Friend was on the side of, who wish to assert, over and against the Executive, that, ultimately, sovereignty lies here and not in Whitehall.

Margaret Beckett (Derby South) (Lab): I am not entirely at one with the right hon. Gentleman, although I have some sympathy with the point that is being made. Surely, however, what we should recognise is that the House has been driven to these unusual proceedings today because the Government have failed to do their job.

Sir Oliver Letwin: We have a stellar constellation here today. The right hon. Lady is another very distinguished Member of the House who has held almost every post imaginable. She tempts me to do what I shall not do, which is to observe that the failure to reach cross-party consensus on this matter had two sides, and it would have been better if the two sides had worked together. That did not happen, and it is because it did not happen that we were at the mercy of the votes of some of my hon. Friends, and that is why we are where we are. I think the right hon. Lady will agree that what matters now is none of that history; what matters now is the fact that we are where we are, and we need to find a solution. That is what this is all about.

Helen Goodman (Bishop Auckland) (Lab): May I bring the right hon. Gentleman back to the business motion? His proposal today is that we should have indicative votes and, depending on where a consensus appears to emerge, the House will have an opportunity to consider these matters again on Monday, and there will be a further business motion for Monday setting out in more detail than paragraph (2) the way in which we will proceed then. I just wonder if he could undertake, as he did before, to share the business motion with the House before the deadline for tabling motions and amendments, so that all Members will be able to make the most of the opportunity on Monday.

Sir Oliver Letwin: The hon. Lady has raised a very serious and important point. I think we should make that commitment, because people need an opportunity to see what rules of play will obtain on Monday and an opportunity to table amendments, and to consider, in the light of that, how to proceed. I believe that, if we are talking about tomorrow, Thursday—because the House is not currently due to sit on Friday—the sitting will be curtailed at approximately 5.30 pm, after the Adjournment debate. I therefore think—assuming that the House does not sit on Friday—that we should make a commitment to lay the Business of the House motion for Monday by 3.30 pm tomorrow, so that people have two hours in which to look at it and table amendments if they see fit.

Incidentally, I agree with the hon. Lady—it was part of the burden of what I was saying to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke)—that there is ample scope for thinking now, and in the succeeding hours, including tomorrow morning, about possible methods of voting on Monday to encourage, or even to ensure, some further convergence to reach a majority in favour of some alternative.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): Colleagues argue that there is no precedent for events of this kind. There will in future be precedents for such events. That is the way in which parliamentary rules have developed over many centuries.

Will my right hon. Friend now address the point that we do not yet know and will not know for another hour and six minutes: exactly what motions will we be voting on? We are expected to vote on them at 7 o’clock. Will he ensure that in future the House is given a proper choice, rather than the choice that is put by the Chair?

Sir Oliver Letwin: I am grateful to my right hon. Friend for his observation about precedents. As a former Chief Whip, he knows very well how these things happen. It is indeed the case that our constitution has evolved through a series of adjustments, and there will be a precedent in this instance. I hope, incidentally—because I am not actually a revolutionary—that it will not be taken as a precedent for events like this to take place every day of the week. I profoundly hope that our successors in the House will not for many decades face an emergency of the kind that we are currently facing, because this is not a way of proceeding that I think any of us would like our country to face in the future.

As for my right hon. Friend’s point about the motions, I am much more confident than his question suggested that you, Mr Speaker, will select a full range of motions representing a full range of views, and that there will be ample opportunity for people, genuinely and openly, to support the positions that they wish to support and object to the positions to which they object. I think we shall see that when you make your selection, Mr Speaker, because I know that your intention has been—as has mine, and, I think, that of the House as a whole—to use this as a genuine opportunity for people to come together on the basis of looking at a full range of options and having every sensible choice available to them.

Neil Gray (Airdrie and Shotts) (SNP): Is the right hon. Gentleman surprised—does he, indeed, find it incredible—that the Government apparently do not have an opinion on the motions that we will debate later today—apparently the Cabinet will abstain and there will be a free vote for his colleagues—but do have an opinion about denying the House the opportunity to have the debate on indicative votes because they are going to vote against the motion that he is proposing?
Sir Oliver Letwin: I am in a very odd position, in that, as it happens, I know, roughly speaking, what the official machine has been saying about the whole of these proceedings. I know that it has been raising very serious concerns about the idea of Parliament acting in this way. In fact, it has even been reported to me that one very senior official described the situation as one in which it was necessary for Whitehall to save Parliament from itself—not in a formal meeting, but outside one.

I understand that because, as a Cabinet Minister for six years, I observed the way in which, in trying to govern the country appropriately, Whitehall necessarily takes the view that the Houses of Parliament as a whole are quite an encumbrance. It tries to govern the country in a way that will, so to speak, tolerate and obey the democratic necessities of a legislature that is sometimes annoying. But, so far as is possible, it governs the process. It is very difficult for the official mind to absorb the fact that, ultimately, that is not how our constitution works. Ultimately, how our constitution works is that Governments depend on confidence in the House of Commons, and the House of Commons—or, at any rate, the Houses of Parliament—is the sovereign body: the Crown in Parliament is the sovereign body.

It is actually a very important point that we are making here about how the country is ultimately governed. In that sense, I agree with my right hon. Friend the Member for Derbyshire Dales (Sir Patrick McLoughlin) that this is a precedent. It is a precedent for Whitehall to recognise that, in an emergency, the House of Commons is capable of controlling its own business in such a way as to find a solution with which the vast majorities of Whitehall and Government have been unable to provide us. If they were able to provide us with that solution, and if my hon. Friends were willing to vote for the proposition which the Government have conscientiously negotiated over a very long time—and, in my view, have rather admirably succeeded in negotiating—we would not have being this discussion. It is because Whitehall has failed, not owing to the inadequacies of any individual but owing to the basic difficulty of the situation, that the Commons is taking these steps, and I think that in those circumstances we are right to do so.

James Cartlidge (South Suffolk) (Con): I am grateful to my right hon. Friend for giving way. He is being very generous.

Our hon. Friends are concerned about losing control of the Order Paper. Is not the answer, therefore, that if the Leader of the House confirms that we will have a meaningful vote on Thursday or Friday, when they go into the Lobbies, they have one motto in mind: “Vote deal, take back control”?

Sir Oliver Letwin: That is a neat way of expressing my hon. Friend’s view, with which, as it happens, I agree.

Stephen Metcalfe (South Basildon and East Thurrock) (Con): I am listening very carefully to my right hon. Friend and I think the thrust of what he is saying is that, if meaningful vote 3 were to be approved, none of this would be necessary to go forward. Will he therefore reiterate his call for those on all sides of this argument to support the withdrawal agreement? It may not be perfect for either side, but it is the best thing we have on offer and now is the time to get behind it.

Sir Oliver Letwin: As my hon. Friend knows, that is my view and has been throughout, which is why I have voted for it throughout and will continue to do so.

Martin Whitfield (East Lothian) (Lab): To come back to the business motion and in particular paragraph (1)(i), could the right hon. Gentleman elucidate what he feels success would be for a motion that we are voting on this afternoon? There is an Aye and a No in the vote, so what will success look like for an individual motion, or is this about a cumulative image created from all the votes for all the motions that Mr Speaker no doubt will choose in due course?

Sir Oliver Letwin: I am delighted that the hon. Gentleman brings me back to the business of the House motion, because it is traditional in these circumstances for people who are speaking to say they would like to make some progress and I certainly have not made very much yet. My view is that this is not about the precise number of votes cast for one motion or another, or indeed against one motion or another. It is about whether, when we look at the results as a whole and when we act in the way that I think politicians across the parties acting in the national interest can act, which is to seek a consensus, we get enough data to enable us to have sensible conversations about where we can go next. That is what I think would constitute a success here. I do not know any way to do that other than to have the kind of process we are going through, which is why I suggested we should go through it and so did others.

Dr Andrew Murrison (South West Wiltshire) (Con): Does my right hon. Friend recall that the last time we went through something remotely like this was in 2009 in relation to Jack Straw’s well-meaning but ultimately doomed attempt to get a sense of where we should be going with House of Lords reform? I fear that today’s proceedings will end up very much in the same place.

Sir Oliver Letwin: But my hon. Friend needs to attend to the point that those of us who are proposing this have exactly recognised that precedent. What went wrong on that occasion above all was that it was a single point in time, it did not produce a single answer and therefore it was declared a failure. We are not seeking a single point in time here; we are seeking a process. We are using the first stage of that process as an act of discovery. We are then having a number of days in which politicians can talk to one another and try to achieve a consensus. That can be reflected in a further vote or set of votes. That is a very different process. I think that had that process been applied in the case of the House of Lords we might by now have had a sensibly restructured House of Lords, which alas we do not. But that is another piece of history that I am sure I must not deal with.

Hilary Benn (Leeds Central) (Lab): The right hon. Gentleman is making a powerful case for giving the House the chance today to express its views. Further to the point just raised by the Chair of the Northern Ireland Affairs Committee, the hon. Member for South West Wiltshire (Dr Murrison), the truth is that we do not know what this will produce. It is called indicative votes for a reason: it is intended to give an indication of what the House thinks. But is not the most powerful
point that the uncertainty is not an argument for not trying, bearing in mind that we are potentially 16 days away from leaving with no agreement, if the Prime Minister’s deal does not pass and if the EU were, heaven forbid, to refuse us a further extension? We should really get on with it.

Sir Oliver Letwin: I completely agree with every word of that. The point the right hon. Gentleman makes is exactly the reason why we are proceeding in this way. I want to take this opportunity to pay tribute to him and his right hon. and hon. Friends with whom we have been co-operating on this. Actually it has been a pleasure and the reason it has been a pleasure is because we share a fundamental concern with the interests of our country to have a way forward that is orderly and does not leave us with a disaster by mistake. We may differ on many things, but on that we are entirely joined, and that is the very purpose of this exercise.

Mr Speaker, although I have not myself said very much of what I was going to say, I think I have now gone on for much too long—[HON. MEMBERS: “Hear, hear.”] It has been in response to quite a lot of interventions. I discern that there are not any more around, so I think it falls to me to resume my seat.

2.4 pm

The Leader of the House of Commons (Andrea Leadsom):

Mr Speaker, I rise briefly to respond on behalf of the Government. First, I am grateful to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who has sought to ensure that the Government’s business for today, a very important statutory instrument that regularises the legal position vis-à-vis our exit day from the European Union, is able to be addressed.

The Government are disappointed that the amendment in the name of my right hon. Friend and others was agreed by the House on Monday. A clear commitment had been made by the Government to provide time for the House to find a majority for a way forward. I take my role as Leader of the House very seriously. I have always been very clear that the Government will listen carefully to Parliament, but today’s motion is an extremely concerning precedent for our democracy.

Mr Kenneth Clarke: Will my right hon. Friend give way?

Andrea Leadsom: I will not take any interventions, because this is a Back-Bench day in the name of my right hon. Friend the Member for West Dorset.

For many years the convention has been that it is for the Government, as elected by the people, and with the confidence of this House, to set out the business. It is for Parliament to scrutinise, to amend, to reject and to approve. What today does is effectively turn that precedent on its head: those who are not in Government are deciding the business, and there are inevitable ramifications to that.

Mr Speaker: The hon. Gentleman is constitutionally correct. He has made his own point in his own way with his customary fluency, but the Leader of the House now has the floor again.

Andrea Leadsom: Thank you, Mr Speaker.

What today does is effectively turn that precedent on its head: those who are not in Government are deciding the business, and there are inevitable ramifications to that.

I work constantly to represent Parliament’s voice in Government, and today I am genuinely concerned that the decisions we are being obliged to make could result in Parliament being extremely frustrated. It is highly likely that we could be in a position where the preferences of the House simply cannot be achieved. Whatever the House decides needs to be both deliverable and negotiable, and, very specifically, the European Union has been clear in all circumstances that changing the withdrawal agreement is simply not an option.

This Government want to deliver on the referendum of 2016 in a way that maintains a deep and special partnership with the European Union. Urgent action is needed; businesses and people cannot be left in limbo any longer. There are two sides to this negotiation, so I repeat that what the House decides needs to be deliverable and negotiable and also needs to deliver on the referendum.

Anna Soubry (Bromley and Chislehurst) (Ind): Will the right hon. Lady give way?

Andrea Leadsom: I will not.

The Council conclusions agreed last week set out that the withdrawal agreement in all circumstances must be adopted by the United Kingdom, so I urge colleagues to accept that approving the withdrawal agreement—which is complex and which covers wide-ranging areas from citizens’ rights to farming, from overseas territories to security and financial services—has to be the first step. The EU has said that the withdrawal agreement will not be changed, and Parliament needs to accept that before we can look to the future partnership, which is what much of today’s debate will focus on.

Notwithstanding the fact that no amendments have been selected, in particular I hope that should the debate today proceed in accordance with the business of the House motion, it will allow for all motions to be fully considered, rather than just a select few. This would enable Parliament to establish what it does want, rather than what the selection would permit. Mr Speaker, the Government have consistently said that we do not support the approach the House has taken to remove Government control of the Order Paper, no matter the circumstances. For that reason, we will oppose today’s business of the House motion. While it is now up to Parliament to set out the next steps in respect of today’s business, the Government will continue to call for realism in the debate ahead. Any options considered must be deliverable in negotiations with the European Union.

2.10 pm

Valerie Vaz (Walsall South) (Lab): I thank the right hon. Member for West Dorset (Sir Oliver Letwin) for the business of the House motion, and I hear what the Leader of the House has said. We are living in unprecedented times, and that is why this business of
the House motion has been moved by the right hon. Gentleman. It saddens me to look around the Conservative Benches and see some of the most wonderful, fantastic former Ministers, who have now left the Government, because they are frustrated and do not see a way forward.

We on this side of the House are going to support the motion. We know that these are unusual circumstances. The House has decided that it wants to proceed in this way, and all hon. Members that I have spoken to today have made this decision. They are Members who have been working here for a long time, including a former Attorney General, the Chairs of Select Committees, the right hon. Member for West Dorset—who has written manifestos for the Conservative party and played a vital role in it—and a former vice-chair of the Tory party. They are excellent people, and they all agree that something has to be done. Mr Speaker, it is you who has to control the business of the House. I am not talking about personalities; I am talking about the office of the Speaker.

Wes Streeting (Ilford North) (Lab): I am grateful to the shadow Leader of the House for giving way. The Leader of the House claimed at the Dispatch Box that she spoke for this House in Government. How can we possibly take that at face value when she would not take a single intervention, even though the House has made it clear that the business today was to be decided by the House? And this is where it becomes jaw-droppingly hypocritical, when she says—

Mr Speaker: Order. I am sure that the hon. Gentleman would not make a personal charge that impugned the integrity of the Leader of the House. Members can make a wider political charge, but not a personal charge.

Wes Streeting: Out of respect for you, Mr Speaker, and for the rules of the House, I will certainly withdraw the word “hypocritical”. However, it was pretty jaw-dropping to hear the Leader of the House claiming that it was the Speaker’s responsibility to select every amendment when she herself believes that we should not vote on a single amendment today and when she will not be casting a vote one way or another on any of them. Is this not just a complete farce?

Valerie Vaz: I thank the right hon. Lady for her intervention. On the question of whether the withdrawal agreement can be amended, I have sitting beside me the shadow Secretary of State for Exiting the European Union, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), who has been in discussions with the European Union. We have been in the European Union for more than 40 years, and we know that it would be open to any discussions, such as those that it has held with my right hon. and learned Friend, if that was what was decided. We cannot ignore what our constituents—people of all generations—said to us when they took time out last weekend to tell Parliament exactly what was going on.

Mr Kenneth Clarke: The hon. Lady will recall that the Prime Minister tried to dissuade the House from taking control of the business today by saying that if we did not do this, the Government would allow time for indicative votes to be taken. However, we were never given any details, any clear commitment, or any undertaking that any notice would be taken of those motions. Today, we have an alleged constitutional crisis because the House is setting the business, but if the Government had tabled a motion, an amendment, setting out their own clear proposals for taking the views of the House and discovering what the favoured option was, this whole argument about the process could have been avoided as an irrelevance and we could have resumed the serious business of ensuring that a majority in this House was in support of the Government’s policy being pursued.

Valerie Vaz: I cannot follow that, other than to say that I have always admired the right hon. Gentleman, even before I came to this place. I have always been totally in awe of him, and I absolutely agree with what he says.

Steve Brine (Winchester) (Con): I thank the shadow Leader of the House for giving way. I will support the motion today, just as, with great sadness, I supported a similar motion on Monday to get us here. I will do so because we are living in extraordinary times and because this House of Commons is at an impasse. We, the House of Commons, have to solve this, and this is the last roll of the dice. Otherwise, all the other options, however unpalatable, are on the table. Does she agree, given that the view of this House from out there is not at its highest point right now, that this is an opportunity for the House of Commons to surprise the British public in a good way?

Valerie Vaz: I thank the hon. Gentleman for his intervention, with which I agree, and for his work as an extraordinary Minister. He has been absolutely fantastic. I have seen him over the past few weeks, and I know how difficult his decision to resign was. I thank him for being such a good Minister. The key thing is that Members have tried to tell the Prime Minister exactly what the House wants and what it has decided on.

If we simply relied on precedent, Mr Speaker, I do not think that either you or I would be standing here as Members of Parliament today. We would have had to have wealth and property, and for women, we might have had to have something else, if that is not too rude.
Mr Sam Gyimah (East Surrey) (Con): I thank the hon. Lady for giving way, and for the points she has made about precedent and about what we do. Does she agree that, even though we have an unwritten constitution in this country, it is constitutional invention that has got us through in times of national emergency? We had a national Government during the two world wars and a full-blown coalition to solve the financial crisis in 2010. Given that the Government do not have a majority and that it is not clear whether there will be a majority for any of the Brexit options, does she agree that what was needed right from the start was that kind of constitutional invention, and that the lack of it has not really helped with the passage of the Government’s withdrawal Bill? We should actually be thanking my right hon. friend the Member for West Dorset (Sir Oliver Letwin) for doing this. We would rather not be here, but we are, and invention is what is needed at this time.

Valerie Vaz: I thank the hon. Gentleman, another excellent former Minister, and I agree with him. I was sorry to see him leave his position as well; he has been absolutely fantastic.

The point about precedent is really important. None of our rules or procedures is set in aspic. In my working life as a lawyer, I have seen the civil procedure rules turned over. We move forward; we do not look back. With the greatest respect to the hon. Member for North East Somerset (Mr Rees-Mogg), even “Erskine May” is updated.

George Freeman (Mid Norfolk) (Con): Further to the discussion during earlier points of order about whether this is a constitutional outrage, does the hon. Lady agree that since the civil war, this House has always controlled its own time, and that the only reason that the business of the House is normally controlled by the Government is that they have the consent of the majority that they carry and the confidence of the Members who support them? Today, the House is asserting its primacy in controlling the business of the House as it always has done and always will do.

Valerie Vaz: I thank the hon. Gentleman for his intervention. The House is only responding today to what it agreed on Monday. Let us face it: we would not have had the first meaningful vote if the House had not agreed to it, and we had to struggle to get it. Speaking of the meaningful votes, the first was lost by 68% to 32% and the second by 62% to 38%.

Mr Bone: Returning to the business under consideration, there has clearly been a change in the Labour party position. Up until today, we had always thought that if the Labour party did not support the Government’s position and did not think that the House supported the Government position, it would move a motion of no confidence, which is the normal way to proceed. Instead, there is this establishment of an alternative Government. Does that mean that the Labour party will no longer table motions of no confidence?

Valerie Vaz: I think the correct term—I am sure that you will correct the hon. Gentleman, Mr Speaker—is that we are Her Majesty’s Opposition. We are responsible, and we want to try to find a way through, which is what hon. Members on both sides are trying to do.

Wayne David (Caerphilly) (Lab): As we have heard this afternoon, the constitutional implications of what is happening today are profound, and the House will in the not-too-distant future need some mechanism to consider those constitutional implications. However, that should not take away from the fact that we are concerned about the immediate crisis before us. In the interests of pragmatic democracy, it is essential to find a way forward, but we must bear it in mind that we will have to return to these big issues.

Valerie Vaz: I cannot add anything to my hon. Friend’s excellent intervention.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I will support the motion today. I thank the right hon. Member for West Dorset (Sir Oliver Letwin) and my right hon. Friend the Member for Leeds Central (Hilary Benn), and I am proud to have worked with them on how to try and move forward. My concern when I first drafted one of the original meaningful vote amendments in December 2017 was that, should the House not agree to a deal, we would need some sort of process or roadmap by which we would then have some chance of moving forward in an orderly fashion. Indeed, the position we are in today is down to a profound lack of leadership from the Prime Minister. She did not involve the House early enough or build a consensus on how to move forward. Instead of the disappointment expressed by the Leader of the House, I am surprised that we did not hear some profound regret that the Prime Minister and the Government had not engaged the House considerably earlier on the negotiating objectives. Instead, they have continued down a track that was clearly going to lead to the same place: defeat every single time.

Valerie Vaz: I agree with everything my hon. Friend says.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Does my hon. Friend agree that we are in this situation only because we have a Government unable to govern and a Prime Minister unable to listen to the House despite two resounding defeats? Will my hon. Friend pay tribute to the 30 brave Conservative Members who voted to enable this debate to take place—all under pressure from their Conservative associations—particularly the three Ministers who sacrificed their careers on a point of principle to allow us to have these options today?

Valerie Vaz: I agree. People on both sides who have taken a bold stance have suffered abuse and have been threatened with deselection by their parties, and that is absolutely the wrong way to deal with this.

Richard Harrington (Watford) (Con): Will the hon. Lady give way?

Valerie Vaz: Yes.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): On a point of order, Mr Speaker.

Mr Speaker: Order. Before the hon. Member for Watford (Richard Harrington) intervenes, which he should of course have the opportunity to do, we will take a point of order from the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil).
Angus Brendan MacNeil: Given that there are 16 motions to deal with this afternoon, if a Member was to get up now and ask that question be now put, so that we could increase the time for the motions, how might the Chair react to that question?

Mr Speaker: There is no need to move the closure because this is a time-limited debate, and the time limit will be well known to the hon. Gentleman. If he can just contain his impatience, there will be salvation at hand in due course.

Mr Charles Walker (Broxbourne) (Con): Further to that point of order, Mr Speaker. You know that I do not want to try your patience, and I apologise, but given that colleagues will be entirely unfamiliar with the voting process that is going to happen this evening, it would have been useful if the Procedure Committee at least could have had a dummy copy of what was going to be used. We could have been reassured that this was going to be something with which the House could get to grips.

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. He is not merely a distinguished ornament of the Procedure Committee but its illustrious Chair. That is a fact well known to all Members of the House, but it ought to have wider public recognition. The point of order is not a matter for me. However, insofar as there is any concern, the process will be explained at the material time by me from the Chair and, I hope, in a way that will inform and assist all Members.

Will the shadow Leader of the House confirm that she is giving way?

Valerie Vaz indicated assent.

Richard Harrington: I thank the shadow Leader of the House for accepting my intervention and you for your patience, Mr Speaker. Before the point of order, it was mentioned by the hon. Member for Newcastle-under-Lyme (Paul Farrelly) that people such as me who had disobeyed the Whip and resigned may have faced undue pressure from the Whips or our Conservative associations. I did not experience that myself, but some commentators and, indeed, Members of this House have said that voting for the amendment on Monday and supporting this business motion today marks a dangerous revolution or sets a constitutional position of terrible magnitude that could put the country’s future at stake. However, I do not accept that one of my constituents will criticise me for reversing the Order Paper for one, two or three days so that Government business does not have precedence. I refute that assertion and ask the shadow Leader of the House for her views on the subject.

Valerie Vaz: These are unusual times. Nobody asked the then Prime Minister to resign after the referendum vote, but he did nevertheless and a new one had to be found. We are in difficult and unusual times. This is one of the biggest issues of the day, and it will not affect the majority of hon. Members here, but it will affect our children and our grandchildren and future generations.

Let us face it: Europe kept the peace in Europe, where some terrible things had happened. I keep saying that the reason why we have the Human Rights Act is that every single human right was breached during the last war. Europe has moved on from that sort of forum into one whereby we trade with our biggest and nearest partners, and that is why we have a Union that more states want to join. For the sake of future generations, we need to think carefully about what we do today. This is about the will of the House. The House decided that there was a vacuum and the House filled that vacuum. Hon. Members from all sides wanted to move forward constructively, and that why we are in this position today.

Hilary Benn: Does my hon. Friend share my puzzlement at the remarks of the Leader of the House, who gave the impression that, somehow, this has been sprung on the Government when they are only too willing to make provision for indicative votes? I draw my hon. Friend’s attention to the Brexit Committee’s recommendation published on 16 January, after the Government’s deal was first defeated by 230 votes:

“It is vital that the House of Commons is now given the opportunity to identify an option that might secure a majority. We recommend that this is done by holding a series of indicative votes on the options we have set out above as soon as possible.”

Here we are on 27 March, which is going some when it comes to “as soon as possible.” Does my hon. Friend agree that the Government could perfectly easily have acted earlier?

Valerie Vaz: I pay tribute to the work my right hon. Friend has done on a cross-party basis to bring this issue forward. As I say, these are unprecedented times, which is why the House is in this position. We are pleased that the right hon. Member for West Dorset, along with other hon. Members on both sides of the House, has had the courage to table this motion and put us in this position.

We have had to learn from a certain social media platform that there may be a vote on Thursday, or maybe Friday. Is that the way to conduct responsible government? The Opposition would say no. No one from the Government has had the courtesy to come here—I do not know whether they have informed you, Mr Speaker, but they certainly have not informed us—to say what is going to happen with business on Thursday and Friday, yet people outside do know.

Martin Whitfield: I associate myself with my hon. Friend’s comments on the right hon. Member for West Dorset (Sir Oliver Letwin).

My hon. Friend makes a powerful point about how future generations will look back at this time, and they are going to judge us by events such as we are seeing in this House today. It is important to remember that the House was pushed and pushed before it decided to take these almost unique steps, and it does so with trepidation, but this is a time when something must happen to remove the logjam of a dysfunctional Government.

I draw my hon. Friend’s attention to the question I asked the right hon. Member for West Dorset. What would look like success in the votes this afternoon? He made a very good point that today is about seeing a larger picture of where the opinion of this House lies. Does my hon. Friend agree that today is about finding that overall picture, and that steps taken on Monday may draw it down to a closer point? That is why I support the business motion.
Valerie Vaz: We are trying to help the Government, which is why we need to support these indicative votes today. We are trying to help the Government find out exactly what hon. Members want and do not want. The Opposition support the motion, and we want to find a way forward.

2.33 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): I oppose this motion because I think that it is constitutionally ill thought through. Our country does not have a codified constitution, but it works on conventions, and those conventions are precious to those in government and to those not in government, for the tables may be turned at some point and the Labour party may find it has a minority Government and cannot keep the business of the House as it would expect.

Why do the Government need this primacy on the business of the House? As my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) says, it is absolutely right that the Standing Orders are the property of this House and are not challengeable outside this House, and our governmental system works through the Queen in Parliament. The Queen, in this sense, is represented by the Executive, and there is a separation between the Executive and the legislature that we all know about. That separation requires that the proposition of events comes from the Government and that the amendment, review and redress in relation to those events comes from this House.

Chris Bryant (Rhondda) (Lab): One of the conventions that has lasted for a very long time is that a parliamentary Session lasts for a year unless a general election intervenes and makes it more sensible for a Session to be 15 months, or something like that. In a parliamentary Session, as the hon. Gentleman knows, the Standing Orders provide that there should be so many days set aside as Opposition days. That has been completely broken in this Session, which has gone on for nearly two years. We have not had an Opposition day since November, the longest period in living memory.

Mr Rees-Mogg: I agree that it is important to observe the conventions, because the conventions protect the interests of everybody. If the hon. Gentleman is calling for a Prorogation so we may reset and have Opposition days, I would not be opposed to that. It may well be time for a Prorogation.

Ms Angela Eagle (Wallasey) (Lab): Another convention that has been broken is that the Government should vote on Opposition days and take notice of motions passed on Opposition days. That convention has been widely disregarded by the Government, who are now refusing to take part in Opposition day votes and are completely ignoring anything but motions that demand to be put into effect. Does the hon. Gentleman agree this is yet another example of an established convention, which I always thought would be properly observed by the Government, being discarded?

Mr Rees-Mogg: The issue is that Opposition days have become much more precise and have used the Humble Address procedure to ensure they are taken notice of by using a correct constitutional approach that is actually better than mere motions on generally otiose opinions.

Mr Edward Vaizey (Wantage) (Con): I call on my hon. Friend’s constitutional expertise. Is it an established convention or a novel convention for a Minister to propose a motion at the Dispatch Box and then to vote against it? Is it not the case that, in a hung Parliament, we tend to invent new conventions to cope with our novel situation?

Mr Rees-Mogg: No. I am sorry to say that my right hon. Friend is wrong. There is a very strong history of Ministers proposing motions to aid the House, which was certainly done by Jack Straw during the last Labour Government and by the Government headed by David Cameron. When we reach the end of proceedings and the ability to propose a motion rests only with a Minister, the Minister often proposes it to facilitate the House coming to a judgment. That is quite a commonplace thing, as Mr Speaker will know.

Several hon. Members rose—

Mr Rees-Mogg: I will not give way to everyone because there are only 22 and a half minutes to go, and the spokesman for the SNP, the hon. Member for Perth and North Perthshire (Pete Wishart), will want to speak. I must be conscious of the rights of minority parties—another important convention in this House.

Coming to the nub of the issue, taking control of the business away from the Government is a bad precedent because the House is not willing to come to the logical conclusion that today’s proceedings are heading towards. The Government control business as long as, and only if, this House of Commons has confidence in them. My hon. Friends—not the Opposition, who are perfectly reasonable in this regard—should think very carefully about what they are doing, because what they are in fact saying is that they do not have confidence in Her Majesty’s Government. If that is what they think, they should vote accordingly. Our great constitutional convention is that these decisions, if they cannot be decided by this House and by the Government who are legitimately installed, go back to the electorate. The reason my right hon. and hon. Friends are not willing to reach that conclusion is that they are going against the electorate’s will, as expressed in our greatest ever referendum.

Nick Boles: I always learn from my hon. Friend, but I must disagree with him on this. I am quite capable of distinguishing between my general confidence in the Government, their measures, their Cabinet and their Prime Minister, and their specific conduct on this issue. Furthermore, I point out to him that on that great referendum, which voted to leave the European Union, I have been consistently voting with the Government, in whom I have confidence, and with the Prime Minister, in whom I have confidence, to give effect to that decision, whereas he has been voting against.

Mr Rees-Mogg: My hon. Friend makes a characteristically Wykehamist point: highly intelligent but fundamentally wrong. I must confess that I have sometimes thought my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) was more a Wykehamist than of my own school,
but we will leave that to one side. The expression of confidence in the Government is through their control of business, not on any individual item of business. That is why confidence and control of business come together. This has been taken away in the past, and my right hon. Friend referred to the assertion of parliamentary authority in the civil war—well, we know how that ended. It ended with Pride’s purge and with people being prevented from voting. The Government, the Executive and the legislature are clean different things. That separation of powers is essential, the conventions of our constitution are essential and it is important that we observe them properly, because the sovereignty of Parliament is not the sovereignty of us, however brilliant we may be, or of the Mace; it is the sovereignty of the British people. They have told us what to do, and we must do it.

2.41 pm

Pete Wishart (Perth and North Perthshire) (SNP): As always, it is an absolute pleasure to follow the hon. Member for North East Somerset (Mr Rees-Mogg). If an example of “taking back control” in a parliamentary party is a spat between him and the right hon. Member for West Dorset (Sir Oliver Letwin) on Tudor history, I say we cannot get enough of this.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): Stuart.

Pete Wishart: The Environment Secretary, from a sedentary position, invites me to consider the Stuarts. If he would like to go down that route and find a period in history where the Scots had precedence in terms of how this country was governed, he could not give a better example—I am sure the hon. Member for North East Somerset would agree with that fully.

I like this innovation. It is a good, creative way to be looking at how we do our business. It is an example, at last, of this House taking back control. What surprises me more than anything else is that those who called the loudest and gave the biggest clarion calls for this place to take back control are those who have the biggest problem with the House doing that very thing. It is strange to see these Conservative Members—I see them all in their places—getting ready to try to make sure that this motion is defeated and things are once again returned to the hands of the Executive.

I am familiar with the speech made by the hon. Member for North East Somerset, as I have heard it before; he talks about the authority of the Executive over the legislature. In terms of the constitution of this place, he is absolutely right, but we are in totally uncharted territory, and in a hung Parliament, we have to look for these constitutional novelties. This motion should be congratulated. The way that it has been engineered and designed by the right hon. Member for West Dorset is almost elegant in defining its purpose. We have this opportunity to do this. It is one the Government could have given us, but they chose not to and so to complain about the fact that it has been made up to the House to do this is churlish.

Talking of churlishness, I have to say to the Leader of the House that I found her speech in response to this petulant and irritable. She was totally ungracious about the way this House has decided to do its business—it is what the House has decided. I find it astonishing that this Government are going to vote against this business motion, as they had an opportunity to table an amendment. I cannot understand why they chose not to do so.

Dr Philippa Whitford (Central Ayrshire) (SNP): My hon. Friend says that it is great that the House is doing this now, but should it not have been done about two years ago, after the Prime Minister said she would consult across the House and across the UK to agree a plan before going to Europe? She did exactly the opposite.

Pete Wishart: My hon. Friend is entirely right about that, and of course what she says is the case. The Government had the opportunities to reach out to try to determine how this House wanted to progress this whole issue of Brexit, but they chose not to do that. They have spent the past two years talking to themselves, trying to persuade recalcitrant Back Benchers to back a deal that they no longer favour. They are talking to the Democratic Unionist party, at great expense, to ensure that they can secure that party’s support. We have had two wasted years, and it is therefore right that this House does take back control and presents the motion before us today.

Mr Gyimah: I understand the concerns that some colleagues have raised about the precedent here, with my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) asking what would happen if the votes were turned. Does the hon. Gentleman agree that the genie is out of the bottle and that is not a reason not to pursue this course of action by voting for this business motion?

Pete Wishart: The tables being turned does not really concern Scottish National party Members, as it is unlikely that we will ever have the opportunity to have this done to us. The hon. Gentleman is right in one respect: this Parliament has changed the way we have done our business. The last change to the Standing Orders—I am sure I am right on this, but the hon. Member for North East Somerset will correct me if I am wrong—was when we introduced English votes for English laws. That is the last time the Standing Orders of this House were changed, much to the detriment of Scottish Members, who all of a sudden found themselves being a different class of Member of this House from other Members across the House. So the Standing Orders are within the gift of Parliament and if it decides to change them, that will be a matter for us. We will determine that in a motion presented to this House.

Seema Malhotra: The discussion about precedent is one we may look back on in due course and ask whether we could have done anything differently. Is it not true that on this issue, which is of such national importance, and where the divisions and the unities go across party boundaries, we are dealing with an unprecedented way in which the country, which has also been kept out of this debate over the past two or three years, is now calling out for Parliament to find a way forward? Is it not also true that the Government ceded control on Monday when they still had an opportunity to bring forward a pathway and process by which the voice of this House could be heard?
Pete Wishart: The hon. Lady is absolutely right about the sequence of events, as this was determined and decided on Monday night. She is right in another respect. I am sure that she, like me, has been having lots of new constituents getting in touch with her, totally aghast at what we are doing in this House and at the fact that such a mess has been made of all this. They are looking at us today, as we take control of this House, to see whether we can do a better job. We cannot do a worse job than this Government have done, that is for sure.

The right hon. Member for West Dorset is not just a putative Prime Minister; he is almost a one-man Government. I was enjoying his contribution until about the 20th to 25th minute of it. I suggest that if we are going to progress this and develop it as an idea, we would do this a bit differently, perhaps with a little more style and panache than we have seen from the Government. I hope that that will be the case.

Patrick Grady (Glasgow North) (SNP): I am surprised that there has not been more objection to the other innovation taking place, which is that we are going to cast our votes using bits of paper. Some might want to use vellum or quill and ink. If Mr Speaker were to choose all the amendments, that could result in about four hours of voting. So perhaps the real innovation that comes from today is a modernisation of our voting systems, too.

Pete Wishart: That is one fantastic precedent that the right hon. Member for West Dorset has already put in place. We are getting towards electronic voting. For the first time in my 18 years in this House, we will actually be able to vote in a sensible, constructive manner and not waste hours and hours in the Division Lobby when nothing further can be done. I can see you looking at me with an encouragement to conclude my remarks, Mr Speaker, and I will do so with this. I listened carefully, keenly and attentively to the Leader of the House on the radio this morning, as I always do, and I got the impression that this Government are not in the least bit interested in what this House passes today in its indicative votes. I have no reason to be believe, for one minute, that they are not going to totally reject, contemptuously, as is now traditional, what this House decides.

Mr Jim Cunningham (Coventry South) (Lab): To come back to the points made by the hon. Member for Glasgow North (Patrick Grady) and my hon. Friend the Member for Feltham and Heston (Seema Malhotra), I have reflected on this situation over the past two or three years, and I find it incredible. One would have thought logic would have told the Prime Minister, before she activated article 50, to get all the interested parties together to find a way forward. Now, two years down the road, the Government still do not have a plan B. It is incredible, to say the least.

Pete Wishart: I describe the Government’s approach to Brexit as chaotic and clueless, and nothing will ever distract me from that principle when it comes to the way they have prosecuted this Brexit, which has been such an utter disaster.

Sammy Wilson (East Antrim) (DUP): Does the hon. Gentleman understand that if by some stroke of luck this House were to come to a conclusion tonight or on Monday on a way forward that was totally contrary to the manifesto that the Government stood on, no Government would wish to negotiate a deal that was contrary to the programme they stood on in the first place?

Pete Wishart: I do not think the right hon. Gentleman is really keeping up with what is happening today with this innovation in which the House determines the process and decides. That should be done without any undue concern for what has been said and done before. For goodness’ sake, this is our chance. This is our moment to make sure that we ensure a decisive outcome, which the Government should respect. I really hope that the Leader of the House reconsiders her approach to the indicative votes. I encourage the right hon. Member for West Dorset to continue his approach to coming to a solution that clearly demonstrates the will of the House. At that point, the Government must accept the will of the House.

This is a good day for Parliament and for this House. We cannot make a worse job of it than the Government already have. I hope that they listen carefully to what is said today. The SNP will support the motion.

Mr Jonathan Djanogly (Huntingdon) (Con): As I see it, the Government position has two clear tracks: the first is that this business of the House process is somehow unconstitutional, and the second is that even if it is constitutional, it is somehow hijacking the agenda.

Let me take the first element. From the perspective of historical precedent, I suggest that the Government are simply wrong. Early in the last century, it would have been absolutely normal and acceptable procedure for legislators to bring forward Bills. Indeed, in the United States legislators constantly introduce Bills in both Houses of Congress. The reason they do that, by the way, is that they got it from us.

Let me move forward to today. There is also clear constitutional precedent for Parliament setting the agenda: they are called private Members’ Bills days. We also have Backbench Business days, which are essentially Back-Bench initiatives to take over the agenda. If we can allow it for such business, how much more should we be prepared to allow it when the House is deadlocked and the Government are not setting out plan B on the most important issue to face this country since the second world war?

As for the second element—that we are somehow hijacking the agenda—I refute that absolutely. Nothing is stopping the Government using all days except these two sitting days to set out their own agenda and put forward their own proposals. To claim that taking two days is somehow hijacking the agenda is simply a weak excuse, in my book. This motion represents a parallel process, aimed at breaking the deadlock that exists. I sincerely congratulate all Members who have been involved in setting today’s business and promoting an attempt to try to find a way forward.

George Freeman: Although it may be a few years before the House thanks him, my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) is doing
this House, democracy, the Government—although I do not think they see it yet—and Brexit a favour, by helping us to reach a resolution. Does my hon. Friend agree that there are three dangerous canards in the House this afternoon: first, that this sets a dangerous precedent, but the House has always controlled its own time; secondly, that this is a remainder conspiracy, but all of us who signed up to this support the Government’s proposal and want to get it through; and thirdly, that we are tying the Government’s hands, but these are merely indicative votes to give those on the Front Bench some help to see where there might be consensus on a plan B if, heaven forbid, we need it?

Mr Djanogly: My hon. Friend has read my mind. I was going to congratulate my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on his remarkable achievement in getting us here today. I, too, supported the Government on both material votes, and if the Government bring the deal back, I will support them again, but I will not stand back and watch our country fall off a cliff into the abyss.

2.54 pm

Wes Streeting (Ilford North) (Lab): There is one reason and one reason alone why we are debating this business of the House motion, and that is the vacuum created by the Government through their total lack of leadership in this process. There was a very simple way for the Government to defeat the proposal put forward by the right hon. Member for West Dorset (Sir Oliver Letwin), but the Government, who were given the opportunity again and again to set out their own path and their own plan for indicative votes, rejected it at every single point.

Vicky Ford (Chelmsford) (Con): I find the rewriting of history rather bizarre. On Monday, I asked my right hon. Friend the Minister for the Cabinet Office whether the Government would provide their own pathway towards indicative votes this week, and he said yes. That is the basis on which I said it would be better to have the indicative votes led by the Government, which is the best way forward. If we are to hear the voice of this House, does the hon. Gentleman agree that it would be good if we got to vote on all the suggested options, not just some of them?

Wes Streeting: The selection is a matter for the Speaker, as the hon. Lady knows. To be clear, she is right to say that the Government said they would lay out their own path, but when they were asked, by Member after Member, on what day, for how long and on what basis, there was not a single response. The heart of the problem is the Government’s making it up as they go along.

The Government have to decide which charge they are laying at the feet of the House: either this is a remainder Parliament trying to overturn the will of the people, as the Prime Minister has claimed again and again, particularly with her incendiary statement last week, or, more accurately, this is a Parliament in which the vast majority of Members who voted remain also voted to trigger article 50, as I did, in the trust and understanding that we would have a Government who would competently manage the negotiations and reach out across the House and try to build consensus among Members of Parliament and, most importantly, the electorate.

Ian Murray (Edinburgh South) (Lab): The nub of this issue is that this entire Parliament has lost trust in the Government, which is why we do not trust them when they say they will bring back motions for debate. Is not the crux of this issue that had the Government wanted to prevent any kind of historical precedent for Parliament taking control of the Order Paper, all they had to do on Monday night was simply accept the amendment tabled by the right hon. Member for West Dorset (Sir Oliver Letwin)?

Wes Streeting: I wholeheartedly agree.

With the limited time I have, I wish to say something about the trust that the public have in us as Members of Parliament and in the House of Commons. It is difficult, particularly when the country voted one way and some of us, myself included, voted a different way. It has been a difficult process trying to navigate our way through something that is completely unprecedented in the history of our country—trying to remove ourselves from the most sophisticated political and economic alliance the world has ever seen. It took seven years to organise a two-week sporting event, the London Olympics; it is not necessarily surprising that it has taken more than two years for us to try to negotiate our way out of the European Union.

What is completely unforgivable is the way the Government have botched the negotiations at every turn and failed to try to achieve consensus. At every single stage, when amendments have been tabled, whether on the single market or the customs union, or on different negotiating priorities and different principles, the Prime Minister has said, “It’s my way or the highway.” That is why we are in the bind we are in now. Whatever our particular views on the referendum, we all have a responsibility to try to break the deadlock, which is what the right hon. Member for West Dorset is trying to achieve—to test the will of the House to see whether there is some way to achieve consensus and to try to find a way through this damaging and unprecedented period of our history. That is the responsibility that now rests on our shoulders. All of us, when we go through the Division Lobby imminently, have a responsibility to show our country that Parliament is taking control of the process, and that we are determined, as Members of Parliament, to act in the interests of our constituencies and our countries at every point.

Whether we voted leave or remain, and whichever options we choose to vote for, we do so for one reason and one reason alone: the furtherance of our national interest—defending the jobs, livelihoods, hopes and prospects of the people who send us here. Whatever our differences, I think that this House is full of people with honour and integrity. We have the opportunity in the coming days and weeks to show that to be true.

3 pm

The Speaker put forthwith the Question necessary for the disposal of the business to be concluded at that time (Resolution, 25 March).

The House proceeded to a Division.
Mr Speaker: I ask the Serjeant at Arms to investigate the delay in the No lobby.

The House having divided: Ayes 331, Noes 287.

Division No. 385] [3 pm

A YES

Abbott, rh Ms Diane Creasy, Stella
Abrahams, Debbie Crudzas, Jon
Ali, Rushanara Cryer, John
Allen, Heidi Cummins, Judith
Allin-Khan, Dr Rosena Cunningham, Alex
Armesbury, Mike Cunningham, Mr Jim
Antoniacci, Tonia Daby, Janet
Ashworth, Jonathan Dakin, Nic
Bailey, Mr Adrian Davey, rh Sir Edward
Bardell, Hannah David, Wayne
Bebb, Guto Davies, Geraint
Beckett, rh Margaret Day, Martyn
Benn, rh Hilary De Cordova, Marsha
Benyon, rh Richard De Piero, Gloria
Berger, Luciana (Proxy vote cast by Chris Leslie)
Betts, Mr Clive Debbounaire, Thangam
Blackman-Woods, Dr Roberta Dent, Coad
Blackford, rh Ian Dhesi, Mr Tanmanjeet Singh
Blackman-Woods, Dr Roberta Djongly, Mr Jonathan
Blomfield, Paul Docherty-Hughes, Martin
Boles, Nick Dodds, Anneliese
Brabin, Tracy Doughty, Stephen
Brake, rh Tom Dowd, Peter
Bradshaw, rh Mr Ben Drew, Dr David
Brennan, Kevin Dromey, Jack
Brine, Steve Duffield, Rosie
Brock, Deidre Eagle, Ms Angela
Brown, Alan Eagle, Maria
Brown, Lyn Edwards, Jonathan
Brown, rh Mr Nicholas Elman, Dame Louise
Bryan, Chris Esterson, Bill
Buck, Ms Karen Evans, Chris
Burden, Richard Farrelly, Paul
Burgon, Richard Farron, Tim
Burt, rh Alistair Fellows, Marion
Butler, Dawn Fitzpatrick, Jim
Byrne, rh Liam Fletcher, Colleen
Cable, rh Sir Vince Fovargue, Yvonne
Cadbury, Ruth Foxcroft, Vicky
Cameron, Dr Lisa Freeman, George
Campbell, rh Sir Alan Frith, James
Carden, Dan Furniss, Gill
Carmichael, rh Mr Alistair Gaffney, Hugh
Champion, Sarah Gapes, Mike
Chapman, Douglas Gardiner, Barry
Chapman, Jenny George, Ruth
Charalambous, Bamboos Gehins, Stephen
Cherry, Joanna Gibson, Patricia
Clarke, rh Mr Kenneth Gill, Preet Kaur
Clwyd, rh Ann Glindon, Mary
Coaker, Vernon Godsiff, Mr Roger
Coﬀey, Ann Goodman, Helen
Coﬀey, Ann Grady, Patrick
Collins, Damian Grant, Peter
Cooper, Julie Gray, Neil
Cooper, Julie Green, rh Damian
Cooper, Julie Green, Kate
Cooper, Julie Greening, rh Justine
Cooper, Julie Greenwood, Liilan
Coppins, raisan Greenwood, Margaret
Cotbyn, rh Jeremy Grieve, rh Mr Dominic
Costa, Alberto Griffith, Nia
Costa, Alberto Grogan, John
Creagh, Mary Gwynne, Andrew

Giyimah, Mr Sam Haigh, Louise
Haig, David Hamilton, Fabian
Hanson, rh David Hardy, Emma
Harman, rh Mr Harriet Harrington, Richard
Harris, Carolyn Hayes, Helen
Hayman, Sue Healey, rh John
Hendrick, Sir Mark Hendry, Drew
Hermon, Lady Hill, Mike
Hillier, Meg Hobhouse, Wera
Hodge, rh Dame Margaret Hodgsen, Mrs Sharon
Hollern, Kate Hosie, Stewart
Howarth, rh Mr George Huq, Dr Rupa
Huq, Dr Rupa Hussain, Imran
Jardine, Christine Jarvis, Dan
Johnson, David Johnson, Joseph
Jones, Darren Jones, Gerald
Jones, Graham P. Jones, Helen
Jones, Helen Jones, rh Mr Kevan
Jones, Sarah Jones, Susan Elan
Kane, Mike Keeley, Barbara
Kendall, Liz Khan, Aftal
Killen, Ged Kinock, Stephen
Kyle, Peter Laird, Lesley
Lake, Ben Lamb, rh Norman
Lammy, rh Mr David Lavery, Ian
Law, Chris Lee, Karen
Lee, Dr Philip Lefroy, Jeremy
Leslie, Mr Chris Letwin, rh Sir Oliver
Lewell-Buck, Mrs Emma Lewis, Clive
Lewis, Mr Ivan Linden, David
Lloyd, Stephen Lloyd, Tony
Long Bailey, Rebecca Lucas, Caroline
Lucas, Ian C.
Lynch, Holly MacNeil, Angus Brendan
Madders, Justin Mahwood, Mr Khalid
Mahwood, Shabana Malhotra, Seema
Marshden, Gordon Martin, Sandy
Maskell, Rachael Masterton, Paul
Matheson, Christian McCabe, Steve
McCarthy, Kerry McDonagh, Siobhain
McDonald, Andy McDonnell, rh John
McFadden, rh Mr Pat McGinn, Conor
McGovern, Alison McInnes, Liz
McKinnell, Catherine McMahon, Jim
McMorrin, Anna Meams, Ian
Milliband, rh Edward Mitchell, rh Mr Andrew
Monaghan, Carol Moon, Mrs Madeleine
Moran, Layla Morden, Jessica
Morgan, rh Nicky Morgan, Stephen
Morris, Grahame Murray, Ian
Nandy, Lisa Neill, Robert
Newlands, Gavin Newton, Sarah
Norris, Alex O’Hara, Brendan
Onasanya, Fiona Onn, Melanie
Onwurah, Chi Osamor, Kate
Owen, Albert Pannick, Matthew PARRY, Mark
Perkins, Toby Phillips, Jess
Phillipson, Bridget Pidcock, Laura
Platt, Jo Pollard, Luke
Pound, Stephen Powell, Lucy
Qureshi, Yasmin Rashid, Faisal
Rayner, Angela Reed, Mr Steve
Rees, Christina Reeves, Ellie
Reeves, Rachel Reynolds, Emma
Reynolds, Jonathan Rimmer, Ms Marie
Robinson, Mr Geoffrey Rodda, Matt
Rowley, Danielle Ruane, Chris
Russell-Moyle, Lloyd Ryan, rh Joan
Sandbach, Antoinette Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra Sheerman, Mr Barry
Sheppard, Tommy Sherriff, Paula
Thornberry, rh Emily
Timms, rh Stephen
Tredinnick, David
Trickett, Jon
Turley, Anna
Turner, Karl
Twick, Derek
Twick, Stephen
Twiss, Liz
Umunna, Chuka
Vazey, rh Mr Edward
Vaz, rh Kaz
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Wistow, Dr
Whitehead, Dr Alan
Whittaker, Martin
Whitford, Dr Philippa
Williams, Mya
Williams, Dr Paul
Wilson, Phil
Wishart, Peter
Wollaston, Dr Sarah
Woodhead, John
Yasin, Mohammad
Zeichner, Daniel

Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Fyoh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Graying, rh Chris
Green, Chris
Griffiths, Andrew
Hair, Kirstene
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepburn, rh Mr Stephen
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Huston, Mr Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Macknlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Prti
Paterson, rh Mr Owen
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Priest, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy

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Resolved, that, at today’s sitting—

(a) any proceedings governed by the resolution of the House of 25 March (Section 13 of the European Union (Withdrawal) Act 2018) or this order may be proceeded with until any hour, though opposed and shall not be interrupted;

(b) the resolution of the House of 25 March shall apply as if, at the end of paragraph (b), there were inserted “and then to a motion in the name of a Minister of the Crown to move to approve the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019”; and

(c) notwithstanding the practice of the House, any motion on matters that have been the subject of a prior decision of the House in the current Session may be the subject of a decision;

(d) the Speaker shall announce his decision on which motions have been selected for decision by recorded vote before calling a Member to move a motion under paragraph (f) of the resolution of 25 March;

(e) the first signatory of a motion so selected may inform the Speaker up to 4.00 pm that they do not wish a recorded vote to take place on that motion;

(f) having been so informed, the Speaker shall announce that information to the House and may announce a new decision on selection;

(g) the Speaker may not propose the question on any amendment to any motion subject to decision by recorded vote or on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(h) debate on the motions having precedence under paragraph (f) of the resolution of 25 March may continue until 7.00 pm at which time the House shall proceed as if the question had been put on each motion selected by the Speaker for decision by recorded vote and the opinion of the Speaker as to the decision on each such question had been challenged;

(i) in respect of those questions—

(i) Members may record their votes on each question under arrangements made by the Speaker;

(ii) votes may be recorded for half an hour after the Speaker declares the period open and the Speaker shall suspend the House for that period;

(iii) the Speaker shall announce the results in the course of the sitting;

(j) immediately upon the conclusion of the voting period the Speaker shall call a Minister of the Crown to move to approve the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019 and Standing Order No. 41A (Deferred divisions) shall not apply to that motion;

(k) during the period between 7.00 pm and the announcement of the results on the questions subject to recorded vote—

(i) no motion for the adjournment may be made;

(ii) the House shall not proceed to a division other than on the question referred to in sub-paragraph (j); and

(iii) the Speaker may suspend the sitting if any other business, including proceedings provided for in sub-paragraph (j) and in paragraph (g) of the resolution of 25 March, has been concluded.

(2) That, on Monday 1 April—

(a) Standing Order No. 14(1) (which provides that government business shall have precedence at every sitting save as provided in that order) shall not apply;

(b) precedence shall be given to a motion relating to the Business of the House in connection with matters relating to the United Kingdom’s withdrawal from the European Union other than any Business of the House motion relating to the consideration by the House of a motion under section 13(1)(b) of the European Union (Withdrawal) Act 2018; and then to motions relating to withdrawal and the United Kingdom’s future relationship with the European Union other than any motion moved under section 13(1)(b) of the European Union (Withdrawal) Act 2018;

(c) if more than one motion relating to the Business of the House is tabled, the Speaker shall decide which motion shall have precedence;

(d) the Speaker shall interrupt proceedings on any business having precedence before the Business of the House motion at 5.00 pm and call a Member to move that motion;

(e) debate on that motion may continue until 6.00 pm at which time the Speaker shall put the questions necessary to dispose of proceedings on that motion including the questions on amendments selected by the Speaker which may then be moved;

(f) when those proceedings have been concluded, the Speaker shall call a Member to move one of the other motions having precedence;

(g) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.
EU: Withdrawal and Future Relationship (Motions)

Mr Speaker: We now come to the motions relating to the United Kingdom’s withdrawal from and future relationship with the European Union. I inform the House that I have selected the following motions for decision by recorded vote: motion (B), in the name of Mr John Baron; motion (D), in the name of Mr Nicholas Boles; motion (H), in the name of Mr George Eustice; motion (J), in the name of Mr Kenneth Clarke; motion (K), in the name of the Leader of the Opposition; motion (L), in the name of Joanna Cherry; motion (M), in the name of Dame Margaret Beckett; and motion (O), in the name of Mr Marcus Fysh.

I shall, ere long, call John Baron to open the debate—[Interruption]—No, he does not need to be unduly concerned. He will do so by moving his motion (B), with which it will be convenient to debate all other selected motions on the Order Paper. Debate may continue until 7 pm.

The first signatory of each of these motions has until 4 pm to inform me that they do not wish a recorded vote to take place on their motion. Shortly after 4 pm, I will confirm, on the strength of the intelligence I have received, my selection of motions. At that point, colleagues, voting forms will be printed. They will be available from the Vote Office and in the Division Lobbies from approximately 6.30 pm. An announcement will be made on the Annunciator when they are available. The forms will look very similar to deferred Division forms except that they will be green, and they will list the title and letter of the selected motions. The text of the motions is in the Order Paper. Moreover, I hope it will be judged to be for the convenience of the House, and it has been requested of me, that large numbers of copies of the Order Paper will be available in the Division Lobbies.

The voting period is expected to start shortly after 7 pm and will last for half an hour. During that time, I will suspend the House. The Annunciator will display the end time of the voting period. Members with surnames from A to K should hand in their forms in the Aye Lobby, at the relevant desk for their surname, and Members with surnames from L to Z should hand in their forms in the No Lobby, at the relevant desk. As with deferred Divisions, Members may not vote Aye and No to the same motion.

Mr Mark Francois (Rayleigh and Wickford) (Con): Unless they’re in the Cabinet. [Laughter.]

Mr Speaker: I shall not respond to that disorderly heckle.

However, if that were to happen—what I have just counselled should not—the vote would not be counted. As with deferred Divisions, Members may not hand in forms on behalf of other Members. Each Member must hand in his or her own form. Members with proxy votes in operation will need to get their nominated proxy to hand in their form. A short note is being made available in the Vote Office confirming these arrangements.

I will announce the results in the Chamber as soon as they are ready, which will certainly not be before the conclusion of proceedings on the statutory instrument relating to exit day. The results of the votes will be published in the same way as deferred Divisions: on the Commons Votes website and app, and in Hansard, showing how each hon. Member voted on each motion.

Colleagues, last Monday—18 March—I made a statement to the House explaining the standard which would have to be reached for me to allow another so-called meaningful vote under the statutory framework provided in the European Union (Withdrawal) Act 2018. I cited page 387 of “Erskine May” and concluded that a proposition which is the same, or substantially the same, may not be brought forward again during the same parliamentary Session. This Monday—25 March—in the course of answering questions following her statement, the Prime Minister accepted this constraint, saying:

“I am very clear about the strictures that Mr Speaker gave when he made his statement last week, and were we to bring forward a further motion to this House, we would of course ensure that it met the requirements he made.”—[Official Report, 25 March 2019; Vol. 657, c. 323J.

I understand that the Government may be thinking of bringing meaningful vote 3 before the House either tomorrow, or even on Friday, if the House opts to sit that day. Therefore, in order that there should be no misunderstanding, I wish to make it clear that I do expect the Government to meet the test of change. They should not seek to circumvent my ruling by means of tabling either a “notwithstanding” motion or a paving motion. The Table Office has been instructed that no such motions will be accepted.

I very much look forward, colleagues, to today’s debate and votes, which give the House the chance to start the process of positively indicating what it wants. To move the first motion, I call the hon. Member for Basildon and Billericay (Mr Baron).

3.26 pm

Mr John Baron (Basildon and Billericay) (Con): I beg to move motion (B),

That this House agrees that the UK shall leave the EU on 31 December 2020, the United Kingdom shall—

(a) accede to the European Free Trade Association (Efta) having negotiated a derogation from Article 56(3) of the Efta Agreement to allow UK participation in a comprehensive customs arrangement with the European Union,

(b) enter the Efta Pillar of the European Economic Area and thereby render operational the United Kingdom’s continuing status as a party to the European Economic Area Agreement and continuing participation in the Single Market,

(c) enter a comprehensive customs arrangement including a common external tariff at least until alternative arrangements that maintain frictionless trade with the European Union and no hard border on the island of Ireland have been agreed with the European Union,
(d) conclude an agreement with the European Union, which in accordance with Article 2 of the Protocol on Ireland/Northern Ireland of the Withdrawal Agreement supersedes the Protocol on Ireland/Northern Ireland in full;

(e) develop and bring to this House proposals for full and fair enforcement of the rule that EEA migrants must be “genuinely seeking work” and have “sufficient resources not to become a burden on the UK’s social assistance system”, in accordance with the Immigration (European Economic Area) Regulations 2006;

(2) resolves to make support for the forthcoming European Union (Withdrawal Agreement) Bill conditional upon the inclusion of provisions for a Political Declaration revised in accordance with the provisions of this motion to be the legally binding negotiating mandate for Her Majesty’s Government in the forthcoming negotiation of the future relationship between the United Kingdom and the European Union.

Motion (H)—EFTA and EEA—

That this House recognises the democratic duty of Parliament to respect the result of the 2016 referendum whilst securing an orderly departure from the EU that preserves the territorial integrity of the United Kingdom of Great Britain and Northern Ireland; notes that the UK is a signatory to the treaty establishing the European Economic Area and has not given notice to leave the EEA as is required under Article 127 of that agreement; further notes that the UK was a founding member of the European Free Trade Association in 1960 and therefore call on the Government to (a) assert its existing rights as a signatory to the EEA, (b) take necessary steps to make our rights and obligations as an EEA member operable on an emergency basis through the domestic courts, (c) apply to re-join EFTA at the earliest opportunity to make the EEA agreement operable on a sustainable basis and (d) decline to enter a customs union with the EU but seek to make the EEA agreement operable on an emergency basis through the domestic courts, (c) apply to re-join EFTA at the earliest opportunity to make our rights and obligations as an EEA member operable on an emergency basis through the domestic courts, (c) apply to re-join EFTA at the earliest opportunity to make the EEA agreement operable on a sustainable basis and (d) decline to enter a customs union with the EU but seek to make the EEA agreement operable on a sustainable basis through the domestic courts.

Motion (J)—Customs union—

That this House instructs the Government to:

(1) ensure that any Withdrawal Agreement and Political Declaration negotiated with the EU must include, as a minimum, a commitment to negotiate a permanent and comprehensive UK-wide customs union with the EU;

(2) enshrine this objective in primary legislation.

Motion (K)—Labour’s alternative plan—

That this House requires Ministers to:

(a) negotiate changes to the draft Withdrawal Agreement and Political Declaration so as to secure:

(i) a permanent customs union with the EU;

(ii) close alignment with the single market underpinned by shared institutions and obligations;

(iii) dynamic alignment on rights and protections;

(iv) commitments on participation in EU agencies and funding programmes, including in areas such as the environment, education, and industrial regulation;

(v) agreement on the detail of future security arrangements, including access to the European Arrest Warrant and vital shared databases; and

(b) introduce primary legislation to give statutory status to the objectives set out in paragraph (a).

Motion (L)—Revocation to avoid no deal—

If, on the day before the end of the penultimate House of Commons sitting day before exit day, no Act of Parliament has been passed for the purposes of section 13(1)(d) of the Withdrawal Act, Her Majesty’s Government must immediately put a motion to the House asking it to approve ‘No Deal’ and, if the House does not give its approval, Her Majesty’s Government must ensure that the notice given to the European Council under Article 50, of the United Kingdom’s intention to withdraw from the European Union, is revoked in accordance with United Kingdom and European Union law.

Motion (M)—Confirmatory public vote—

That this House will not allow in this Parliament the implementation and ratification of any withdrawal agreement and any framework for the future relationship unless and until they have been approved by the people of the United Kingdom in a confirmatory public vote.

Motion (O)—Contingent preferential arrangements—

That this House directs that in case the UK is unable to implement a Withdrawal Agreement with the EU, Her Majesty’s Government shall seek to agree immediately and preferentially with the EU:

(a) a trade agreement and/or joint notification of trade preference covering 100 per cent of goods traded between the UK and EU under which no tariffs or quantitative restrictions will be applied between the parties and full cumulation of rules of origin which shall apply for a period of up to two years after the UK leaves the EU notwithstanding that these arrangements may be superseded or extended by further mutual agreement;

(b) a standstill period of mutual recognition of standards and conformity assessment for up to two years in which the UK will ensure compliance in the UK with the EU legislative acquis as adopted in Retained EU law under the EU Withdrawal Act on the day the UK leaves the EU notwithstanding that these arrangements may be superseded or extended by further mutual agreement;

(c) a customs arrangement consisting of advanced trade facilitation measures that enables and makes full and widespread use of simplified and subsidised procedures to perform customs and regulatory declarations and associated control processes away from UK/EU borders; and

(d) make provision for the payment of sums to the European Union in amounts equivalent to the UK’s current net annual financial contribution to the EU for up to two years in respect of the above agreements and arrangements.

Mr Baron: Thank you, Mr Speaker, for choosing this motion.

I refer right hon. and hon. Members to motion (B)—[Interruption.]

Mr Speaker: Order. I should be most grateful if—

Mr Bob Seely (Isle of Wight) (Con): On a point of order, Mr Speaker.

Mr Speaker: No, no—I have already called the hon. Member for Basildon and Billericay and he has started to speak. In any case, I am on my feet, so the hon. Gentleman should not rise to his feet while I am on mine. Somebody as concerned with procedure as the hon. Gentleman might usefully become acquainted with that important procedural fact.

I was just going to appeal to colleagues—and I think the intervention has helped me to do so—to leave the Chamber quickly and quietly so that we can proceed with the debate and each contributor enjoys the respectful attention of the House which he or she deserves.

Mr Baron: Thank you, Mr Speaker.

Just so that the House is absolutely clear, my motion (B) reads:

That this House agrees that the UK shall leave the EU on 12 April 2019 without a deal.

May I suggest to the House that, as we stand at this point in time, this is, in law, the default position of triggering article 50? We all knew, those of us who were here and voted for it in February 2017, what we were
voting for: the motion simply said that we would leave the EU on 29 March with or without a deal, and we passed it by 384 votes.

Anna Soubry (Brxtoxe) (Ind): Will the hon. Gentleman give way?

Mr Baron: I will in a second—I am going to make some progress first.

Although article 50 can be extended—I voted against that—we should still, as a House, reflect on that vote and recognise that, while most of us in this place want a good deal, many of us have taken the view that the deal on offer from the Prime Minister is not a good deal, and therefore the legal default position is that we leave on no deal/World Trade Organisation terms.

Chris Philp (Croydon South) (Con): May I ask a clarifying question about the meaning of motion (B)? Does my hon. Friend mean to say that, even if a deal is agreed before 12 April, we should still seek to leave without a deal?

Mr Baron: My hon. Friend is right to seek clarification. The answer is no—my preference, as I have stated, is that we leave with a deal, with the backstop duly amended, so that we could not as a country be caught in it indefinitely. That would be my preference, and then this motion would no longer apply. The date is set in the motion because, as he will know, that is the date given by the EU if there is no agreement.

I remind Members that, while most of us in this place prefer a good deal to no deal, no deal is still preferable to a bad deal. We are left in a position where it looks as though the Prime Minister’s deal, unless there is a major shift in this place, is not going to pass—I do not think it will come back, but even if it does, I do not think it will pass. The default position is that we are leaving on WTO terms and I remind the House that, despite all the predictions of doom and gloom, we trade profitably on WTO terms, with the majority of the world’s GDP outside the EU. We have been assured on several occasions by Ministers and, indeed, by the Prime Minister that we are prepared for a no-deal exit.

Lady Hermon (North Down) (Ind): I am most grateful to the hon. Gentleman for allowing me to intervene. Let me take a moment to remind the House and in particular the hon. Gentleman that Northern Ireland has not had a Government since January 2017. We have no Ministers in Northern Ireland. The head of the Northern Ireland civil service has warned as recently as the beginning of this month of the “grave” consequences for Northern Ireland if we were to leave without a deal. Does the hon. Gentleman have any respect at all for the head of the civil service in Northern Ireland or indeed for the people of Northern Ireland?

Mr Speaker: Before the hon. Gentleman responds, it might be helpful to the House if I explain that no fewer than 47 Members are seeking to contribute to the debate from the Back Benches, plus three Front Benchers, with a very constrained timetable. Speeches of more than about five minutes will render it impossible for everybody else to speak. The hon. Gentleman did not know that when I called him, although he could have reckoned with the likelihood of substantial demand. Economy is of the essence.

Mr Baron: I will respond to the intervention by the hon. Member for North Down (Lady Hermon), if I may, and then move on. I have great respect for the people of Northern Ireland. Having served there in the 1980s and got the medals to prove it, I take into account what the people of Northern Ireland, as part of our Union, have to say. At the same time, we are part of a United Kingdom, and there are predictions on both sides of this discussion as to possible outcomes. The Taoiseach has just suggested that we do not need a hard border to solve what has become known as the Northern Ireland backstop problem. There are differences of opinion and we need to recognise that in this debate. I will take note of your stricture, Mr Speaker, and make haste in my remaining comments.

We have been assured by Ministers time and again, in Committees and on the Floor of the House, that we are prepared for no deal. We have spent billions on no deal; £4.2 billion seems to be the current figure. When I posed the Prime Minister a very simple question in the Chamber on 12 February—“Are we going to be prepared?”—she answered in three words: “We are indeed.”

Sir Oliver Letwin (West Dorset) (Con): Will my hon. Friend give way?

Mr Baron: I will not.

I have to take at face value those reassurances by Ministers that we are indeed prepared for no deal. There is a prevalent argument that no deal would lead to disaster not only in this place but outside it. I respectfully point out that the people making that argument are often the very same ones who predicted doom and gloom in 2016; they said that would be the result if we voted to leave. Some of the predictions were so dire that they were beyond credibility. We had predictions that 500,000 extra people would be unemployed by December 2016 if we voted to leave; some estimates put it up to 700,000. We had predictions of self-made recessions. We even had predictions of conflict on the continent of Europe. They were all proved wrong. The Bank of England—for the first time in its history, to my knowledge—had to publicly apologise for getting it so badly wrong.

What has happened since then? We have had record low unemployment, record high manufacturing output and record investment, and those decisions in the last two or three years have been made in the full knowledge that we could be leaving the EU with no deal and on WTO terms. I gently remind Members that investment is about comparative advantage. It is about such factors as, what is our corporation tax rate compared with other countries? How flexible is our labour market? What about our top universities? What about our financial expertise? In total, those are of greater influence when it comes to investment than 3% to 7% WTO tariffs. I ask the House to reflect on that, because there are too many wild predictions flying around this place, when the discussion should be based on economic reality.

I would go one stage further. If we introduce a fair and controlled immigration policy, wages will rise faster in this country than if that immigration policy were not in place. That is what Lord Rose, who was leader of the remain campaign leading up to the referendum, said in front of the Treasury Committee. Scare stories that we are all heading for doom and gloom and that goods will no longer traverse customs unions and trading blocs
around the world, which they already do, are very wide of the mark. Let us base this discussion and the votes tonight on economic reality. Much as a few Opposition Members—particularly the SNP—do not like to admit it, we are doing rather well economically, and as I said, those decisions have been based on the possibility of us leaving on no-deal terms.

Given your guidance on timings, Mr Speaker, I will bring my comments to a close. I appeal to the House for rational consideration with regard to no deal. There are a lot of scare stories out there, but this is a repeat of 2016. Those scare stories were wrong then and they are wrong now. Let us have a note of optimism about the future of this country and the capability of this country, and let us back this country. If we cannot get a good deal, let us get back to economic reality and realise that we already trade profitably with the majority of the world’s GDP outside the EU on WTO terms, and there is no reason why we cannot trade with the EU on such terms. I recommend that the House support motion (B).

Mr Speaker: As the hon. Gentleman has completed his oration in a timely way, we now proceed to the next contributor to the debate, and I am proposing what might be called an indicative time limit of five minutes.

3.38 pm

Stephen Kinnock (Aberavon) (Lab): I thank the right hon. Member for West Dorset (Sir Oliver Letwin) for his great work in making today’s proceedings possible. I rise to speak in support of motion (D) in my name and those of the hon. Member for Grantham and Stamford (Nick Boles) and other hon. Members. This really is five minutes to midnight—for this Parliament, for this Government and for our country—and we desperately need to find a way out of this mess. Our country has spent two years tied up in knots by the Prime Minister’s incompatible red lines, which offered such a narrow interpretation of the referendum result. A 52% to 48% vote was certainly not an instruction for a disastrous no deal or for a hard, Canada-style, job-destroying Brexit. It was an instruction to move house, but to stay in the same neighbourhood.

The European Free Trade Association/European economic area model offers just such a possibility. It respects the referendum result without wrecking the British economy. Not convinced? Well, it is worth remembering what Nigel Farage told a “Question Time” audience in 2016:

“I hear people say ‘Wouldn’t it be terrible if we were like Norway and Switzerland? Really? They are rich, they’re happy and they’re self-governing countries.’”

The right hon. Member for North Shropshire (Mr Paterson), a passionate Brexitite, told us in 2015 that “only a madman would leave the market”, and the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) has also been supportive of the single market in the past. The point I am making is that, in 2016, Euro-scepticism meant something that it apparently no longer means today.

Mr Owen Paterson (North Shropshire) (Con): Will the hon. Gentleman give way?
Mr Paterson: Will the hon. Gentleman give way, as he did name me?

Stephen Kinnock: I am sorry, but Mr Speaker has said that we do not have time for interventions.

Mr Paterson: On a point of order, Mr Speaker. The hon. Gentleman named me and I think it is a convention that the named Member can answer back. He used a quote from a television programme—

Mr Speaker: Order. I am sorry, but the right hon. Gentleman cannot make his point via a point of order. What he describes is customary, but not obligatory. It is not for me to say that people can or cannot intervene and I am not seeking to do so. I am just reminding the House of the time constraints under which we operate.

Stephen Kinnock: Thank you, Mr Speaker.

The safeguards give countries a qualified but unilateral treaty-based right to suspend freedom of movement if a country believes that it is suffering “serious societal or economic difficulties.” The measures in essence reflect what David Cameron tried but failed miserably to negotiate with the EU before the 2016 referendum. They would end the seemingly limitless nature of EU migration that concerns many voters.

It is often said that the UK would become a rule taker, but that is a ludicrously simplistic view. Under the terms of common market 2.0, the UK would leave the jurisdiction of the European Court of Justice and therefore end the principle of direct effect. That is because the EFTA Court that the UK would join respects national sovereignty in a way that the ECI does not. New laws have to be approved by each nation and their national Parliament. It is also worth noting that we would have one in four EFTA Court judges rather than one in 28 EU judges, and that only one third of EU law applies to the EEA anyway.

We would restore policy-making powers in vast areas, including agriculture, fisheries, foreign affairs, security, justice and home affairs, and taxation. Although the EFTA states take on most single market rules, it is worth remembering that they enjoy the option to delay, adapt or derogate from any single market law or directive. Any decision to incorporate law must be unanimous, so that would give us not a vote in the EU process—because of course we are leaving the institutions—but a veto at national level. Norway and Iceland have derogated from EU law on more than 400 occasions.

The Norwegian Prime Minister has made it clear that her country is ready to facilitate our joining the EEA via the EFTA pillar. Michel Barnier has always said a so-called Norway-plus deal would work and that it had not been considered only because of the Prime Minister’s red lines.

Our common market 2.0 motion brings together leavers and remainers and three different parties. That breadth of support is extraordinary and unique. I am not sure that any other option has that spread of remain and leave opinion—certainly not revocation, a no-deal Brexit or a confirmatory vote. We need to find a way that not just unites the House on a solution that will get us out of the constitutional and political crisis, but begins to reunite our deeply divided country. It is time for British politics to rediscover the lost art of compromise. It is time for the House to support motion (D), and I genuinely hope that Members of all parties will join me in the Lobby to do so.

3.47 pm

Nick Boles (Grantham and Stamford) (Con): I join my hon. Friend the Member for Aberavon (Stephen Kinnock) in proposing motion (D). I, too, want to make the case for compromise, not as something cowardly but as something courageous. In a divided country and a divided Parliament, finding and sustaining a compromise that most people can support is a noble endeavour. After years of paralysing conflict, we have a moral duty to open our minds this afternoon and reach for a compromise that will allow us to put the interminable Brexit row behind us.

The great strength of the common market 2.0 proposal, relative to all other Brexit compromises, is that it offers something important and valuable to everyone and every party in this House. For Labour Members, it offers the strong position in the single market that, as Frances O’Grady has affirmed, is vital for workers’ rights. For SNP Members, common market 2.0 preserves the principle of free movement of labour, which they tell me is essential to Scotland’s future economic prosperity and social cohesion. For those in other parts of the UK, worried about the possibility of another massive influx of European migrants such as the one we experienced after Poland and Hungary joined the EU in 2004, it offers an emergency brake, which could be deployed as a temporary safeguard in the regions affected.

For my right hon. and hon. Friends on the Conservative Benches, common market 2.0 offers the prospect of being able to benefit from the free trade agreements struck by the European Free Trade Association, or to do our own trade deals once alternative arrangements to maintain no hard border on the island of Ireland have been agreed with the EU.

Steve Brine (Winchester) (Con): My rule today is to support only suggestions that are realistic and deliverable, and I think that what my hon. Friend is presenting, and what I have read about it, ticks both boxes. Will he confirm that common market 2.0 would not require Northern Ireland to accept different rules from the rest of the UK? That is the stumbling block that has held us in this purgatory for so long.

Nick Boles: My hon. Friend did a heroic thing earlier this week, for which I salute him, and I am grateful to him for literally leading me to my next point. For our allies in the DUP, common market 2.0 removes any threat to the Union, because it keeps every part of the United Kingdom inside the single market and a comprehensive customs arrangement that delivers frictionless trade.

For right hon. and hon. Friends representing Scottish constituencies and coastal communities around the UK, common market 2.0 guarantees our exit from the EU’s common fisheries policy and our rebirth as an independent coastal state.

Chris Philp: Will my hon. Friend confirm that common market 2.0 would entail continuing to follow single market rules with no say—the Bank of England has advised against that—and that unlimited free movement
would continue, with only a limited and temporary possibility of restricting it, and that according to the House of Commons Library, financial contributions would continue at about half their current rate?

**Nick Boles**: I am happy to confirm some of what my hon. Friend says but not the first point about not having a say over the rules. Members of the European economic area follow an absolutely crucial process under the EEA Joint Committee, to which all new rules passed under single market legislation are referred, and they have a right of reservation, which means that the postal directive, for instance, has never been implemented by Norway, because it does not like it and just says no. That right would extend to us if we were to join.

**James Cartlidge** (South Suffolk) (Con): My hon. Friend is making an excellent speech. Does he agree that, even under World Trade Organisation rules, every single UK exporter to the EU will still have to comply with all EU rules and regulations? Once a country leaves the EU, there is no way it can somehow remain a rule maker within it.

**Nick Boles**: Of course that is right; my hon. Friend is absolutely correct. It is also the case that almost every single producer in this country is hardly going to have to follow one set of rules just for their UK sales and another set of rules for their European sales. They will have one standard set of rules and they will probably follow the European ones.

**Sir Oliver Letwin**: Will my hon. Friend give way?

**Robert Halfon** (Harlow) (Con): Will my hon. Friend give way?

**Nick Boles**: I give way first to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin).

**Sir Oliver Letwin**: My hon. Friend is making a very good case in addition to that made by the hon. Member for Aberavon (Stephen Kinnock), who first spoke to the motion. Will my hon. Friend emphasise that more than two thirds of the entirety of directives that currently apply to us as EU members will cease to apply because we will only be in the single market and not the rest of the institutions?

**Nick Boles**: That is exactly right. Under common market 2.0, the EEA and EFTA, only single market legislation would be relevant to us; we would be free of all of the rest. It is very important to understand that, even by 2011, Norway and Iceland between them had not implemented 300 legislative acts under single market legislation. They simply said no to those acts of legislation. I will now give way to my right hon. Friend the Member for Harlow (Robert Halfon).

**Robert Halfon**: My hon. Friend has answered my question.

**Nick Boles**: That gives me more pleasure than you could believe possible.

For all of us in this House who care deeply about the security of our fellow citizens, but perhaps in particular for my good friend the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), common market 2.0 would offer unfettered access to the databases and information-sharing programmes of the EU. That is only available to countries that are members of the EU or of EFTA.

**Liz Kendall** (Leicester West) (Lab): Will the hon. Gentleman clarify whether, under common market 2.0, there would be a temporary or permanent customs union?

**Nick Boles**: My hon. Friend, as ever, puts her finger on the nerve, shall we say. There are different views in the House about our commitment to a future customs arrangement. On the Conservative side, we would like to have a customs arrangement that guarantees frictionless trade until there are alternative arrangements, which the EU has approved, that might set us free to be able to strike our own trade deals. [Interruption.] The right hon. Member for Broxtowe (Anna Soubry) shouts “Unicorn” from her seat. Well, that is not exactly what the EU has said. It has just said that it is not ready yet and that it does not know when it will be ready. On the Opposition Benches, hon. Members want to have a permanent customs union. The beauty of our motion today is that it allows us all to vote for it, because the truth is that we do not need to make that choice now. Those alternative arrangements will not be ready for several years and at the next election the Opposition parties can argue for a permanent customs union and we can argue for free trade or the EFTA free trade agreement, and we can agree to pursue our different visions of the future.

**Dr Sarah Wollaston** (Totnes) (Ind) rose—

**Nick Boles**: I will give way one last time.

**Dr Wollaston**: My hon. Friend is making a very powerful case for this being the least damaging form of Brexit. The trouble is that it will end up pleasing no one: neither the remainers who voted to remain, nor a very significant number of his colleagues who voted to leave. Would it not be best, if it does not have the consent of this House, at least to check that it has the consent of the people? Would he agree to link it to a public vote, so that we can check that it really is the will of the people?

**Nick Boles**: The hon. Lady makes a powerful argument, as she has done consistently. The funny thing about this position is what happened in Norway. It was meant to be temporary for Norway. It went into this thing on its way into the EU. All the Norwegian elite—both sides of Parliament, all the business elite and everybody else—want to get into the EU, but the Norwegian people consistently say, “No, thank you very much, we are quite happy where we are.” Some 65% to 70% of the Norwegian people say, “Do you know what? This halfway house is absolutely perfect for us.” My prediction is that that is what the British people would conclude, too.

Each of us today is a leader. The Prime Minister has one vote, the Leader of the Opposition has one vote, and so does every other right hon. and hon. Member. In years to come, the question that our children and grandchildren will ask us is this: in that historic week...
when Parliament took charge of the nation’s destiny, what did you do? Did you stand up and lead? Did you step forward to help reunite our country, or did you hang back in your party trench waiting to be told what to do and where to go? I have already made my choice at the cost of my future career in this House. It is now time for others to choose. To all right hon. and hon. Members I say this: if you choose common market 2.0 this evening, the history books will record it as the moment that our country turned a corner and the part you played will be something of which you will be forever proud.

3.58 pm

Keir Starmer (Holborn and St Pancras) (Lab): I welcome this debate. It is a historic day for this Parliament and for the power of MPs. In that spirit, I will keep my remarks very short, because this is a day for Back Benchers and for those putting forward their case for particular propositions. I believe there are some 47 Members who want to speak.

Labour’s approach today is that we will support amendments that are consistent with the two credible options we have set out on a number of occasions: a close economic partnership based on a customs union and close single market alignment; and a public vote to prevent no deal or a damaging Brexit. We will oppose those amendments that either offer no route forward or set out an approach that is inconsistent with our policy. In that spirit, I can confirm that we will be whippings tonight to support: amendment (K), in my name and in the name of the Leader of the Opposition; amendment (J), the customs union amendment tabled by the Father of the House, the right hon. and learned Member for Sedgefield (Phil Wilson). I will come on to amendment (D) after much consultation and support from my hon. Friends the Members for Hove (Peter Kyle) and for Sedgefield (Phil Wilson). I will come on to amendment (D) in just one moment.

Let me start with motion (K), which mirrors the five pillars of the plan that we have set out on many occasions, both in this House and in the letter from the Leader of the Opposition to the Prime Minister in February.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Will the right hon. and learned Gentleman give way?

Keir Starmer: I will make some progress, because I have spent a lot of time at this Dispatch Box and I have been able to make my case. Others want to make their case today and I want to give them the opportunity to do so.

Motion (K) mirrors the plan that we have set out. It was in the letter from the Leader of the Opposition to the Prime Minister in February. I remind the House that the pillars are a comprehensive and permanent customs union with the EU, close alignment with the single market, dynamic alignment on rights and protections, accompanied by much stronger commitments on agencies and security. We have never pretended that this will be easy or painless to negotiate. It involves compromise and negotiation, but we believe that it could be negotiated, and it would form the basis of a deal that protects jobs, rights and the economy.

Turning to motion (J) on the customs union, Labour’s support for a customs union is well known. I want to be clear that a customs union on its own is not enough. A customs union protects manufacturing supply chains and is relevant to the protection of the border in Northern Ireland, but it has to be part of a wider package, hence our motion (K), which sets out the package that we believe is needed. However, motion (J) is worded to specify that a customs union is a minimum part of any deal and we will support it on that basis.

Greg Hands (Chelsea and Fulham) (Con): Will the right hon. and learned Gentleman give way?

Keir Starmer: I will just make some progress and then I will. Turning to motion (M), we will support this motion tonight, because at this stage it is now clear that any Brexit deal agreed in this Parliament needs further democratic approval. That is what this motion would do. It would put a lock around any deal that the Prime Minister forces through at the 11th hour or any revised deal that comes about at this very late stage. It would ensure that any Tory Brexit deal is subject to a referendum lock and it is consistent with commitments that the Leader of the Opposition and I have made from this Dispatch Box in recent weeks.

In relation to motion (D)—the common market and Norway motion—I want to be clear that we have concerns about this proposal, and it has not been our preferred option. We have concerns about the lack of a commitment to a permanent and comprehensive customs union, although I listened carefully to the words that were just exchanged in the House. However, we recognise that this motion would deliver a close economic relationship with the EU and would help to protect jobs, rights and the economy. It is credible and it is deliverable, so we believe that this motion should remain an option and continue in the process. We will therefore be recommending that Labour Members vote for it tonight.

This is an extremely important and welcome debate. It is frankly two years overdue. This is the debate that the Prime Minister should have started two years ago at the beginning of the process, but we are where we are, and Parliament finally has the chance to shape the way out of the Prime Minister’s mess.

4.2 pm

Mr Kenneth Clarke (Rushcliffe) (Con): I join those who have congratulated my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on giving us this opportunity. At last we are seeing, as we go along, that the House is moving into a mood where it is going to be possible to end the catastrophic shambles of the last six months. We are beginning to talk about actually being able to take decisions founded on some sort of cross-party consensus and some search for a majority that can be sustained through the difficult and long negotiations that will be required to reach agreement on our final relations with the European Union. It seems to me that it is up to the House to respond to that properly and deal with this procedure, with a willingness to compromise with one another and move towards some eventual binding recommendation to the Government about the way in which things should be conducted in future. I shall certainly approach this in that way.
My right hon. Friend has also helped the Government, although they are bitterly resistant to what he has done, raising absurd constitutional arguments, which are complete fiction and which they could have remedied easily if they had put down their own proposals for having indicative votes, as they told us that they were going to two days ago. This hair-splitting thing about it being the Government who should table business motions, and not Back Benchers, is a completely piffling irrelevance. He has actually helped them considerably: I have never seen the right-wing members of the European Research Group more apparently panicked by the way the House as a whole is moving. They are demonstrably in a minority, their dreams of a no-deal departure are fading, and despite their frequent meetings with the Prime Minister and their gliding into Chequers at the weekend, they are beginning to peel off one by one, having first rebuffed it.

I congratulate those who put this process together and those Ministers who resigned to get this pressure going and bring us nearer to reality, and I will turn now to the substance of how I am going to vote. As I have said, I will vote not for my first preference—I will when it occurs—but for that which I can live with. Unfortunately, I think we are doomed to leave the European Union within the next two or three years. My duty now is to exercise my own judgment as to what is in the national interest, will minimise the damaging consequences and will perhaps save some of the better features for future generations.

As I have said before, the obvious compromise is, unfortunately, to give up the political European Union and leave the political institution and remain in the common market, as the public still call it—the customs union and the single market—thereby avoiding problems at the borders and for business, ensuring the smooth running of trade, and so on.

Angus Brendan MacNeil: I am sorry, but I cannot give way. I would like to—I have been collaborating with the hon. Gentleman—but I must take notice of time.

Under such a compromise, we would continue to enjoy the economic advantages of being in the biggest and most prosperous international free trade area in the world and begin to reconcile the 52% with the 48%. Most sensible members of the public, however passionate their views, be they remain or leave, could see the sense in coming together around such a compromise. It was the main Euro-sceptic demand 20 years ago: leave the EU but not the common market. If we solved that, we could begin to repair the dreadful political mood in the country.

I will vote for revoke whenever it appears, because that is my personal preference, but that is self-indulgence, and I will support—[Laughter.] If we get a majority, I will be delighted.

Angus Brendan MacNeil: I will not give way to my fellow collaborator on revoking.

I will support common market 2.0 and anything that resembles it, though I will not dwell on it further, as I have already dealt with it. I come then to my motion (J).

As I have already indicated, it is not my first preference—the two I have already named are my preferences—but it is tabled to maximise support in the House so that we can move on Monday towards our really taking control and actually putting the Government, though they do not accept it, in a much stronger position than they are today when it comes to the future negotiations.

Motion (J) advocates a customs union only—a permanent customs union, I point out to the hon. Member for Leicester West (Liz Kendall), who intervened earlier on this point—and would keep the minimum needed for frictionless trade and an open border in Ireland. We would also need some understanding or moves on regulatory convergence, but that does not need to be dealt with at this stage. If we started with the premise that we will be permanently in a customs union, it would bring greater clarity to the next stage—the really important stage—of the negotiations. I think that every other EU member state would be ready to accede to that, and it would improve the climate of the negotiations.

The motion is designed to appeal in particular to Labour Members who are demanding it and to my more cautious right hon. and hon. Friends in the Conservative party. Those who have hang-ups about rule making and use medieval language about vassal states and all the rest of it are talking about the single market. Motion (J) does not include the single market. The customs union guarantees a reasonably frictionless relationship and the possibility of completely open trade in the future, and leaves all the other things to be decided in the negotiations.

Greg Hands: Will my right hon. and learned Friend give way?

Mr Clarke: No, I will not.

That is the basis on which I tabled motion (J), and I commend it to the House. Members may prefer a different motion; I shall vote for several. I think that we should all vote for as many of the motions as we can, and then we will see which is the strongest. We will not be dismissed by the more fervent members of the Government saying that they have all been defeated, and none of them secured an individual majority. On Monday, we could move on to how we sift them out.

Above all, for Labour Members this will, I hope, pave the way for allowing the withdrawal agreement to go through, because their main argument is not about the contents of the withdrawal agreement but about the “blind Brexit” that worries them so much. Even in motion (J)—if we cannot get a stronger one—there is not a blind Brexit any more. Labour Members could at least abstain, so that we could secure the withdrawal agreement and then move on to what really matters—the serious long-term negotiations on the big issues, which we shall have to handle much better than we are doing now.

My last word is this. If we fail, and if we are faced in a fortnight’s time with no deal, I think the feeling in the House is so strongly against that outcome that we must all vote to revoke at that stage. A great many members of the public will probably think that we have got ourselves into such a mess that it might have been sensible to do that anyway. We should stop now, sort out what we are doing, and perhaps start again if the House is still enthusiastic about leaving. However, I
hope we can avoid that conclusion by demonstrating that Parliament is capable of orderly debate, reasonable conclusions, and contributing to the better governance of our country as part of this process—including, I hope, my motion (J).

Several hon. Members rose—

Mr Speaker: Order. Before I call the next speaker, I can tell the House that no lead sponsors have informed me—and I indicated that they needed to do so before 4 pm—that they do not wish a recorded vote to take place on their motion. I can therefore confirm that the motions on which Members will be able to vote are as previously announced, namely (B) for Baron, (D) in the name of Nick Boles, (H) in the name of George Eustice, (J) in the name of Mr Kenneth Clarke, (K) in the name of the Leader of the Opposition, (L) in the name of Joanna Cherry, (M) in the name of Margaret Beckett, and (O) in the name of Mr Marcus Fysh.

4.12 pm

Joanna Cherry (Edinburgh South West) (SNP): I rise with the endorsement of the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), for my motion (L)—for which I am grateful to him—and that of my hon. Friend the Member for Na h-Eileanan an Iar (Angus Brendan MacNeil), who has prosecuted the issue of revocation with such vigour in the House over the past few months. I am glad to say that my motion is supported by all parties in the House. It has the official backing of the Scottish National party, the Liberal Democrats, Plaid Cymru and the Independent Group. Many Labour Members have told me that they intend to support the motion, and I hope very much that the Labour party will reconsider its decision not to whip on it.

Angus Brendan MacNeil: Surely anyone who has said in the House “No to no deal” must support motion (L), because it gives a mechanism to that—namely, revocation.

Joanna Cherry: Absolutely. If there is one thing that we can achieve this afternoon by supporting this motion, it is categorically ruling out no deal. The motion is a revocation backstop. It stipulates that if within two days of exit day we have no agreed deal and Parliament does not positively approve no deal, the Government must revoke the article 50 notice, and we will stay in the EU. But it is important to understand that revocation does not mean that we could never notify the EU of our intention to leave again. That is incorrect, as Members will see if they read the decision of the Grand Chamber in the Court of Justice of the European Union on the case that I and others brought.

Sammy Wilson (East Antrim) (DUP): Will the hon. and learned Lady give way?

Joanna Cherry: I will in a moment, but I just want to make this clear: the motion has been carefully drafted by myself and a team of lawyers to give the Government a clear and unequivocal instruction, and it is the only way to make the Prime Minister hold to her promise that she gave this House on Monday when she said that “unless this House agrees to it, no deal will not happen”.—[Official Report, 25 March 2019; Vol. 657, c. 25.]

This motion would achieve that. It is the culmination of cross-party work that commenced with a group of Scottish parliamentarians, including myself and other SNP parliamentarians, two Scottish Greens and two Scottish Labour MEPs and the English QC Jo Maugham, who has helped me draft the amendment. We fought the British Government all the way to the Court of Justice to establish that if the United Kingdom got into the kind of mess we are now in, it would have the right to unilaterally revoke article 50. It is important that the instruction is clear and unequivocal, because if Parliament gives the Government a clear and unequivocal instruction then, if the Government fail to follow that clear and unequivocal instruction, because it is clear and unequivocal, we would have a range of political and legal remedies to make sure they did what the democratic vote of this House was to do.

Sammy Wilson: I thank the hon. and learned Lady for giving way. I wanted to give her an opportunity to correct something. She said this motion had all-party support; it does not have the support of the DUP because of course we believe that, through the referendum result, the people of the United Kingdom have said what they wish, and we do not want to revoke that decision.

Joanna Cherry: The right hon. Gentleman will forgive me if I sometimes forget that the DUP is not part of the Government, because it very much feels like that. I am very happy to say that I can live without the support of the DUP.

This is a cross-party motion, except for the DUP, and it continues the cross-party working which got the judgment from the Court of Justice; and today is about cross-party working to try to get us out of the mess we are in.

Lady Hermon rose—

Joanna Cherry: I am going to make some progress as I am very conscious of the time strictures.

Conservative Members of this House should support this motion because it is making good on the promise that their Prime Minister—she was still Prime Minister the last time I looked—made to the Commons earlier this week when she said that “unless this House agrees to it, no deal will not happen”.—[Official Report, 25 March 2019; Vol. 657, c. 25.]

Labour MPs should support it because it fits with their manifesto. They said in their manifesto:

“Labour recognises that leaving the EU with ‘no deal’ is the worst possible deal for Britain and that it would do damage to our economy and trade. We will reject ‘no deal’ as a viable option”.

This motion is the only means today for Labour to fulfil that manifesto promise, and I know that the Labour party has repeatedly asked the Government to rule out no deal so I entreat them to support this motion today as the means of doing that.

Mr Dominic Grieve (Beaconsfield) (Con) rose—

Joanna Cherry: I give way to the right hon. and learned Gentleman, who is a co-sponsor of the amendment.

Mr Grieve: I am grateful to the hon. and learned Gentleman. Does she agree that the point about this motion is that it is there in extremis? It is not there to summarily
reflex on article 50, but only to do it in the event of circumstances where there is no alternative and no ability to get an extension that might deliver a referendum, for example, or some other conclusion.

Joanna Cherry: That is exactly so, and I am very grateful to the right hon. and learned Gentleman for spelling that out so clearly and for lending his support to this motion.

Fellow Members can support this motion even if they are supporting other motions tonight. It should be acceptable to supporters of the current draft withdrawal agreement—for some reason that is not on the Order Paper today, but we might see it later in the week. If an hon. Member wished to support the Prime Minister’s deal, they could also support my motion because it is a failsafe. If an hon. Member wished to support Norway-plus, they could also support my motion because it is a failsafe. And, very importantly, those of us who wish to support a people’s vote can also support this because it is a failsafe. Also, it does not even preclude a general election, because the way the motion is worded makes it kick in on the penultimate day before exit day, which is of course a moving target at the moment; so it leaves the door open to a general election, which I know some of us would quite like to see, particularly the SNP in Scotland as we are riding so high in the opinion polls. But today is about cross-party working and democracy, because the decision that we are taking is of generational importance for the United Kingdom and it ought to be the representatives of the people of the United Kingdom in this House who decide between revocation and no deal, not the Prime Minister of a minority Government.

Mr Ben Bradshaw (Exeter) (Lab): The hon. and learned Lady mentioned the spirit of cross-party working. She also asked about the Labour whipping arrangements, and I can assure her, as one of those who has signed her motion, that the Labour whip is not to oppose her motion. There is simply a recommendation to abstain, but I am sure that a number of my colleagues will be supporting it.

Joanna Cherry: I am grateful to the right hon. Gentleman for clarifying that and for his support, but I am puzzled why Labour Members would be instructed to abstain on this motion, as it is the only means for them to fulfil their manifesto promise. However, I will leave that to Labour Members, who I am sure will have been receiving the same amount of lobbying as I have—

Mr Bradshaw: I am sorry if I was not clear. It is not an instruction; it is a recommendation. That is entirely different when it comes to whipping.

Joanna Cherry: I am grateful to the right hon. Gentleman for clarifying that, and I feel more and more encouraged that many more Labour MPs will support the motion. I will not take up any more time; I simply want to thank all Members who have signed and supported my motion.

4.21 pm

The Secretary of State for Exiting the European Union (Stephen Barclay): As the Leader of the House set out earlier, the options that the House considers this evening should be deliverable, but it is clear that a number of them fall short of that test—[Interruption.] Well, motions (H) and (O) are just two examples. As the shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), said earlier, there are 47 Back Benchers wishing to speak, and he and I have had quite a few opportunities to debate these issues, so, like him, I will try to keep my comments short this afternoon.

I want to reaffirm that it remains the Government’s priority to secure approval of the withdrawal agreement this week to allow us to leave the EU in an orderly fashion—while noting your earlier comments, Mr Speaker. It is only by doing this that we can be guaranteed to leave the EU on 22 May and not face a cliff edge in two weeks’ time. To maximise our ability to secure that approval, the Government will later today table a motion for the House to sit this Friday. This will be taken as the last order of business tomorrow, and my right hon. Friend the Leader of the House will confirm the business for Friday in her business statement tomorrow morning. I appreciate that this might cause some inconvenience, but I hope that all Members will agree that it is better to have it and not need it than to need it and not have it.

Turning to the specific motions before the House, I shall start with motion (B), tabled by my hon. Friend the Member for Basildon and Billericay (Mr Baron), which seeks to leave on the basis of no deal. He will be aware that the House has already voted, on Wednesday 13 March, on leaving on a no-deal basis. It remains the Government’s priority to have a deal and a trading relationship with the European Union, as was set out by the official leave campaign.

Neil Gray (Airdrie and Shotts) (SNP): If it is the Government’s position to ensure that the country does not leave without a deal, and if there is no way for the Prime Minister’s deal to get through, given the Speaker’s intervention, why will the Government not allow the motion tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) to carry, to provide a revoke backstop and to guarantee that there cannot be a no-deal exit?

Stephen Barclay: I will come to the hon. and learned Lady’s motion to revoke in due course. I will take the motions in the order that Mr Speaker selected them. Turning to motion (L) from the hon. and learned Member for Edinburgh South West, which deals with revoking article 50 after a vote on no deal on the penultimate sitting day before exit day, it has long been the Government’s policy not to revoke article 50, and that position remains the same.

Motion (D) comes from my hon. Friend the Member for Grantham and Stamford (Nick Boles). He is a good friend, and I know that he tabled it in the spirit of trying to seek a solution for the House, but the fact that the labelling of his suggestion has been through so many different terms—Norway for now, Norway, Canada, EEA-plus, Norway-plus—draws attention to the point made by my hon. Friend the Member for Croydon South (Chris Philp), which is that there are several problems with the proposal. To take issue with two specific points, paragraph (1)(b) refers to “continuing status as a party to the European Economic Area Agreement”,

[Mr Grieve]
but I gently say that that is factually incorrect. The United Kingdom is a member of the EEA only through its membership of the EU, and therefore—[Interruption.] My hon. Friend the Member for Grantham and Stamford shakes his head, but that is the clear position of Her Majesty’s Government.

Nick Boles: Will my right hon. Friend give way?

Stephen Barclay: Given that it is my hon. Friend, I will take one further intervention.

Nick Boles: I will be brief. My right hon. Friend is correct to say that this is a legally disputed point. There are lawyers who agree with him, but I can cite Sir Alan Dashwood, QC, the leading silk on EU law, and George Peretz, QC, the leading silk on EFTA law, who both disagree with him.

Stephen Barclay: As a former respected Minister, my hon. Friend will know that I am stating the clear position of the Government Law Officers. The same point also relates to the meat of motion (H), because line 5 states that we need to give notice to leave the EEA, which is not the case.

The second issue with motion (D) is that paragraph (1)(e) states that freedom of movement can be restricted to those “genuinely seeking work” or those with “sufficient resources”. Again, that is just incorrect. The existing position as a member of the EU28 is that controls can be put in place, but that has not happened because of how the UK operates. We do not have a registration or ID system or an insurance-based health system, so there are reasons why such controls are not used. With respect, the proposal is a fig leaf to disguise the fact that his solution requires the continuation of freedom of movement.

James Cartlidge: Will my right hon. Friend give way?

Stephen Barclay: I am conscious that 47 Members want to speak, so I will press on. I am sure that we will have a further debate before too many days have passed.

Turning quickly to motion (J) in the name of the Father of the House, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), my concern is that it would open up a role for the courts given that it is my hon. Friend, I will be brief. My right hon. Friend is correct to say that this is a legally disputed point. There are lawyers who agree with him, but I can cite Sir Alan Dashwood, QC, the leading silk on EU law, and George Peretz, QC, the leading silk on EFTA law, who both disagree with him.

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The second issue with motion (D) is that paragraph (1)(e) states that freedom of movement can be restricted to those “genuinely seeking work” or those with “sufficient resources”. Again, that is just incorrect. The existing position as a member of the EU28 is that controls can be put in place, but that has not happened because of how the UK operates. We do not have a registration or ID system or an insurance-based health system, so there are reasons why such controls are not used. With respect, the proposal is a fig leaf to disguise the fact that his solution requires the continuation of freedom of movement.

James Cartlidge: Will my right hon. Friend give way?

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James Cartlidge: Will my right hon. Friend give way?
Ever since the day of the second referendum result in 2016, a deluge of not only warnings but threats has come from those who take that view, forecasting unrest, civil disorder, greater division and a dramatic further reduction in the public’s trust in politics. But I invite colleagues who determinedly resist a confirmatory vote to look starkly at the full implications of what they are saying. They are willing, some are determined, to vote to terminate our membership of the European Union even if it may now be against the wishes of the majority of the British people. Consider the possible consequences for trust in politics or for social peace if this House forces an outcome on the people of this country that they no longer desire—that really would be the undemocratic, establishment stitch-up of all time.

We have all heard people say that the deals now available are worse than the one we now have as EU members, and some still say that, nevertheless, they still wish to leave. My mother would have called that cutting off your nose to spite your face, but if that is still the view of the majority, so be it. But how, in all conscience, can we alone in this House force through such a decision on their behalf without allowing them any say as to whether that is still their view?

David Tredinnick (Bosworth) (Con): Will the right hon. Lady give way?

Margaret Beckett: I am sorry, but I do not have time.

As with the Good Friday agreement, whatever emerges from these complex negotiations, the outcome should go back to the people for confirmation. The people started this process. They set a desired goal. It has proved far more difficult and tortuous than predicted, but we will now soon have a potential outcome. It is the people who should choose whether, on the terms now on offer, they still wish to proceed. Theirs should be the final decision on this, which is the first stage only of our membership of the European Union. The European Union needs reform. Britain could play a key role in shaping it or we can just walk away and live with the consequences. It is the British people who should now decide what comes next.

4.36 pm

George Eustice (Camborne and Redruth) (Con): I rise in support of motion (H), which stands in my name. It involves leaving the European Union but rejoining the European Free Trade Association and relying on our existing rights under the treaty establishing the European economic area. It differs from the “Common market 2.0” proposal in a couple of important areas. First, it does not envisage the need for a customs union. Secondly, it does not necessarily require the existing withdrawal agreement that the Prime Minister has been putting to this House.

I had a pretty good innings as agriculture Minister. Indeed, three months ago, after a reshuffle in Luxembourg, I became, for a short time, the longest serving agriculture Minister in Europe. In my five and a half years, I attended the AgriFish Council on a monthly basis, discussing all sorts of obscure and technical issues. I saw 10 EU presidencies come and go. Each came in with its list of priorities and each went out lamenting the fact that little had been achieved. I recall one occasion, before Italy was commencing its presidency, when the Italian Minister cast aside the notes his officials had given him and simply said, “We will talk about the usual stuff and probably not get much done.”

I have three observations that my experience has given me that I would like to highlight, because they underpin the approach I have suggested. First, we must recognise that the European Union moves at glacial pace; it is not agile. It makes tiny, incremental changes and takes years to do so; I remember arguing for three or four years about something as simple as changes to organic food labelling. Secondly, the EU does not really follow national democracies; it sees what happens in national democracy as a national issue and a national problem. The European institutions live by their treaties and the letter of the words in them. Finally, decades of EU membership has engendered a particular type of culture among our negotiators and our civil service. I have huge admiration for our civil service but, undoubtedly, a qualified majority voting system is all about trying to get something rather than be willing to walk away from the table. That is why in both the negotiation that David Cameron had and the current negotiation officials would often come back claiming that things are “not negotiable”.

Therefore, the simple proposition behind motion (H) is that, rather than wade through the treacle and try to negotiate a bespoke deal from scratch, knowing the nature of European institutions, why not instead use existing treaty rights as our starting point and allow things to evolve from that point?

The UK is a signatory to the treaty that established the European economic area in 1994, and it had that role because at that point the EU had no legal personality. At times, as the Secretary of State repeated today, the Government have adopted a political line to take, claiming that our EEA membership automatically falls away when we leave the European Union. That claim is wrong in law. A year ago, I was in Oslo, and at that time our ambassador to Norway was on standby, having been ordered by the Foreign Office to deliver a letter to give notice under article 127 of the EEA treaty, although in the event the Foreign Office chose not to. In 2017, during a judicial review hearing, Sir James Eadie, QC, no less than the counsel representing the Government, made exactly the reverse claim: he claimed that we had not taken the decision to leave the EEA, and in his submission to the court he claimed it is not true that our membership of the EEA automatically falls away with our membership of the European Union.

It is either the case that the Government—advised, I am sure, by Government Law Officers—have been repeatedly wrong at the Dispatch Box, or it is the case that they did not give a true account of their understanding of the law to a court. Having talked to several lawyers who understand these things, my understanding is that we are indeed a signatory to the EEA and that our rights and obligations remain intact. It is simply the case that to make those rights and obligations operable, we have either to be in the EU pillar of that agreement, as we are now, or to switch to the EFTA pillar.

Under international law, both the European Union and the EFTA states are under an obligation to make treaties work and to work with any consequential changes to a treaty that might be required to ensure that it is
The EFTA option is sometimes described as the Norway option, but it has a very British pedigree. Sixty years ago, in 1959, Members in this House debated the establishment of the European Free Trade Association. When there was a cross-party consensus that the political and democratic costs of joining the then European Economic Community were too great, it was this House that forged ahead to build an alliance of countries, including not only Norway but Portugal, Austria, Sweden and others, to form the European Free Trade Association. The idea was supported by both Harold Macmillan and Harold Wilson. Would it really be such a bad thing to return to that model, given that we were the godfather of the European Free Trade Association?

In conclusion, the benefits of the approach I have set out are that we can get things done quickly. We can join the EFTA surveillance system within three months and have full EFTA membership within six months. We would have a ready-made free trade agreement. We would be outside the customs union and would have an independent trade policy, and we would have control of our fishing grounds again and an independent agriculture policy. We would become an independent country again.

4.43 pm

Hilary Benn (Leeds Central) (Lab): Is there not something really quite liberating about the debate we are having? The normal atmosphere and structure, with propositions from one side or the other, have all disappeared as the House of Commons has taken control of this really important discussion about how we are going to take our country forward. Another striking thing is that every single Member who has spoken in support of a proposition has not sought to rubbish the other propositions; they have put their case in an effort to win support from across the House. If that is not confirmation of the wisdom of the House’s having taken control—I do not like that phrase because I think it is the House doing its job—to allow us to do that, I do not know what is.

I will make two points. First, I will vote for the customs union motion moved by the Father of the House, which everyone in the Chamber knows is an essential building block to make any progress towards achieving the two objectives set by the Prime Minister: keeping an open border and at the same time keeping friction-free trade moving to oil the wheels of our industry. I will also vote for the common market 2.0 proposal, although, like many others, I note the difference between, on the one hand, a customs union and, on the other, a customs arrangement. It is a compromise proposal, but I will support it.

I will also vote for the confirmatory referendum. I thought we heard an absolutely outstanding speech from my right hon. Friend the Member for Derby South (Margaret Beckett). I will vote for it as someone who, for a long time, has not argued for a people’s vote, but I want to explain why I have come to the conclusion that a confirmatory referendum is the only way forward. In essence, it is because things have changed. The proposition put before the British people by the leave campaign during the referendum—that one did not have to choose between our sovereignty, on the one hand, and the economic health of the country on the other—has proven to be false.

David Tredinnick: Will the right hon. Gentleman give way?

Hilary Benn: I will not because many people want to speak. I hope the hon. Gentleman will forgive me.

The anger expressed by some Members towards the Prime Minister’s deal is in part revealing. The truth is that there is a choice to be made. The suggestion that we could have all the things that we wanted without anything that we did not has proven not to be the case. If things have changed, should we not therefore ask the people?

Secondly, the Government changed their mind originally on whether the House would have a meaningful vote. The Government said at one point that there would be an enormous row about the structure of the negotiations and then changed their mind and accepted the way in which the European Union wanted to conduct them. The Government have come back once already, and may well this week come back again, in an attempt to persuade us to change our minds about the withdrawal agreement and the political declaration. The first holder of the post of Secretary of State for Exiting the European Union changed his mind about supporting the deal. There are reports that the hon. Member for North East Somerset (Mr Rees-Mogg) may be in the process of changing his mind as well. The Prime Minister said 108 times that we would definitely leave on 29 March, but she changed her mind and we are not.

Why is it that the only people in this debate apparently not allowed to be asked whether they have changed their minds are the British people? How can that be democratic? If Members agree that it is not, I hope very much that they will vote for motion (M) tonight.

4.48 pm

Mr Marcus Fysh (Yeovil) (Con): It is a pleasure to follow the right hon. Member for Leeds Central (Hilary Benn). However, let us actually remember the people in all this. They voted two years ago to leave the European Union and then they voted in an election in which we stood on a manifesto saying that we would leave the European Union and its two main pillars, the single market and the customs union, which are integral to what the European Union is. They want their instruction to be carried out now. To be honest, I think it is quite shameful to call for a second referendum before the result of the first has even been implemented.

Let me discuss what the reality would be if we went down the road of participation in the single market and customs union, which most of these motions are trying to implement, even as we leave, in contravention of our manifesto commitments and the referendum result. Those options would effectively give away our trade policy and the control of regulation in our own country, both of which are valuable to our economy, our future as a nation and our children.

With respect, many people do not quite understand what being in a customs union, rather than being in the customs union of the European Union, would actually entail. Many people think that it would allow frictionless trade, but that is not correct. It would mean that we would have to implement a system of movement certificates...
and export declarations. It would not take away the need for border formalities and the recording of goods moving across borders.

Anna Soubry: Will the hon. Gentleman give way?

Mr Fysh: I am not going to give way because I know that a lot of people want to speak.

In a customs union, we would not be in control of various aspects of the process. We would not be in control of the conditions of the border formalities, nor of the tariffs collected. For example, if goods were coming to our market via Rotterdam, the tariffs on those imports—effectively to us—would be collected and kept in the European Union. A customs union would not give us control over our money, our trading partners’ access to our market, or our traders’ access to our trading partners’ markets. It really is inconceivable that we should even be considering any recognisable description of a permanent customs union as a feature of leaving the EU. That is one reason that people outside this place are quite confused by some of the suggestions that the House has been coming up with.

Many of the single market and customs union proposals on the table tonight would not obviate the need for a backstop in the withdrawal agreement, so the problems of the withdrawal agreement highlighted by some Conservative Members and others would remain anyway. There is the problem of being hostage to fortune within the further negotiation of how these customs union or single market arrangements might work. For example, exemptions on fishing and other matters would still be up for negotiation, as we heard earlier, but we would be in a relatively weak position in those negotiations. Defence manufacturers would be prejudiced by the backstop, should we end up having to go into it. The same is true for agriculture, as the restrictions on state aid for our agriculture, while the EU is allowed to subsidise its agriculture, would still remain. The issue of Northern Ireland—what happens to Northern Ireland should we not be able to agree—would still remain. I do not really see those motions as solutions. It is also possible, to come to the circumstances of my motion—

Toby Perkins (Chesterfield) (Lab): On a point of order, Mr Speaker. The hon. Gentleman has been on his feet for five minutes, but he has not yet had an opportunity to tell us why we should vote for his motion. Would you encourage him to tell us about motion (O), rather than what is wrong with all the other motions?

Mr Speaker: Yes, and it would be best if the hon. Member for Yeovil (Mr Fysh) would expedite the process in the light of the number of colleagues who wish to contribute.

Mr Fysh: That is exactly what I was getting to. Motion (O) is about what happens in the circumstances that we cannot agree a withdrawal agreement for one reason or another, and there are a host of circumstances where that might occur. The European Union might not want to do that. It might not want to extend; all sorts of different permutations could have an impact. I do not think that this House is going to revoke article 50, but that really would be a finger in the eye to the public, so we need to have a plan B. This sets out a plan B arrangement—a contingency arrangement. It is, in essence, a two-year stop-gap arrangement to facilitate trade and allow space for our longer-term negotiation to take place. It consists, in effect, of having a trade preference with no tariffs and no quantitative restrictions, with mutual recognition of standards and conformity assessment. It involves having a customs arrangement but one that consists of advance trade facilitation measures. We are prepared to pay money for that and to agree potentially other measures that are within the withdrawal agreement; the EU will no doubt want to try to agree some of the things, such as on geographical indications, that we have agreed.

This is a practical approach and a compromise that was discussed in the Malthouse process, showing what to do as a back-up if we cannot get anything else done. It is a very fair settlement. It does involve money, contrary to what the Secretary of State said. We know that EU business wants to trade with us. We now know that the EU and Ireland have no intention of putting up a hard border. I have no doubt that they have seen the alternative arrangements that we have proposed and that that is how they would want to implement things. So that is how we are going to do this.

This is simple to agree. It does not prejudice the future relationship with the EU, so we can keep talking about that. It is pro-trade and pro-business with the EU as well as the rest of the world. It honours the referendum and our manifesto. I commend it to the House.

4.56 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I apologise to hon. and right hon. Members, but given the time constraints I will not extend the usual courtesy of taking interventions.

I am particularly pleased to be participating in this debate, because today we can start to bring an end to the chaos. Parliament has taken back control because this Tory Government and this Prime Minister are out of control. Scotland did not ask for this crisis; nobody asked for this chaos. Of course, Scotland voted to remain in the EU. We voted overwhelmingly to protect our economy and the freedoms and the values that the European Union gives to the people of Scotland. Scotland is a European country; historically, we have been a European country. Economically, socially and culturally, we benefit from our membership.

Today the SNP laid a motion to ensure that Scotland’s voice is heard, because Scotland’s wishes have been completely ignored during the Brexit process. This is in stark contrast to the European Union, which seeks consensus and fosters collaboration through its institutions and throughout the Community. It is a partnership of equals, in stark contrast to this place, where there is no equality of respect for the devolved institutions. That lack of appreciation of how the UK should work post-devolution will haunt this place. Increasingly, those living in Scotland will reflect on the way that we are treated in this Union—the United Kingdom. It is most certainly not the partnership of equals that the Prime Minister had promised us. It is one where we are told, quite simply, that our votes do not count, where we can be stripped of our European citizenship—and for what?—and where we will pay a price economically, socially and culturally.
The facts are clear—Brexit will rob Scotland of jobs. It will rob our economy of talented workers that our public sector needs. It will steal opportunities to travel and learn from our EU partners from future generations. It will divide relationships—families and friendships. There is no such thing as a good Brexit, and it must be stopped. We must act to protect the interests of our citizens, of our communities, and of our nations. Today is the opportunity—perhaps the only opportunity.

Today in the European Parliament, my friend and colleague, Alyn Smith MEP, asked Europe to keep a light on for Scotland to show us the way home. I want the EU to keep a light on for Scotland. As Members of Parliament, we must decide: can we follow that light, or is the United Kingdom heading into the darkness? Scotland will not follow the UK into that darkness if the UK fails to change course. We can and will follow the light, to allow Scotland to become an independent country in the European Union.

I want to make it clear that tonight the Scottish National party will vote for our preferred options on the Order Paper. We will vote for a second EU referendum, and we will vote for motions to revoke article 50, as revocation may be our only option to get out of this mess. Those options must remain on the table. The Scottish Parliament will vote today to endorse revocation in the event of no deal. We expect that to be backed on a cross-party basis, and, I say to friends and colleagues, that includes the Labour party. Revocation must be an option. I therefore ask Members to support motion (L), tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry).

Let me speak to some of the other motions. We on the SNP Benches would like to seek clarity from the official Opposition about their motion. For Scotland, freedom of movement without any caveats is essential, not just in principle but for the sake of our nation’s prosperity. Can those on the Labour Front Bench confirm that their motion protects and continues the policy of freedom of movement in full?

I turn to motion (D), in the name of the hon. Member for Grantham and Stamford (Nick Boles). Let me be clear: the SNP does not and will not endorse the Prime Minister’s withdrawal agreement. The agreement Bill requires the consent of the Scottish Parliament, and the UK Government have already broken that process. The people of Scotland voted to remain, and as I noted in my remarks on the amendment in the name of the Member for Grantham and Stamford, Scotland will not follow the UK into that darkness. That compromise, endorsed by the Scottish Parliament, is “Scotland’s Place in Europe”. Published in December 2016 and ignored by the UK Government, it proposes full membership of the European single market and the customs union, but that position is not encapsulated yet in any of the proposals put forward tonight. Our compromise requires full acceptance of freedom of movement and respect for the position of the Scottish Parliament and for devolution as a whole. We have put forward that compromise time and again for more than two years, but it has continually been ignored. While we know that some Members agree with us in principle, there is more work to be done by those on the Labour and Tory Benches to get to a position that we could accept, if we cannot put this matter back to the people or choose to remain in the EU.

When I look at the Order Paper, I see that there is space to compromise; there is a better way out of this mess. On Saturday, I met in the Chamber with my colleague, Alyn Smith MEP, to ask that they get the chance to vote on their future within the European Union. I was proud to stand with them alongside our First Minister. People from all parts of the United Kingdom now know the price that will be paid for Brexit—economic disaster—and they want another say. Member across the House may feel some discomfort or unease about a second EU referendum, but what is more respectful to the electorate, when this place has repeatedly failed, than giving them back control?

There is nothing to fear. The Prime Minister does not have support for her deal, and this House has not found a solution, so let us do the right thing and end this stalemate by letting the people decide. I urge Members to join the SNP, compromise at this critical hour and vote for a motion to hold a second EU referendum.

In conclusion, the UK Government are flogging a dead horse, running down the clock and hoping that the squeeze of time will bring support for the Prime Minister’s devastating deal. We can end this today: we can take back control and stop the Prime Minister. We can show leadership and maturity. The people want it. Let us do the right thing, and find consensus to protect the interests of all our citizens.

Several hon. Members rose—

Mr Speaker: Order. A five-minute limit on Back-Bench speeches must now apply with immediate effect.

5.5 pm

Nicky Morgan (Loughborough) (Con): Thank you very much, Mr Speaker, for calling me to speak in this important, groundbreaking and unprecedented debate. I was pleased to be one of the 30 Conservative MPs who helped to secure this debate. I am sorry that it is happening in a way, but the fact that it is happening shows, unfortunately, that the Government’s strategy for getting the withdrawal agreement through this House has not succeeded so far. To be clear, I will vote for that withdrawal agreement if and when it is re-presented to the House, because I think it is the best way for us to leave the EU in an orderly fashion as soon as that is practicable.
I would have spoken to amendment (N), standing in my name and those of other right hon. and hon. Members, but obviously it has not been selected. However, a word at the top of that motion has been used several times. It was used by the hon. Member for Aberavon (Stephen Kinnock), and it was used by the SNP leader here, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), who has just spoken, although I am not entirely sure that what he asked people to do would fulfil its strictures. The word is “compromise”, and it is an action that absolutely needs to be practised by Members on both sides of the House if today—and potentially Monday—is going to have an effect.

The point is that right hon. and hon. Members should be voting today for what they could countenance, not their preferred option. If we stay in our silos and our trenches, as I have spoken about before, we as a House will not find our way through this, and we will unfortunately fulfil what the Prime Minister said last week, which is that this House cannot find a way through. I think we will not have done our job as parliamentary representatives if that is the case.

I am sorry that my hon. Friend the Member for Grantham and Stamford (Nick Boles) is not in his place. In relation to common market 2.0—I will support that proposal tonight—he talked about a customs union and customs arrangements. One of the advantages of having been involved in the Malthouse compromise talks is that I know that alternative arrangements can be secured to avoid a hard border on the island of Ireland. What we want on that border is no physical infrastructure, with no customs formalities at the border. With five key changes—there is not time to talk about them today, but there may be in future debates, and I am very happy to talk to any right hon. and hon. Members about those key changes—it would be possible to negotiate such arrangements.

The Leader of the House has talked about any solution being deliverable and negotiable, and having alternative arrangements to avoid the need to be in a customs union is both deliverable and negotiable, because we know the EU has already conceded the principle of them. In the documents tabled by the Government on 11 March, before the last meaningful vote, the EU has clearly said that such negotiations on those arrangements should commence immediately.

Mr Speaker, I heard earlier your strictures to the Government about the test that has to be met for the withdrawal agreement to be brought back to this House. You want to see significant change, and one way of achieving such significant change would be to allow the UK and the EU time to negotiate those alternative arrangements and put them into the withdrawal agreement so that the backstop is superseded. Looking at the names of those who have signed motion (N), we can see that there are Members of this House who are ready to sign up to that as a principle.

In my previous life as a solicitor negotiating mergers and acquisitions deals, I spent many a less-than-happy hour locked in meeting rooms with fellow lawyers and clients and did not leave until the deal had been done. That needs to happen now to get the backstop replaced and the alternative arrangements secured if that is what Members want.
and florists—have all warned that they need a deal that avoids border delays, tariffs or extra customs bureaucracy. It is why we heard from the motor manufacturers, the National Farmers Union and the aerospace sector in the meeting this morning. They all called for a customs union, which is at the heart of Labour motion (K) on an alternative Brexit approach. It is also why the TUC argued for the importance of the common market 2.0 approach.

In the motions and in points that Members of all parties have made, there is a range of options that we should consider and that mean we can continue to oppose the chaos of no deal, which would be deeply damaging to all our constituents. I keep very much in mind the words of a friend in Pontefract, who I talked to last week. He is waiting for radiotherapy but does not know whether the treatment will be delayed because no deal could put at risk the supply of the short-life isotopes that are needed for radiotherapy. In his interests and those of patients in all our constituencies, as well as constituents who could be hit by higher food, fuel and utilities prices in the event of a chaotic no deal, we must continue to argue against it.

I take a different approach from that suggested by motion (L), because I think that in those circumstances we should argue for more time with the European Union to try to get a resolution and, frankly, to sort things out.

Whatever the outcome today and on Monday, we are going to have to do two things that the Government have fundamentally failed to do—get clarity on what Brexit means and build consensus. We are talking about constitutional change, and nothing lasts without consensus. On Scottish and Welsh devolution, consensus was built and it lasted. On the Lisbon and Maastricht treaties, consensus was not built and support for them has not endured. The same is true in this situation. Unless clear consensus can be built, public consent or a public vote will be needed through a general election or referendum; otherwise it will not last. It is in all of our interests to build consensus, come together and do what we should have done two years ago.

5.15 pm

Andrew Percy (Brigg and Goole) (Con): I plan to be uncompromising in my opposition to motions (M) and (L), and then, without a hint of hypocrisy, argue for compromise for where we end up.

We have heard a lot recently about marches. The only march that I am interested in is the march of my constituents to vote in the 2016 referendum, as they were asked to do by this Parliament, and to decide for a final time whether we should remain a member of the European Union. We were promised by both sides of the campaign that the decision of the people would be implemented—that is what both the remain and the leave sides said.

The remain side spent the whole campaign telling voters how terribly complex and difficult leaving the European Union was going to be, and yet people still went out to vote, many for the first time in my constituency. I had people stopping me on referendum day, saying, “How do I vote? Where do I go? I want to express my opinion on this question, which Parliament has told me is mine to make and will be implemented.” Now, just because some Members do not like the decision—or, rather, because we have messed up the whole process of leaving—it is completely unacceptable to turn around, go back to those people and say, “We’ve made such a terrible mess of it that we’re going to go back on all of those promises.”

I am appalled at the way in which many of my voters—70% of them went out and voted leave—have been belittled and besmirched since they took the decision they were asked to make. Their age has been made an issue; how, in a democracy, can age be an issue as to how valuable someone’s vote is? Their educational standards have been made an issue—apparently, whether someone has a degree or not places some sort of value on their vote. They have been told that they live in the wrong part of the country and that they have views that they do not have—people have told them why it is that they took the democratic decision that they had every right to take and that they were promised by this House and by both sides of the campaign would be implemented.

Graham Stringer (Blackley and Broughton) (Lab) rose—

Andrew Percy: I am not going to give way, because I want to stick to the five-minute limit.

It would be appalling to go back and hold a second referendum. A constituent contacted me the other day and said, “Why is it, in this matter of the European Union, that remain has to win only once but leave has to win twice for our decision to be implemented?” What am I meant to say to them? Yes, the issue is complicated and difficult. Some people in this place may even have deliberately made it more complicated than it needed to be so that they could be proven right. Certainly, there has been incompetence that has made it more difficult than it should have been, and I will not say where that incompetence has necessarily come from. It would be appalling to go back to constituents.

I also think it would unleash something pretty dangerous. I am saddened by how certain elements at the extremes of the political sphere have tried to take hold of the issue for their own particular, disgusting brand of politics, which I want nothing to do with. There is no doubt that those people would play a bigger role in a second referendum. It would divide the country, but for what purpose? Current polling shows that it might reverse the result. I think that this is a very dangerous thing that this House should avoid at all costs.

I do not have time to say a great deal about the idea of revocation, which has been suggested by the SNP. I do wonder what its response would have been had it been successful in the Scottish referendum and this House had then decided that it knew better and revoked the result.

Now to the compromise, Mr Speaker. Since I came to this place, my views on Europe have not changed. Some of my colleagues have moved into positions I cannot get my head around, but we need to bring this to a conclusion. We need to do that through a process of compromise. There is a lot in the Prime Minister’s deal I do not like, but I have voted for it and will continue to vote for it. I put my name to the amendments for common market 2.0 and for EFTA. I have concerns about free movement, because some of my constituents clearly have very strong views on that, but this is a way in which we can come together. We can accept the result of the referendum, which was people saying very definitely that they do not
like the political institutions of the European Union. There is a way through this, so the House should look very closely at the propositions on common market 2.0 and EFTA. I will be supporting them. I will be voting for every leave option this evening, because I just want to get this damn thing over with and resolved in line with what my constituents voted for in 2016.

My final comment is this. I hope that we will—I have been a big supporter of yours in the Chair, Mr Speaker—have the opportunity to again vote on the Prime Minister’s deal. I do think that this is an important way of trying to bring this to a close.

5.20 pm

Alison McGovern (Wirral South) (Lab): I do not agree with much of what the hon. Member for Brigg and Goole (Andrew Percy) said, apart from when he said that it should be a priority to get this damn thing over. He made a fair point there.

Today has been a difficult day, but we are all here with the best of intentions: to seek to represent the interests of our constituents and to do right by our consciences. I want to support all Members who are speaking in this debate and all who will participate in this process. They are trying to express what they feel to be best for our country and we must pay due respect to everybody in this debate.

That said, however, I think that this process, innovative though it may be, does represent failure. The fact that we are here is a failure of any party to win the 2017 general election with a clear mandate from the British public as to what Brexit would mean. It is a failure of the response to that general election to be a cross-party agreement about what Brexit would mean that we could all stand by and support. What we are in the business of here is trying to put options before the Government, and demonstrating support for those options and asking them to think again about how they form a coalition of support for the future course in this House.

That brings me to motion (D) on the EEA customs union. Last June, I voted for an EEA-type Brexit. I rebelled against my party’s Whip to do so and I remain glad about that. If we are to Brexit, I think that that is probably the most tolerable form. However, I have a couple of concerns with motion (D). First, we heard from the hon. Member for Grantham and Stamford (Nick Boles) about this issue of whether the customs union would be permanent or whether it would be in pursuit of alternative arrangements. I am sorry to disagree with my colleague the Chair of the Treasury Committee, the right hon. Member for Loughborough (Nicky Morgan). She and I agree on a great number of things, but I just do not agree that alternative arrangements exist. Therefore, that is not enough for me.

Sir Oliver Letwin rose—

Alison McGovern: I will not give way, because I do not want to try Mr Speaker’s patience, but I wish the right hon. Gentleman well in the process that he has created.

For those who voted leave, too, I worry that a policy compromise is not where they are at. I do not think that the EEA idea, which many of us pursued and voted for previously, is really what people think will be Brexit. That is partly because of the tone of this debate, but also because those who voted leave do not really accept it as Brexit. I worry about our ability to sell it to them. But I do wish it well, because it is an option that I think could have been, once, a compromise.

That leads me to the following conclusion. Do we need a policy compromise or do we need a process compromise? I have concluded that it is not a policy, but a process compromise that will bring people together. I think the only thing left is to find a reasonable, tolerable and acceptable form of Brexit and ask for it to be ratified by the British public, if they wish to. Those of us who remain confident in the value of our European Union citizenship will campaign for the status quo and those who wish to campaign for Brexit can do so, but I think that the only way to deal with this mess is to find that tolerable form of Brexit and ask the British public if that was what they meant by leaving the European Union. As I said, those of us who still believe in the idea of a European Union that would lift all, include all and create peace in our continent will campaign for that principle.

5.25 pm

Greg Hands (Chelsea and Fulham) (Con): It is always a pleasure to follow the hon. Member for Wirral South (Alison McGovern). I am going to speak on the perhaps narrow but extremely important topic of the customs union. I will speak specifically against motions (J), in the name of my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), and (K), in the name of the Leader of the Opposition, and what I believe to be the seriously defective proposal of a customs union with the European Union while we would not have a seat at the table.

I have given this question a great deal of consideration over the last almost three years, particularly in my two years spent at the Department for International Trade in charge of trade policy. A customs union has its superficial temptations. Obviously, it keeps trade close, although, it is worth pointing out, not necessarily frictionless; we would need the single market as well for that. It avoids having to agree to free movement, it may not need financial contributions, and clearly, it is likely to provide short-term relief for industrial supply chains, but it would be a historic mistake.

Customs unions have been successful in history, but essentially, for countries going in the opposite direction—for countries coming together into a political union. Look at the history of the Zollverein in Germany in the 19th century, which was all part of the process of German unification. Look at the partial customs union, in the name of the European Coal and Steel Community in 1947 or 1949—I forget which—which was a precursor to the EEC and the treaty of Rome. However, we are heading in the opposite direction. This is the wrong compromise, and a customs union would give short-term relief at the cost of long-term pain and a democratic deficit that would grow and grow over the years. I have written articles about this, notably today in The Times Red Box.

Our trade policy would end up being set by others and that would be a historic mistake. I will give four or five quick examples of where this would have a really serious impact on this country. Tariff policy, for example, would be set by the European Union to protect its
products from others coming in and it would not be set in the interests of the UK, which are likely to be different. For example, in the current trade dispute between the United States and the European Union, there are punitive tariffs on bourbon coming into this country. Let us say that there is a future trade dispute between the EU and the US involving Scotch whisky. Obviously, that is not produced in the European Union and there would be no incentive for the EU in that customs union to seek to defend Scotch whisky.

On trade agreements, we have talked before about the Turkey trap. Essentially, if the EU entered into a trade agreement with a third country and the UK were in a customs union, we would have to offer access to our markets but we would not get the reciprocal access to that country in return. That would be a massive democratic deficit. It amazes me that it is the official Labour policy to do this. I remember well the disputes around the Transatlantic Trade and Investment Partnership. The biggest objections to TTIP came from the Labour side. Now we have a situation where trade policy will be determined by others without even a UK seat at the table. If Labour thought at the time, when we had a seat at the table, that TTIP would lead to US private healthcare companies gaining access to the NHS, what will it be like when we do not have a seat at the table? But that is the official Labour policy.

On trade remedies, I am amazed that the hon. Member for Stoke-on-Trent Central (Gareth Snell) has put his name to one of these motions. It is absolutely incredible. Trade remedies would be conducted by the EU, not this country. They are currently conducted by the EU, but we have a seat at the Trade Council—I was at that seat for a long time—and participate in trade remedies to defend our products. There is no guarantee—in fact, it is highly unlikely—that the EU would do the same, particularly for a product not produced in the EU. When it comes to doing WTO-compliant studies of products, we can guarantee that the studies that would take priority would be those defending the interests of EU members, not those of non-members. I find it amazing.

Finally, on trade preferences and access to the developing world, I find it staggering that the Labour party is proposing ceding control over trade preferences to Brussels without the UK having a seat at the table. That would be unacceptable to my constituents and, I believe, to theirs.

5.30 pm

Kate Hoey (Vauxhall) (Lab): It is a pleasure to follow the right hon. Member for Chelsea and Fulham (Greg Hands), who was a brilliant Trade Minister and resigned on a matter of principle. We here should all remember our principles.

There is an air of almost self-satisfaction and self-congratulation in the House today, as if somehow this is wonderful. I think the right hon. Member for Leeds Central (Hilary Benn) called it a wonderful freedom. I actually feel very sad about today. We should not be in this position. I could spend the next five minutes talking about who to blame, but there is not much point. We are where we are.

The one group of people we cannot blame, however, are the people of this country who in the referendum voted to leave, thought they would be listened to and were told by everyone, including the former Prime Minister, that their vote mattered and would be implemented, whatever that decision. Since that day, many people in this House who never wanted us to leave have done all they can in very clever ways—an hon. Member said she had been helped by a senior lawyer to put her motion—to prevent us from leaving.

The public looking in today would say, “What a nonsense. It’s just a lot of waffle. You’re just putting through loads of different things.” In the end, only the Government can make this happen. The Prime Minister could still get her withdrawal agreement through, if she was to recognise that she as a Conservative and Unionist Prime Minister should never have come up with something like the backstop and that the backstop has to be changed. I understand that fundamentally.

The one thing that must not happen today is the people of this United Kingdom being told, “You were too stupid, racist or ignorant to vote the right way, and now we want you to vote again in a separate referendum, because we think you might have changed your mind.” I am incredibly disappointed that my party—a Labour party that saw the majority of its constituencies vote to leave—is whipping Labour Members to vote for a second referendum.

Angus Brendan MacNeil: Will the hon. Lady give way?

Kate Hoey: I am not giving way to the hon. Member. It is outrageous. Labour supporters and voters who came back to Labour and voted Labour, having dallied with UKIP for a while and believing that Labour meant what it said, would see it as a huge betrayal.

Graham Stringer: I agree with the thrust of my hon. Friend’s argument. Does she agree that the argument being put in the Chamber today that we should give people a second vote because they have changed their mind would lead to a “neverendum”—people could change their mind every year, though all the polling evidence, as presented by John Curtice, is that they have not changed their mind—and that about 98% of the people promoting a second referendum are remainers?

Kate Hoey: My hon. Friend is quite right. On that basis, we would have to have general elections practically every month. Some people might change their minds the day after they voted. We cannot go down the road.

I have a big remain constituency, but I have made very clear from day one—and I shall have been in this place for 30 years in June—that I want us to get out of the EU. Everyone has known my views, so I have no apology to make for campaigning to leave. A constituent wrote to me saying that he had thought that the manifestos of the Labour party and Conservative party—the two main parties—had said, “We will implement the result of the referendum.” There is nothing difficult about the word “leave”. It is very simple. Members have deliberately made it difficult here.

My constituent wrote:

“Can we the electorate now expect that anything promised in a manifesto is to be honoured, that it should be written into law, that, if you promise a course of action, you must follow through and make it happen.”

Why, he asked, do party leaders order three-line whips so that what they promised in the manifesto can be reneged on?
I believe the Prime Minister has come back to this House with a deal that meets the promises made; that is what her deal does. There is not a single motion on this Order Paper that lives up to those promises, however; all of them incorporate compromises that move outside those red lines. She has come back with a Goldilocks deal—not too hard, not too soft—but still people will not accept this deal.

If we do not approve the Prime Minister’s deal in the days and weeks to come—hopefully days—I think certain Members in this House might well look back and think, “That was our opportunity and it has now gone.” We should support the Prime Minister’s deal, because I do not think, having a small business background, that it is right that we should think of taking an uncalculated risk with the lives and livelihoods of small businesses, who we know could be affected by a no-deal exit. So we definitely need to leave with a deal.

How do we leave with a deal if we do not support the Prime Minister’s deal? It means we have to remove at least one of the red lines. From my perspective, despite the fact that it would breach the manifesto promises, I would remove the red line on the single market. There will be challenges, certainly particularly between Northern Ireland and Ireland, but most of them are solved by membership of the single market. Some 80% of the border challenges are about the single market. Barnier said it himself: customs checks need not happen at the border.

We can do without the customs union, but we need the single market for regulatory standards, particularly on foods. A humble cottage pie sat on a supermarket shelf in Northern Ireland has passed over that border typically seven times. If there were regulatory checks, they would have to happen every single time according to EU rules; and it makes the rules, and we have been part of that system for 46 years, so we cannot simply say now “We don’t agree with your rules despite the fact that we’ve been happy”—or relatively happy—to sit within them for 46 years.”

I will support two motions this evening. One is motion (D) brought forward by a number of colleagues, including my hon. Friend the Member for Grantham and Stamford (Nick Boles) and the hon. Member for Aberavon (Stephen Kinnock). Many colleagues have been big advocates of common market 2.0; it is a free trade agreement. I have concerns about it: I have concerns about the customs union, and the longevity of the customs union and our ability to exit it. Paragraph (1)(c) says we will need to agree with the EU our exit from the customs union, and I cannot see what incentive it would have to let us leave.

If we approved this motion, we would also have to agree lots of things with the Opposition. I do not have an issue about working cross-party on this at all, but I do fear that if we approve this, as we take the legislation forward over the next months and years, Labour Front
Benchers will ask an ever higher price, because there is a political divide between the Opposition Front Bench and the Government Front Bench.

The other proposal I will happily accept is motion (H).

Chuka Umunna (Streatham) (Ind): I have five quick points, or thereabouts, to make in five minutes.

First, it is an absolute and utter disgrace that it has come to this—that the Back Benchers of this House are having to force the Government to follow a process to reach a decision. The Prime Minister should have been the one sponsoring and initiating this process—that is called leadership—but the reason why time and again she has failed to do so is that she always fails to face down the ideological zealots in her own party.

The Prime Minister has suggested that if what comes out of this process—and I hope we get a majority behind something—is at variance with what she has proposed she may simply ignore Parliament. But this is a parliamentary democracy, and the campaigns to leave the EU were fought in the name of parliamentary sovereignty. Is she seriously saying she can maintain any credibility or authority in her negotiations with the EU Council if she seeks to set her face against the will as expressed by the House through this process?

On the substance of the motions, I will be supporting the people’s vote motion tabled by the right hon. Member for Derby South (Margaret Beckett)—motion (M)—and I commend her for her excellent speech, which explained far better than I could why we should all support the motion. However, I will explain why I personally support it. As a House, we had a duty in the last Parliament to try to square the circle between the promises that were made in the 2016 referendum and what was deliverable. That is why I voted—against my heart—to invoke article 50. I listened carefully to the speeches of the hon. Members for Derby South (Margaret Beckett)—motion (M)—and for Vauxhall (Kate Hoey) about the importance of delivering on the result of the referendum, but the problem that this Parliament has been grappling with is that it is impossible to deliver on the mythical, fantastical promises that were made back then. In the face of this disaster, and of the catastrophe that we have seen unfolding throughout the negotiations, the last resort is always to invoke the will of the people, but the simple fact is that, ever since that referendum was held, all the signs are that proceeding with this flawed Brexit is far from what this country wants.

After the 2016 vote, you would have thought that support for what had been voted for would have gone up, but almost every poll shows that support for it has fallen. Let us not forget that that referendum was held three years ago, when 37% of registered electors voted to leave. The most recent poll of the British people was held in 2017, when the Conservative hard Brexit was put to the British people and the party of Government lost its majority. If that were not the case, we would not be having this protracted process right now. Above all, I say to those who talk about the will of the people that democracy is not static; it is a dynamic thing. We in this country did not choose to have a system in which we have one general election and a one-party state and in which we never go back to the people for their view on things as our country and the world change and adapt.

The younger generations of this country have not been mentioned in the debate so far. I listened to the contribution of my constituency neighbour, the hon. Member for Vauxhall, and I say to her that the younger people in our borough, which is one of the youngest in the country, will never forgive this Parliament if it seeks to impose this disaster on them. More than 2 million young people have become entitled to vote since that 2016 poll, and we know that an overwhelming majority of them want a say on this process and that an overwhelming majority of them want to keep the current deal and the privileges that the older generations in this country have enjoyed for years.

If in the end we are faced with a cliff edge, with all the catastrophes that have been spelled out in Cabinet documents and knowing what it will mean for people’s jobs and livelihoods, and if we do not have a people’s vote, of course we must do as motion (L) proposes and revoke article 50. No one in this House has a mandate to destroy people’s jobs and livelihoods, but we know that a no-deal exit would do that because the Cabinet has produced its own briefing papers telling us that that is a fact. This is what is at stake here; this is what we have to think about when we make this decision. This is not about us so much as about future generations, and it is important that we do right by them.

John Stevenson (Carlisle) (Con): For many months, we have had broadly the same debate on the same subject, with many of the same speakers saying exactly the same things, and what precisely have we achieved? It really is now time for Parliament to find a way forward so that we and the country can return to the daily issues that really matter to people. Let us be honest: our constituents up and down the country are fed up and frustrated, and arguably, so are many Members of Parliament. We as a Parliament really need to step up and make some positive decisions. I therefore welcome today’s debate. We should probably have done this a couple of years ago and got it out of the way.

My starting point is very simple: this country voted to leave the EU. I therefore firmly believe that we must leave the EU institutions. What was unclear from the referendum, however, was the nature of our future relationship with the EU. As we have discovered, this means many different things to different people, which has to some extent created the difficulties that we are now in. There is no clear direction. In my view, sadly, this has also been down to a serious lack of leadership by the Government—an unwillingness to bring people together and to reach some sort of compromise. We cannot go on as we are. This country requires some clear direction and, hopefully, we may achieve that today. We will find out this evening what this House is willing to accept, and perhaps something will start to emerge. To some extent, Parliament has already indicated that it does not want a no-deal scenario nor a second referendum, and there has also been no sign that the PM’s deal will actually achieve a majority, but I have
supported it twice and will do so again. Interestingly, and I say this to some fellow Conservative Members, we would be leaving the EU this Friday had the deal passed, so I do have to question their motives.

What should we do? My mother has always remarked that the general view back in the 1970s was that the UK wanted to be part of an economic bloc, not a political union. When I have similar discussions with my mother nearly 50 years on, her view is still exactly the same, and I suspect that that is the view, attitude or outlook of the vast majority of the people of the UK. It is certainly mine.

I am comfortable with the fact that our country will be leaving the EU’s institutions. However, it is in our economic and political interest to be part of a close economic arrangement. For today’s purposes, that would be EFTA and EEA membership under the common market 2.0 approach, which would take us out of the EU but keep us part of the economic market that is Europe. I would have liked to go into the detail of that approach, but that has been well argued by the hon. Member for Aberavon (Stephen Kinnock) and my hon. Friends the Members for Grantham and Stamford (Nick Boles) and for Thirsk and Malton (Kevin Hollinrake).

We have the opportunity today to indicate to the Government what would command the support of this House. That would apply only if the PM’s deal does not succeed, but I hope that we can find some sort of consensus and a way forward. Leaving the EU is central, and being part of a large economic market is vital, so the obvious solution is an EFTA-EEA arrangement. I will be supporting it later today, and I encourage others to do the same.

5.52 pm

Tom Brake (Carshalton and Wallington) (LD): I am happy that we have got this far in spite of the Government’s attempts to derail the process, but I am sad that we are having the first attempt at this sort of dialogue, 1,007 days after 23 June 2016.

I am pleased that the tone has been broadly positive, with people setting out their views on the different options before us. However, I must speak strongly against motion (B)—the no-deal option tabled by the hon. Member for Basildon and Billericay (Mr Baron)—because anyone who advocates no deal is not participating in rational discourse, as I think he called it. No one advocating no deal could possibly have recently spoken to business, the police, the NHS, UK citizens in the EU, or EU citizens in the UK, because there are no-deal implications for all of them. I therefore hope that no deal gets soundly defeated today.

Turning to motion (D), while a common market 2.0 could be one of the best of the available options, it could also possibly be one of the worst, because it would leave us as rule takers not rule makers. It would also enable those who are antagonistic towards the EU to carry on their campaign on the basis that we would have to sign up to a large part of the EU’s agenda, including making financial contributions, without having any say in the goings-on. In many ways, it probably represents a halfway house before another push to leave the European Union at some point, so I hope that that option will not be supported either.

I am afraid that a number of other motions before us fall into the category of unicorns or wishful thinking. The idea that things can be renegotiated at very short notice in the time that might be available, with new protocols and arrangements found that have not been found in the last two and a half years, is wishful thinking. Of course, anything we do requires the European Union to agree to an extension. Some of the motions, such as the customs union proposal, are not unicorns but are far too unambitious in the arrangement they seek with the European Union.

I will focus on two motions in my last couple of minutes. I am pleased that the hon. and learned Member for Edinburgh South West (Joanna Cherry) tabled motion (L) with cross-party support, underlining that revoking article 50 remains a possibility for the United Kingdom, and should be a possibility up to the very last moment. We need the ability to block a no-deal scenario, which is what revocation is there for. I am pleased a cross-party effort was involved in the case that went to the European Court of Justice to secure confirmation that the UK can revoke article 50 at any point prior to our departure.

On motion (M), as other Members have commented, I hope the oratory of the right hon. Member for Derby South (Margaret Beckett) will have convinced many in this Chamber, and not just those who are already signed up to the idea, to come in behind a confirmatory public vote. As many Members have said this afternoon, and as I am sure others will say before the debate is over, the explanation given a thousand days ago on what would be on offer in our leaving the European Union is clearly not what will be deliverable. If the House decides to proceed with some of the motions today, they are clearly not what was voted on two and a half years ago. Certainly they are not what the Prime Minister says is representative of Brexit, which is why I think this has to go back to a confirmatory public vote. With the level of cross-party support for such a vote, I hope it is something we will be able to proceed with when we get to the next stage.

Mr Speaker: Order. I am immensely grateful to the right hon. Gentleman.

5.57 pm

George Freeman (Mid Norfolk) (Con): I start by sincerely thanking my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), my hon. Friend the Member for Grantham and Stamford (Nick Boles), the hon. Member for Aberavon (Stephen Kinnock) and other Members on both sides of the House who have worked to make this afternoon possible. They and all of us participating in this debate are doing democracy, this House and the Government a favour, although the Government will not admit it. And they are doing the British people, who want us to find a sensible Brexit solution, a favour.

I was a remain Minister in the last Government, but I have been very clear that we have to honour and respect the referendum result both nationally, in my duty as a Member of this House, and locally in my responsibility and duty to the people of Mid Norfolk, who voted 62% to leave whereas the country voted 52% to leave.
I have also been consistently clear that we have to respect the concerns of the 48% who did not want to leave, the legitimate interests of those citizens who could not vote in the referendum, particularly the young whose future we are shaping and who will have to live with the consequences of our actions, and the legitimate grievances of the 52% who voted to leave. One of the great disappointments of the last two and a half years is the almost shattering silence of those who brilliantly harnessed those grievances to deliver Brexit but who have not spoken about how we tackle them—the feeling of blue-collar job insecurity, the lack of proper local infrastructure, the house dumping and the sense that big government and big debt are working against the localities of this country. That agenda of renewal has to be right at the heart of delivering Brexit.

We were told today that this debate—this hunt for indicative votes—was a constitutional outrage, was a remainder conspiracy and was tying the Government's hands. All three claims are completely false. First, since when is it a constitutional outrage for this House to control its own business? It has always controlled its own business. To those who say that the Government of the day are the only business of the House, I say that yes, they do, because their Back Benchers, normally, automatically grant them the power so to do. The sovereignty over our time has always, since the civil war, been with this House. To hear my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) pray in aid medieval and Tudor laws against the sovereignty of this House, which I thought he was the greatest champion of, defending an Executive who prefer not to listen, was one of the most extraordinary moments of today.

Secondly, if it is a remainder conspiracy, it is some conspiracy and some set of remainers, because all of us who are working with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) are supporting the Brexit withdrawal Bill. We are not trying to defy Brexit; we are trying to find a way to get it through. Thirdly, the claim that we are tying the Government's hands is nonsense. This is an indicative vote to help the Front-Bench team to see where, if, God forbid, this is needed, a team to see where, if, God forbid, this is needed, a

The arguments for EFTA have been beautifully put by others this afternoon, and I wish simply to make two points. The vast majority of my leave voters in Norfolk said, "Mr Freeman, I voted to be in or I want to be in a common market, not a political union." They were stunned when they heard that the Brexit vote was somehow going to mean an extraction from all of the single market—from all the trade benefits of being in Europe. That is why EFTA is such a powerful solution. It does require free movement, but it is free movement of workers, not of citizens. I argue that it goes with two key reforms. The first is welfare reform, to make it clear that people who come here to work should not automatically receive the universal benefits that Clement Attlee put in place for those who had fallen on the beaches and paid into our country—they can earn that right. The second is a massive programme of blue-collar skills investment to support those fearing economic insecurity. Mostly, I think EFTA has something that no other solution has: it is a settlement of this question. We would be joining a bloc in Europe whereby, as we joined, we would change the dynamics of Europe. It is a bloc that has been going for 40 years. It is tried, tested and proven, and business can rely on it. I commend it as plan B, should the Government's deal not go through.

6.2 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): I did not vote for the legislation for the EU referendum, or to trigger article 50 regardless of the consequences, which are now all too plain to see. I made my views clear during the 2017 election and, despite most people's expectations, I was re-elected. So throughout this, I have been consistent and honest, as has the right hon. and learned Member for Rushcliffe (Mr Clarke). The last vote on the Prime Minister's withdrawal agreement was, sadly, the first time that he and I were in a different Lobby. That was not because we do not believe that leaving the European Union is a terrible mistake for our country, but because the Prime Minister has so successfully ticked the clock down that he was just being pragmatic: pass her agreement, then live and fight for the future another day. I respect that decision.

Today, I will also be pragmatic because otherwise this intransigent, deeply flawed Prime Minister may well get a no-deal way, just so that she can wag her finger at the rest of us and say, "I told you so." Today, we also owe it to the three Ministers who honourably resigned this week to help to give us this opportunity, to come to a clear decision. We also owe it to the right hon. and hon. Members who have done such sterling work in the national, not personal, interest. The right hon. and learned Member for Beaconsfield (Mr Grieve) has been truly outstanding, as has the irrepressible right hon. Member for Broxtowe (Anna Soubry).

In my local area of north Staffordshire, I now seem to be a lone island of remain in a shifting sea of leave among Members of this House. I certainly dread the thought of a second referendum. Powerful, loud and deep-pocketed voices would try to drown out debate with cries of "Betrayal," but we have to be brave. In the interests of our country, we should not shy away from giving the people, including young citizens who are 16, a final say on their future. If the House gives a firm steer today, the Government should not only listen but put the matter to a people's vote, with an option to remain. Should they do so, I will campaign, as we did in Newcastle-under-Lyme in 2016, for a remain result. I will campaign to remain and reform, if necessary, from within—to remain and heed the lessons of history, to keep our place alongside onetime foes who have been for the past 75 years our partners in peace and prosperity on an often-troubled small continent, in a rapidly changing world.

In 2016, we in Newcastle-under-Lyme fought the referendum campaign as hard as any general election campaign. Sadly, that fight was not evident in all parts of our country. It is true that in Newcastle-under-Lyme...
people voted by 60% to 40% to leave, but they did not vote for what happens next. In next-door Stoke, the vote was 70% to 30%. That difference shows that, if we make the argument, we can make the difference, particularly when the national result was so narrow, at 52% to 48%.

What was missing on the ground in that referendum was the engagement of the Conservative party. Having introduced the referendum, the party of government took no position, in the interests of the party itself, not of our country. The Prime Minister has behaved in the same way ever since, but she gained no majority from her approach in the general election, and she now has no majority in the House for her so-called deal. She stumbles on and on; she is truly the stumbling block.

When we vote later, I hope we will vote to revoke article 50, or to give us the leeway to do so. I urge colleagues not to abstain on motion (L). If we do not vote to revoke, I hope we vote for something pragmatic and for a future that keeps us close to our partners in Europe. When we vote, I will pay great heed to the lead that has been given by true statespeople, such as the right hon. and learned Member for Yvette Cooper and for Leeds Central (Hilary Benn), my right hon. Friends the Member for Harlow (Robert Halfon) and for Grantham and Stamford (Nick Boles), my right hon. Friends the Members for Normanton, Pontefract and Castleford (Yvette Cooper) and for Leeds Central (Hilary Benn), my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), and many others. I hope the Prime Minister will pay heed to them as well. It was simply wrong for her to do what she did last week in that extraordinary broadcast to the country and do down our Parliament when it is full of really good people who are a real credit to our democracy.

6.6 pm

Robert Halfon (Harlow) (Con): I passionately believe that we have to follow the 2016 referendum result, even though I voted remain. I voted for the triggering of article 50, to keep no deal on the table, against a second referendum and against a long delay to our exit date. My voting record in Parliament reflects the will of the British people because I feel that anything else would lead to huge mistrust in our political system.

I also believe that Parliament and politicians are becoming toxic. The 17 million people who voted to leave think that the establishment is against them, too busy playing party politics and determined to stop Brexit, so I would not do anything—and I mean anything—that I believe would undermine the decision of the people who voted to leave. I want a strong Brexit, a workers’ Brexit and a Brexit that unifies our country. How do we achieve that? Through common market 2.0 and membership of the European Free Trade Association. We would be out of the political union of the EU, out of the common agricultural policy and out of EU rules on home affairs and taxation. We would be out of the jurisdiction of the European Court of Justice. But, as an EFTA member, we would have access to the single market, thereby safeguarding our businesses and jobs.

As my hon. Friend the Member for Camborne and Redruth (George Eustice) pointed out, it is worth remembering that the British founded EFTA in 1959, when Harold Macmillan signed the Stockholm convention. The Chancellor at the time, Derick Heathcoat-Amory, said:

“We wanted to be able to share in the prosperity that a great single trading unit would bring with it.”—[Official Report, 14 December 1959; Vol. 615, c. 1057.]

Our joining would be welcomed by member states—by the Icelandic Foreign Minister and by the Norwegian Prime Minister—and it has been reported that the EFTA court president has said that EFTA membership would solve the problem of the Irish backstop.

On freedom of movement, with EFTA membership, we would take back control, because articles 112 and 113 of the EEA agreement would provide us with important safeguards, allowing Britain to “unilaterally take appropriate measures” in the event of “serious economic, societal or environmental difficulties”, or on grounds of public policy, security or health, in the case of workers.

It is wrong to think that we would be rule takers. My hon. Friend the Member for Grantham and Stamford (Nick Boles) highlighted that Norway and Iceland alone have derogated from 400 EU Acts between them and how Norway has declined to implement the postal services directive. As a member of EFTA, we would be part of the EFTA court, which is a guidance court, not an authoritative court in the same way the European Court of Justice is. The customs arrangement on our side would be temporary until we were able to solve the issue of the frictionless border, and then we would have full EFTA membership and be able to do trade deals, as other EFTA members have done.

The common market 2.0 is also a Eurosceptic Brexit. Many Eurosceptics over the past few years have supported the Norway option—even UKIP tweeted in support of it. Dan Hannan has supported EFTA in the past. Douglas Carswell has supported EFTA in the past.

George Freeman: Margaret Thatcher.

Robert Halfon: My hon. Friend reminds me that Margaret Thatcher said in her 2003 book how supportive she was of EFTA:

“These countries now enjoy free trade with the European Union…They also enjoy the unhindered access guaranteed by the operation of the European Single Market. But they remain outside the customs union, the CAP, the CFP, the common foreign and security policy and the rest of the legal/bureaucratic tangle of EU institutions.”

If it is good enough for the right hon. Lady, it is good enough for me.

In joining EFTA, we do take back control. It is a workers’ Brexit because we keep workers’ rights and protections, such as annual leave, equal pay and maternity leave. It is a take-back-control Brexit because we are out of the political union of the EU, and we safeguard jobs and our economy. Above all, it is a uniting Brexit. It brings together remainers and leavers and keep us in an alliance of democracies.

Several hon. Members rose—

Mr Speaker: Order. After the House has heard from the hon. Member for Sedgefield (Phil Wilson), I am afraid that it will be necessary to reduce the time limit on Back-Bench speeches to three minutes, in an attempt to accommodate as many colleagues as possible.
6.12 pm

Phil Wilson (Sedgefield) (Lab): I rise in support of motion (M), in the name of my right hon. Friend the Member for Derby South (Margaret Beckett), which calls for a confirmatory vote by the British people on any Brexit deal. I will begin by saying why I have come to the conclusion that this should be put back to the people. I completely respect colleagues who have a different viewpoint from me, but this is a position that I hold passionately and with great sincerity. I know that those who disagree with me hold their views in the same way. However, I believe in my heart of hearts that the British people have the right to the final say on this country’s future direction.

We already have the Prime Minister’s withdrawal agreement, but today there is the possibility to decide on other options to negotiate with the EU and perhaps what will become another withdrawal agreement or deal. It is clear from the range of motions tabled that Brexit can take many forms, but about three years since the EU referendum, we now know what Brexit will look like if the Prime Minister’s deal gets through. My question is: how does that compare with what was promised in the referendum? Is it what the people voted for back then? The answer to both questions is that we will never know unless we ask them.

My experience is that the concept of Brexit is just that—a concept. It is an idea, a viewpoint, a general principle, such as “Leave means leave”. As those who adhere to the concept of “Leave means leave” try to give it depth or any kind of coherence, it falls apart into different schools of thought. Some actually believe that leave means leave, so they just want to leave. There are those who have given a bit more thought to the concept and belong to the Brexit school that teaches how to leave the EU on World Trade Organisation rules. There is the school that teaches how to do the Norway-plus option and schools that adhere to the customs union and the closest possible relationship with the single market.

There are so many different schools that teach how to do Brexit. To their adherents, they are all legitimate Brexits. They have one thing in common: they want to deliver Brexit, but none of them is Brexit. The only Brexit on offer is the Brexit deal negotiated by the Government with the EU. That now defines Brexit; it is Brexit. However, if after this process today, the House agrees with a different option from the one negotiated with the EU, that becomes Brexit. But the question still remains: how does it compare with the promises made in 2016? The people have the right to decide.

David Tredinnick: Will the hon. Gentleman give way?

Phil Wilson: No, I am not going to give way because people are desperate to speak and there is not enough time.

Some say that another public vote would be divisive, but implementing any deal without a final say by the British people is divisive and would be for years to come as people realise that Brexit does not end on the day we may leave the EU, but that it only begins on that day.

Stephanie Peacock (Barnsley East) (Lab): Seventy per cent. of my voters in Barnsley voted to leave and they would like their point of view put into action. Is this motion really about staying in the European Union, and not about putting the question back to the people?

Phil Wilson: As my hon. Friend knows, my hon. Friend the Member for Hove (Peter Kyle) and I have been working on a compromise so that the people can decide whether the Brexit on offer is the way that they want to go. That option was not there in 2016 and the people have the right to compare the Brexit facts with the promises made back then.

Implementing any deal without a final say for the British people will be divisive, because they will not have had a say on whether they want, for example, to pay £39 billion to the EU. They also will not have been asked whether they want to remain in a customs union, to accept freedom of movement or to be like Norway. In fact, they will not have a say on any of the proposals that could come to fruition. It is not a criticism of colleagues in the House who have put forward such proposals today, but how do we know what the people voted for or will consent to unless we ask them?

It continues to lie heavily with me that on the several occasions in this House that I have asked the Prime Minister whether her deal is better than the one we have now, she could not answer. Maybe the people will disagree with me and agree with the Prime Minister, but it is time to find out. If the people look at the Brexit facts and they compare favourably with what was promised almost three years ago, so the Brexit deal passes—fine, let us see the deal implemented. Under our proposal, the deal would be given passage through this House with the proviso that it goes to the people in a confirmatory ballot; if the deal is agreed to, it is implemented. That would then put an end to any idea of a third or a fourth referendum. In fact, there is a strong argument that the process that we are undertaking now should have taken place before the referendum in 2016, with the facts before the people, instead of promises that will never materialise.

Some say that what we are promising is undemocratic because the people have already had their say. Yes, they have. But they did not have a say on the current Brexit deal—or, in fact, on any Brexit deal—and they should. When I suggest that the electorate should be given the final say on what the deal should be, some people react as if the only ones who would be allowed to vote are those who voted to remain. People should have the right to change their minds—not just from leave to remain, but from remain to leave. I do not believe that MPs in this House today, who are elected, in theory, for five-year terms, should have the final say on an issue that will affect our electors, and their families and descendants, for years to come. If that were to happen, it would not reflect well on the establishment, however it is appointed or elected.

The final say should not be given to Members of this House exclusively. The final say belongs to the people. Brexit started with the people and it should end with the people.

6.18 pm

James Cartlidge (South Suffolk) (Con): Thank you for calling me, Mr Speaker. I am very much used to the time limit changing just as I rise to speak.
I campaigned to remain, but I promised my constituents that I would accept the result of the referendum that my colleagues and I voted into law. In my view, the best deal to do that is undoubtedly the one negotiated by the Prime Minister, with all the difficult squaring of circles that it has had to go through. I sincerely hope that we do agree to that deal. If we do not, we have to accept that, given no deal has been defeated twice in this place, we must have a deal that flexes one of the red lines—the single market and the customs union. I explained on Monday that the issue of free movement should not be as big a concern, because our immigration numbers will be the same; people will just come from further afield. The key issue is trade. If we go down the EFTA/EEA route, we would be outside the customs union, but we would keep the EU free trade deal, which is the single market.

If we were outside the EU but in the customs union, there would be a profound problem. What would happen when we wanted to do a trade deal with a country that the EU did not wish to conclude one with or was unable to do that? This is fundamental. Imagine if it were a key economic bloc such as China. If we wanted to negotiate a trade deal with the Chinese, we would have to wait for the EU to conclude its trade deal, which would take much longer and be far more complicated. The Swiss, whose fine EFTA country is in the single market but outside the customs union, negotiated, as long ago as 2013, an excellent trade deal with the Chinese that has given them billions of pounds’-worth of trade in industrial goods and very strong access in services. This is the key point. There are many good reasons why we as a country could negotiate a trade deal with China that the EU could not, one of which is that we have a profound offer in services that is very different from the overall EU mix.

I think personally that we have to say to our people what are the benefits and opportunities of leaving. One of them must be to live up to our great history and heritage as the home of capitalism and free trade, and go back to trading around the world but with a close relationship with the European single market to fall back on. That works brilliantly for Switzerland and for Norway. In essence, it means leaving the political union and staying in the economic one. It is a very good deal. It is not as good as the Prime Minister’s deal, for all the reasons I have explained in previous speeches. However, at this moment in time, we have to decide whether we really want to deliver Brexit or not. If we are going to do so, and if it is not through the Prime Minister’s deal, which I hope we will vote on on Friday, there must be a compromise, and the best one is that which plays to our strengths as a great free-trade nation.

6.21 pm

Anna Soubry (Broxtowe) (Ind): It is a great pleasure to follow the hon. Member for South Suffolk (James Cartlidge).

I shall be voting for motions (M) and (L) for the excellent reasons that the proposers of both those motions have made very clear to the House. What a great debate we have had, and it has not been so revealing, so comforting and so good to see and hear how many hon. Members, notably on the Conservative Benches, have changed their minds? Not only have they changed their minds—they are tonight going to change the way that they have voted in the past. I do not know, Mr Speaker, if you have had the benefit of looking at the great names that have been added in support of motion (D): the hon. Member for Grantham and Stamford (Nick Boles); the right hon. Member for Loughborough (Nicky Morgan) and for Harlow (Robert Halfon); the hon. Members for Brigg and Goole (Andrew Percy), for East Renfrewshire (Paul Masterton) and for Mid Norfolk (George Freeman); and the right hon. Members for Mid Sussex (Sir Nicholas Soames), for Wantage (Mr Vazey) and for West Dorset (Sir Oliver Letwin). I could go on and on.

All those Members will be supporting common market 2.0, the single market and the customs union—something that over the past two years many of us, on many occasions, have risen to speak on, argue for and vote in favour of. That was at considerable personal and political cost, but we made the case, and, time and again, other hon. Members, notably those on the Conservative Benches, argued and voted against it. But, joy of joys, tonight they finally see the merits of that solution to this great Brexit dilemma, and indeed, as I say, they are going to change their votes.

We also hear tonight that there is every chance that the Prime Minister’s deal may indeed get through, so this could end up as an otiose exercise, as we lawyers call it. We now learn that hon. and right hon. Members on the Conservative Benches who, on previous occasions, have voted against the Prime Minister’s deal, not once but twice, are now going to—guess what?—not only change their minds, but will, too, have and enjoy the privilege of changing their vote to support the Prime Minister.

What a profound irony—and, some would say, a disgrace, verging on hypocrisy. Hon. and right hon. Members expect and will enjoy the right to change their minds, but will, too, have and enjoy the privilege of changing their vote to support the Prime Minister.

6.24 pm

Chris Philp (Croydon South) (Con): It is a pleasure to follow the right hon. Member for Broxtowe (Anna Soubry), although I was disappointed that she did not mention how many times she thought the electorate could change their mind—does she think it should be two, three or four times?

Anna Soubry: Let me tell the hon. Gentleman this. We have a referendum with, on the ballot paper, whatever deal we settle on and the option of remain. If people vote for the Prime Minister’s deal or whatever, that is it, and if they vote remain, end of—we stay in the EU.

Chris Philp: That was not the case that the right hon. Lady made. She made the case that people should be able to change their mind repeatedly, which implies that she would support any number of referendums.
I rise to speak against motion (D), in the name of my hon. Friend the Member for Grantham and Stamford (Nick Boles), on common market 2.0, and a similar motion (H), in the name of my hon. Friend the Member for Camborne and Redruth (George Eustice), on membership of the European economic area. I strongly oppose those motions for two reasons. First, they both entail signing up to full single market rules. The House of Commons Library published a paper only yesterday that says on page 19:

“EEA membership… involves a range of obligations, including implementation of EU rules relating to the Single Market”, with no decision-making role, other than being “consulted”. For a great British institution such as the City of London or our entire industrial economy, our merely being consulted on the rules that govern them simply is not good enough.

Secondly, there is the question of financial contributions, which was a controversial part of the referendum campaign. Another House of Commons paper published on 21 December found that Norway pays per capita contributions that are around half our current level—so, one would assume, about £5 billion per year. The promise to the British people about saving money would not be delivered in either common market 2.0 or as a member of the European economic area.

We then come to the question of free movement, which was another contentious issue during the referendum campaign. Membership of the single market entails full free movement. Some Members have referred to various brakes or safeguards in the European economic area agreement. Specifically, article 112 says that any such safeguards must be “restricted” in their “scope and duration”. Article 114 says that if a state, like the UK, were to use those safeguards, other member states could take “rebalancing measures” against them, meaning that some of the benefits of single market membership could be withdrawn. No country other than Liechtenstein, in very limited circumstances, has ever taken advantage of those provisions.

James Cartlidge: Switzerland.

Chris Philp: Well, Switzerland is currently engaged in a running battle with the European Union and has been unable to implement the result of its own 2014 referendum on free movement.

In the 54 seconds remaining, let me briefly turn to the question of trade deals, which relates only to motion (D) and not motion (H). Under the proposal of my hon. Friend the Member for Grantham and Stamford, during our customs union membership—this would probably apply to the Labour party’s official proposal as well—we would be bound by all trade agreements done by the European Union. We would be compelled to follow them, without the right of veto that we currently enjoy, and we would be prevented from doing any free trade deals of our own. That would be great to our disadvantage and would exclude countries such as India, China and the USA. For those reasons, I will be opposing motions (D) and (H).

6.28 pm

Lucy Powell (Manchester Central) (Lab/Co-op): As others have said, this debate should have happened a long time ago. Unfortunately, in the meantime, positions have become more entrenched and the country has become more divided. I hope that today, the healing process can begin. I want to say at the outset that each one of us has thought deeply for a long time. These are difficult issues, and we have all made balanced judgments from a place of good intent. We should respect where others have arrived at, even though some of us have arrived at different places.

We also have to remember that nothing about this debate is perfect. There is no easy solution, and there is no panacea. Every single thing before us has upsides and downsides, and I am not going to pretend any differently about what I want to support this evening. We need some honesty in the debate, and we need some balance too. The only thing that is absolute is that compromise is absolutely necessary, and we must have that in everything we do. My other criteria for looking at the things before us today is what is actually doable and achievable because, for too long in this debate, we have been chasing unicorns around that unicorn forest.

Although I have arrived at the view that, on the balance of upsides and downsides, common market 2.0 for me offers a balance I can live with, I will be voting for other things this evening. I think today is about keeping as many options as possible on the table—in the forest, or whatever metaphor hon. Members want—Members want—not narrowing them down. In brief, the upsides of common market 2.0 for me are that it is about leaving the EU in economically the best possible way of doing so—the single market is the key element, not the customs union—and we can do it quickly as well. There are of course downsides: there are still issues about freedom of movement and whether we are a rule taker. As ever in this debate, there are shades of grey; it is not all just black and white.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I want to place on the record my thanks to my hon. Friend and my hon. Friend the Member for Aberavon (Stephen Kinnock). While many in this place have retreated to process issues and talked about procedures in the House, the two of them have actually taken the bull by the horns and looked at issues that can resolve this situation practically. I have some concerns about what she is proposing, but she has at least proposed something substantive, and I thank her for that.

Lucy Powell: I thank my hon. Friend very much. As my mum always says, “Those who do nowt do nowt wrong, do they?” We always get criticised for having a position, rather than for not doing so. As I say, I respect the many people across the House who have worked in cross-party teams to try to do that.

Finally, on the issue of the second referendum, for me this is a separate question. We have to find something that we can put to the public if that is what this House decides. We still need to determine what the best Brexit looks like which, if the House wanted, we would put back to the people. We cannot have remain versus remain on the ballot paper, as I know some would want, and I do not think we can have remain versus leave in a form that is undefined. Regardless of what people’s views are about a second referendum, I just implore those in all parts of the House to agree on what Brexit may look like, including in the eventuality of a second referendum.
6.32 pm

**Giles Watling** (Clacton) (Con): Thank you, Mr Speaker—brevity, brevity.

I sincerely hope that we will have some clarity at the end of this process, and that it will move us closer to the Brexit I was sent here from Clacton to deliver. From my travels across my constituency, I know that the vast majority of my constituents just want this whole agonising process to be brought to a conclusion with a Brexit. Yet because of the constraints applied by this House, the deal on the table is the best way to deliver that Brexit, despite my serious concerns about the backstop and the continuing legal jurisdiction of the ECJ. I now feel that we have to vote for it, and head off the possibility of no Brexit at all.

The political scenery has changed dramatically, and this House has become more assertive by taking no deal off the table. There is also the emerging threat of an extremely soft or painfully slow Brexit. Moreover—this is becoming apparent now—as the House begins to assert itself, the Brexit deal we now have on offer is as good as it is ever going to be. There is not, and there never will be, a perfect deal; there is only a pragmatic outcome. By failing to move beyond this point at all and by failing to compromise and start on the road to Brexit, we are failing to satisfy anyone who voted to leave. We are also failing to satisfy those who voted to remain, and that includes me, but my position fell with the result of the referendum.

In the light of the instruction I got from people in Clacton to deliver Brexit, I would ask my colleagues if they want to be the ones that make Brexit worse, or even lose it entirely, when they could be the ones to deliver a good form of Brexit after all this pain and division—a Brexit that delivers on the promises. No doubt some will remain stubborn and push hopelessly for an unattainable no deal, but they fail to recognise that no matter how much they may wish for it, there is not a majority for no deal in the House and there has not been since the 2017 election. If colleagues reject that point and doggedly reiterate the Prime Minister’s line that no deal is better than a bad deal, that does not change the fact that supporting no deal is flogging a dead horse. A deal is all we can possibly have.

**David Tredinnick**: Does my hon. Friend share my concern about motion (M) on a second referendum? What would he do in my constituency, which voted out by 60% to 40%? Does he understand my constituents’ concern that a second referendum would be the end of democracy?

**Giles Watling**: I agree with my hon. Friend. A second referendum would be even more divisive than the position in which we find ourselves.

Although no deal is the legal default, we are in the weird position that it is no longer possible. Events have overtaken dogma and stubbornness. I will therefore support the deal in future votes in a spirit of pragmatism and because of my desire to deliver Brexit for my constituents. I will vote to support no deal today, again for my constituents, but to colleagues who are still voting for no deal in the vain hope of reaching that outcome, I say that the House will not allow it. It is time to get serious about the deal in its current form because all the other options are far worse than the one on offer.

6.36 pm

**Gareth Thomas** (Harrow West) (Lab/Co-op): It is a pleasure to follow the hon. Member for Clacton (Giles Watling). He will not be surprised that I profoundly disagree with his viewpoint, but it is good that the House has finally had the chance to debate the full range of options.

I will vote with most enthusiasm tonight for motion (M), which my right hon. Friend the Member for Derby South (Margaret Beckett) tabled. I voted to respect the outcome of the referendum in 2016 and trigger article 50, but in the past two and half years, so much more has become clear about the detail of the real impact of Brexit on our constituents and so many of the promises of those who campaigned to leave have been shown to be untrue.

I was proud to be one of 1 million who marched in London on Saturday. It should not only be the 650 of us in Parliament who get to have the final say on which Brexit option is decided. Given that Brexit has such huge implications for our country, surely it is only right that once a deal has been finalised, the people should have the final say.

I will vote for motion (L), which the hon. and learned Member for Edinburgh South West (Joanna Cherry) tabled, to strengthen the protection against a no-deal Brexit for our country.

However, as a House of Commons, we have a duty to try to help the Prime Minister and the Government to move on from the deal that she has been peddling so unsuccessfully for so long. The dilemma for the House is how close or how distant a relationship we want with the EU. Every independent economist suggests that the more distant our relationship with the EU in the future, the greater the adverse economic impact. For me, that means we should opt for the softest Brexit possible, staying in the customs union and the single market.

The vast majority of jobs for my constituents and others depend on the services sector and every independent economist suggests that there will be a huge impact on our country in loss of services business if we leave the single market. For that reason alone, we should stay in the single market.

Trade remains the last great unicorn to be fully taken down. I do not believe that there will be better trade deals on offer after Brexit. We have got good trade deals as a result of membership of the EU and I look forward to supporting motion (M).

6.39 pm

**Peter Aldous** (Waveney) (Con): What are we doing this evening is what we should have done a long time ago, at the outset of this process. Something of the magnitude of Brexit has never been attempted before anywhere else in the world. We should have put down the foundations before laying the bricks.

That said, my favoured course is to support the withdrawal agreement that the Government have negotiated, and if there is another vote on it I shall support it again.
It delivers Brexit in an orderly, non-disruptive way, and it provides the framework for revitalising the Lowestoft and East Anglian fishing industry.

In considering the various alternatives that have been suggested, I am mindful of the need to respect the 2016 referendum and I shall therefore not be voting for a second referendum or revocation of article 50. I have listened to impassioned and persuasive arguments for why we should do so, but I sense that if we go down that road we will leave a lot of people all around the country very puzzled, bewildered and, I am afraid, angry.

As a second option to the withdrawal agreement, I believe that we should consider motion (H), tabled by my hon. Friend the Member for Camborne and Redruth (George Eustice). It would involve the UK remaining a member of the European economic area and returning to the European Free Trade Association, which we invented in 1959 and which involves no customs union and no backstop. That delivers on the referendum result, as the European Communities Act 1972 would be repealed on time, without an extension, and we would legally leave the EU. It also has the advantage, from my perspective, that we would leave the common fisheries policy sooner and would be able to implement the emerging policy.

With regard to leaving without a deal, I have in the past week canvassed local business, trade associations and representatives for their positions. They include businesses from the haulage, oil and gas, packaging, leisure, farming and food processing sectors, as well as health providers and utility companies. They are all concerned about the impact on their businesses of leaving the EU on WTO terms and, by implication, the potential negative knock-on impact both on those who work for them and on those to whom they provide goods and services.

In conclusion, the current logjam has been going on for far too long. We need to remove the uncertainty as quickly as possible and get on with delivering Brexit in an orderly way.

6.42 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to follow my good friend the hon. Member for Waveney (Peter Aldous).

It is extraordinary, is it not, that we are here today? I, like others, welcome the constructive tone struck by many in this debate, but it is 27 March and we have known for so long that the end date was 29 March. This kind of debate should have been held so much earlier; to start it today is, I am afraid, a mark of failure for the whole process.

I am not one of those who can say that I have changed my mind through this process. I represent one of the most remain constituencies in the country, and I am a passionate remainer myself. I have found that difficult at times, because I recognise that many of my colleagues are in a much more difficult position.

I caution colleagues slightly about the policy discussion we are having today. Although we may well be able to move towards a rational compromise, I have wondered throughout whether that is really where many members of the public are. If I needed any proof of that, when I floated the idea of revocation in this Chamber some six months ago, it was seen, to be frank, as a bit of an outlier position. However, if I needed any confirmation of that position, it is the extraordinary strength of the petition that has been running over the past few weeks.

I am a member of the Petitions Committee and it is unfortunate that aspersions were made earlier today on the veracity of that petition. The staff work very hard. To be frank, if Russian bots were crawling over parts of one of the campaigns during the referendum, I think we can send a strong message that they are not going to be running over the parliamentary petitions website, because we are very careful. Whatever one feels about the issue, there is strength of feeling: 27,000 people in my constituency—almost one third of the electorate—have taken the trouble to make their point. I would say that for them, remain means remain. I fear that some of the compromise positions will not satisfy people elsewhere. That leaves me to conclude, having looked at some of the intermediate options—I can see their merits from a policy perspective—that we have people who feel passionately about this issue on both sides.

How do we resolve that problem in a democracy? Frankly, I think there is only one answer—I thought the most powerful contribution this afternoon came from my right hon. Friend the Member for Derby South (Margaret Beckett)—which is to make that plea to reconcile our differences by doing it in the way that we do best in this country: to have a sensible discussion, now that people actually know the facts. Goodness, we all know much more about all this than we did two or three years ago. I do not think we should be afraid of asking the people if they want a final say. Give it to them and they will tell us what they think.

6.45 pm

Dr Paul Williams (Stockton South) (Lab): Every one of us in this place has a firm duty to our constituents. We have a duty to protect their security and their livelihoods. We have a duty to make the best decisions for our country, and we have a duty to approach this whole process in good faith and with an open mind. This House is deeply divided, but—it is important to say this—no matter our view, all of us are acting in a way that we believe best serves our constituents and our country.

When I look at the options before the House this evening, Mr Speaker, it is obvious that there are no perfect solutions. Everything we do from now on will involve compromise. The public, like this House, are deeply divided. In a democracy, when there is division and when there are trade-offs to be made, we do not shut down the conversation. That has never been what our country does. The healthiest way to repair any kind of relationship where both sides have to stay together is to carry on talking. There is nothing threatening to democracy about testing the public's opinion. A healthy and vibrant democracy is supposed to be loud. It is supposed to discuss, to debate, and, yes, to vote. The only threat to democracy is if we allow fear and intimidation to stop this debate. That must never happen.

No Member of this House should be scared of doing the right thing today. That is the job we were all elected to do. I sometimes get messages calling me a traitor, a backstaber, an enemy of the people. Colleagues across the House receive much more vitriol than me. I know there is frustration out there, but our job as MPs is to look at the evidence and make a rational, balanced and
objective assessment. My assessment is that Brexit is far more complicated than anybody expected and we now have a duty to bring the public back into our discussions as we reach this vital, difficult stage in the process. They are entitled, in a healthy democracy, to give their informed consent to any deal agreed by Parliament.

This is a moment when the House must rise to meet the challenge in front of us: the task of uniting our divided country. So far, we have not managed that. This evening, we have the opportunity to do our country proud, to do what we know is right and to give the public the chance to help us fix this. That is why I will be supporting motion (M) in the name of my right hon. Friend the Member for Derby South (Margaret Beckett).

6.48 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to follow my hon. Friend the Member for Stockton South (Dr Williams).

I campaigned to remain not because I thought the EU was perfect, but because I inherently believe that it is better, in a 21st century world dominated by a few large blocs, to be a member of the club of our nearest neighbours, the largest and therefore the most powerful trading bloc in the world. Through our membership, we are influencing from within, sharing the costs, trading in goods and services without friction, keeping the peace on our continent and having the clout to negotiate.

I am old enough to remember, even though I was too young to vote, what being British was like before the UK joined the common market: visas to go on holiday across the channel and currency restrictions; British construction workers having to travel for work in Germany to support the German construction boom. Right now, as of this week, we get full access to EU markets, supporting world-class manufacturing jobs in Britain. We get the right to travel, work, live and love in 27 other EU countries, a right that we and millions of people, particularly those under 18 in 2016, will lose. We are already seeing the impact of the uncertainty of Brexit on a whole range of businesses in my constituency, including the growing creative sector. As night follows day, before too long we will see cuts in tax revenues leading to yet more cuts to public services, whichever party is in government.

The referendum was advisory—a simple yes or no—with little information and many lies. I voted against triggering article 50 because I felt that we should have sorted out the nature of our leaving the EU before triggering the two-year clock, so that we did not do what we are doing this week and next, scrabbling around to avoid crashing out. Let us not forget the economic and reputational consequences for this country of triggering article 50.

Many people challenge me on the manifesto phrase about respecting the results of the referendum. Well, I do respect the reasons why most people who voted leave distanced themselves immediately afterwards. I will be voting for motion (M) in the name of my right hon. Friend the Member for Derby South (Margaret Beckett) for the simple reason that any deal passed by this House—the Labour position, Norway, a customs union or the PM’s deal—needs to be fully and publicly ratified by the people, not in another advisory vote, as was the case in 2016, but this time in a binding vote. As my hon. Friend the Member for Sedgefield (Phil Wilson) said, people should have the chance to change their mind from leave to remain, or indeed, from remain to leave. Although my constituency voted to remain, I would probably take the same position even if my constituency was a leave-voting area because of my duty to my country.

6.51 pm

Vera Hobhouse (Bath) (LD): In 2016, 17.4 million people voted to leave the EU. Today, after almost three years, we still have at least six different Brexit versions in front of us. None of them was on the ballot paper for the people to vote for in 2016. Each defender of their Brexit option makes some claim that it represents the will of the people. That is why we need to test the will of the people in 2019 and to give them a specific Brexit option versus the option of staying in the EU.

Personally, I am pretty agnostic about what is a better or worse Brexit option. All I want to see as an outcome of today’s exercise is that whatever Brexit option we decide on here is put back to the people. The people might reconfirm that they wish to leave the EU, but in 2019, everybody who wants to leave the EU will know exactly what they are voting for rather than there being a long wish list of hopes, aspirations and undeliverable promises. Yes, referendums are difficult, but they are democratic. We should not be threatened by those who tell us that they will riot in the streets if there is another referendum.

On Saturday, between 1 million and 2 million people marched peacefully in the streets of London—young and old, from all backgrounds, from different political parties and none. Do they not count? Are they not the real British people, determined but polite? Does Parliament listen to people only when they throw stones or send us death threats? “Put it to the people” was a peaceful ask from the biggest march so far this century. Let us hold the 2019 people’s vote. Whatever Brexit solution finds a consensus in this Parliament must go back to the people. The people must finish what the people started.

Mr Speaker: I was looking for a particular Member, but he buttled out of the Chamber at an inopportune moment. If he had been in the Chamber at an opportune moment, I might have invited him to address the House, but he has missed his opportunity.

In accordance with the Order of the House of today, we will shortly proceed to vote on the motions I have selected. Voting forms are available from the Vote Office and in the Division Lobbies. The forms list the title and letter of the selected motions. The text of the motions is on the Order Paper. As I indicated at the outset, Members with surnames from A to K should hand in their forms in the No Lobby at the relevant desk. The Division bells will be rung twice before the House resumes. The voting period will begin at 7 o’clock and last for 30 minutes. I suspend the House accordingly for that period.

6.55 pm

Sitting suspended.
EU Exit Day Amendment

7.30 pm

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I beg to move,

That the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019, which were laid before this House on 25 March, be approved.

First, I express my gratitude to the Joint Committee on Statutory Instruments for its report today. I do of course regret the necessity to have to introduce this instrument and would prefer that we were leaving the EU with a deal at the end of this week. I have voted on two occasions for that outcome, but the House has not. The Chancellor of the Duchy of Lancaster made it clear in the debate on 14 March that the Government would accept the will of the House and seek an extension if that was what Parliament voted for. Parliament then voted by 412 to 202 to approve a motion to seek to extend article 50. An extension has therefore been agreed with the EU and the Government are now committed to implementing it in domestic law.

Mr Mark Francois (Rayleigh and Wickford) (Con): I want to ask the Minister about a technical point. The operative paragraph of the explanatory notes that accompany the SI says that, if the House of Commons does not approve the withdrawal agreement by 11 pm on 29 March 2019—the so-called relevant time—the treaties will instead cease to apply to extend article 50. An extension has therefore been agreed with the EU and the Government are now committed to implementing it in domestic law.

Mr Edward Vaizey (Wantage) (Con): He can read!

Mr Francois: Thank you, that is very kind. I do my best, Ed. Thanks mate.

Mr Vaizey: You are doing well.

Mr Francois: Great. I will carry on then.

The Government were meant to lay a commencement order to allow us to leave. As I understand it, they never laid such an order—I do not know whether they were ever going to do. Does this SI now have the effect that the commencement order would have had? In other words, if we approve the SI and have not approved the meaningful vote, would we then leave at 11 pm on 11 April, without the need for a separate commencement order? I think the Minister understands the question.

Mr Walker: I do understand my right hon. Friend's question. The answer is that a commencement order would have to be laid before the point at which we left, whatever that leaving date was. I do not think it is necessarily directly relevant to the debate on this SI, because this SI does not set the date on which we leave the European Union but reflects the date agreed in international law.

As the House will be aware, the decision adopted by the European Council, agreed to by the UK, provides for two possible durations, as my right hon. Friend, the Member for Rayleigh and Wickford (Mr Francois) just pointed out: should the House approve the negotiated withdrawal agreement this week, the extension will last until 22 May; if the House does not approve the withdrawal agreement, the extension will last until 12 April.

Sir Edward Leigh (Gainsborough) (Con): What would be the effect if the House rejected the SI tonight? We are constantly told that international law always trumps domestic law, so what would be the effect? Is there any point in voting for or against the motion, because it really has no effect at all? International law will always trump what we do, and in that sense parliamentary democracy is inferior to international law. Is that correct?

Mr Walker: My right hon. Friend makes an important point, but there would be a profound effect as a result of the rejection of this SI, and I shall come to that later in my speech. It is important to state that, were we to reject this SI, it would leave the UK statute book in a mess, so I do not think that is a good course of action.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Minister referred a moment ago to the House passing the withdrawal agreement by this week. We obviously heard Mr Speaker's ruling earlier and rumours abound that the Government intend to introduce the withdrawal and implementation Bill on Friday. Could he confirm whether that is correct and whether it would have any provisions to alter section 13 of the European Union (Withdrawal) Act 2018, which is of course intimately tied up with this statutory instrument?

Mr Walker: It will be a matter for the Leader of the House to announce business, not for me. I heard, as I am sure the whole Government heard, the Speaker's ruling. We take careful note of what the Speaker says and of course we will act with due regard to that. However, I hope that the House has the opportunity to consider the only withdrawal agreement that has been negotiated and agreed to by the EU.

Several hon. Members rose—

Mr Walker: I will make a bit of progress. The regulations cater for an extension in either scenario by redefining exit day to ensure the date and time specified in the definition is 11 pm on 22 May or 11 pm on 12 April, depending on whether the House approves the withdrawal agreement. In either of those extension scenarios, we will not be required to participate in European parliamentary elections. This vital instrument has the simple but crucial purpose of making sure that our domestic statute book reflects the extension of article 50 agreed with the EU on Friday 22 March.

John Redwood (Wokingham) (Con): Could the Minister explain this? I think the UK Government wanted 30 June but that was scaled back to 12 April. Could he explain why the EU thought that it was much better to have a short period? As someone who does not want such a period, I obviously find myself on the EU's side, rather than the Government's.

Mr Walker: I suspect that my right hon. Friend may well welcome the chance of that shorter period, but I think the answer is simply that that was the decision reached by the European Council and agreed by the Council and the UK.

Put simply, the instrument does not set the date of our departure, which has already been agreed. It reflects that in domestic law. While the instrument itself is straightforward, its effect will apply across the domestic
statute book, so it is important that I set out the details of what it will do—this comes to the point of my right hon. Friend the Member for Gainsborough (Sir Edward Leigh). I have explained this to my ministerial counterparts in the Scottish Government and the Welsh Assembly, setting out why the UK Government are taking the instrument forward.

Mr Richard Bacon (South Norfolk) (Con): My right hon. Friend the Member for Wokingham (John Redwood) did not ask the Minister to restate the position. He asked why the European Council went for the earlier date, rather than 30 June. Why did it do that?

Mr Walker: My understanding is that that was the Council’s view of when we would have to give notice that we would be holding European elections, if we were staying in for longer, and that is why it set that date as the date by which we would have to have made our mind up as to whether we are leaving. But that is for the European Council to determine. I am not a spokesman for it.

Currently, major changes to our domestic statute book reflecting our exit from the European Union are due to take effect on exit day, which is defined in the EU withdrawal Act as 11 pm on 29 March, despite the extension terms that have been agreed at international level. These changes apply across a huge number of policy areas, from emissions trading to Europol. All these changes are designed to ensure that our statute book works when we leave the European Union, and all these changes are designed to ensure that our statute book reflects our exit from the European Union are due to take effect on exit day, which is defined in the EU withdrawal Act as 11 pm on 29 March, despite the extension terms that have been agreed at international level. These changes apply across a huge number of policy areas, from emissions trading to Europol. All these changes are designed to ensure that our statute book works when we leave the European Union, and all are due to take place on exit day. This definition has effect across the whole UK statute book. Now that an extension to article 50 has been agreed in EU and international law, we need to amend that date to reflect the new point at which the EU treaties cease to apply.

Ms Angela Eagle (Wallasey) (Lab): Has the Minister learned any lessons about putting exact times and dates on the statute book in primary legislation just so that his Prime Minister can blackmail her own party?

Mr Walker: The hon. Lady makes a political point, which is not particularly appropriate for a debate on technical legislation. The instrument has been laid under the EU withdrawal Act to do just what I said, Section 20(4) of the Act contains a power to amend exit day through a statutory instrument.

Mr David Jones (Clwyd West) (Con): The Minister mentioned that the European Council agreed an extension. There was a resolution of this House to seek to agree an extension, which I suggest amounts to an authority to negotiate. Has he been advised that that also amounted to an authority to conclude an extension? Did he get legal advice on that point?

Mr Walker: I know that my right hon. Friend is a keen legal eagle, as well as an experienced former Minister in this Department, but of course the Government are confident of their legal position in the decisions that they have taken.

The power was specifically included in the EU withdrawal Act because parliamentarians envisaged a situation in which extension could be required. As the then Under-Secretary said, the Government had had discussions with Back Benchers and were grateful that they tabled their amendments, which provided the Government with the technical ability to amend the date, but only if the UK and the EU unanimously decide to change the date at which treaties cease to apply to the UK, as set out in article 50."

Sir William Cash (Stone) (Con): Will the Minister report to the House the outcome of this afternoon’s meeting of the Joint Committee on Statutory Instruments? Did the Committee consider the question of vires, as is within its Standing Orders?

Mr Walker: I did not catch the whole of my hon. Friend’s question, but I am confident that the Joint Committee on Statutory Instruments has had a chance to look at the matter, and I welcomed its report at the beginning of my speech.

Let me be clear with the House that the power in the EU withdrawal Act can only be used to redefine exit day to the new day and times that the treaties will cease to apply in the UK. To specify any other day would not have legal use of that power. It is critical that the House approves this instrument for the simple reason that the extension of article 50 has been agreed and is therefore legally binding in international law.

I understand that some Members have been of the view that we are still set to leave the EU on 29 March, but that is not legally the case. Owing to the agreement between the UK and the EU to extend article 50, the UK will remain a member state of the EU until at least 11 pm on 12 April as a matter of international law. If this instrument were not to pass, therefore, it would not change that fact, but it would lead to confusion across our statute book from 29 March.

Mr Peter Bone (Wellingborough) (Con): I have this wonderful machine that says we are now two days, four hours, 17 minutes and 12 seconds away from coming out of the EU: this is a pretty good machine, actually. Is not the truth of the matter that, if we reject this SI tonight—I hope we do by a big margin—we will have come out in domestic law and we will be in breach of an international treaty for about two weeks, and that is why the Minister needs to get this through?

Mr Walker: I simply do not share my hon. Friend’s understanding or view of the matter. I respect his point of view, but I am afraid that he is not right on the legal facts.

A large volume of EU exit legislation, preparing the statute book for the moment EU law ceases to apply, is due to enter into force automatically on exit day. Without this instrument in place, there would be a clash in our domestic law whereby contradictory provisions would apply—both EU rules and the new UK rules simultaneously. In some cases, new UK rules would replace EU rules prematurely.

We estimate that tens of thousands of amendments to our domestic legislation will be made in the light of EU exit. These include changes that relate to the sharing of information, reporting requirements placed on businesses and public institutions, and the role of the European Commission in issuing licences and certificates. For example,
let us take the amendments relating to the rights of lawyers to practise in the UK. If these regulations come into force on 29 March, EU lawyers who are not registered European lawyers immediately before exit day are at risk of committing a criminal offence if they continue to provide particular legal services in the UK. Other examples include UK operators being unable to comply with the EU emissions trading scheme and having to surrender their emissions allowances early, and the risk that firms stop trading to avoid legal breaches given their uncertainty about when new customs, excise and VAT regimes would kick in.

There are examples from across the statute book, but it is clear that without this instrument there would be significant confusion and uncertainty for businesses and individuals on 29 March.

Richard Graham (Gloucester) (Con): My hon. Friend is making the strongest possible case that this statutory instrument is important to ensure that our reputation across the world for being a country that is reliable to deal with, and whose obligations in international law are the same as our domestic legislation, remains intact.

Mr Walker: My hon. Friend is absolutely right. He and I have always agreed that we need to do this process properly and that is what this SI is all about.

Lady Hermon (North Down) (Ind): Is not the reality of the situation that, while we affectionately refer to the withdrawal deal as the Prime Minister’s deal, it has been signed by 27 other EU member states? It is signed and it is not going to be unsigned: the deal is done. There is only one deal and that is the Prime Minister’s deal. The extension that we need to vote for tonight is very short. We absolutely have to get behind this Brexit deal, get it through, get the implementation period and move on. The deal is not going to be reopened by the other 27.

Mr Walker: As I often find, I wholeheartedly agree with the hon. Lady. That is not the sole point of this SI, of course, because it allows for two specific scenarios, but—

Sir Christopher Chope (Christchurch) (Con): I wonder whether my hon. Friend can explain why, when his junior Minister, the hon. Member for Spelthorne (Kwasi Kwarteng), was asked in the House on Friday whether “the article 50 period will only be extended if the House votes for a statutory instrument to give effect to such an extension”, he confirmed:

“The Government would have to lay a statutory instrument and the House would have to debate and vote on it.”—[Official Report, 22 March 2019; Vol. 656, c. 1377.]

It now seems as though that was totally inaccurate.

Mr Walker: I did not see what my hon. Friend said in that debate, but I am very grateful to my hon. Friend the Member for Christchurch (Sir Christopher Chope) for promoting me so that I have junior Ministers underneath me.

The question before us is not whether the extension to article 50 happens, but the separate question of whether the domestic statute book reflects this extension, without which there could be a confusing and unclear statute book with clashing provisions. If we are to resolve that, it is essential that this instrument is passed before 11 pm on 29 March so that it can come into force ahead of that time. This will align exit day in UK law with the new day and time on which the EU treaties cease to apply to the United Kingdom in both EU and international law.

Sir Bernard Jenkin (Harwich and North Essex) (Con): This Executive decision was approved by a Minister without proper reference to Parliament, bringing back to the House not just international law but law that is binding in our own law and binding on this Parliament. May I put it to my hon. Friend that it is exactly this kind of decision making and law making that people voted against in the referendum?

Mr Walker: My hon. Friend makes an important point on which many of us could agree—that this process reflects some of the issues that caused people to vote in the way that they did. However, the House voted for an extension and it was in respecting the vote of this House that the Government sought to negotiate one.

I am acutely aware of the huge amount of work undertaken by Members across this House to scrutinise—

Sir Christopher Chope: On a point of order, Mr Speaker. The Minister made light of my intervention, in which I expressly drew the attention of the House to what we had been told on Friday during an urgent question by a Minister of the Crown from his Department. If what was said then is wrong, when are we going to get an official correction and apology from the Government, because those of us who were in the House on Friday were certainly gravely misled by what was said?

Mr Speaker: I am very grateful to the hon. Gentleman for his point of order. Obviously I well remember the exchanges, and I am aware of the particular interaction to which he is referring. The normal principle applies: every Member is responsible for the veracity of what he or she says in this Chamber. If a Member inadvertently errs, it is incumbent upon that Member to correct the record. The Minister, perfectly reasonably, said that he had not seen what was said. However, it is not beyond the wit and sagacity of the hon. Member for Christchurch (Sir Christopher Chope) to arrange for a copy of the extract from the Official Report to wing its way to the Dispatch Box during the course of this consideration, and the Minister might then be in a position further to respond to him.

Ms Angela Eagle: On a point of order, Mr Speaker. Could you advise me on whether what Conservative Members are objecting to is the use of the royal prerogative, which allows us to sign up to international treaties using that power? If so, the logic of what they are arguing is actually that we should get rid of the Queen.

Mr Speaker: I simply say to the hon. Lady that it is not for me to offer an exegesis of what individuals might think about our constitutional arrangements, including the use or otherwise of the royal prerogative, but she has made her own point in her own way, with some panache, and it will be studied in the record.

Mr Francois: Further to that point of order, Mr Speaker. There are some people in this House who want to get rid of Her Majesty, but they are on the Opposition Benches, not the Government Benches.
Mr Speaker: I am extraordinarily grateful to the right hon. Gentleman, but I wonder if we now might return to the relatively narrow ambit of the statutory instrument.

Mr Walker: Thank you, Mr Speaker. I shall be brief.

I am acutely aware of the huge amount of work undertaken by Members across the House to scrutinise the near 550 statutory instruments brought forward to prepare for exit and provide legal certainty. If this instrument were not to pass, that work would be undermined by the legal uncertainty created. If, on the other hand, we passed today’s instrument, the only thing that would change across all those SIs is the moment at which they come into force, aligning with the time of our exit so that they work properly.

I remain hopeful that the House will support the Prime Minister’s deal and that we will leave the EU on 22 May, with a short technical extension to ensure that we can pass the necessary implementing legislation. This instrument is, however, without prejudice to whether that is the case. I hope the House can agree on the necessity of this instrument and approve it, so that it can come into force and we can avoid serious confusion and uncertainty for businesses and individuals.

7.50 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): I rise on behalf of the Opposition to support the motion. As the Minister made clear, this statutory instrument is a necessary one, and it should be entirely uncontroversial. As the House knows, in response to the Prime Minister’s letter of 20 March to the President of the European Council, the Council agreed to an extension of the article 50 process until 22 May, provided that the withdrawal agreement is approved by the House this week. The Council further agreed that if the withdrawal agreement is not approved this week, an extension until 12 April will take place to allow for the UK to “indicate a way forward” for its consideration, to which we hope the preceding debate and votes will contribute.

On 22 March, the UK’s permanent representative to the EU, Sir Tim Barrow, wrote to the President of the European Council to confirm agreement of the proposed extension arrangement under article 50(3) of the treaty on European Union. As such, the extension of the article 50 process until at least 12 April will now happen as a matter of European law, and as the Minister said, it is legally binding in international law. This statutory instrument merely aligns “exit day” as it is defined for the purposes of the European Union (Withdrawal) Act 2018 with the new dates that have been agreed. It is entirely correct that it comes after agreement on extension was reached between the two parties.

Indeed, the withdrawal Act makes clear that this sequencing—that is to say, that any new agreement between the parties as to when the treaties cease to apply to the UK must precede any change to exit day for the purposes of the Act—is precisely what is required. Section 20(4) of the Act provides that a Minister of the Crown may by regulations amend the definition of “exit day” to “ensure that the day and time specified in the definition are the day and time that the Treaties are to cease to apply to the United Kingdom.”

...the operative word being “are”, not the day and time that the Government hope the EU Council would agree to. As such, logically, the Act makes clear that the Government could not propose a statutory instrument that would stipulate a date or dates for exit day different from the date on which the treaties would cease to apply, as agreed at the time. In short, the power to redefine exit day as set out in the 2018 Act passed by this House arises only if the date has already been changed.

Mr Bone: The Act refers to a date. Does the hon. Gentleman agree that it would therefore be more logical for this statutory instrument to state 12 April, and if that date needs to be changed, it should be changed subsequently? I do not understand how we can have two dates in the statutory instrument.

Matthew Pennycook: I thank the hon. Gentleman for raising that point, as he has in recent days. I think that it can be done either day—that is the short answer. There are different legal opinions on which creates the least amount of confusion and potential for legal challenge, but the Government have decided to do it this way, and we support the statutory instrument as a means to do so.

Those who take issue with the sequencing or the mere fact that this statutory instrument is before us at all today do so because they oppose in principle an extension to the Brexit process beyond Friday 29 March, presumably because they are either relaxed about leaving without a deal or positively wish for such an outcome.

Steve Brine (Winchester) (Con): I am grateful for the Opposition’s support. Is not the bottom line that we are extending article 50 via this SI tonight to avoid the damaging no-deal exit that my constituents in Winchester, and I am sure the hon. Gentleman’s constituents, do not want to see, and that this House has now expressly said on several occasions—I predict it will do so again this evening—it does not want to see?

Matthew Pennycook: I agree with the hon. Gentleman to the extent that we have to do everything possible to avoid a disastrous no-deal exit. This SI does not do that; the extension agreed by the European Council and the UK does it. This SI ensures that our domestic legislation aligns with what has already been agreed and that we do not create legal confusion.

It is certainly the case that no one, including those who have no problem with the extension, expected that this Government would fail so miserably that an extension of any kind would be required, but it was always a possibility. That is precisely why the EU withdrawal Bill, at least in its original form, was drafted to provide for circumstances in which a withdrawal agreement came into force later than 29 March, following an extension. As the Government themselves put it at the time in their delegated powers memorandum:

“Exit day will be dependent on the withdrawal negotiations with the EU.”

As my hon. Friend the Member for Wallasey (Ms Eagle) has commented, it was the Government’s decision to play politics with the issue of exit day for the purposes of our domestic legislation—constraining the flexibility provided for in the original drafting of the Bill by putting in a fixed exit date and time in a vain attempt to
It has been suggested that the Act provides that the draft regulations can only be submitted to each House for affirmative resolution once the date of exit has been altered at international level. That is simply not correct. The provision for approval by affirmative resolution is free-standing in paragraph 14 of schedule 7, under which a draft instrument is to be submitted to both Houses. It was incumbent on the Government to respect the normal practice of allowing Parliament to approve any legislative changes before entering into a binding international obligation.

I was the shadow Attorney General during the Iraq debacle. On that occasion, it became apparent that there should have been consultation with Parliament on a matter of the gravest national importance. If I may say so, I obliged, or created the circumstances in which the then Attorney General submitted his opinion to the House. More recently, we had a similar situation with regard of the bombing of Syria. The idea that Parliament is not required to postpone approval of any legislative changes until we enter into a binding international obligation is well established in recent precedent.

The course that the Government have taken seeks to present Parliament with a fait accompli whereby Parliament is pressured to approve the draft regulations because, the Minister alleges, failure to do so would cause disin conformity between the UK’s international obligations and domestic law.

Under our constitutional law, the power of the UK Government to conclude binding agreements with states and other international actors such as the European Union exists under the royal prerogative. It is a basic principle of our constitutional law that the royal prerogative may only be exercised consistently with the intention of Parliament. Any purported exercise of the royal prerogative that is inconsistent with the intention of Parliament is unlawful and of no effect in our internal legal order.

I am troubled by what could be the outcome of the meeting of the Joint Committee on Statutory Instruments today. That is why I intervened on the Minister. I asked whether there was proper consideration of whether the matters before it were intra vire or ultra vire. I do not know the answer because I have not been given the information. I ask the Minister to check whether the Committee considered the question of vire in relation to the issues before it today.

The intention of Parliament is to be found solely in Acts of Parliament. It is not shown by resolutions of the House of Commons. Unless an Act of Parliament says otherwise, such resolutions do not have effect. Under the principles of public international law, in article 46 of the Vienna convention, a state is entitled to invoke the fact that its apparent consent to be bound by an international agreement has been expressed in violation of a provision of its internal law, if that violation is manifest, which is defined as “objectively evident”, and concerns a rule of internal law of fundamental importance. Those criteria are clearly satisfied, so there is manifest violation of our internal constitutional law. The Government’s actions are completely unlawful.

It is abominable that we should be faced with having to vote on the specious ground of so-called uniformity, which the Minister has presented. I do not blame him personally. I ask him to forgive me for suggesting that
he is taking advice from other persons who purport to be learned in the law. I am afraid that they are entirely wrong.

Only yesterday, Lord Pannick himself raised those very questions. Lord Pannick, of course, is a most distinguished lawyer. In fact, he was the lawyer for the plaintiff Gina Miller in the case that resulted in the requirement for the European Union (Notification of Withdrawal) Act 2017. Lord Pannick knows what he is doing. In fact, I and others instructed him in relation to the Rees-Mogg case back in 1993, so I know a little bit about the brilliance of Lord Pannick. He said:

“The legal concern which some lawyers have expressed is that a power to specify the day and time when the treaties are to cease to apply is not satisfied by identifying two possibilities; it is not possible, if this SI is enacted, to identify exit day simply by reading it.”—[Official Report, House of Lords, 26 March 2019; Vol. 796, c. 1721.]

It is worth considering the fact that Lord Pannick is not to be taken for granted and that he has raised serious doubts about the matter.

Mr Speaker: But I think the House will be relieved to know that it is to be spared a dilution on the matter of Lord Pannick’s involvement in the Rees-Mogg case—of which sparing I think I can be comfortably reassured by the hon. Gentleman.

Sir William Cash: Absolutely, I do not need to dilate on that question at all; I am simply using it as a point of reference. The draft regulations contain unlawful sub-delegation.

Adam Afriyie (Windsor) (Con): If what my hon. Friend is doing an enormous service to this House.

Sir William Cash: The regulations are not binding and they are invalid in law—it is as simple as that. This is a serious matter. Let us view the question from the point of view of people listening to this debate outside Parliament. This is not just a question of process. It is about the fact that as I speak, under the provisions of the European Union (Withdrawal) Act, we intend to repeal the European Communities Act 1972 on exit day, which is 29 March. That is the law of the land, subject only to this rather esoteric question about the commencement order, which can be resolved in 30 seconds by a Minister coming to the Dispatch Box and saying, “This commencement order is now in force.” It is as simple as that. It does not require anything more than that.

We are talking about something that goes to the heart of the referendum decision itself—the democratic decision of the British people—which was that they wanted to leave the European Union. By the way, the House of Commons voted by 499 to about 120 for the European Union (Notification of Withdrawal) Act. It also voted for the European Union Referendum Act 2015 and gave the British people the right to make that decision. Contrary to the rubbish I hear all over certain parts of the House—that somehow or other remainers in Parliament have a right to take back that decision from the people—it was given to them and 17.4 million made it. This Parliament has no right to take it back from them.

Mr Richard Bacon: I never knew we were going to have such a treat this evening, so it is a great pleasure to have the opportunity to ask my hon. Friend a question. It so happens that I have a copy of the European Union (Withdrawal) Act 2018 with me. It does say in schedule 7—

[Interruption.]

Actually, Mr Speaker, it was completely by chance, because I had no idea that my hon. Friend was going to dilate on this matter. I heard the hon. Member for Brent North (Barry Gardiner) saying, first of all, the word “deviation” as if this were some sort of BBC panel show. Then I heard him, from a sedentary position, saying that he had no idea what my hon. Friend was talking about. It turns out that schedule 7(14) states very clearly:

“A statutory instrument containing regulations under section 20(4)”—

for the benefit of the hon. Member for Brent North, that is the section of the Act by which exit day is changed, so it is hardly a deviation—

“may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

It occurs to me—I invite my hon. Friend to agree with me—that my hon. Friend is doing an enormous service to this House.

Sir William Cash: I am extremely indebted to my very good and very close hon. Friend. I am so glad that he has made that point, because I am simply trying to do what I have always tried to do, which is to get past all the fog and ask the central question, which bears on the issue of the sovereignty of this House in relation to that European Union (Referendum) Act 2015, which gave the right to the British people.

The 2018 Act, to which my hon. Friend refers, is the moment in time when we made that decision in this House. Even my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) voted for the Third Reading of that Act. This was, therefore, a decision taken by this Parliament. So forget the fact that these indicative votes going on at the moment, which I regard as a parliamentary bag of liquorice allsorts, are an obfuscation of the fundamental issues. The draft regulations published a few days ago are not in accordance with the 2018 Act, since they do not change exit day to a particular date. Instead, they purport to change exit day to two different dates—the point Lord Pannick referred to—depending on whether the House does or does not pass a resolution that satisfies the European Council decision. I emphasise the words “does not satisfy the European Council decision”, Mr Speaker.

I have raised this matter repeatedly. We have been supplicating the EU. We have given in to the EU. My European Scrutiny Committee last March published a very good report in which we pointed out that we should not accept the terms of reference dictated to us by the European Union. That is where it all went wrong. It went wrong when the European Union (Withdrawal) Act was overtaken by the Chequers agreement, in a pre-planned operation inside No. 10 driven by the Prime Minister and her advisers, the effect of which was to undermine the repeal of the 1972 Act. I say “pre-planned” because the 2018 Act received Royal Assent on 26 June and within 10 days the Chequers proposals had come forward, which morphed into the withdrawal agreement and article 4, the effect of which is to make us subjugated to the rule making of the European Union. That is what went on and it was
done deliberately. It was going on while we were actually passing the withdrawal Act itself. I would describe it as a monstrous deceit on the British people.

I will go further. The course taken by the Government in seeking to pre-empt the affirmative resolution has plainly contaminated the lawfulness of their actions. It has, at a minimum, created serious doubts about the legal situation. I draw attention, for those who would be interested, to the views of the retired Lord Justice of Appeal, Sir Richard Aikens, who is entirely clear on this question.

I wrote a letter to the Prime Minister yesterday. I have not yet had a reply. She has not, in fact, answered my question about the ministerial code, which I have asked twice. As far as I am concerned, this statutory instrument should be voted down. I invite the Attorney General to explain whether, as a matter of fact—irrespective of whether he is prepared to disclose his advice, which I think he should publish—the Prime Minister did consult him, as required under the ministerial code.

8.14 pm

Tommy Sheppard (Edinburgh East) (SNP): It seems that we are not to leave the European Union on 29 March after all. Let me begin by offering my commiserations to the right hon. Member for Rayleigh and Wickford (Mr Francois) and his associates in the European Research Group; I appreciate that this must be a difficult time. I fear that commemorative memorabilia may need to be scrapped, the champagne orders may need to be cancelled, and indeed, the bunting will have to be put back in the attic as freedom day celebrations are cancelled throughout the land. It seems to me that the inconvenience and disappointment of the hard-right faction in this Parliament is a small price to pay, to see if we can save the country from catastrophe.

The gravity of the situation means that this is not a moment for schadenfreude, so I shall refrain from seeking any pleasure in the disappointment of others, but we need to point out that the fact that we are discussing this statutory instrument tonight can only be seen as nothing other than the object humiliation of the British Government in this process—not only because on more than 100 occasions, they have foolishly come to the Dispatch Box and reassured us that we would be leaving the European Union on 29 March, but because, that having proven impossible, they now come and offer us a timetable that is not of their design but is one that is imposed on them. If that is not humiliation, I do not know what is.

As so many Members have said in recent debates on this matter, the Government have only themselves to blame. The fact that this SI seeking an extension to the process is before us tonight is entirely a consequence of how the Government have conducted the process. From the word go, they were not interested in anyone’s opinion but their own. The dialogue about how to implement the 2016 referendum result was constrained only to the voices within the minority Conservative Government and their allies in the Democratic Unionist party, who I see are absent from our proceedings tonight. That is shocking, because what they should have done was to try to reach some sort of national consensus on how to proceed in this most divided of countries. However, that is what they did, and of course, in the middle of it, they called a general election and the Prime Minister asked the British people for a mandate to support the manner in which she was discharging the referendum result, and the British people refused to give it to her. Anyone might have thought that that point would be the time to change tack, take stock and perhaps readjust—but no. They simply circled the wagons closer, bunkered down and spent the past two years negotiating with the European Union without reference to or a mandate from this Parliament. That is why we are in this situation today.

What happens next is the real question. If we have the delay granted that the statutory instrument suggests, what will we do with the time that is afforded to us? To my mind, that entirely depends on whether the Government wish to go forward with this Parliament in good faith or in bad faith.

A bad faith way to go forward would be to regard the debates that we have had today, and may well have in future, as some sort of inconvenient sideshow—an irritation to be dispensed with—before the Government come back yet again with a failed agreement, unaltered, to put before the House. That would be bad faith, and I think we saw some of that earlier on today when they tried to prevent us from having the debates that we had this afternoon in the first place. It was not a good look, and it is interesting that Parliament rejected the Government’s position today by an even bigger majority than we did on Monday. I would caution the Government to have some humility now in how they proceed. A good faith way to proceed would be to try to reach out and agree a new political consensus with other voices in this Parliament and in this country, including, in particular, other political parties and the devolved Administrations within the United Kingdom. That would be good faith.

This is a little surreal, because we are discussing what to do with the timetable before we know the outcome of the votes that we had earlier on, so I do not know yet what the mood of Parliament is on the various options that were put before it. That said, I am concerned that, when the Government have talked about how they might respond to those decisions and debates, they have suggested that they could not contemplate supporting anything they regarded as undeliverable. We can all accept that everything has practical consequences and that we have to come up with proposals that are practical and can be implemented, but I rather fear that “undeliverable” in this context means anything that conflicts with the draft withdrawal agreement. If so, it is another conceit to deny the will of Parliament.

The whole purpose of this exercise is that, having voted down the draft withdrawal agreement by such large majorities, we are genuinely engaged in a process to find a route to a majority by some other means.

Sandy Martin (Ipswich) (Lab): Does the hon. Gentleman agree that the one thing that is genuinely undeliverable is a no-deal Brexit? We do not have the trading mechanisms to make it possible to deliver a no-deal Brexit and retain the stability of the country.

Tommy Sheppard: That is self-evidently true.

What is deliverable is to go back to the EU, remove the red lines and seek a new set of discussions with a new objective. My belief is that the EU would respond warmly to any such approach. To those concerned
about being caught up in a process where the EU is placing constraints on what we can do, I say that our salvation is in our own hands, because we need only revoke the notice we served under article 50, pause the situation and take control of the process, without constraint or qualification or conditions being set by the EU or anyone else. That is a sensible move that the Government ought to consider. It was, of course, an unpardonable folly to trigger article 50 in the first place, without having the first clue where we were going, which is why I and my colleagues at the time voted against it.

Doing that will take time. Unfortunately, what we have before us tonight is only an interim measure, because it does not get rid of the cliff edge; it just pushes it a few weeks into the future. I am sure that we will have to come back to debate further statutory instruments and legislation to allow us properly to change direction and negotiate a better agreement with the EU, but that will take time; it will not be done by 22 May. We might as well acclimatise ourselves to the fact that to get a better outcome we will need a long and significant delay, which means preparing to fight European elections on 23 May 2019.

I am becoming increasingly alarmed. It seems to be the people who wish to deny the people of the UK any say on the outcome of the negotiations who are terrified at the prospect of facing the electorate on 23 May and asking them who they want to represent them in the EU. I do not understand how the Government negotiated an agreement that provided for this country not to be represented in the power structures of the EU during a transitional period of up to two years. That is ridiculous. We might stay, or we might leave the EU, but for as long as we are there, people in the UK have an equal right to be represented in those structures as people in any of the other 27 member states. We should acclimatise ourselves now to the idea of fighting those elections.

That would be a good thing. It would be embarrassing for some people who thought we would have it all done and dusted by now, but it is taking a little longer than people thought, so, as we take whatever time is required, we should be represented. I would predict two things if we have these elections on 23 May. The first is that the turnout would be considerably greater than the 35% in 2014. The second—I hope to be judged on it—is that the main loser will be the UK Independence party, which fluked the result last time.

Whether or not people respond to those elections will depend on how this Parliament approaches them. If we are seen to be dragged kicking and screaming to the ballot boxes, that will not be a good look, but if we embrace the opportunity for people in this country to have their democratic say, we may be able to change the process of political healing. That is why we will offer no ill-tempered debate that has taken place and begin the address. We may be able to get rid of much of the things that have been sorted out, I am told, over the long two years and eight months that have elapsed since the original vote. I am also pleased that the Government, in parallel with constantly telling us that they would get an agreement and an agreement that we would like, continued their so-called no-deal planning, which, as I have said, is actually many-deal planning—that is, planning a series of lesser deals to ensure that things worked smoothly and that we were in a good position and had options.

Anna Soubry (Broxtowe) (Ind): Will the right hon. Gentleman give way?

John Redwood: I wish to develop my argument a little.

The Government put us in that position. What we have not heard, either from the Minister or, more importantly, from the Prime Minister, who is responsible for this, is the case for the delay that we are now being asked to approve in United Kingdom legislation. It seems to be mainly geared to the idea that the House will accept the withdrawal agreement after we should have left, rather than before we were going to leave, but we now learn that the deal that was actually offered did not allow the Government until May or early June to put the thing through. The EU was very tough on the Government, saying, “You must get the withdrawal agreement through before the official leaving date of 29 March, under the previous understanding,” which leaves the Government with only a couple of days in which to do so.

The question to the Government must be, “Why has it taken so long to get this agreement into a shape that the House would pass, and why have you been so dilatory about presenting, or re-presenting the agreement?” or, even better, “Why did you not renegotiate it to get it into a form in which it might be worth considering again?” The question that you have rightly posed to the Government, Mr Speaker, is whether there is any point in constantly bringing the same thing back time and again when the answer continues to be negative. The Government have not really explained today, in the context of their wish for a delay, why the outcome would suddenly be different after they have left it for so long and why they left it so long if it was so time-critical. They have had plenty of months between the original Chequers disaster, when they first adumbrated this policy and there were mass resignations from the Government and the Conservative party and today, when—many more resignations later—there is still a considerable reluctance on the part of sections of the governing party to vote for the withdrawal agreement.
I fear that I am not free to support this proposal. I do not think that a good case has been made for delay, and I do not think that the Government have made a case to the public for why we have to be let down when such a clear promise was embedded in the law—in the withdrawal Act that this Parliament passed. I suggest to the Government that they should think again about how they wish to use the time that they are trying to buy.

I have a lot of sympathy with my hon. Friend the Member for Stone (Sir William Cash) over the crowning irony of the position the Government have placed us in. They are claiming superior European law to do something the leave majority in this country does not want them to do, but they are not so sure of their legal ground that they want this House to actually endorse it, because they know otherwise there might be legal difficulties, but to do it on the very piece of legislation that is taking back control. It is almost unbelievable.

This House has rightly decided to back the vote of the British people and by a solemn statute say that we are taking back control and from the day that that comes into effect all laws and matters relating to Government and public business will be settled in this House of Commons and not by the EU. And we are now told that the Prime Minister can have a conversation in an evening Council meeting in Brussels and be pushed off her request and given something completely different from her request, and we are told that trumps anything the UK Parliament does. Well, if we wanted to sum up why 17.4 million people voted the way they did, we can think otherwise there might be legal difficulties, but to do it on the very piece of legislation that is taking back control. It is almost unbelievable.

The Prime Minister is entirely responsible for getting this House with an unpalatable choice between her deal, which many from all parts of the House have serious problems with, and the catastrophe of no deal. In a modern, mature Parliament I believe that that kind of process and choice should never be allowed to face us. Whether we voted leave or remain—whichever side of the argument we were on in 2016—we should not have been put in that position, and it was the date on the face of what is now the withdrawal Act that allowed the Prime Minister to have the leverage that she somehow thought would work to her advantage.

The Prime Minister has now been forced to resort to the leverage that we hear happened at the 1922 committee tonight, where she basically said “Back me so you can then sack me,” and gave another date, 22 May, for when she would announce her departure. So now, while the country’s future is still in the air and not decided, we have the horrible, self-regarding spectacle of the next runners and riders in the Conservative party seeing who will inherit the poisoned chalice that the Tory psychodrama of Brexit has injected into the body politic in this country.

The Minister’s statutory instrument is an inevitable consequence of creating a false cliff edge. That cliff edge was created for blackmail purposes, but there remain many sensible, responsible people on both sides of the House, and we have expressed our wish not to allow the country to plunge over it. The Minister was correct to bring forward the statutory instrument, and to surmise that this Parliament will not allow a choice involving the catastrophe Brexit of leaving with no deal. We will not allow this to happen. The Prime Minister to blackmail this country with such appalling, disrespectful and dangerous tactics.

I will support the Minister’s statutory instrument tonight. I hope that in due course we will be able to have a much longer delay, to start the process again and to do it properly with some of the respect that we have seen developing in today’s indicative votes debate and with the responsible, cross-party debate that is beginning to develop and which should have happened in this country when the Prime Minister crossed the threshold of Downing Street two years ago. She has got the process exactly the wrong way round. Permanent damage has been done to our economy, our prospects, our prosperity and, more than anything else, our reputation in the world, because this Prime Minister has got this so disastrously wrong. Whoever her successor is, I hope that they will not take this to be a place that can be blackmailed, as she has done, and that they will not play Russian roulette with the prosperity and future of this country. Anyone who decides that that is a reasonable way to behave does not deserve the honour of being our Prime Minister.

Mr Speaker: I call Sir Bernard—oh, I do beg the pardon of the hon. Member for Wallasey (Ms Eagle): I call Angela Eagle, and then other colleagues. I remind the House that there are fewer than 25 minutes to go.

8.31 pm

Ms Angela Eagle (Wallasey) (Lab): Thank you, Mr Speaker.

We have seen today elements of the Conservative party in high dungeon, or dudgeon—[ Interruption. ] Maybe they should be in the high dungeon. We have seen them in high dudgeon about the fact that the Minister has brought a statutory instrument before us today to take away the cliff edge they were relying on plunging this country over in order to get the kind of clean break, catastrophe Brexit that many of them secretly want. I never thought in this House that I would sit here and see considerable numbers of Members of a Government party—the party opposite—planning on that basis to cause such damage to our economic prospects and the prospects for prosperity of all of my constituents and everybody else’s constituents; it is a period of history that I hoped I would never see.

The Prime Minister is entirely responsible for getting all of us into the mess we have seen develop over the last few months as she has repeatedly, after putting a definite leaving date on the face of the original withdrawal Act, put off the vote and put off the vote on her withdrawal agreement because she wanted. I believe, to face this House with an unpalatable choice between her deal,
was agreed illustrates exactly why people voted to leave the EU, as my right hon. Friend the Member for Wokingham (John Redwood) set out.

History will mark this day as the moment when this House decided to start to turn against the decision to leave the EU and against the mandate upon which most MPs in this House were elected—[Interruption.] Oh yes, there are exceptions, but I am talking about the 85% of votes that were cast for pro-Brexit parties. So far, the EU’s withdrawal agreement has been rejected for good reasons, not least because it is so far from taking back control over our laws, borders and trade. That is one point on which I agree with the hon. Member for Edinburgh East (Tommy Sheppard). In fact, if this statutory instrument goes through, the next time the Minister brings an order to this House to implement an EU directive, decision or regulation, there will probably have been no UK Minister sitting at the table in Brussels to agree that decision, or even to be there to be outvoted. That decision will just have been handed down through the withdrawal agreement.

I have never considered myself a populist or a man of the people, but it is only those like me, who will vote against this decision to cancel leaving the EU on 29 March, who are truly representing what the British people decided in the referendum. We are the real majority in this House, but we are sorely under-represented by its Members.

Simon Hoare (North Dorset) (Con) rose—

Hannah Bardell (Livingston) (SNP) rose—

Sir Bernard Jenkin: I am going to press on.

This House has now embarked upon an unprincipled constitutional experiment. The Public Administration and Constitutional Affairs Committee, which I chair, recently heard from a retired Lord Chief Justice that nothing like this experiment has occurred since the recasting of the role of Parliament in 1688, which shows just how radical it is. I recognise the sincerity of many right hon. and hon. Members involved in the experiment, but they have resorted to the most questionable constitutional methods, which leave no Government or anyone else accountable for what is being decided. Who will the voters now hold to account for the outcome of the Brexit question?

Moreover, the process has been supported by those either embarking upon embellishing the discredited withdrawal agreement with ever greater restrictions on our right of national democratic self-determination or seeking to disrupt Brexit or stop it altogether in defiance of the manifesto promises upon which most of us were elected. I therefore regret to conclude on these matters, including these regulations, that this House is left with questionable democratic legitimacy.

Sir William Cash: I absolutely endorse what my hon. Friend has said. I remind Members, including those on the Conservative Benches, that they voted consistently for the Acts of Parliament, including the European Union (Withdrawal) Act 2018, that will give effect to all the enactments and that to pursue such an objective is effectively to reverse their decisions on specious and unacceptable grounds.

Sir Bernard Jenkin: I agree with my hon. Friend. I will vote against these regulations, and let me say something about the mess that we are now in. I can fairly claim to be one of the minority in this House who were the authors of the voters’ referendum decision, and I am proud of that. Most of us who voted leave have stuck with what we believe, one way or another. We are not the authors of what the remain majority in this House, with the Government, have made of Brexit, nor of what they continue to inflict upon our sad and disillusioned voters.

8.42 pm

Kirsty Blackman (Aberdeen North) (SNP): I cannot promise that I will speak without hesitation, repetition or deviation, and I probably will not limit myself to a minute, but I will do my best on all those counts. An extension to the exit day is a good thing for several reasons, but the extension that has been asked for, which we are discussing tonight, is not the one that we should be faced with, and I want to look back at how we got into this mess.

Several Members have mentioned the fact that people are expecting us to leave on 29 March. However, when people voted in the June 2016 referendum, not one person mentioned 29 March 2019 as exit day, nor did they mention 12 April or 22 May. The people voted either to remain in or leave the EU. That was the proposition, and there was no discussion of the actual exit day. While I am on the subject, nobody during the referendum expected that the right hon. Member for Maidenhead (Mrs May) would now be the Prime Minister. No one expected this deal to be the deal before Parliament, because that was not discussed during the course of the referendum, and it is absolutely wrong for anyone to say that it represents the settled will of the UK people.

Mr Bone: I remind the hon. Lady that David Cameron said that if the referendum resulted in the UK leaving, he would trigger article 50 the day after. He did not do that, and he resigned.

Kirsty Blackman: The article 50 process is a two-year period with the possibility of extension. Triggering article 50 does not mean we leave exactly two years afterwards. There is a negotiation period, and anybody with an ounce of sense, for a start, would not have triggered article 50 until they were in a position to negotiate something with which Parliament and the people would agree, and they would have negotiated extensions so we do not leave before we are ready.

Anna Soubry: I am not aware of David Cameron ever having said that he would trigger article 50 the day after the referendum.

Mr Bone: He did.

Anna Soubry: I just said I am not aware of it, but I am certainly aware of the Leader of the Opposition saying it.

I am sure the hon. Member for Aberdeen North (Kirsty Blackman) paid a lot of attention to the leave campaign. Does she remember the leave campaign making it very clear to the British people that we would not be leaving the European Union before a deal on our future relationship had been secured? That absolutely has not been done by this Government.
Kirsty Blackman: The right hon. Lady, as ever, is absolutely correct. People were promised a number of unicorns, and a number of Conservative Members still believe those unicorns exist—they are wandering around and waiting in vain for those unicorns to emerge. The problem is that the unicorns do not exist and have never existed. Promises were made to the people of these islands that could never have been met.

One of our biggest issues in this whole situation is that the red lines have been adhered to with some kind of iron grip. The red lines created the Chequers agreement. If anyone sensible had been in the Prime Minister’s shoes, they would have said that the most important thing for our economy is to have a deal that protects services, because services are 80% of the UK economy. Instead, the Prime Minister said, “The most important thing for me is to crack down on freedom of movement, so I will do everything I can to ensure that freedom of movement is cracked down on, rather than to ensure that the economy is protected.” That red line was ridiculous from the beginning.

The reason we are in this situation on the exit date—it would be great if the Minister could make this clear in his summing up, if he does sum up—is because of the Prime Minister’s ridiculous red line on the European elections. It is ridiculous that it should be laid down that we refuse to take part in the European elections. My party is ready, willing and able to take part in the elections, and I think we would do rather well. I agree with my hon. Friend the Member for Edinburgh East (Tommy Sheppard) that UKIP would see its number of votes and its number of seats reduced. I was shocked to hear the hon. Member for Vauxhall (Kate Hoey) suggest that the Labour party should be courting those UKIP voters and trying to get people who used to vote UKIP but who now vote Labour to stay on board. Frankly, I would rather not have those votes if I were given the option.

The Government lack preparedness. The Secretary of State for Scotland suggested this morning that the Scottish Government “have not embraced Brexit” and are therefore not prepared for the Prime Minister’s deal to happen in the event of Brexit. The UK Government are so not prepared for Brexit that is why they are having to ask for an extension. Even if the Prime Minister’s deal had been approved, or were to be approved this week, they are still not prepared for Brexit to happen.

I sit on the European Statutory Instruments Committee, which did not meet this Tuesday because there were no proposed negative instruments for it to discuss, and the Committee does not propose to sit next Tuesday because there are no proposed negative instruments for it to discuss. I have been asking whether that means there are no proposed negative instruments left, but apparently it means we are not getting a recess and the Committee will sit the week after next to discuss them.

The UK Government have failed at every opportunity to prepare adequately, and they have set absolutely unreasonable red lines. What they should be doing now is going to the EU and saying, “We need a longer extension so we can adequately prepare, and we are happy to take part in the EU elections as a result.” My preferred position is that we should have a people’s vote, with the people given a clear choice between remaining in the EU and whatever deal this House would like to put to them.

Hannah Bardell: My hon. Friend is absolutely correct. Friend is making an excellent speech, summing up brilliantly the exact guddle that this Conservative Government have got themselves into. Is it not the worst kind of loser who blames their opposition or opponent for their own mess? Not only are this Government completely screwing up the Brexit negotiations and the whole of the UK, but they are asleep at the wheel in government and cannot even replace their disability Minister, thus offending and not properly representing people with disabilities across the UK. It is utterly shameful.

Kirsty Blackman: My hon. Friend is absolutely correct: this is a complete mess, and not only over things such as not being able to replace the disability Minister. I understand that the Prime Minister has lost 28 Ministers; the previous three Prime Ministers reached a combined total of losing that many Ministers.

The last issue I wish to raise is the fact that EU settled status is not sorted out. People’s jobs, livelihoods and living standards—people’s lives—are being put at risk by the decisions and lack of preparedness of this Government. But we will be supporting this SI and supporting the extension, although it should be a longer one.

8.50 pm

Mr Mark Francois (Rayleigh and Wickford) (Con): I will try to be brief, so that my right hon. Friend the Member for Wantage (Mr Vaizey) can get in, too.

Steve Double (St Austell and Newquay) (Con): And me.

Mr Speaker: The hon. Gentleman also wishes to contribute, so I know that the right hon. Gentleman will exercise an enormous self-denying ordinance.

Mr Francois: Thank you, Mr Speaker. Tonight, we are debating whether or not to extend article 50. The thing I would like to touch on briefly is whether the EU would ever countenance a further extension. I say that because from 2007 to 2019, when we were on the Opposition Benches, I was my party’s shadow Europe Minister. I did the Lisbon treaty, working with William Hague, and that was my epiphany; we had 14 days’ debate in this place and we could not change a single punctuation mark. That was when I realised that we had to leave. I hope the Minister will accept that in those three years I spent a lot of time visiting the institutions of the European Union, because that was my job. I came to realise that for many people in the EU, particularly, though not exclusively, in the Commission, what is often referred to as the “European project” has the status almost of a religious act of faith. People passionately believe in it, it transcends almost all other considerations and it must be promoted and protected almost at all costs. Very many people in the EU were utterly shocked when the UK voted to leave. They were absolutely stunned, because in their world what we had done was an act of heresy—it was apostasy to leave.

Many people in the EU believe we should be punished, not least pour encourager les autres. But what they are even more worried about is the UK taking part in European elections, which would bring 73 UK MEPs into the Parliament, many of whom, though not all, would be likely to be Eurosceptic. That would completely
upset the calculations that they have made to reconfigure the new Parliament in order to keep out what they call the “populists” from eastern Europe and, for instance, the Lega Nord from Italy. That is why they would not accept the extension to 30 June. They insisted either on 22 May or 12 April, which is the drop-dead date for when we would have to begin European election preparation in the UK.

So my argument simply is this: I believe that for the EU protecting the integrity of the Parliament, which under the co-decision procedure under the Lisbon treaty has much greater power now relative to the other institutions, would be even more important to those who really believe in the project than trying to keep the UK in the EU, although many would like that. Therefore, if I am right, they would not countenance any further extension beyond the dates that have been given, because it would muck up the European Parliament and that would spoil Macron’s plans to federalise the EU. So my argument is that we should not be worried about a long extension, because I believe, although I cannot prove it in the House tonight, that they will never grant it. They do not want, in any circumstances, to go beyond 12 April because it means European elections that they simply cannot stomach, because there would be 35 to 40 Eurosceptic British MEPs who completely rip up their plan for the Parliament.

Mr Sam Gyimah (East Surrey) (Con) rose—

Mr Francois: I am going to finish.

I believe, on that basis, that the threat of a long extension has always been a false one and that if we get to 12 April, we can leave, because I believe that those who believe in the project would not allow the extension.

Finally, the Government spent £9 million on sending a document to every household in this country, before the referendum, that said, “This is a once-in-a-generation decision. This is your decision and we will implement what you decide.” If the people in this House overturn that decision, the people will be extremely angry. Do not say you were not warned.

Mr Vaizey rose—

Steve Double rose—

Mr Speaker: Is the right hon. Member for Rayleigh and Wickford (Mr Francois) giving way, or has he completed his speech?

Mr Francois: I have finished to leave time for my right hon. Friend the Member for Wantage (Mr Vaizey).

Mr Speaker: It is very good of the right hon. Gentleman to advise me, but I was going to call Mr Double, and then Mr Vaizey.

Mr Vaizey indicated dissent.

Mr Speaker: You can divide it between you.

8.55 pm

Steve Double (St Austell and Newquay) (Con): Many good speeches have been made this evening about the validity of the instrument we are being asked to vote on, but I wish to talk briefly about what I believe what is taking place tonight looks like to the British people, particularly the 17.4 million people who voted to leave the EU. Many of the British people have put their trust in this place and we told them that we would be leaving the EU on 29 March, in just two days. The passage of this statutory instrument to delay that date is a breach of trust with the British people, who trusted us and took us at our word when we said we would be leaving at the end of this month. Many people are concerned that Brexit is being stolen by the establishment in this place, and the passage of this instrument is another step towards that taking place.

Many people will feel that this change is wrong for the very reason that has been mentioned many times: we have been told that we do not have a choice tonight, that the EU has already made this decision for us and that the date on which we leave is going to be delayed. We have been told that what we do tonight is irrelevant because the decision has already been made, so we should just pass it through. If we want an example of why many of the 17.4 million people voted to leave, that is it. Is there any pretence that this House has sovereignty over our own rules? We cannot even decide for ourselves the date on which we are going to leave. We have been told it by the EU. We could not even get the date that we wanted, which was negotiated away. I shall therefore keep trust with the word that we gave the British people when we said we would leave on 29 March and will not support this statutory instrument tonight.

Mr Vaizey rose—

Mr Bacon rose—

Mr Speaker: I call Mr Ed Vaizey.

8.57 pm

Mr Edward Vaizey (Wantage) (Con): Everyone on the Government Back Benches has spoken against this statutory instrument; I just have time to say that I fully support it. I cede my place to my hon. Friend the Member for South Norfolk (Mr Bacon).

8.58 pm

Mr Richard Bacon (South Norfolk) (Con): This Government have had half the time it took to fight the second world war, two thirds of the time it took to fight the first world war, and the entire length of the Kennedy Administration, during which time the groundwork was laid for a successful moonshot. The idea that we need more time is nonsense. The Government have had plenty of time, they have not used it well enough, and we should just leave.

8.58 pm

Wes Streeting (Ilford North) (Lab): Further to that excellent speech, I point out that it took seven years to organise the two-week London Olympics. Extracting ourselves from the most sophisticated political and economic alliance in the history of the world will probably take a bit longer.

The House divided: Ayes 441, Noes 105.

Division No. 394] [8.59 pm

Ayes

Abbott, rh Ms Diane
Abrahams, Debbie
Afolami, Bim

Ali, Rushanara
Allen, Heidi
Let me advise the House that it was very much the hope of our extremely dedicated and professional staff that the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019, which were laid before this House on 25 March, be approved.

Question accordingly agreed to.

Resolved, That the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019, which were laid before this House on 25 March, be approved.

Mr Speaker: I will now suspend the House until the outcome of votes on motions—[HON. MEMBERS: "Oh"] Let me advise the House that it was very much the hope of our extremely dedicated and professional staff that

NOS

Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Little Pengelly, Emma
Lopez, Julia
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mann, Scott
McPartland, Stephen
McVey, rh Ms Esther
Messer, Johnny
Metcalfe, Stephen
Mills, Nigel
Morris, Anne Marie
Morris, David
Murray, Mrs Sheryll
Oford, Dr Matthew
Paisley, Ian
Patel, rh Priti
Paterson, rh Mr Owen
Penning, rh Sir Mike
Percy, Andrew
Pritchard, Mark
Pursgrove, Tom
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Rosindell, Andrew
Rowley, Lee
Seely, Mr Bob
Shannon, Jim
Simpson, David
Smith, Henry
Smith, Royston
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomson, Ross
Tomlinson, Michael
Tracey, Craig
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Watling, Giles
Whittingdale, rh Mr John
Wilson, rh Sammy
Wragg, Mr William

Tellers for the Ayes:
Mike Freer and Joan Churchill

Tellers for the Noes:
Mr Peter Bone and Mr Philip Hollobone

Tellers for the Ayes:
Mike Freer and
Jo Churchill

Tellers for the Noes:
Mr Peter Bone and
Mr Philip Hollobone
they would be able to provide the results of the indicative votes to be announced immediately after the result of this Division, but that has not proved possible. I do not expect the suspension to be very long, but I will suspend the House until the outcome of votes on motions relating to the United Kingdom’s withdrawal from and future relationship with the European Union is available. The Division bell will be rung two minutes before the House resumes.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): On a point of order, Mr Speaker.

Mr Speaker: Order.

9.20 pm
Sitting suspended.
but I personally continue to harbour the hope that my right hon. and hon. colleagues will see fit to vote in favour of a Government motion between now and close of play on Friday, which would obviate the necessity for a further set of votes on Monday.

**Mr Speaker:** Thank you. I call the Secretary of State for Exiting the European Union.

The Secretary of State for Exiting the European Union (Stephen Barclay): Further to that point of order, Mr Speaker. The House has today considered a wide variety of options as a way forward, and it demonstrates that there are no easy options; there is no simple way forward. The deal that the Government have negotiated is a compromise, both with the EU and with Members across the House. That is the nature of complex negotiations. The results of the process this House has gone through today strengthen our view that the deal the Government have negotiated is the best option.

**Mr Speaker:** Order. The right hon. Gentleman must be heard.

Stephen Barclay: Furthermore, although this was not a significant feature of today’s debate, any deal must include a withdrawal agreement. It is the Government’s firm wish to get the withdrawal agreement approved by this House, and I urge all Members to agree, no matter their view on what the future relationship should be, that if they believe in delivering on the referendum result by leaving the EU with a deal, it is necessary to back the withdrawal agreement. If we do not do that, there are no guarantees about where this process will end. It is for that reason that I call on all Members from across the House in the national interest to back the Prime Minister’s deal.

Ian Blackford (Ross, Skye and Lochaber) (SNP): On a point of order, Mr Speaker. This is a very serious moment for all of us. We have to reflect that this House of Commons has tried to find a way through the Brexit crisis over the last few months, and we have failed. We need to reflect on the fact, when the Government talk about bringing their deal back, that they got 202 and then 242 votes. That deal should be dead. The people’s vote got 268 votes tonight. I know we did not win, but we got more votes for a people’s vote than the Government did for their proposition. It is becoming increasingly clear that the House cannot find a way forward. The Government and the Prime Minister have failed to provide leadership. The only thing we should now be doing is going back to the people of the United Kingdom in a general election to end this impasse.

**Mr Speaker:** I am grateful to the right hon. Gentleman. I call Sir Patrick McLoughlin.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): On a point of order, Mr Speaker. Can you confirm that, following on from your ruling earlier today, none of these questions can be put again?

**Mr Speaker:** The particular process set in train as a consequence of the business of the House motion is a discrete process. It is the first time it has been conducted, it was approved by the House and therefore my understanding—[**Interruption.**] No, no, I am not debating the issue with the right hon. Gentleman. He has more or less courteously raised the point of order, and I am responding to it. I am not going to conduct a debate with him. My understanding of the situation does not entirely cohere with his, and I have explained that the motion passed by the House expressed support for a two-stage process. I will for the time being leave it there. I am extraordinarily grateful to him.

**Sir Patrick McLoughlin rose—**

Mr Speaker: No, as I just said, I am not debating it with the right hon. Gentleman.

Anna Soubry (Broxtowe) (Ind) rose—

Mr Speaker: Point of order, Anna Soubry. [**Interruption.**] Point of order, Anna Soubry. [**Interruption.**] Point of order, Anna Soubry.

Anna Soubry: On a point of order, Mr Speaker. [**Interruption.**] As someone who has been called by you—[**Interruption.**]

Mr Speaker: Order. Let me just explain—[**Interruption.**] Order. Let me just explain one thing in this place. The right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin) is a very senior Member of the House and a former Chief Whip, but he is not the Speaker of this House. It is not for him to presume the order in which matters are considered, and I trust that he will not suppose that it is for him to do so. Let me say very gently to the right hon. Gentleman that I treat him with respect, but I am not intimidated by him, and I am sure—I am absolutely sure—that he would not seek to intimidate me. I am taking a point of order from the right hon. Member for Broxtowe (Anna Soubry), and, frankly, that is the situation. [**Interruption.**]

Anna Soubry: I have been called. [**Interruption.**] The country is watching us, Mr Speaker. [**Interruption.**] Let me gently say to Members that I can shout as loudly as anyone, but let us try to remind ourselves what we have decided to do. [**Hon. Members:** “Nothing.”] Some of us have been involved in the debates and the discussions about the procedure from the outset. It is all very well for people to come in at the end of all this, but let us remind ourselves—[**Hon. Members:** “Patronising.”] Oh, I can patronise as well.

Let us remind ourselves that this was a two-stage process. Today was our attempt to see whether there was anything we could settle on, but also to look at where the biggest votes might be. The Prime Minister’s deal secured 242 votes, motion (J), which supported a customs union, secured 264 votes, and beating all of them was the motion for a people’s vote, with 268 votes. [**Hon. Members:** “It was a loss.”] Members do not need to shout it out. [**Interruption.**]

Mr Speaker: Order. Like any other Member, the right hon. Lady has a right to be heard, and she will be heard.

Anna Soubry: Thank you, Mr Speaker.

May I suggest that we now proceed to the agreed procedure that the House adopted? May I suggest that, having settled on the matters on which there were the biggest votes, we now move forward to Monday to see if
we can find a compromise, so that we can look to how we are going to give this country the leadership and the certainty that it needs and deserves?

Finally, Mr Speaker—[Interruption.] If hon. Members had not tried to shout me down, I might have finished two minutes ago.

May I suggest that we continue with our agreed procedure? It is becoming increasingly obvious that if we do settle on a deal, that deal needs to go back to the British people, and we need to see whether we can arrange that on Monday.

Mr Speaker: I note what the right hon. Lady has said. As a matter of fact, the business of the House motion having been passed, the process is established, and—I say this for the benefit of colleagues, but also for the benefit of those attending our proceedings who are not Members of the House—the process is that a second day, Monday, has been provided for. I am not investing that point with any spin, one way or the other; it is not for the Chair to do that. I am simply reporting the factual position to the House. That is the reality of the matter. [Interruption.] It is no good somebody saying “Rubbish.” That is the reality of the matter, because it is that for which the House of Commons voted.

Mr Mark Francois (Rayleigh and Wickford) (Con): On a point of order, Mr Speaker. After many hours of debate and an extremely complex procedure, the House of Commons has decided sweet Felicity Arkwright. I think the public will look in on these proceedings in utter amazement; they will be completely bemused by what has gone on. This attempt to seize the Order Paper has failed. The second referendum has been defeated. The revocation of article 50 was smashed. And surely that last thing we want to do, Mr Speaker, in the eyes of the British people, is on Monday to go through this farce all over again.

Mr Speaker: I say this for the benefit of those who have not heard this interaction before: having known—

Mr Francois: Oh, not this again.

Mr Speaker: Yes, it is important. Having known the—

Mr Francois: I have heard it four times.

Mr Speaker: Yes, the right hon. Gentleman has and I have, but others have not. He and I have known each other—[Interruption.] Order. I say in a very good-natured spirit to the right hon. Gentleman that he and I have known each other for 35 and a half years, and knowing him as well as I do, I know that he is more interested in what he has to say to me than in anything I have to say to him, but the simple fact of the matter is that a process has been decided upon. It may well be that it does not suit the palate of the right hon. Gentleman; we will have to see what is said tomorrow and by other colleagues, but I repeat that I do not think he really wants much of a response from me. I respect the right hon. Gentleman greatly, as he knows; I have heard what he has said and the House has heard what he said, and I now want to hear what—

Several hon. Members rose—

Mr Speaker: Order. Wait a moment; patience. I do not mean any unkindness to hon. Members, but I think at this point I will hear from a former Leader of the House of enormous experience, and who had a motion before us today: Dame Margaret Beckett.

Margaret Beckett (Derby South) (Lab): On a point of order, Mr Speaker. I would be grateful if you could correct or confirm my recollection. I do not know what anybody else expected, but I did not necessarily expect any motion to carry a majority today, certainly not the one I proposed, which, if I recall, has had almost an identical result to the one it had last time it was moved in this House. My understanding of the procedure instigated by the right hon. Member for West Dorset (Sir Oliver Letwin) was that we would first let 1,000 flowers bloom and see where we went, that would expose some things that had perhaps little support, and that then we would seek to proceed to see whether ranking things in an order of importance made a difference.

I have to say to the Secretary of State that I thought it was somewhat extraordinary for him to come to the Dispatch Box and say that this proves that the only thing to do is go ahead with the Prime Minister’s motion, which got fewer votes than many motions that have been before us tonight. So perhaps you would tell me, Mr Speaker, whether my recollection, which seems to differ from that of some colleagues, is reasonably accurate.

Mr Speaker: Yes. It is not for the Chair to adjudicate on the merits of the arguments, and I have not sought to do so. What I did seek to do, which I thought it was proper for the Speaker to do, was facilitate the House by selecting a wide range of motions expressing different points of view and allowing those different, and in some cases contrasting, propositions to be tested. I would just very gently make the observation, again with a view to the intelligibility of our proceedings to a wider audience, that these matters have been debated over a lengthy period. Indeed, since the publication of the withdrawal agreement a little over four months ago I have chaired every single debate—and every minute of every single debate and, I think, exchange—in the Chamber on the matter. It is simply a statement of fact to say that in that period of four months and a bit, the House has not reached a conclusion. So if the right hon. Lady is asking me whether I am utterly astonished that today no agreement has been reached, I confess that I am not utterly astonished that after one day’s debate no agreement has been reached, but that is the factual position.

Sir Patrick McLoughlin rose—

Mr Speaker: I know that the right hon. Gentleman attaches very considerable importance to his next intervention, and I look forward to it with bated breath, beads of sweat upon my brow and eager anticipation, but not before I have heard from the right hon. Member for New Forest East (Dr Lewis).

Dr Julian Lewis (New Forest East) (Con): On a point of order, Mr Speaker. Is there any way within the rules of order that I can point out to what might be a bemused wider world that Members were not having to choose between these eight different options, that they were able to vote for or against each and every one of them, and that they voted against all of them? If I were
an unofficial Back-Bench Prime Minister, I would resign at this point, not seek to repeat such an exercise in abject failure.

Mr Speaker: As it happens, I have known the right hon. Member for New Forest East (Dr Lewis) for precisely the same length of time, virtually to the day, as I have known the right hon. Member for Rayleigh and Wickford (Mr Francois), and the mental acuity of the right hon. Member for New Forest East never ceases to strike me. However, in relation to his proposition about being Back-Bench Prime Minister for the day, I gently say that I am not arguing with him and that, in his case, the proposition is an academic one.

Sir Patrick McLoughlin: On a point of order, Mr Speaker.

Mr Speaker: Oh, very well; I will indulge the right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin).

Sir Patrick McLoughlin: Thank you, Mr Speaker. You interpreted my earlier attempt at a point of order as an attempt to argue with you; I was seeking a point of clarification. The most amazing thing about the points of order that we have just heard is that nothing has been said from the Opposition Front Bench, but let us leave that aside for just a second. Can you tell me how your ruling tonight and your response to my earlier point of order coincide with what you said about the Government bringing back a meaningful vote? I think that there was an inconsistency in your ruling, and I would be interested to hear what the views behind it were.

Mr Speaker: I do not wish to disappoint the right hon. Gentleman, but I have made the point once and I thought I had made it clearly—[Interruption.] Yes, I made it very clearly. I think he disagrees with it, but the point that I was making is this: the process for which the House opted was and is a discrete process and the first of its kind. Indeed, the novelty of the process, which is welcome to some and not to others, was the subject of much comment earlier in our proceedings. I believe that it is a process, and the House decided earlier that it should be pursued over a two-day period. In those circumstances, with a specific balloting procedure set in train, I do not think that it falls into the category the right hon. Gentleman has described.

I should add that I set out the position in respect of the same question in the same Session on 18 March, and that on 25 March—that is to say, on Monday this week—in response to a question on her statement from the right hon. Member for New Forest East, the Prime Minister signalled that she was well aware of the structures that I had issued and that if the Government attempted to bring back their deal, they would ensure that my requirements were met. So it was obviously in the Prime Minister’s mind that there was a test that needed to be met, and I reiterated earlier this afternoon that test of change. I do not honestly think that it can usefully be argued further tonight, but no doubt there will be discussions in the days to come and we shall have to see what emerges. I hope that that satisfies the right hon. Gentleman, at least in part. He is not easily satisfied, but I hope that it has at least in part satisfied him for tonight. [Interruption.] Ah! The Attorney General says, “It ought to!” Who am I to disagree on this matter with so learned and cerebral an authority in the House as the Attorney General?

Ms Angela Eagle (Wallasey) (Lab): On a point of order, Mr Speaker. I note from the results of round one of the indicative votes process that the Father of the House’s motion on a customs union failed by a majority of eight and the motion to hold a confirmatory ballot failed by 27, and yet the shadow Brexit Secretary argued that the Government’s motion, which failed by 230 at its first attempt and by 149 at its second attempt, should somehow take precedence. [Interruption.] I meant to say the Brexit Secretary; I was just future gazing. Does that not strike you as a rather odd interpretation of the results so far, Mr Speaker?

Mr Speaker: Well, interpretations vary, which I think is clear from the points of order. The hon. Lady has made her point with some force, and I am sure that people will study it in the Official Report together with the observations of other right hon. and hon. Members.

Sir Vince Cable (Twickenham) (LD): On a point of order, Mr Speaker. Further to the point about how to reconcile this evening’s votes with your ruling earlier today, I note that two motions received votes significantly in excess of what the Government have achieved with their meaningful votes. Would it therefore not be appropriate for the Government to bring back their withdrawal agreement, amended to take account of the Leader of the House’s changes and modified to allow for a confirmatory vote? In that way, we may at last reach some consensus.

Mr Speaker: A variety of options is there for policy makers, parliamentarians and members of the Executive, and the right hon. Gentleman has helpfully indicated what he thinks should be the priorities in the important days that lie ahead.

Vicky Ford (Chelmsford) (Con): On a point of order, Mr Speaker. Last Monday, when you made it clear that no identical vote should be put to the House twice, you were also helpful in clarifying on a point of order from myself that, in deciding whether a vote was identical, you would take into consideration the conditions and circumstances in which Members were having to make a decision. Since the last meaningful vote, there have been many other votes, including a number today, and many of my colleagues have indicated both privately and publicly that the conditions and circumstances therefore mean that they wish to change their mind—not least my hon. Friend the Member for South East Cornwall (Mrs Murray), who is getting married on Saturday and has just told colleagues that she would like to support another vote on the withdrawal agreement. Given that time is pressing and that a decision must be made before Cinderella appears on Friday night, please can we reconsider the conditions and circumstances around a meaningful vote?

Mr Speaker: I am grateful to the hon. Lady for her point of order. Some people may have changed their mind, but others have not done so, and the situation is as I have just described. I recognise the premium that
the hon. Lady attaches to the matter, but I do not have anything to add to or subtract from what I have already said, for the simple reason that I think it has the advantage of being true and of continuing validity.

Kirsty Blackman (Aberdeen North) (SNP): On a point of order, Mr Speaker. Notwithstanding the programme motion that says that we will be discussing these matters again on Monday and your earlier comments about the Prime Minister’s deal and the possibility of bringing it back, have you received any intelligence about whether the House will be sitting on Friday and, if it is, what it will be discussing?

Mr Speaker: The answer to that is that at this stage I do not know. As the hon. Lady will understand, that matter is not first and foremost in my hands. It may be that colleagues will discover more tomorrow if they attend business questions. After all—I say this again for the purposes of the intelligibility of our proceedings—that is the weekly occasion on which we learn from the Leader of the House the intended business for the next parliamentary week. I have a strong sense that colleagues will be in their places to listen to what the Leader of the House has to say and, possibly, to put questions to her. Enlightenment will come not necessarily tonight, but in all likelihood tomorrow, on that occasion or later in the day.

Kevin Foster (Torby) (Con): On a point of order, Mr Speaker. I always listen with great interest to your rulings on procedure, and I listened with quite some interest to your ruling earlier today. I would be grateful for your view on page 332 of “Erskine May,” which motions “Standing Order No 27 allowing the Government to arrange its business in any order it thinks fit... This far-reaching control can be further extended by the Government, if the need arises, by inviting the House to agree to a motion suspending the relevant standing orders”

Could you clarify whether my interpretation, which would give an ability to move a motion on a Standing Order so as to secure another vote or to rearrange business, is correct?

Mr Speaker: I am well familiar with “Erskine May.” The House’s ownership of its Standing Orders is a matter of established fact, which has been of long-standing significance. As to what happens in the period to come, we shall have to see. I am extraordinarily obliged to the hon. Gentleman, and I do not mean it in any spirit of discourtesy, but he has not told me something that I did not know. I am deeply grateful to him, and I feel sure he is pleased that he has made his point.

Kate Hoey (Vauxhall) (Lab): On a point of order, Mr Speaker. Earlier today we voted on a business motion for the proceedings today and on Monday. An amendment tabled by my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) would have allowed us to vote on removing paragraph (2) so that we do not vote on Monday. This special arrangement was originally going to be for one day. I understand that you decided not to select the amendment but, given the problems we now have, would it not be sensible to vote again tomorrow on whether we actually want to continue with this on Monday?

Mr Speaker: I am grateful to the hon. Lady. That is an innovative thought on her part. She says the position was originally going to be for one day, and I do not mean this in any spirit of unkindness or discourtesy, but the answer is no. The original form of the motion specified two days, not one day, and it specified what its mover wanted, rather than what the hon. Lady might have wanted. There was that alternative proposition, and my view was that the House would be keen to get on with the substantive debate on a vast miscellany of different motions and that the House should be invited to decide the business of the House motion. The House decided the business of the House motion, and the business of the House motion specified two days. I absolutely understand that that does not please her, but that is the factual answer to the perfectly reasonable question she put to me.

Bob Blackman (Harrow East) (Con): On a point of order, Mr Speaker. Clearly the decisions taken tonight were to defeat all the motions you selected but, of course, there were eight other proposals that you chose not to put to the vote—that is absolutely your right—and on which the House has not had a chance to reach a decision. Many of those proposals were signed by a number of Members on a cross-party basis. Personally, I do not agree with most of them. However, we have not tested the House’s view on them. What is your intention on those motions that were not chosen for debate? Can they now be considered on Monday to test the House’s opinion?

Mr Speaker: My understanding of the intention of the architect of the process is that it was intended, ideally, to reach a conclusion in one day, but more likely to result in a shortlisting. Therefore on the second day, with a narrower field of relatively popular, if not sufficiently popular, propositions, it would be possible to reach a conclusion between those remaining high contenders.

Off the top of my head, I would not automatically have thought it was the wish of the architects of the procedure, or the most obviously sensible course, to test those propositions that were not selected in the first place. I am happy to consider the point, but I would not have thought so.

I know the hon. Gentleman is not criticising, and he asked his question in an extremely reasonable way, as he always does, but in so far as Members or others might ask, “What motions were not selected and why?” the answer is that I was making a judgment about the breadth of the issues, the numbers and range of support, and where there was duplication, as he will attest there was, I tended not to choose two propositions on the same subject but rather to arbitrate between competing claims. It would not seem to be obviously sensible simply to opt for the other of the two competing claims. I would have thought it is more sensible, if we have that second day as the House has voted to do, to seek to make further progress from those propositions that were tested today. That would be my instinct, but I am always open to representations from colleagues.

Bob Blackman: Further to that point of order, Mr Speaker. I particularly referred to the so-called “Malthouse compromise”, which has signatures from at least three different parties. You did not select it for debate, so this procedure has not had the chance to test
the House’s opinion on it. Why could it not be brought back as a specific issue, given the range of support there is across political parties for it?

Mr Speaker: I am happy to consider the point. As I say, I thought that I had chosen a range of propositions that reflected the key issues in the debate and the key preferences for ouotturn. I am speaking off the top of my head, as colleagues can see. I had some regard also to a consideration that has always been adjudged to be important, by Members on both sides of the House and on both sides of the Brexit argument: the likely capacity to deliver an outcome. That was a factor in my mind, especially in view of pressure of time and the need to work with other partners.

Mike Gapes (Ilford South) (Ind): On a point of order, Mr Speaker. This relates back to the earlier point of order made by the right hon. Member for New Forest East (Dr Lewis). He said that the “temporary Prime Minister” should resign. Given the two huge defeats for the Prime Minister, have you had any intimation that, following her discussions with her parliamentary colleagues this afternoon, she will be coming before the House in the next few days to announce her resignation?

Mr Speaker: I have certainly received no such indication at all. The Prime Minister was here today. To be fair, she has been a most assiduous attender in the Chamber, in making statements to the House and responding to questions, often for very appreciable periods of time. Obviously, she will be here next week for Prime Minister’s questions, and we fully anticipate and look forward to that. I have received no such notification. I am aware of media reports, but I would not have been present at any meetings that took place earlier this afternoon, for obvious reasons. The hon. Gentleman has made his own points in his own way, with his customary style and puckish grin.

Nigel Huddleston (Mid Worcestershire) (Con): On a point of order, Mr Speaker. You have commented previously that your determinations—your rulings in this place—depend on precedents, context and circumstances. Many of us believe that the context of a meaningful vote 3 has changed in the light of the votes this evening. Could you provide some guidance as to what would constitute context and circumstances changing in your mind, so that we can be assured as to whether or not a meaningful vote 3 is possible?

Mr Speaker: I think the hon. Gentleman can readily extrapolate from things that I have said before on this matter. I made a clear statement on 18 March, and I responded to a miscellany of questions on that occasion, possibly including an inquiry from him—I do not recall for certain but there might have been such. On that occasion, I indicated that it seemed to me that there was a matter not just of precise wording but of thrust: what was the essential thrust of the proposition that was being put, and had it changed or had it not. I invoked evidence, in support of the propriety of the second vote on 12 March, of the publication of documents consequent upon discussions that took place with the European Union. Those were examples it seemed to me of facts, of evidence and of circumstances that were relevant. I note the opinion of the hon. Gentleman that the situation has in some way now changed. He is perfectly entitled to that opinion. One has to look at the specifics. If people come with specifics, the specifics are considered. As a wise and discerning fellow, who is unfailingly fair-minded, I feel sure that the hon. Gentleman will appreciate the wisdom of such an approach.

Dr Sarah Wollaston (Totnes) (Ind): On a point of order, Mr Speaker. This is both a national tragedy and a national embarrassment. Is this situation not partly down to the fact that we tried to reduce a complex issue with very many possible versions of Brexit into a simple, binary choice? Does this evening not demonstrate that we must now set out clearly what the choice is and return it to the British people? Will you confirm, Mr Speaker, that the greatest number of votes cast today were for a confirmatory public vote on a defined choice?

Mr Speaker: The factual record speaks for itself. The political point that the hon. Lady perfectly reasonably makes—it is not a party political point, of course—is not one for me, but she has made her point with her typical sincerity and sense of insistence on what she believes to be right, and I respect that. How these proceedings—in all the time I have known the hon. Lady, she has been concerned about this—are viewed by people outwith this place, I do not know. However, it seems to me, if I may say so, that it is a matter not just of the content of what is said but of how it is said that is of the foremost importance. In my experience, the hon. Lady plays the ball rather than the man or woman. If we can, albeit amid inflamed passions and strong conflicts of opinion, maintain that basic respect for each other and that civility of discourse, that has to be in our interests, both in respect of this issue and reputationally for the future.

Simon Hoare (North Dorset) (Con): On a point of order, Mr Speaker. Further to the points of order made by my hon. Friends the Members for Chelmsford (Vicky Ford) and for Mid Worcestershire (Nigel Huddleston), I am not seeking to challenge what you are saying, Sir, but may I ask you what scope exists? We are clearly in uncharted waters and difficult times for both Parliament and the country. Does the scope exist for you to consider overnight, perhaps taking advice from Clerks or others, and reflect on the criteria for the material changes to which you alluded in your statement earlier in the sitting with regard to the Government’s being able to bring back a meaningful vote 3? If you could reflect on the criteria that would allow it to happen and realise that, as you have rightly said, this Parliament cannot be hog-tied just by precedent—we are an organic democracy and Parliament—I think that, given the circumstances raised by both of my hon. Friends and others, that could be done, and it might be wise to be done to facilitate still further this ongoing debate, further to Monday.

Mr Speaker: I hear what the hon. Gentleman says. Colleagues talk to each other and I talk to senior Members of the House—representatives of the Government, Law Officers and others—from time to time. I do not say it at all unkindly but I do not feel that the hon. Gentleman has put to me anything that has added to what has already been said; he has to some
extent attempted to reinforce the views that have been expressed by other colleagues and with which he may himself sympathise. In so far as he feels he has made his point—and he has made his point—I am greatly obliged to him.

**Simon Hoare:** Further to that point of order, Mr Speaker—

**Mr Speaker:** No, no, there is no further to it. The hon. Gentleman has made his point, I have responded to it, and that is that.

**Wera Hobhouse (Bath) (LD):** On a point of order, Mr Speaker. Given that no single option has so far found a majority in this House, would it not be sensible to suggest to those who can do a bit of math, and in the spirit of compromise, that we put together two options that are not mutually exclusive? For example, we could put together a people’s vote with the deal suggested by the Prime Minister, because in that way a combined option might actually make it over the line.

**Mr Speaker:** I hear what the hon. Lady said, but I do not think it is for me to adjudicate. Colleagues talk to each other, all sorts of propositions are advanced, and they sometimes reflect compromises between people who are of a very different mind and sometimes between people of a similar mind but a different tactic. Anything is possible. It is a good question but, if the hon. Lady will forgive me—I do not mean this critically—it is an abstract question, in that it does not attend to one particular circumstance, so it is not something on which I can give a verdict. But is it possible for colleagues to communicate with each other about these things in the period ahead, both in the short term and in the medium term? Of course it is possible, and I feel sure that people will do so.

**Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op):** On a point of order, Mr Speaker. Further to the point of order raised by my hon. Friend the Member for Vauxhall (Kate Hoey) about the selection of amendments today—I have the sincerest deference to your decisions and do not seek to challenge them—the motion laid by the right hon. Member for West Dorset (Sir Oliver Letwin) on Monday did not specifically refer to the Order Paper of the following Monday being taken up for more indicative votes. Would it be in order if, on Monday, a third day was sought for indicative votes, given that that was not specified in the original motion? Would it therefore be possible to consider amendments to that motion on Monday, so that we do not end up with further days to repeat this process being claimed every day, with our ending up no further forward in this exercise?

**Mr Speaker:** It would be perfectly possible for an amendment to any business of the House motion on Monday to be put to me for consideration. In other words, if the hon. Gentleman is asking, for the sake of simplicity, if he could have another go, it would be perfectly open to him to have another go. I am not going to give him any advance promise or indication of likely judgment, but it is perfectly possible for that matter to be considered in the round. He may want to take his chances if that scenario plays out.

### Community and Sub-Post Offices

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

10.26 pm

**Gavin Newlands (Paisley and Renfrewshire North) (SNP):** It now feels like we are actually in a Friday sitting, as we have been here such a long time already. I rise to raise growing concerns that have been brought to my attention by the National Federation of SubPostmasters and by many sub-postmasters in my constituency. I know that colleagues from across the House will have heard similar calls themselves. Several colleagues have already indicated a desire to intervene, which I am keen to accommodate; all I ask is for brevity when they do so.

The simple and undeniable fact is that many post offices face increasing challenges and huge uncertainty with regard to their long-term financial viability. In the modern digital world, with the likes of Amazon, grocery delivery and online banking, many of our small village and town centres, particularly in rural areas, face systemic degradation and challenges unlike anything they have seen before. This is at a time when big banks continue to up sticks and close their local branches at short notice, often with little consultation with their supposedly valued customers and local representatives. The role of the Post Office as the community banker is therefore becoming increasingly pronounced.

**Jim Shannon (Strangford) (DUP):** I am here to support the hon. Gentleman, because this issue is very important to me and my constituency. Does he agree that, in rural communities, post offices are the hub of country life? They are more than a link to essential services; they further social interaction. It is so important that elderly people in rural communities can have contact with post offices. For many people, the post office is their life.

**Gavin Newlands:** I agree with the hon. Gentleman. I will go into detail on some of that. After the shenanigans of the last hour, I feel that his intervening in the Adjournment debate has restored balance to the force.

The post office is a community institution in Scotland, and, as we have heard, the rest of the UK. Over the years, famous firms like Woolies, BHS and Blockbuster, in addition to countless small family retailers in our towns and villages, have closed their doors for good, but the post office continues to be a fixture of our local communities.

Under successive Governments, we have faced decades of aggressive privatisation of nationalised industries that many, particularly in older generations, felt immense pride in contributing to. The Post Office looks very different today from 25, 50, or even 100 years ago, yet it requires still further modernisation. However, to paraphrase a former Tory Prime Minister, it remains one of the only pieces of family silver that has not been flogged for a fraction of its market value for the sake of ideological privatisation. Even as its partner, the Royal Mail, has been privatised—cheaply, I might add—Post Office Ltd remains in public hands.

Post office closures disproportionately affect Scotland, with 40 occurring from 2011 until March last year, compared with England’s 297. Per head of population,
those closures are happening at a rate that is one third faster in Scotland than south of the border. Add to that mix Scotland’s geography and size—including 94 inhabited islands—compared with England, and it becomes clear that the continuing viability of the post office is of extreme importance to Scotland, particularly in the light of the number of bank branches being slashed.

Stephen Gethins (North East Fife) (SNP): Will my hon. Friend give way?

Gavin Newlands: My hon. Friend had not indicated his desire to intervene, but I will give way if he is brief.

Stephen Gethins: I congratulate my hon. Friend on securing this debate, as his commitment to local businesses in his area is very strong. Bank closures have had such an impact on small towns in rural areas like my own. Will he ask the Minister about the charges, given that post offices are increasingly taking the burden of those bank closures in rural areas?

Gavin Newlands: Absolutely. I will go into more detail on that subject in my speech and I will press the Minister on the issue.

The important role that the post office plays in our lives is felt more sharply in small towns and rural communities, which are disproportionately dependent on designated community post offices and sub-postmasters. In this debate, I will emphasise the challenges that the latter face due to unfair deals with big banks for providing basic banking services. Despite the growth of online and phone banking, there is still—and, for the foreseeable future, will remain—an undeniable need for easily accessible face-to-face banking, which is of particular importance to the elderly and those with additional support needs. As banks flee the high street, post offices are fulfilling this vital role.

Neil Gray (Airdrie and Shotts) (SNP): I commend my hon. Friend for the advert he has just given. It is as if my hon. Friend, who is sitting next to me, had read my speech, because I am about to come to that.

Gavin Newlands: I do not need to add to my hon. Friend’s contribution; the Minister has heard him.

Dr Philippa Whitford (Central Ayrshire) (SNP): Is it not bizarre that the Department for Work and Pensions has pushed people to open bank accounts away from the post office in order to receive benefits, when they actually end up back at the post office? Maybe we should make post offices more secure to provide access to cash.

Gavin Newlands: I agree 100% with my hon. Friend that the entire exercise is, quite frankly, a piece of nonsense; she makes her point well.

The fees that banks pay to Post Office Ltd, which in turn compensates its sub-postmasters, to carry out this work have been ridiculously low—so much so that the majority of these transactions are actually carried out at a loss to the sub-post office. For example, for every £1,000 of cash accepted over the counter, Post Office Ltd is paid 24p. There is no differential between the commissions paid for coins and for notes, so in effect if the post office had to count 100,000 pennies, it would get to keep 24 of them as payment. To be clear, Post Office Ltd also pays a transaction fee, but the combined fees are insufficient to cover those costs. It is clear that the current deal is deeply unfair and unsustainable.

Ruth Cadbury (Brentford and Isleworth) (Lab): I congratulate the hon. Gentleman on bringing this debate to the House. Of course, there are issues in rural areas in Scotland, but we also have an issue in Brentford town centre—a small town centre in the suburbs of London. We have lost our sub-post office, which closed in the new year because the sub-postmaster did not want to keep it on. No one else could be found among any of the other businesses to run the sub-post office because, as he has just outlined, it is just not viable. Does he agree that the Government need to review their tapering down of the network subsidy payment, which was supposed to be what made sub-post offices viable? In Brentford’s case, it is clearly no longer viable.

Gavin Newlands: It is as if my hon. Friend, who is sitting next to me, had read my speech, because I am about to come to that.

Patricia Gibson (North Ayrshire and Arran) (SNP): That sub-postmaster has worked out that on the hours he does, he gets paid less than the minimum wage, yet he hires staff and correctly pays them the money they are due. Is this not an injustice?

Gavin Newlands: It totally agree. It is simply not viable to be a sub-postmaster at the moment.

Alan Brown (Kilmarnock and Loudoun) (SNP): There is a fantastic post office in the village of Dunlop in my constituency where people do great work. It has a fine range of whiskies and beers, by the way, so it is well worth a visit. They have the same issue. The sub-postmaster has worked out that on the hours he does, he gets paid less than the minimum wage, yet he hires staff and correctly pays them the money they are due. Is this not an injustice?

Gavin Newlands: It absolutely is. That sub-postmaster will have even less money once he has paid the commission to his hon. Friend for the advert he has just given.

At this point, it is worth giving some background and context regarding sub-postmasters’ remuneration. Previously, all post offices received a fixed element of pay—a core payment—that also allowed for six weeks’ annual leave. Now, only a small number of offices—about 400—that did not go through the network transformation, plus offices designated as community offices, continue to receive a fixed element of pay. Overall, the total amount paid to sub-postmasters has dropped as a result of the removal of this fixed element of pay from the
majority of offices. The total amount paid by Post Office Ltd across the whole network in 2017-18 was 17% lower than in 2013-14, and that is before adjusting for inflation. As a result of the transformation programme, new post office models—main, local, and local-plus offices—are paid on commission only for the transactions they carry out. Main-model offices receive commission rates that are roughly one third higher than local-model offices.

It is with this backdrop that the Post Office is currently engaged in renegotiating the deeply unfair banking contracts with UK Finance, the body that represents the banks. Given that the Government have hidden behind the post office network countless times at the Dispatch Box while defending bank branch closures since 2015, and that, on behalf of the public, they own the Post Office, I hope that they will act as the proper stewards of the Post Office they should be and ensure that the deal ends up being a fair and sustainable one.

Patrick Grady (Glasgow North) (SNP): I congratulate my hon. Friend on securing this debate, because the point he is making is absolutely correct. More and more people are becoming dependent on post offices precisely because of the bank closures. The whole of Maryhill Road in my constituency, which I know he is familiar with, is going to be left without a single bank due to closures of all kinds of branches, and that is just since we were all elected in 2015. It is absolutely vital that the post offices on that street—a very long street—are supported to continue to maintain support for the people who need face-to-face banking services.

Gavin Newlands: I totally agree with my hon. Friend. I know Maryhill Road well as I used to work there for many years. It is in the heart of Craiglang, where my wife is from.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): Does the hon. Gentleman know that not just the banks are shutting post offices but the Government? The Post Office is shutting down Crown post offices, and 73 post offices in Scotland have been put into WHSmith—the worst retailer in the country. This is leading to the closure of important post offices and 19% of them or their partners taking on extra work to supplement their income.

Gavin Newlands: I am conscious of the time, and the Minister may be a little bit shorter of response time than she would perhaps like to be, but I will give way.

Bill Grant (Ayr, Carrick and Cumnock) (Con) rose—

Gavin Newlands: I am conscious of the time, and the Minister may be a little bit shorter of response time than she would perhaps like to be, but I will give way.

Bill Grant: Does the hon. Gentleman share my concern that the income of the small businesses run by many sub-postmasters and postmasters has been driven down by the Post Office and has reduced dramatically, and they are therefore unable to sell on what is maybe a long-established business that nobody will take on? This is leading to the closure of important post offices in communities. The Post Office itself is reducing their number and causing this crisis.

Gavin Newlands: The hon. Gentleman makes an excellent point. I will come on to detail some of that shortly, if I get a minute between interventions.

The recent survey by the National Federation of SubPostmasters makes for stark reading both for Post Office Ltd and the Government. It found that 77% of sub-postmasters believe that their remuneration rates for business banking are unfair, while only 9% thought them fair, and 67% thought the rates for personal banking were unfair. If that is felt in such huge numbers, I am confident that there is a serious problem emerging that must be addressed quickly. If the number of banking transactions were to continue to increase, 76% of sub-postmasters would be concerned that the level of profit from these transactions would be inappropriate, but 50% of them also had concerns about the volume of cash they had to hand, and a further 42% were concerned about the impact on customer queuing time.

I have visited post offices in my constituency, and unfortunately a picture has emerged that matches the one painted by the federation. When I spoke with those at Ferguslie Park post office, they agreed that the fees they received were not adequate, especially for the amount of transactions that they carry out. That post office plays an important role in administering and advising on benefit payments and has had little success in making sales on the likes of life insurance, savings accounts, mortgages and home insurance. It is therefore especially important that the post office has a secure financial future.

The federation is also concerned about post office closure rates. In July 2018, nearly 1,000 post offices in the sub-postmaster network were listed as temporarily closed—8% of the entire network.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I congratulate my hon. Friend on securing this Adjournment debate. In Hardgate in my constituency, the Post Office has been unable to replace the closed post office, which serves Hardgate, Duntocher and Fainly. Does he agree that it is up to the Government to force the Post Office to re-establish Crown post offices, where the Post Office cannot meet that need?

Gavin Newlands: I totally agree. The first thing that has to be done, though, is to increase the rates that make post offices viable in the modern age. I hope the Minister will take that step.

In 2018, sub-postmasters were far more likely to state their intention to close in the coming year than small businesses in general, with 22% intending to close or downsize their operation. Those with such plans overwhelmingly came from deprived areas. Sub-postmasters also face increasingly difficult working conditions, with often 40-plus hours being dedicated just to the post office side of their business and 27% of them working longer hours in 2018 than 2017. They average fewer than 10 days’ holiday each year, and one third took no time off whatsoever. They also face less take-home pay, with 61% taking home less in 2018 than 2017, 76% making less than the national minimum wage for hours worked and 19% of them or their partners taking on extra work to supplement their income.

Since network transformation, many post offices designated as local post offices, such as Kirklandneuk in my constituency, have had some services removed,
such as Parcelforce services and passport services, which may otherwise cross-subsidise the lack of remuneration for banking services. Clearly that would be less of an issue were they simply paid a fair rate from the banks.

**Douglas Ross** (Moray) (Con): Will the hon. Gentleman give way?

**Gavin Newlands**: I will give way if the hon. Gentleman promises to be brief, and I congratulate him on the birth of his child.

**Douglas Ross**: I am very grateful to the hon. Gentleman for that. I have done my bit for the Post Office recently, with the number of cards I have been receiving since the birth of my child—although perhaps 35 cards did not have a stamp put on them, because I have not had any from SNP Members so far, but I have had many congratulations, which I am grateful for.

I have raised this issue a number of times. We are fortunate that the director for Scotland for the National Federation of SubPostmasters, Paul McBain, owns post offices in Moray. An issue that comes up time and again is that the public are not aware of the wide range of services that are available in post offices. They know what was historically available, but much more is now available, and we need to promote that message, to encourage more of our constituents to use post offices rather than online services.

**Gavin Newlands**: I thank the hon. Gentleman for his intervention. That is certainly the case, and the survey bears that out; that is the belief of sub-postmasters. But at the end of the day, more customers going into a post office to use the services will just swamp it and perhaps make it an even bigger loss-making venture than it currently is. We need to sort the rates out as well.

Bridge of Weir post office, which I have raised in this place in the past, has serious concerns about its long-term financial viability. After making a small loss last year, it anticipates that the losses will continue to rise. All told, if this continues, it expects its accumulative losses over 10 years to reach £70,000, despite the centre being run almost entirely by volunteers, with just one paid member of staff in the post office.

When I previously raised the Bridge community centre post office, in asking the Leader of the House for a debate on this issue, I pointed out that despite being the textbook definition of a community institution—run by the community for the community, because no retailer would take up the franchise—it receives no community subsidy from the UK Government, and this is regrettable. Owing to the Government’s rules on distance to other retailers and to other post offices, it does not qualify for any support, but with a dose of common sense, this would be entirely avoidable.

Let us remember that no other Bridge of Weir retailer wanted to take this on. In addition, the Bridge’s other retail offerings—tea and coffee, cards, second-hand books—do not operate in competition with any other Bridge of Weir retailer. There is another post office within the three-mile limit, which also rules out community status. However, the community designation ignores local public transport links, which Bridge of Weir had gei few to start with, and recent cuts have eviscerated the village’s bus service. In addition, the next closest post office is a 10-minute walk from the nearest bus stop, meaning that access, even with an adequate bus service, is a huge issue.

This all said, I understand the need for community status criteria to be in place, but it is clear to me that we need to look again at these criteria, or to allow for common sense exceptions in places such as Bridge of Weir. The community subsidy is still vital as it supports many branches that might not otherwise be commercially viable. Under current plans, the Government subsidy to the post office is due to be cut in the coming year and to end entirely in 2021, but I would strongly urge the Minister to reconsider this.

The National Federation of SubPostmasters’ latest study found that, last July, 17% of community model branches were actually closed. This is alarming as they are potentially the very last store in a local area. The community subsidy is therefore letting many post offices fall through the net at the current rate, let alone with a further reduction or indeed its removal. This is not a promising outlook for the future of the post office network.

In too many of our small and rural towns, the local post office is often the last place where a face-to-face, human service is available. With such a wide array of duties—handling mail, banking, benefit administration and so on—it is understandable why the post office has continued to be such a vital lifeline to so many of our communities. I therefore urge this Government to listen to sub-postmasters to see what more they can do to support them in the short, medium and long term. They should not be afraid to stand behind the Post Office—let us not forget that we own it—and use their influence to ensure that it gets a fair and equitable deal with the banks that now rely on post offices to provide their services.

I urge the Minister to rethink the Government’s community designation take into account local geography and factors such as public transport links in our communities. After speaking to my constituents, and I am sure that others in this place will have found the same, the current community designation leaves many community post offices—in practice, if not designation—out to dry. Indeed, the Minister must ensure that the community subsidy does not end in 2021. If indeed it were to end, I dread to think of the number of towns and villages left without a bank or a post office at all.

Given that the vast majority of the post office network is made up of sub-postmasters, we should be concerned when they tell us that they are overworked and underpaid, and most of all when they tell us that their financial futures are perilous. I hope the Minister will commit to meeting me to discuss this further.

The local post office has a revered position in our public life, standing through centuries of change, turmoil and political drama. It is important to note that times have changed, and the modern digital age has not been to the advantage of the post office. I only hope that we can maintain and protect a sustainable post office network for all our communities. The Government have a pivotal role in securing this vision, and I urge the Minister to listen to and to heed all the points raised by many Members in this short debate to ensure a secure future for our post offices.
The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): I congratulate the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) on securing today’s important debate on community and sub-post offices. I am sorry that I do not have much time, but I will try to respond to some of the issues that have been raised. I am aware of his close interest in this subject, as we exchanged correspondence on this very issue last October. For centuries, post offices have been the centre of social life in our communities, towns and villages across the UK. This is why, in our 2017 manifesto, we committed to safeguarding the post office network and supporting community and sub-post offices, recognising the key role that post offices play in their communities.

At this juncture, it is worth setting out the overall context within which the Post Office operates. Although the Post Office is publicly owned, it is a commercial business operating in competitive markets. The Government set the strategic direction for the Post Office—to maintain a national network accessible to all and to do so more sustainably for the taxpayer—and allow the company the commercial freedom to deliver that strategy as an independent business.

Between 2010 and 2018, we provided nearly £2 billion to maintain and invest in a national network of at least 11,500 post offices. That extensive network gives the Post Office a unique reach among service providers. The Post Office currently meets and exceeds all Government accessibility targets at a national level.

The Post Office’s financial performance has improved significantly. Consequently, Government funding required to sustain the network has drastically decreased and is set to decrease even further in future years.

Dr Whitford: Will the Minister give way?

Kelly Tolhurst: I will not give way—I have only six minutes left.

Government investment has also enabled the modernisation of over 7,500 branches, added more than 200,000 opening hours a week and established the Post Office as the largest network trading on Sunday.

I encourage hon. Members to look objectively at those facts. They clearly show that the network is at its most stable in decades. Maintaining a stable network of community-status branches is at the heart of the Post Office’s social purpose. They are effectively the last shop in the village.

Almost half the 6,000 rural post offices have community status, including some of the post offices in the constituency of the hon. Member for Paisley and Renfrewshire North. In those areas, post offices are regarded as part of the fabric of community life. For example, a report by Citizens Advice on the use of the rural post office network found that seven out of 10 consumers bought essential items at a post office and almost 3 million shoppers visited a post office on a weekly basis.

The Post Office recognises the unique challenge of running a community branch and supports the postmasters who run them differently from the rest of the network. Those postmasters receive fixed remuneration, as well as variable remuneration, to reflect their special circumstances.

In addition, the Post Office delivered almost £10 million of investment via the community fund between 2014 and 2018. That enabled community branches to invest in their associated retail businesses. The Post Office has also launched a smaller community branch development scheme that will benefit an anticipated 700 branches. Let me be clear: the Government and the Post Office will continue to support rural post offices.

The hon. Gentleman will be interested to hear that, as part of the post office network transformation programme, 10 of the 14 branches in his constituency have been modernised. Modernisation makes post office branches simpler to run for retailers and improves services for customers through new modern environments and longer opening hours. Modernisation has led to 200 additional opening hours a week in the hon. Gentleman’s constituency. Five branches are also open on Sundays, delivering greater convenience to consumers.

Looking more widely at the post office network in Scotland, there are around 1,400 post offices, 66% of which are delivering these important services to communities in rural locations. Scottish branches account for around 11% of branches that have been modernised, creating an additional 24,000 opening hours a week as a result of the network transformation programme. There are around 470 post office services in Scotland that have community status, and around £800,000 has been provided to those branches from the Post Office community fund.

When a branch closes unexpectedly, the Post Office works hard to maintain or restore rural services in Scotland. For example, post office services have been restored at Eyemouth, a rural branch in the Scottish borders, which reopened in February after temporary closing last October and is now providing 122 hours of service per week. Muir of Ord post office, which has been closed since December 2016, is set to reopen next month, and that branch will offer double the service hours previously provided.

Hon. Members have raised concerns about the rates of remuneration paid to postmasters, especially for banking services. Although the contractual relationship between Post Office Ltd and postmasters is an operational matter, I care deeply about the issue and I am determined to make sure that running a post office remains an attractive business proposition.

The Post Office has invested significantly in its branch network to enable its branches to operate more effectively in the retail environment. However, the Post Office recognises that there are some locations where that approach is not viable. In those locations, fixed remuneration remains. The Post Office is not complacent and periodically reviews the rate of return on all services for postmasters to reflect the time and effort involved. Post Office Ltd will also use, where possible, the renewals of commercial contracts as opportunities to negotiate improved rates that can be shared with postmasters.

I want to touch on the issue of Crown franchising, in particular the assumption that franchising means closing and downgrading services. Those criticisms are misplaced. Post office branches are not closing; they are being franchised to other sites. In fact, 98% of post offices across the UK are successfully operated by independent businesses and retail partners.

I assure the hon. Gentleman that all post offices across the network are of the utmost importance to...
this Government and to me as the Minister. We recognise their value and importance to the community, residents, businesses and tourists in both rural and urban parts of the UK. We will continue to honour our manifesto commitment so that the post office can thrive and remain at the heart of our rural and urban communities.

I thank the hon. Gentleman for raising the issue. [Interruption.] I cannot hear him, sadly, because I have a cold, but I am always happy to talk about post offices at any time and happily welcome further debates.

10.56 pm

House adjourned without Question put (Standing Order No. 9(7)).
### EU: Withdrawal and Future Relationship Votes

**Motion (B)—No Deal**

That this House agrees that the UK shall leave the EU on 12 April 2019 without a deal.—(Mr Baron.)

*The House divided: Ayes 160, Noes 400.*

**Division No. 386**

#### AYES

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<thead>
<tr>
<th>Afrije, Adam</th>
<th>Hollobone, Mr Philip</th>
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<td>Amess, Sir David</td>
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#### NOES

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| Adler, Peter | Ali, Rushanara |
| Allen, Heidi | Allin-Khan, Dr Rosena |
| Aln-Khan, Dr Rosena | Amesbury, Mike |
| Antoniazzi, Tonia | Ashworth, Jonathan |
| Atkins, Victoria | Austin, Ian |
| Austin, Ian | Bailey, Mr Adrian |
| Bardell, Hannah | Barron, rh Sir Kevin |
| Baillie, Mr Andrew | Beckett, rh Margaret |
| Benn, rh Hillary | Benyon, rh Richard |
| Benyon, rh Richard | Beresford, Sir Paul |
| Beresford, Sir Paul | Berger, Luciana (Proxy vote cast by Chris Leslie) |
| Betts, Mr Clive | Black, Mhairi |
| Blackford, rh Iain | Blackman, Kirsty |
| Blackman, Kirsty | Blackman-Woods, Dr Roberta |
| Blackman-Woods, Dr Roberta | Blomfield, Paul |
| Blomfield, Paul | Boles, Nick |
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| Bowie, Andrew | Brabin, Tracy |
| Bradshaw, rh Mr Ben | Brady, Sir Graham |
| Brady, Sir Graham | Brake, rh Tom |
| Brennan, Kevin | Brine, Steve |
| Brine, Steve | Brock, Deirdre |
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| Brown, Lyn | Brown, rh Mr Nicholas |
| Brown, rh Mr Nicholas | Bryant, Chris |
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| Burden, Richard | Burgon, Richard |
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| Burt, rh Alistair | Butler, Dawn |
| Butler, Dawn | Byrne, rh Liam |

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| Wallace, rh Mr Ben | Warburton, David |
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| Whittingdale, rh Mr John | Wiggin, Bill |
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| Wood, Mike | Wragg, Mr William |

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| Cooper, rh Yvette | Corbyn, rh Jeremy |
| Corbyn, rh Jeremy | Costa, Alberto |
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| Crausby, Sir David | Crawley, Angela |
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| Dakin, Nic | Davey, rh Sir Edward |
| Davey, rh Sir Edward | David, Wayne |
| David, Wayne | Davies, Geraint |
| Davies, Geraint | Day, Martyn |
| Day, Martyn | De Cordova, Marsha |
| De Cordova, Marsha | De Piero, Gloria |
| De Piero, Gloria | Debbonaire, Thangam |
| Debbonaire, Thangam | Dent Coad, Emma |
| Dent Coad, Emma | Dhesi, Mr Tanmanjeet Singh |
| Dhesi, Mr Tanmanjeet Singh | Djianogly, Mr Jonathan |
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Hammond, Stephen
Daughey, Stephen
Dowd, Peter
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Eagle, Maria
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Farrell, Paul
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Field, rh Frank
Field, rh Mark
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Fletcher, Colleen
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Foxcroft, Vicky
Fryer, Marie
Frith, James
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Gaffney, Hugh
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Gapes, Mike
Gardiner, Barry
George, Ruth
Gething, Stephen
Gibson, Patricia
Gill, Preet Kaur
Gillan, rh Dame Cheryl
Glen, John
Glindon, Mary
Godsil, Mr Roger
Goodman, Helen
Grady, Patrick
Graham, Luke
Graham, Richard
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Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
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Hall, Luke
Hamilton, Fabian
Hammond, Stephen
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Maraden, Gordon
Martin, Sandy
Maskell, Rachael
Masterton, Paul
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhan
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, rh Sir Patrick
McMahen, Jim
McMorrin, Anna
Mears, Ian
Miliband, rh Edward
Milton, rh Anne
Monaghan, Carol
Moon, Mrs Madeleine
Moore, Damien
Moran, Layla
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, David
Morris, Grahame
Murray, Ian
Nandy, Lisa
Neill, Robert
Newlands, Gavin
Newson, Sarah
Norman, Jesse
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onurah, Chi
Opperman, Guy
Osamor, Kate
Owen, Albert
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Quin, Jeremy
Quieshi, Yasmin
Rashid, Faisal
Rayner, Angela
Redd, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Robinson, Mary
Rodd, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandsbach, Antoinette
Saiville Roberts, rh Liz
Shah, Naz
Shannon, Jim
Sharma, Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherrard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast
by Vicky Foxcroft
Simpson, rh Mr Keith
Skidmore, Chris
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Speellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stewart, Rory
Stone, Jamie
Streeteur, Sir Gary
Streeting, Wes
Stride, rh Mel
Sweeney, Mr Paul
Swire, rh Sir Hugo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Tredinnick, David
Trickett, Jon
Turley, Anna
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Walker, Mr Charles
That this House—(1) directs Her Majesty’s Government to—re-negotiate the framework for the future relationship laid before the House on Monday 11 March 2019 with the title ‘Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom’ to provide that, on the conclusion of the Implementation Period and no later than 31 December 2020, the United Kingdom shall—(a) accede to the European Free Trade Association (Efta) having negotiated a derogation from Article 56(3) of the Efta Agreement to allow UK participation in a comprehensive customs arrangement with the European Union,(b) enter the Efta Pillar of the European Economic Area and thereby render operational the United Kingdom’s continuing status as a party to the European Economic Area Agreement and continuing participation in the Single Market,(c) enter a comprehensive customs arrangement including a common external tariff at least until alternative arrangements that maintain frictionless trade with the European Union and no hard border on the island of Ireland have been agreed with the European Union,(d) conclude an agreement with the European Union, which in accordance with Article 2 of the Protocol on Ireland/Northern Ireland of the Withdawal Agreement (Withdrawal Agreement) Bill conditional upon the inclusion of provisions of a Political Declaration revised in accordance with the provisions of this motion to be the legally binding negotiating mandate for Her Majesty’s Government in the forthcoming negotiation of the future relationship between the United Kingdom and the European Union.—[Nick Boles.]
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EU: Withdrawal and Future Relationship Votes

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**MOTION (H)—EFTA and EEA**

That this House recognises the democratic duty of Parliament to respect the result of the 2016 referendum whilst securing an orderly departure from the EU that preserves the territorial integrity of the United Kingdom of Great Britain and Northern Ireland; notes that the UK is a signatory to the EEA as required under Article 127 of that agreement; further notes that the UK was a founding member of the European Free Trade Association in 1960 and therefore call on the Government to (a) assert its existing rights as a signatory to the EEA, (b) take necessary steps to make our rights and obligations as an EEA member operable on an emergency basis through the domestic courts, (c) apply to re-join EFTA at the earliest opportunity to make the EEA agreement operable on a sustainable basis and (d) decline to enter a customs union with the EU but seek to (a) make the EEA agreement operable on a sustainable basis and (b) take necessary steps to make our rights and obligations as an EEA member operable on an emergency basis through the domestic courts, (c) apply to re-join EFTA at the earliest opportunity to make the EEA agreement operable on a sustainable basis and (d) decline to enter a customs union with the EU but seek agreement on new protocols relating to the Northern Ireland border and agri-food trade.

**The House divided: Ayes 65, Noes 377.**

**Division No. 388**

**AYES**

- Afolami, Bim
- Aldous, Peter
- Bebb, Guto
- Blackman, Bob
- Boles, Nick
- Brine, Steve
- Burt, Alistair
- Campbell, Mr Ronnie
- Cartlidge, James
- Caulfield, Maria
- Collins, Damian
- Costa, Alberto
- Courts, Robert
- Crabb, rh Stephen
- Davies, Chris
- Davies, Glynn
- Djanogly, Mr Jonathan
- Duguid, David
- Eustice, George
- Fallon, rh Sir Michael
- Foster, Kevin
- Freeman, George
- Garnier, Mark
- Graham, Luke
- Grant, Bill
- Green, rh Damian
- Hannon, rh Robert
- Hammond, Stephen
- Harrison, Trudy
- Hart, Simon
- Henderson, Gordon
- Hendrick, Sir Mark
- Herbert, rh Nick
- Hoare, Simon
- Hollinrake, Kevin
- Kerr, Stephen
- Kinnock, Stephen
- Knight, Julian
- Lefroy, Jeremy
- Letwin, rh Sir Oliver
- Lloyd, Stephen
- Mann, Scott
- Masterton, Paul
- Morgan, rh Nicky
- Neill, Robert
- Newton, Sarah
- Parish, Neil
- Pawsley, Mark
- Penrose, John
- Percy, Andrew
- Poulter, Dr Dan
- Pow, Rebecca
- Prisk, Mr Mark
- Sandbach, Antoinette
- Skinner, Mr Dennis
- Spelman, rh Dame Caroline
- Stevenson, John
- Streeter, Sir Gary
- Sturdy, Julian
- Thomas, Derek
- Tredinnick, David
- Vaizey, rh Mr Edward
- Wallace, rh Mr Ben
- Warburton, David

**NOES**

- Abrahams, Debbie
- Adams, Nigel
- Afriyie, Adam
- Ali, Rushanara
- Allen, Heidi
- Alin-Khan, Dr Rosena
- Amess, Sir David
- Andrew, Stuart
- Antoniazzi, Tonia
- Argen, Edward
- Atkins, Victoria
- Bacon, Mr Richard
- Badenoch, Mrs Kemi
- Baker, Mr Steve
- Bardell, Hannah
- Baron, Mr John
- Barron, rh Sir Kevin
- Bellingham, Sir Henry
- Benyon, rh Ben
- Beresford, Sir Paul
- Berger, Luciana (Proxy vote cast by Chris Leslie)
- Berry, Jake
- Betts, Mr Clive
- Black, Mhairi
- Blackford, rh Ian
- Blackman, Kirsty
- Blomfield, Paul
- Blunt, Crispin
- Bone, Mr Peter
- Bottomley, Sir Peter
- Bowie, Andrew
- Bradley, Ben
- Bradshaw, rh Mr Ben
- Brady, Sir Graham
- Braverman, Suella
- Breeraton, Jack
- Bridge, Andrew
- Brock, Deidre
- Brown, Alan
- Brown, Lyn
- Bruce, Fiona
- Bryant, Chris
- Buck, Ms Karen
- Buckland, Robert
- Burden, Richard
- Burghart, Alex
- Burns, Conor
- Butler, Dawn
- Cable, rh Sir Vince
- Cadbury, Ruth
- Cameron, Dr Lisa
- Cash, Sir William
- Chalk, Alex
- Champion, Sarah
- Chapman, Douglas
- Cherry, Joanna
- Chishihi, Rehan
- Chope, Sir Christopher
- Churchill, Jo
- Clarke, rh Mr Kenneth
- Clarke, Mr Simon
- Cleverly, James
- Clifton-Brown, Sir Geoffrey
- Clwyd, rh Ann
- Coaker, Vernon
- Coffey, Ann
- Coffey, Dr Thérèse
- Cooper, Rosie
- Cowan, Ronnie
- Coyle, Neil

- Crastby, Sir David
- Crawley, Angela
- Creagh, Mary
- Creasy, Stella
- Crouch, Tracey
- Cunningham, Alex
- Cunningham, Mr Jim
- Daby, Janet
- Davies, David T. C.
- Davies, Geraint
- Davies, Mims
- Davis, Philip
- Davis, rh Mr David
- Day, Martyn
- De Cordova, Marsha
- Dent Coad, Emma
- Dinenage, Caroline
- Docherty-Hughes, Martin
- Donelan, Michelle
- Dorries, Ms Nadine
- Double, Steve
- Doughty, Stephen
- Dowden, Oliver
- Doyle-Price, Jackie
- Drax, Richard
- Dromey, Jack
- Duddridge, James
- Duffield, Rosie
- Duncan Smith, rh Mr Iain
- Dunne, rh Mr Philip
- Eagle, Maria
- EFFord, Clive
- Ellis, Michael
- Elman, Dame Louise
- Elmore, Chris
- Elphicke, Charlie
- Esterson, Bill
- Evans, Mr Nigel
- Evennett, rh Sir David
- Fabricant, Michael
- Farrell, Paul
- Fellows, Marion
- Field, rh Frank
- Field, rh Mark
- Fitzpatrick, Jim
- Flint, rh Caroline
- Francois, rh Mr Mark
- Frazer, Lucy
- Freer, Mike
- Fysh, Mr Marcus
- Gale, rh Sir Roger
- Gapes, Mike
- George, Ruth
- Gethins, Stephen
- Ghani, Ms Nesratal
- Gibson, Patricia
- Gillan, rh Dame Cheryl
- Glen, John
- Godsiff, Mr Roger
- Goldsmith, Zac
- Goodman, Helen
- Goodwill, rh Mr Robert
- Grady, Patrick
- Grant, Mrs Helen
- Grant, Peter
- Gray, James
- Gray, Neil
- Green, Chris
- Green, Kate
- Greenwood, Lilian
- Grieve, rh Mr Dominic
EU: Withdrawal and Future Relationship Votes

27 March 2019

EU: Withdrawal and Future Relationship Votes

Griffiths, Andrew
Haigh, Louise
Hairstrane, Hall, Luke
Hamilton, Fabian
Hands, rh Greg
Hanson, rh David
Harman, rh Ms Harriet
Harper, rh Mr Mark
Harris, Rebecca
Hayes, Helen
Hayes, rh Sir John
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollingbery, George
Hollolbone, Mr Philip
Holloway, Adam
Hosie, Stewart
Howarth, rh Mr George
Howell, John
Hughes, Eddie
Huq, Dr Rupa
Jack, Mr Alister
Jayawardena, Mr Ranil
Jenkins, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Diana
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Darren
Jones, rh Mr David
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Mr Marcus
Jones, Susan Elan
Kawczynski, Daniel
Kendall, Liz
Kennedy, Seema
Kilien, Ged
Knight, rh Sir Greg
Kwarteng, Kwasi
Kyle, Peter
Lammy, rh Mr David
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Law, Chris
Lee, Dr Phillip
Leigh, rh Sir Edward
Leslie, Mr Chris
Lewer, Andrew
Lewis, Clive
Lewis, Mr Ivan
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Linden, David
Lloyd, Tony
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Lucas, Caroline
Lucas, Ian C.
Mackinlay, Craig
Maclean, Rachel
MacNeil, Angus Brendan
Madders, Justin
Mahmood Shabana
Main, rh Mrs Anne
Mak, Alan
Malhotra, Seema
Malthouse, Kit
Mann, John
Maraden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Maynard, Paul
McCarthy, Kerry
McDonagh, Siobhan
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGovern, Alison
McKinstry, Catherine
McLoughlin, rh Sir Patrick
McMorrin, Anna
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Melcaife, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Millis, Nigel
Monaghan, Carol
Moon, rh Mrs Madeleine
Moore, Damien
Morgan, Stephen
Morris, Anne Marie
Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Murray, Ian
Murray, Mrs Sheryll
Newlands, Gavin
Norman, Jesse
O'Brien, Neil
Oford, Dr Matthew
O'Hara, Brendan
Onasanya, Fiona
Onwuah, Chi
Opperman, Guy
Osamar, Kate
Pattal, rh Priti
Paterson, rh Mr Owen
Penning, rh Sir Mike
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridge
Philp, Chris
Pincher, rh Christopher
Pollard, Luke
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Rimmer, Ms Marie
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Simpson, rh Mr Keith
Skidmore, Chris
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Chloe
Smith, Henry
Smith, Jeff
Smith, Laura
Smith, Owen
Smith, rh Moyle
Smyth, Karin
Snell, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spencer, Mark
Stephens, Chris
Stephenson, Andrew
Stevens, Jo
Stewart, Bob
Stewart, Iain
Streeting, Wes
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Theewlis, Alison
Thomas, Gareth
Thomson, Ross
Throup, Maggie
Tohurth, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, Anne-Marie
Turley, Anna
Tivgg, Derek
Umunna, Chuka
Vara, rh Shailed
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Walker, Thelma
Warman, Matt
Watling, Giles
West, Catherine
Western, Matt
Whatley, Helen
Wheelier, Mrs Heather
Whitehead, Dr Alan
Whitford, Dr Phillipa
Whitaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Dr Paul
Wishart, Pete
Wollaston, Dr Sarah
Wood, Mike
Woodcock, John
Wragg, Mr William
Yasin, Mohammad
Zeichner, Daniel

Question accordingly negatived.

Motion (1)—Customs Union

That this House instructs the Government to: (1) ensure that any Withdrawal Agreement and Political Declaration negotiated with the EU must include, as a minimum, a commitment to negotiate a permanent and comprehensive UK-wide customs union with the EU; (2) enshrine this objective in primary legislation. —(Mr Kenneth Clarke.)

The House divided: Ayes 264, Noes 272.

Division No. 389

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amessbury, Mike
Antoniacci, Tonia
Ashore, Jonathan
Austin, Ian
Bailey, Mr Adrian
Barron, rh Sir Kevin
Bebb, Guto
Beckett, rh Margaret
Bern, rh Hilary
Benyon, rh Richard
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Bradshaw, Mr Ben
Brennan, Kevin
Brine, Steve
Brown, Lyn
Brown, Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Barden, Richard
Burgon, Richard
Burt, Alistair
Butler, Dawn
Byrne, Mr Liam
Cadbury, Ruth
Campbell, Mr Sir Alan
Carden, Dan
Chalk, Alex
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Clarke, Mr Kenneth
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, Rh Vvette
Corbyn, Jeremy
Coyle, Neil
Crabb, Stephen
Crausby, Mr Sir David
Creagh, Mary
Creasy, Stella
Crud adda, Jon
cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dakin, Nic
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Djanogly, Mr Jonathan
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Emmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, Mr Mark
Fitzpatrick, Jim
Fletcher, Colleen
Ford, Vicky
Fovargue, Yvonne
Foxcroft, Vicky
Freeman, George
Frith, James
Funnell, Gill
Gaffney, Hugh
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Gildon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Mr Damian
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nicola
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hammond, Stephen
Hanson, Mr David
Hardy, Emma
Harman, Mr Ms Harriet
Harrington, Richard
Harries, Carolyn
Hayes, Helen
Hayman, Sue
Heald, Mr Sir Oliver
Healey, Mr John
Hendrick, Mr Sir Mark
Herbert, Rh Nick
Hill, Ms Mark
Hillier, Meg
Hoare, Simon
Hodge, Mr Dame Margaret
Hodgson, Mrs Sharon
Holien, Kate
Howarth, Mr George
Huq, Dr Rupa
Husain, Mohammad
James, Margot
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P
Jones, Helen
Jones, Mr Rh Kevan
Jones, Sarah
Jones, Susan Ellen
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilren, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lamb, Mr Norman
Lavery, Ian
Lee, Karen
Lefroy, Jeremy
Letwin, Mr Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmod, Mr Khali
Mahmod, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Masterton, Paul
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonnell, Mr John
McFadden, Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
Mears, Ian
Miliband, Mr Edward
Milton, Mr Anne
Mitchell, Mr Rh Mr Andrew
Moon, Mrs Madeleine
Morden, Jessica
Morgan, Mr Nicky
Morgan, Stephen
Murray, Ian
Nandy, Lisa
Neill, Robert
Newton, Sarah
Norris, Alex
Onn, Melanie
Onwurah, Chi
Osamar, Kate
Owen, Albert
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Prentis, Victoria
Qureshi, Yasmine
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodd, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Sandbach, Antoinette
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Slughter, Andy
Smeeth, Ruth
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smyth, Karin
Snell, Gareth
Soames, Mr Sir Nicholas
Sobel, Alex
Spellar, Rh John
Spelman, Mr Dame Caroline
Starmer, Mr Keir
Stewart, Rory
Streeting, Wes
Sweeney, Mr Paul
Tami, Mr Mark
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, Mr Tim
Timms, Mr Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Vaz, Mr Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williamson, Chris
Wilson, Phil
Yasin, Mohammad

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Ms Kemi
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Bellingham, Sir Henry
Beresford, Sir Paul
Berger, Luciana (Proxy vote cast by Chris Leslie)
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, Suella
Brecon, Jack
Bridgen, Andrew
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Campbell, Mr Gregory
Campbell, Mr Ronnie

NOES
EU: Withdrawal and Future Relationship Votes

27 MARCH 2019

EU: Withdrawal and Future Relationship Votes

Question accordingly negated.

**Motion (K)—Labour’s alternative plan**

That this House requires Ministers to: (a) negotiate changes to the draft Withdrawal Agreement and Political Declaration so as to secure; (i) a permanent customs union with the EU; (ii) close alignment with the single market underpinned by shared protections; (iii) dynamic alignment on rights and obligations; (iv) commitments on participation in EU agencies and institutions and obligations; (v) agreement on the detail of future security arrangements, including access to the European Arrest Warrant and vital shared databases; and (b) introduce primary legislation to give statutory status to the objectives set out in paragraph (a).—[Jeremy Corbyn.]
### Division No. 390

**AYES**

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<th>Member</th>
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<td>Abbott, rh Ms Diane</td>
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<td>Robinson, Mr Geoffrey</td>
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<td>Sherriff, Paula</td>
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<td>Siddiq, Tulp (Proxy vote cast by Vicky Foxcroft)</td>
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<td>Skinner, Mr Dennis</td>
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**NOES**

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Question accordingly negatived.
MOTION (L)—REVOCATION TO AVOID NO DEAL

If, on the day before the end of the penultimate House of Commons sitting day before exit day, no Act of Parliament has been passed for the purposes of section 13(1)(d) of the Withdrawal Act, Her Majesty’s Government must immediately put a motion to the House asking it to approve ‘No Deal’ and, if the House does not give its approval, Her Majesty’s Government must ensure that the notice given to the European Council under Article 50, of the United Kingdom’s intention to withdraw from the European Union, is revoked in accordance with United Kingdom and European Union law.—(Joanna Cherry.)

The House divided: Ayes 184, Noes 293.

Division No. 391]

AYES

Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Antoniassi, Tonia
Bardell, Hannah
Bebb, Guto
Berger, Luciana (Proxy vote cast by Chris Leslie)
Belts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Debbie
Brown, Alan
Brown, Lyn
Buck, Ms Karen
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Dan
Charalamous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Ciwyd, rh Ann
Coffey, Ann
Cowen, Ronnie
Coyle, Neil
Crawsbys, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cunningham, Alex
Daby, Janet
Davey, rh Sir Edward
Davies, Geraint
Dey, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dent Coad, Emma
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Drew, Dr David
Duffield, Rosie
Duncan, rh Sir Alan
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Ellman, Dame Louise
Emmore, Chris
Esterson, Bill
Farrelly, Paul
Farron, Tim
Field, rh Mark
Foxcroft, Vicky
Freer, Mike
Frist, James
Gaffney, Hugh
Gapes, Mike
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Godsiff, Mr Roger
Grady, Patrick
Grant, Oliver
Gray, Neil
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Grieve, rh Mr Dominic
Grogan, John
Haigh, Louise
Hamilton, Fabian
Hammond, Stephen
Harman, rh Ms Harriet
Harrington, Richard
Hayes, Helen
Hendrick, Sir Mark
Hendry, Drew
Hermon, Lady
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Jones, Sarah
Jones, Susan Elan
Kendall, Liz
Kilren, Ged
Kyle, Peter
Laird, Lesley
Lake, Ben
Lammy, rh Mr David
Law, Chris
Lee, Dr Phillip
Leslie, Mr Chris
Lewis, Clive
Linden, David
Lloyd, Stephen
Lucas, Caroline
MacNeil, Angus Brendan
Mahmood, Shabana
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Steward Malcolm
McDonald, Stuart C.
McKinnell, Catherine
McMorrin, Anna
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morgan, Stephen
Murray, Iain
Nandy, Lisa
Newlands, Gavin
O’Hara, Brendan
Onsurah, Chi
Osamor, Kate
Owen, Albert
Pennycook, Matthew
Phillips, Jess
Pollard, Luke
Rashid, Faisals
Reed, Mr Steve
Reeves, Ellie
Reeves, Rachel
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Russell-Moyle, Lloyd
Ryan, rh Joar
Saville Roberts, rh Liz
Sharma, Mr Virendra
Sheeran, Mr Barry

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, Suella
Brereton, Jack
Bridge, Andrew
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Sheppard, Tommy
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Slaughter, Andy
Smith, Angela
Smith, Jeff
Smith, Owen
Smyth, Karin
Sophie, Alex
Soubry, rh Anna
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Thewliss, Alison
Thomas, Gareth
Timms, rh Stephen
Turley, Anna
Tigg, Stephen
Umunna, Chuka
Vaz, rh Keith
Walker, Thelma
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Wishart, Pete
Woolaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Burns, Conor
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartidge, James
Cash, Sir William
Caulfield, Maria
Champion, Sarah
Chishi, Rehan
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clarke, Mr Simon
Clevery, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Cooper, Rosie
Costa, Alberto
Courts, Robert
Crabb, rh Stephen
Crouch, Tracey
Cruddas, Jon
Cunningham, Mr Jim
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Nigel

EU: Withdrawal and Future Relationship Votes

27 MARCH 2019

EU: Withdrawal and Future Relationship Votes
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evannett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Franchos, rh Mr Mark
Frazer, Lucy
Freeman, George
Fysh, rh Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Dame Damian
Griffiths, Andrew
Hair, Kirstene
Hallon, rh Robert
Hall, Luke
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepburn, Mr Stephen
Herbert, rh Nick
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddlestone, Nigel
Hughes, Eddie
Hurd, rh Mr Nick
Jack, Mr Alister
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkins, Andrea
Jenrick, Robert
Johnston, rh Boris
Johnston, Dr Caroline
Johnston, Gareth
Johnstone, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Helen
Jones, Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leigh, rh Sir Edward
Lettwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Little, Pamela, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Lucas, Ian C.
Mackinlay, Craig
Maclean, Rachel
Main, Rhys Anne
Mak, Alan
Malthouse, Kit
Mann, John
Mann, Scott
Marshden, Gordon
Maynard, Paul
McLouth, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Merton, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Moore, Damien
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawson, Mike
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perkins, Toby
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prettlis, Victoria
Prisk, rh Mr Mark
Pritchard, Maxine
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, rh Mr Geoffrey
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Josh
Shapps, rh Grant
Sharma, Allok
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Smeth, Ruth
Smith, Chloe
Smith, Henry
Smith, Rhys
Snell, Gareth
Soames, rh Sir Nicholas
Spellar, rh John
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayene, rh Sir Desmond
Swire, rh Sir Hugo
Symes, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Tugendhat, Tom
Twigg, Derek
Vara, Mr Shabnam
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, Chris
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Zahawi, Nadhim

Question accordingly negatived.

MOTION (M)—CONFIRMATORY PUBLIC VOTE

That this House will not allow in this Parliament the implementation and ratification of any withdrawal agreement and any framework for the future relationship unless and until they have been approved by the people of the United Kingdom in a confirmatory public vote.—(Margaret Beckett.)

The House divided: Ayes 268, Noes 295.

Division No. 392]

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanaha
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berge, Luciana (Proxy vote cast by Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Bradshaw, rh Mr Ben
Brake, rh Tom
Breeman, Kevin
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
27 MARCH 2019

**EU: Withdrawal and Future Relationship Votes**

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<td>Churchill, Jo</td>
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EU: Withdrawal and Future Relationship Votes

27 MARCH 2019

EU: Withdrawal and Future Relationship Votes

Harrison, Trudy
Harris, Rebecca
Harper, Mr Mark
Crabb, rh Stephen
Crouch, Tracey
Crudaddas, Jon
Davies, Chris
Davies, David T. C.
Davies, Glynn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Dodd, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Dovey, Mr Sir Jack
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Elliott, Sir Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Fitzpatrick, Jim
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fovargue, Yvonne
François, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fysh, rh Mr Marcus
Gale, rh Sir Roger
Ghani, Ms Nusrat
gibb, rh Nick
Gillan, rh Dame Cheryl
Givarn, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Hannon, rh Robert
Hall, Luke
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy

Mills, Nigel
Mitchell, rh Mr Andrew
Moore, Damien
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Murray, Mrs Sherryl
Murrison, Dr Andrew
Neill, Robert
Norman, Jesse
O’Brien, Neil
Oftord, Dr Matthew
Orn, Melanie
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Peacock, Stephanie
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prestis, Victoria
Prisk, rh Mark
Pritchard, Mark
Pursey, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, rh Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis

Smeth, Ruth
Smith, Chloe
Smith, Henry
Smith, Laura
Smith, Royston
Snell, Gareth
Soames, rh Sir Nicholas
Spellar, rh John
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Ian
Stewart, Rory
Streeter, Sir Gary
Stirbe, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Sym, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Tugendhat, Tom
Twigg, Derek
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, Chris
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Zahawi, Nadhim

Question accordingly negatived.

Motion (O)—Contingent Preferential Arrangements

That this House directs that in case the UK is unable to implement a Withdrawal Agreement with the EU, Her Majesty's Government shall seek to agree immediately and preferentially with the EU—(a) a trade agreement and/or joint notification of trade preference covering 100 per cent of goods traded between the UK and EU under which no tariffs or quantitative restrictions will be applied between the parties and full cumulation of rules of origin which shall apply for a period of up to two years after the UK leaves the EU notwithstanding that these arrangements may be superseded or extended by further mutual agreement.
A standstill period of mutual recognition of standards and conformity assessment for up to two years in which the UK will ensure compliance in the UK with the EU’s legislative acquis as adopted in Retained EU law under the EU Withdrawal Act on the day the UK leaves the EU notwithstanding that these arrangements may be superseded or extended by further mutual agreement; (c) a customs arrangement consisting of advanced trade facilitation measures that enables and makes full and widespread use of simplified and subsidised procedures to perform customs and regulatory declarations and associated control processes away from UK/EU borders; and (d) make provision for the payment of sums to the European Union in amounts equivalent to the UK’s current net annual financial contribution to the EU for up to two years in respect of the above agreements and arrangements. – (Mr Fysh.)

The House divided: Ayes 139, Noes 422.

Division No. 393]

**AYES**

Adams, Nigel
Afriyie, Adam
Amess, Sir David
Andrew, Stuart
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Bellingham, Sir Henry
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bradley, Ben
Braverman, Suella
Breeretone, Jack
Bridgen, Andrew
Bruce, Fiona
Burns, Conor
Campbell, Mr Gregory
Cash, Sir William
Caulfield, Maria
Chope, Sir Christopher
Clarke, Mr Simon
Clifton-Brown, Sir Geoffrey
Courts, Robert
Davies, Chris
Davies, David T. C.
Davies, Glynn
Davies, Philip
Dinenage, Caroline
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Drax, Richard
Dudley-Jones, James
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Fabricant, Michael
Falloon, rh Sir Michael
Field, rh Mark
Francois, rh Mr Mark
Fysh, Mr Marcus
Garnier, Mark
Girvan, Paul
Goldsmith, Zac
Gray, James
Green, Chris
Harper, rh Mr Mark
Harries, Rebecca
Hayes, rh Sir John
Henderson, Gordon
Hoey, Kate
Hollingbery, George
Hollobone, Mr Philip
Holywell, Adam
Hughes, Eddie
Jack, Mr Alister
Jayawardena, Mr Ranil
Jenkins, Sir Bernard
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, rh Mr David
Knight, Julian
Lancaster, rh Mark
Latham, Mrs Pauline
Lavery, Ian
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Dr Julian
Little Pengelly, Emma
Lopez, Julia
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Maynard, Paul
McPhee, Mr Stephen
McVey, rh Ms Esther
Metcalfe, Stephen
Miller, rh Mrs Maria
Mills, Nigel
Mitchell, rh Mr Andrew
Murray, Mrs Sheryll
Offord, Dr Matthew
Paisley, Ian
Parish, Neil
Patterson, rh Mr Owen
Penrose, John
Percy, Paul
Philp, Chris
Pinner, rh Christopher
Pursglove, Tom
Quince, Will
Raab, rh Dominic
Rees-Mogg, Mr Jacob
Roberts, Mr Laurence
Robinson, Gavin
Roscindell, Andrew
Rowley, Lee
Scully, Paul
Shannon, Jim
Shapps, rh Grant
Simpson, David
Smith, Henry
Smith, Rhyston
Stephenson, Andrew
Stewart, Bob
Stewart, lain
Stringer, Graham
Stuart, Graham
Abbott, rh Ms Diane
Abrahams, Debbie
Aldous, Peter
Ali, Rushanara
Alin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonio
Argar, Edward
Ashworth, Jonathan
Atkins, Victoria
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Benyon, rh Richard
Beresford, Sir Paul
Berger, Luciana (Proxy vote cast by Chris Leslie)
Berry, Jake
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Bowie, Andrew
Brabin, Tracy
Bradshaw, rh Mr Ben
Brady, Sir Graham
Brake, rh Tom
Brennan, Kevin
Brine, Steve
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Buckland, Robert
Burden, Richard
Burgon, Richard
Burt, rh Alistair
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Thomas, Derek
Thomson, Ross
Tomlinson, Justin
Tomlinson, Michael
Trevelyan, Anne-Marie
Vara, rh Shailesh
Villiers, rh Theresa
Warburton, David
Wallington, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Bill
Wilson, rh Sammy
Wragg, Mr William

**NOES**

Cameron, Dr Lisa
Campbell, rh Sir Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Cartlidge, James
Chalk, Alex
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Churchill, Jo
Clarke, rh Mr Kenneth
Cleverly, James
Clwyd, rh Ann
Coaker, Vernon
Coﬀey, Ann
Collins, Damian
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Costa, Alberto
Cowan, Ronnie
Coyle, Neil
Crabb, rh Stephen
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddock, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Davies, Mims
Davis, rh Mr David
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent, v Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Djanogly, Mr Jonathan
EU: Withdrawal and Future Relationship Votes

27 MARCH 2019

Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Dowden, Oliver
Doyle-Price, Jackie
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Duguid, David
Duncan, rh Sir Alan
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Ellford, Clive
Elliot, Julie
Ellis, Michael
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Evennett, rh Sir David
Farrelly, Paul
Farron, Tim
Fellowes, Marion
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Charlotte
Ford, Vicky
Foster, Kevin
Foxcroft, Vicky
Freeman, George
Frey, Mike
Frith, James
Furniss, Gill
Gaffney, Hugh
Gale, rh Sir Roger
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethin, Stephen
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Patricia
Gill, Preet Kaur
Gillian, rh Dame Cheryl
Glen, John
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Goodwill, rh Mr Robert
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffiths, Rhodri
Griffiths, Andrew
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hall, Luke
Hamilton, Fabian
Hammond, Stephen
Hanson, rh David
Hardy, Emma

Lopresti, Jack
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Masterton, Paul
Matheson, Christian
McCabe, Steve
McCarthy, Gerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGover, Alison
McIvor, Liz
McKinney, Catherine
McLoughlin, rh Sir Patrick
McMahon, Jim
McMorris, Anna
Mears, Ian
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Miliband, rh Edward
Milton, rh Anne
Monaghan, Carol
Moon, Mrs Madeleine
Moore, Damien
Moran, Layla
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Anne Marie
Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Murray, Ian
Neill, Robert
Newlands, Gavin
Newton, Sarah
Norman, Jesse
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Onwurah, Chi
Opperman, Guy
Osamor, Kate
Owen, Albert
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Penning, rh Sir Mike
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Poulter, Dr Dan
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Quin, Jeremy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Redwood, rh John
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Mr Marie
Robinson, Mr Geoffrey
Robinson, Mary
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Seely, Mr Bob
Shah, Naz
Sharma, Alok
Sharma, Mr Virendra
Sheeran, Mr Barry
Sheppard, Tommy
Sheirf, Paula
Shuker, Mr Gavin
 Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Sinclair, Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snel, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Stammer, rh Keir
Stephens, Chris
Stevens, Jo
Stevenson, John
Stewart, Rory
Stone, Jamie
Streeter, Sir Gary
Streeting, Wes
Stride, rh Mel
Sweeney, Mr Paul
Swinson, Jo
Sym, Sir Robert
Tami, rh Mark
Thelwall, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
EU: Withdrawal and Future Relationship Votes

Deferred Divisions

E DUCATION

That the draft Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, which were laid before this House on 25 February, be approved.

The House divided: Ayes 538, Noes 21.

Votes cast by Members for constituencies in England: Ayes 482, Noes 14.

Division No. 381 [Ayc]
Hammond, Stephen
Hancock, rh Matt
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harper, rh Mr Mark
Harrington, Richard
Harris, Carolyn
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, Helen
Hayman, Sue
Heald, rh Sir Oliver
Healey, rh John
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hendrick, Sir Mark
Hepburn, Mr Stephen
Herbert, rh Nick
Hill, Mike
Hiller, Meg
Hinds, rh Damian
Hoare, Simon
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollingbery, George
Hollinrake, Kevin
Hopkins, Kelvin
Howarth, rh Mr George
Howe, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hug, Dr Rupa
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Jardine, Christine
Jarvis, Dan
Javid, rh Sajid
Jenkins, Andrea
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Diana
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Darren
Jones, rh Mr David
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Mr Marcus
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kawczynski, Daniel
Keegan, Gillian
Keelley, Barbara
Kendall, Liz
Kennedy, Seema
Kerr, Stephen
Khan, Afzal
Killen, Ged
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi

Kyle, Peter
Laird, Lesley
Lammy, rh Mr David
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Lavery, Ian
Leadsom, rh Andrea
Lee, Karen
Lee, Dr Philip
Lefroy, Jeremy
Leslie, Mr Chris
Letwin, rh Sir Oliver
Lewell-Buck, Mrs Emma
Lever, Andrew
Lewis, rh Brandon
Lewis, Clive
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Mackinlay, Craig
Maclean, Rachel
Madders, Justin
Mahmood, Shabana
Main, Mrs Anne
Mak, Alan
Mahotra, Seema
Malthouse, Kit
Mann, John
Mann, Scott
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Masterton, Paul
Matheson, Christian
May, rh Mrs Theresa
Maynard, Paul
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McFadden, rh Mr Pat
McGinn, Connor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLoughlin, rh Sir Patrick
McMahon, Jim
McKee, Anna
Mearns, Ian
Menzies, Mark
Mercer, Johnny
Merriam, Huw
Metcalfe, Stephen
Miliband, rh Edward
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Madeleine
Moore, Damien
Moran, Layla

Mordaunt, rh Penny
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Anne Marie
Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Ian
Murray, Mrs Sherryl
Murrison, Dr Andrew
Nandy, Lisa
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
Norris, Alex
O’Brien, Neil
Onn, Melanie
Onwurah, Chi
Opperman, Guy
Osamor, Kate
Owen, Albert
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Penning, rh Sir Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Toby
Perry, rh Claire
Phillips, Jess
Phillipson, Bridget
Philp, Chris
Pincher, rh Christopher
Platt, Jo
Pollard, Luke
Poulter, Dr Dan
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, rh Mr Mark
Pritchard, Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Rashid, Faisal
Rayner, Angela
Redwood, rh John
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robertson, rh Laurence
Robinson, Mr Geoffrey
Robinson, Mary
Rodda, Matt
Rowley, Danielle
Rowley, Lee
Ruane, Chris
Rudd, rh Amber
Russell-Moyle, Lloyd

Rutley, David
Ryan, rh Joan
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shah, Naz
Shapps, rh Grant
Sharma, Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Shelbrooke, Alec
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Simpson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Chloe
Smith, Eleanor
Smith, Henry
Smith, Jeff
Smith, rh Julian
Smith, Laura
Smith, Nick
Smith, Owen
Smith, Royston
Smethurst, Karin
Snel, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Starmer, rh Keir
Stephenson, Andrew
Stevens, Jo
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Streeting, Wes
Stringer, Sarah
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Sweeney, Mr Paul
Swinson, Jo
Swinson, Sir Hugo
Syms, Sir Robert
Tami, rh Mark
Thomas, Derek
Thomas, Gareth
Thomas-Symonds, Nick
Thomson, Ross
Thornberry, rh Emily
Throup, Maggie
Tohurk, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Trickett, Jon
That the draft Animal Welfare (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 31 January, be approved.

Question accordingly agreed to.

EXITING THE EUROPEAN UNION (ANIMALS)

That the draft Animal Welfare (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 31 January, be approved.

The House divided: Ayes 322, Noes 15.

Division No. 382]
<table>
<thead>
<tr>
<th>AYES</th>
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<tbody>
<tr>
<td>Adams, Nigel</td>
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<tr>
<td>Afriyie, Adam</td>
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<td>Alls, Peter</td>
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<td>Allan, Lucy</td>
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<td>Amess, Sir David</td>
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<td>Andrew, Stuart</td>
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<td>Burt, r Alistair</td>
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<td>Clark, r Greg</td>
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<td>Clarke, r Sir Kenneth</td>
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<td>Cleverley, James</td>
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<td>Clifton-Brown, Sir Geoffrey</td>
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<td>Coffey, Dr Thérèse</td>
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<td>Collins, Damian</td>
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<th>NOES</th>
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</thead>
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<tr>
<td>Leslie, Mr Chris</td>
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<tr>
<td>Lucas, Caroline</td>
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<tr>
<td>Ryan, r Joan</td>
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<tr>
<td>Saville Roberts, r Liz</td>
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<td>Shuker, Mr Gavin</td>
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<tr>
<td>Smith, Angela</td>
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<tr>
<td>Soubry, r Anna</td>
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<tr>
<td>Williams, Hywel</td>
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<tr>
<td>Wollaston, Dr Sarah</td>
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<tr>
<td>Woodcock, John</td>
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</tbody>
</table>

**Question accordingly agreed to.**

**EXITING THE EUROPEAN UNION (AGRICULTURE)**

That the draft Rural Development (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

**The House divided: Ayes 316, Noes 239.**

**Division No. 383**
Deferred Divisions

27 MARCH 2019

Deferred Divisions

Question accordingly agreed to.

EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft Rural Development (Rules and Decisions) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 February, be approved.

The House divided: Ayes 316, Noes 240.

Division No. 384]

AYES

Adams, Nigel
Afzal, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Carlidge, James
Cash, Sir William
Cauflfield, Maria
Chalk, Alex
Chihaht, Reham
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg

Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Hywel
Williams, Dr Paul
Wilson, Phil
Woodcock, John
Zeichner, Daniel

Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
 Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Doneljan, Michelle
Dorries, Ms Nadine
Dowden, Oliver
Doyly-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Leadsom, rh Andrea
Lancaster, rh Mark
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Hallon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Holrnirke, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kacwczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Leffrey, Jeremy
Leigh, rh Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little-Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachael
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Mendy, rh Mark
Mercer, John
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
More, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sherryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philip, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, rh Sir Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Runley, David
Sandbach, Antoinette
Scully, Paul
Seely, rh Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simon, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Brady, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Chapman, Jenny
Charalambous, Bambo
Clwyd, rh Ann
Cooper, Julie
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Symes, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Ms Shilalish
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Wrage, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

NOES
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Dodds, rh Nigel
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Deferred Divisions

Esterson, Bill
Evans, Chris
Farrelly, Paul
Fitzpatrick, Jim
Fletcher, Colleen
Finch, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gardiner, Barry
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hepburn, Mr Stephen
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald

Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilren, Ged
Kyle, Peter
Laidr, Lesley
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Lee, Karen
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mears, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Norris, Alex
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula

Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skerrier, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyme, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stevens, Jo
Streeting, Wes
Sweeney, Mr Paul
Tami, rh Mark
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Hywel
Williams, Dr Paul
Wilson, Phil
Woodcock, John
Zeichner, Daniel

Question accordingly agreed to.
House of Commons

Thursday 28 March 2019

The House met at half-past Nine o’clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Leaving the EU: Fisheries Policy

1. Peter Aldous (Waveney) (Con): What plans he has for fisheries policy after the UK leaves the EU. [910072]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): The Government’s vision for future fisheries policy as we leave the European Union was set out in our July 2018 fisheries White Paper. A sea of opportunity exists for all of the United Kingdom’s coastal communities, provided we ensure that we vote to leave the European Union in an orderly fashion.

Peter Aldous: I am grateful to the Secretary of State for setting the scene, but will the Government support the amendment to the Fisheries Bill tabled by me and colleagues that will promote the fairer distribution of fishing quota, more environmentally sustainable fishing methods and a much better and greater opportunity to revitalise coastal communities such as Lowestoft?

Michael Gove: My hon. Friend is an impressive advocate for fishing communities, not least his own in Lowestoft. He is absolutely right: as we leave the European Union, we must reallocate additional quota in order to ensure that under-12 metre vessels get a fairer share of fishing opportunities, not least because the way in which they fish is of course environmentally sustainable, and also contributes to the growth and prosperity of communities that have been neglected for far too long.

Cat Smith (Lancaster and Fleetwood) (Lab): Over the years, the face of the fishing industry has changed, as is reflected in the town of Fleetwood. We export 70% of what we land, and we import the vast majority of what we consume as a country. With a view to preventing fish rotting at the borders, what is the Secretary of State’s assessment of how tariffs or trade uncertainty could impact the industry after we leave the common fisheries policy?

Michael Gove: The agreement that the Prime Minister has negotiated with the European Union allows us to have tariff and quota-free access to the European Union. We can have the best of both worlds—not only, once more, full control over our exclusive economic zone with additional fishing opportunities, but the opportunity to ensure that that excellent produce finds a market in Europe and beyond.

Mr Philip Hollobone (Kettering) (Con): Under the withdrawal agreement, what is to stop the European Union saying, “Unless you allow us to carry on plundering all your fish as now, we’ll put you into the backstop”?

Michael Gove: I have enormous respect for my hon. Friend, but I think he misunderstands the nature of the backstop. If the backstop were ever to come into operation—of course we hope it would not—no fishing vessels from any European nation could fish in our waters without our permission, and at the same time we would have full access to their markets. I repeat: the backstop is not a desirable outcome, but were we in it, we would be master of our own seas, and also able to export our fish to foreign markets.

Jim Shannon (Strangford) (DUP): I represent the constituency of Strangford and the fishing village of Portavogie. Will the Secretary of State outline to me what progress has been reported to him regarding the voisinage agreement, issued by his Republic of Ireland counterparts? In the past few months, they seized two Northern Ireland boats—British boats—and their crew.

Michael Gove: The fishermen of Strangford and the Ards peninsula are people close to my heart. It is absolutely right that since the recent actions we have been in touch with the Irish Government specifically in order to ensure that we can have a fair allocation of fishing opportunities across the island of Ireland and its waters. The Republic of Ireland Government know how seriously we take this issue, and how urgent it is to reform.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I was amazed and disappointed this week that the Government whipped their MPs to vote for a huge loophole in post-Brexit fishing rules that would allow a cruel and inhumane method of fishing to continue. The 5% loophole that allows electro pulse beam trawling is cruel and destructive. It destroys our seabeds and kills juvenile fish, and it is so intensely destructive that it breaks the vertebrae of cod. Will the Secretary of State now work with the Opposition to bring forward a brief statutory instrument to close this loophole that allows UK boats to use this cruel and inhumane fishing method?

Michael Gove: We always want to work with the Opposition to ensure that the highest standards of environmental and marine welfare are maintained, but I should say that it is one of the opportunities that leaving the European Union gives us to ensure that Dutch vessels that have been using pulse fishing in our waters end that cruel practice.

Leaving the EU: Farming Policy

2. Chris Davies (Brecon and Radnorshire) (Con): What plans he has for farming policy after the UK leaves the EU. [910073]
The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill): The Agriculture Bill will underpin an ambitious new system based on paying public money for public goods. This will support a profitable farming sector that produces world-class food while protecting and enhancing our precious countryside.

Chris Davies: Will my right hon. Friend reassure the farmers of Brecon and Radnorshire, and indeed the farmers of the United Kingdom, that whether there is a deal or no deal, their future will be of paramount importance once we leave the EU?

Mr Goodwill: I can reassure my hon. Friend that farmers will be of paramount importance no matter which scenario we end up with. With regard to upland farmers, I can reassure him that my Department is in close contact with the sheep sector in preparing for these scenarios. Indeed, at yesterday’s EFRA Select Committee I specifically referenced the effect of EU most-favoured nation tariffs on sheep exports in a no-deal scenario.

Nick Smith (Blaenau Gwent) (Lab): The Government talk about a trading relationship that is “as close as possible” with the EU, but they have repeatedly rejected the best way of securing it, which is a permanent customs union and strong alignment with the single market. Given that 90% of Welsh lamb exports go to the EU, will the Minister listen to Welsh hill farmers and press for the closer economic relationship that they need?

Mr Goodwill: Along with all the other options, the House rejected that option last night. It is a fact, of course, that 30% of the lamb produced in the UK is exported to the EU. Indeed, a large proportion of Welsh lamb, with its smaller carcases, meets that market. We are well aware of the problems that would occur. Of course, the best way to avoid that situation is to vote for the deal.

Dame Caroline Spelman (Meriden) (Con): I chair the all-party parliamentary group for the horse, and we heard yesterday that 87 horses were killed on our roads last year. Will it be possible under future farming policy to extend bridle-paths? Will the Minister consider extending the period for the registration of existing paths so that none are lost and so that our overstretched volunteers and authorities have time to confirm them?

Mr Goodwill: Yes, I am aware that a number of stakeholders are not aware of that deadline. I would be happy to meet my right hon. Friend to discuss that. One of the public goods that we could deliver through the Agriculture Bill is better public access, which could include bridleways to join up existing paths so that not as many horses have to use the roads.

David Simpson (Upper Bann) (DUP): Looking at farming policy, the Government announced recently that they would allow farming produce into Northern Ireland from the Republic of Ireland tariff free. What is the Minister’s opinion on the European Union reciprocating that?

Mr Goodwill: I have to say that that is a load of nonsense. British consumers rely on geographical indicators to ensure that products they buy from the continent are kosher—are the right thing—and I think they would expect the same from us. I think there would be very productive negotiations, and I hope that we would reach quite rapid decisions on most of them.

Deidre Brock (Edinburgh North and Leith) (SNP): The Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Macclesfield (David Rutley), said in a recent Delegated Legislation Committee:

“...the Government look forward to negotiations on the UK’s future economic partnership with the EU, during which we will be able to discuss the relationship between the UK’s new GI schemes and the EU schemes.” —[Official Report, Eleventh Delegated Legislation Committee, 26 March 2019: c. 10.]

We now have confirmation that brand protections for high-quality products, including Scotch beef, Scotch lamb and Scotch whisky, have become bargaining chips in the big Brexit bodge, and that there will be no support on day one of a no-deal Brexit. What financial compensation will be offered to Scotland’s food and drink producers for this UK Government policy blunder?

Mr Goodwill: I have to say that that is a load of nonsense. British consumers rely on geographical indicators to ensure that products they buy from the continent are kosher—are the right thing—and I think they would expect the same from us. I think there would be very productive negotiations, and I hope that we would reach quite rapid decisions on most of them.

Richard Benyon (Newbury) (Con): There is a crisis of species decline in this country. While we can all see the virtues of operations like rewilding and species introduction, it is in the farmed environment where we will turn it around. Will my right hon. Friend assure us that in the Agriculture Bill and in Government policy, there will be a drive towards the right incentives to protect species and reverse the decline in biodiversity?

Mr Goodwill: I can report to the House that performance of the basic payment scheme in 2018 was much better than in previous years, with 98.8% of payments being made. We have guaranteed that the system will apply for this year and next year. Moving forward, we will have an exciting new scheme under the Agriculture Act—as I hope it will then be—that enables us to green the economy and make basic payments to more environmental schemes.
Mr Goodwill: It is not just that that is within the Agriculture Bill; it is front and centre within it and central to the way we will continue to support the agriculture industry and deliver the public goods that taxpayers want.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I very much agree with the Minister when he talks about the importance of Europe as an export market for our lamb producers and hill farmers, but last night 160 of his colleagues voted for a no-deal Brexit, including the hon. Member for South Norfolk (Mr Bacon). A no-deal Brexit would expose lamb exports to a 12.8%, plus £171.3 per 100 kg, tariff. Will that be good for sheep farmers?

Mr Goodwill: The best way of preventing a no-deal Brexit is to vote for the deal. Nothing yesterday was supported by the House. The deal is the best thing for agriculture, the future and our long-term relationship with the European Union.

Dr David Drew (Stroud) (Lab/Co-op): The problem is that the numbers participating in countryside stewardship continue to plummet. Morale at Natural England is at an all-time low, and there is the real problem that no money is going into environmental land management schemes. What will the Government do to move us towards an environmental payment scheme?

Mr Goodwill: The hon. Gentleman is absolutely right in some ways. We have not delivered the support for those environmental schemes that we should have delivered. I am pleased that the Rural Payments Agency has now taken that over from Natural England. I met its chief executive this week. If we cannot to get the money out on time, other farmers will not be incentivised to join those schemes, so my priority is to improve the situation, as we did with the basic payments scheme.

Aichi Biodiversity Targets

3. Liz McInnes (Heywood and Middleton) (Lab): What assessment he has made of the UK’s progress on meeting the Aichi biodiversity targets. [910074]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): The Government’s progress report was published this month, and of 19 targets assessed, five are on track and 14 show progress, but at an insufficient rate. The Aichi targets are multifaceted and global in scope, and they include a mixture of processes and outcomes, which are not always specific. Their assessment requires a degree of interpretation and judgment. Nevertheless, the report identifies progress, but there is more that we need to do.

Liz McInnes: I thank the Minister for that response. As she says, we are on track to miss 14 of the 20 targets. Given that they are meant to be achieved by 2020—next year—what talks has she had with the Treasury to achieve target 20, on mobilising financial resources? Will they be reflected in the forthcoming comprehensive spending review?

Dr Coffey: As my right hon. Friend the Minister of State just pointed out, one of the changes that will be coming as a result of our leaving the European Union is that the UK—England, certainly—will have a new way of doing environmental land management, and the public services will be paid for by taxpayers. Many of the targets are quite nebulous—[Interruption.] Because they are not particularly specific and are open to interpretation and judgment. We are working carefully on that and have made excellent progress on marine conservation. We are doing global work to ensure that, when the next targets are agreed, which will happen next year for 2030, the UK will lead the way in ensuring that 30% of oceans are marine conservation areas.

15. [910086] Sir Hugo Swire (East Devon) (Con): I recently took Neil Garrick-Maidment, the excellent CEO of the Seahorse Trust in Topsham in my constituency, of which I have just become patron, to see the Secretary of State to discuss the illegal trade in seahorses. He will remember that 150 million seahorses are traded illegally for the curio and medical trade. Following that meeting, will he commit the UK to playing a lead role in preserving seahorses around the world? What measures does he suggest we can take to police the online trade in seahorses better?

Dr Coffey: My right hon. Friend the Secretary of State very much enjoyed that meeting and visit. He and I are committed to ensuring we do more to protect the wonderful species that are part of our natural habitat, including our marine habitat. We will work hard to do exactly what my right hon. Friend the Member for East Devon (Sir Hugo Swire) is seeking to achieve.

Nick Thomas-Symonds (Torfaen) (Lab): Only about 4% of the world’s oceans are protected. Although I hear what the Minister just said about the aim to increase that, what work can we do with our overseas territories to increase that far more quickly, not least to have an overall target of reducing plastic in the oceans?

Dr Coffey: The hon. Gentleman asks an important question. Once we designate the marine conservation zones, which I believe will happen in the next two months, the UK will have comfortably exceeded the 30% target that we have set ourselves for the rest of the world by 2030. One of the key things that I do at G7 Environment and in other forums is speak to other nations to see what more we can do to get more designations. The hon. Gentleman is also right about plastics. He will be aware that at the spring statement the Chancellor specifically referred to the overseas territories. Ascension Island will be moving its entire economic zone to fully protected status, and we will continue to work on the Blue Belt programme, which I think will be one of the greatest achievements of this Government.

Sue Hayman (Workington) (Lab): We have heard that the UK is on track to meet only five of the 20 Aichi biodiversity targets. This is an environmental and climate emergency. Does the Minister—and the Secretary of State—agree with the around 50 councils and thousands of young people who have declared an environment and climate emergency? Will they today commit to join Labour in declaring a national environment and climate emergency?

Dr Coffey: We are already ahead of the game, with a 25-year environment plan published last year, and the strategies and the work that are ongoing. We are making
significant improvements in improving our natural environment, and I genuinely hope that the whole House comes together and gets behind the plan to ensure that we leave the environment in a better state than we inherited it.

**Sue Hayman:** The question was: will the Minister commit to join me in declaring a national environment and climate emergency? The answer, to be honest, was a bit of a fudge. Labour is going to bring this forward, with or without the Government’s support. Will the Government think again and commit to announcing an environment and climate emergency, and will they commit to meeting the youth strike action for climate representatives?

**Dr Coffey:** DEFRA will account for more than half the achievements under the Paris agreements, so I can assure the hon. Lady that work is very much under way on improving the climate and also the environment. This is about actions rather than words. I pay particular tribute to those who joined the Great British spring clean this weekend and who will do so for the next few weeks. I am very happy to work with young people, as we are with our Year of Green Action 2019. We are already working with the Step Up To Serve brigade, which we will be doing with the National Citizen Service.

**Seasonal Agricultural Workers Scheme**

4. **Kate Green** (Stretford and Urmston) (Lab): What recent discussions he has had with Cabinet colleagues on the seasonal agricultural workers scheme. [R]  

**The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill):** We regularly have detailed discussions on the seasonal workers pilot with colleagues across Government. I will continue to work closely with Home Office colleagues in particular to ensure the successful operation of the pilot.

**Kate Green:** Farmers say that the pilots began too late for this spring season, and the Home Office does not appear to understand the needs of the sector. On 14 February, James Porter of the National Farmers Union Scotland told the Immigration and Social Security Co-ordination (EU Withdawal) Public Bill Committee that the pilot was too small scale and needed to increase immediately to 10,000 places. Will the Minister have discussions with his Home Office colleagues so that the labour needs of the sector can be met as a matter of urgency?

**Mr Goodwill:** The first workers under the scheme will be arriving in April. Indeed, I met one of my officials who had just come back from Ukraine to ensure that the scheme works well. There will be 2,500 workers coming in each year, and I will also meet with the president of the NFU this afternoon to discuss what views she may have on that.

5. **David T. C. Davies** (Monmouth) (Con): Does my right hon. Friend agree that the pilot underlines the Government’s commitment to ensuring that farmers have certainty post Brexit, and that the one way to ensure that that certainty continues is to vote for the deal when it comes back before the House?

**Mr Speaker:** With reference to the seasonal agricultural workers scheme.

**Mr Goodwill:** I absolutely agree with my hon. Friend. Let me make it clear that EU workers already here will be able to stay. During the implementation period, people will be able to come to live, work and study from the EU and there will be registration scheme. Indeed, in a no-deal situation, European economic area citizens will be able to live and work here without a visa for three months, and they can continue to stay here, applying for European temporary leave to remain for 36 months after that, so we are still open for EU workers to come here in every scenario.

**Pete Wishart** (Perth and North Perthshire) (SNP): Two thousand five hundred—what an absolute and utter joke. The farmers and growers in my constituency are laughing at it. This is where an obsession with immigration gets us: to crops left to wither in the field. The NFU says that 90,000 workers are required for a feasible working scheme. When will the Minister get serious about meeting that target?

**Mr Goodwill:** I have already said that we will continue with the possibility of EU workers coming here. I know that a number of Bulgarians and Romanians continue to come here, and there are about 29,000 seasonal workers in the country. Of course, the best way to make sure that we get into a stable situation is to vote for the deal.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): This issue is bigger than just seasonal workers on farms: throughout the rural economy, there are people working in food processing, logistics and a wide range of other sectors. We still need people from the EU to come here, so will the Minister assure the House that our immigration policy post Brexit will continue to be open and welcoming?

**Mr Goodwill:** I can absolutely give that assurance. There are 400,000 EU nationals working in the UK food chain, and we would be delighted for them to stay here, work and contribute to our economy. Indeed, I am told that one reason why some may not come is the weakness of sterling, but if we get the deal through, I would not be surprised if sterling hardened.

**Puppy Welfare Standards**

6. **Nigel Huddleston** (Mid Worcestershirs) (Con): What steps he is taking to help improve welfare standards for puppies.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley):** The Government announced in December that we would ban third-party sales of puppies and kittens in England, and the necessary regulations are being prepared. The ban will address welfare concerns associated with the sale of puppies by dealers and pet shops and will build on recent improvements to the licensing of dog breeding and pet sales.

**Nigel Huddleston:** As puppy smuggling is punishable as an animal cruelty offence, will the Minister confirm that legislation to introduce five-year sentences for animal cruelty remains a priority for this Government and will be introduced as soon as possible?
David Rutley: I can confirm that that is absolutely the case. As soon as parliamentary time allows, the Government will introduce legislation to increase those sentences from six months to five years. Like my hon. Friend, I have zero tolerance for the abhorrent crime of puppy smuggling. I look forward to discussing the matter more fully with him in the Westminster Hall debate that he has secured for next week.

Kerry McCarthy (Bristol East) (Lab) rose—

Mr Speaker: Ah—Kerry McCarthy.

Kerry McCarthy: I was inspired suddenly, Mr Speaker.

I asked the Minister about this when he appeared before the Select Committee on Environment, Food and Rural Affairs yesterday: he says that he will bring back the sentencing Bill and the animal sentence Bill when we have parliamentary time, but we have spent an awful lot of parliamentary time sitting around, twiddling our thumbs and waiting for Brexit votes. He could bring forward that legislation very soon, could he not?

David Rutley: We look forward to bringing it back to the House as soon as parliamentary time allows.

Neil Parish (Tiverton and Honiton) (Con): Yes, five-year sentencing for animal cruelty must be brought in as soon as possible, but my question is about puppies being smuggled in from abroad. Under EU legislation, five puppies can be brought in legally. Very often fraudulent veterinary certificates are issued, puppies come in very young and with no socialisation, and it is criminal gangs that profit. When we leave the European Union, can we cut the number of puppies that can come in legally from five to two?

David Rutley: I thank the Chairman of the Environment, Food and Rural Affairs Committee for raising that point, as he has done several times in the Committee. I can assure him that once we leave, we will be able to look at the number of puppies that can be brought in.

Wildlife Crime Enforcement

7. Bill Esterson (Sefton Central) (Lab): What recent discussions he has had with the Home Secretary on wildlife crime enforcement.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I have discussed certain issues with Home Office Ministers; I am thinking particularly of recent discussions about hare coursing. The hon. Gentleman will recognise that it is for chief constables to determine how offences are enforced, but I welcome the move by police and crime commissioners to increasingly make that a priority for their local constabularies.

Bill Esterson: Foxhunting is illegal in this country, yet it is allowed and even encouraged by some landowners. This is not trail hunting; it involves the pain and suffering of animals before they are killed. Will the Minister confirm that she supports the prosecution of those involved in this cruel activity, including landowners—even if they are Members of this House?

Dr Coffey: I think the hon. Gentleman was about to make an allegation against somebody. It is important that evidence be provided to the police, and it is for them to make a recommendation to the Crown Prosecution Service. If anybody is breaking the law on this sort of activity, I fully welcome prosecutions being made.

Robert Courts (Witney) (Con): What investigations is the Minister making on what drives rural and wildlife crime, so that the police can understand it and respond appropriately?

Dr Coffey: Both DEFRA and the Home Office fund the national wildlife crime unit and support its work in investigating crimes. They undertake analysis and share intelligence with police forces. There are six wildlife crime priorities—badgers, bat and raptor persecution, illegal trade in species covered by the convention on international trade in endangered species, poaching and freshwater mussels, but more can be done locally, and I am aware that hare coursing in particular concerns many Members of Parliament.

Ben Lake (Ceredigion) (PC): The Minister will be aware of the devastating impact that dog attacks on livestock can have for farmers. What discussions are the Government having with colleagues about possible amendment to the Dogs (Protection of Livestock) Act 1953 to better enable police forces to address the matter?

Dr Coffey: Strictly speaking, livestock is not wildlife, but there are protections and it will really be a case of local communities working together. A lot more could probably be done to educate people about how they control their dogs when they are out on a country walk.

Schools and Hospitals: No-idling Zones

8. Bambos Charalambous (Enfield, Southgate) (Lab): What discussions he has had with local authorities on no-idling zones outside schools and hospitals to tackle poor air quality.

9. Stephen Morgan (Portsmouth South) (Lab): What discussions he has had with local authorities on no-idling zones outside schools and hospitals to tackle poor air quality.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is already an offence to leave an engine running unnecessarily when the vehicle is stationary on a public road. Local authorities can issue fixed penalty notices to drivers who leave engines running after being asked to turn them off. Westminster Council is probably the most successful at this, but I encourage local authorities to use their powers so that more people stop idling unnecessarily.

Bambos Charalambous: What discussions has the Minister had with the Chancellor about the need to establish ring-fenced funding for local authorities to implement measures to protect our children’s health where they are disproportionately affected by toxic air in areas where they live, learn and play?
Dr Coffey: The Government are investing more than £3.5 billion in the strategy to improve air quality. I remind the hon. Gentleman that this matter is devolved to the Mayor of London. I know that he is seeking to be active on this, but there is more that local authorities can do today that is self-financing in order to improve air quality, including on this issue of idling.

Stephen Morgan: Given that the Secretary of State accepts that air quality is a matter of social justice and health inequality, why is he doing so little to support low-income households to switch to cleaner forms of transport?

Dr Coffey: I am not sure where the hon. Gentleman gets that impression from. We have offered grants to people who want to switch to electric vehicles. We are investing several billion pounds in different strategies to help people make that switch. We outlined other issues of air quality in our clean air strategy, which the World Health Organisation has said is something that every other country in the world should follow.

Several hon. Members rose—

Mr Speaker: Will the hon. Member for Walsall North (Eddie Hughes) not seek to intercede at this time? His question might not be reached, but he has a similar inquiry. Get in there, man.

12. [910083] Eddie Hughes (Walsall North) (Con): Thank you, Mr Speaker. I was just thinking the same thing, but I did not want to break protocol by trying.

What assessment has the Department made of air quality on the M6 from junction 9 to 10A, where it cuts through my constituency, and what work can be done to mitigate the effect of traffic on air quality?

Dr Coffey: I have met Highways England with the Minister of State, Department for Transport, my hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman), on several occasions. The chief executive holds a fortnightly meeting to discuss air quality and the progress that it is required to make under our air quality plan, and I am convinced that I can organise a direct meeting for my hon. Friend to discuss his specific issue.

Derek Thomas (St Ives) (Con): Air quality around schools is a concern, and in my constituency and west Cornwall we are working up a plan to plant 20,000 trees with our school children by the end of 2020 to improve their air quality. Will the Minister meet me to see how we can deliver that ambition?

Dr Coffey: I welcome anyone who wants to plant trees. I think it is fair to say that the scientific evidence does not definitively say that trees help air quality, but they are good in so many other ways. It is about improving the local environment. We must continue to do more to ensure that children are not affected by poor air quality, and I welcome activities around the country to achieve that.

Rural Crime

10. Matt Western (Warwick and Leamington) (Lab): What recent assessment his Department has made of the economic effect of rural crime on farmers. [910081]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): There is no formal assessment of the cost of rural crime, but NFU Mutual, the highly respected insurance organisation, has estimated the cost of rural crime at £44.5 million in 2017.

Matt Western: Two weeks ago, I was due to meet the National Farmers Union and farmers from my local community. Unfortunately, on the day, one of the farmers could not attend because the previous night 19 ewes had been slaughtered in his fields. I understand that across Warwickshire we lost 27 ewes, slaughtered in the field, with entrails left there. It is a growing problem in our communities, among our farmers, with a significant economic impact on them. Part of the problem is down to lack of law enforcement and police numbers. Will the Secretary of State advise me on what I should say to farmers in my community about how to prevent this in future?

Michael Gove: I am grateful to the hon. Gentleman for raising the issue. He once more brings to our attention a horrific series of crimes. I would hope that he and I will be able to talk to the local police and crime commissioner to ensure that they have the resources and powers required. If anything more is required, I am more than happy to talk to Home Office colleagues to ensure that the incidents he has drawn to the House’s attention are not repeated.

Topical Questions

Mr Speaker: I call the former president or patron of the Rare Breeds Survival Trust, Sir Nicholas Soames.

T1. [910090] Sir Nicholas Soames (Mid Sussex) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): I am very keen to see rare breeds survive, which is why I suspect the leader—ex-leader, rather—of the Liberal Democrats, the hon. Member for Westmorland and Lonsdale (Tim Farron), is bobbing.

More to the point, tomorrow is the last day on which the permanent secretary at the Department for Environment, Food and Rural Affairs will be in her post. Clare Moriarty is an outstanding public servant. She is going on to become permanent secretary at the Department for Exiting the European Union. On behalf of my ministerial team, and I think Members across the House, I ask us all to record our thanks to an outstanding public servant for everything she has done to ensure that the environment, rural affairs and food have been at the heart of Government policy making and have been carried forward with the high standards of professionalism that we expect of a civil servant.

Sir Nicholas Soames: I thank my right hon. Friend and join him in paying tribute to an obviously very distinguished civil servant. One has to wonder what she has done to earn such a poisoned chalice.
Does my right hon. Friend agree that of all the landscapes in Britain, one of the most greatly cherished are the uplands? Does he agree that, inevitably, there is a good deal of concern and anxiety at this time as the Brexit policies unfold? Will he agree to receive a delegation from the Game and Wildlife Conservation Trust and the Moorland Association to discuss with him some of the more pressing issues that are causing serious concern in an already hard-pressed community?

Michael Gove: My right hon. Friend makes a very important point. Our uplands are one of our environmental glories, and it is critical that those who live and work in the uplands and those who, for a variety of reasons, feel that their way of life and some of the economic activities that sustain communities in the uplands might be under threat, have the reassurance of knowing that this Government are on their side. I would be delighted to convene such a meeting.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):

The House will be aware that we increased the amount of money being spent on flood defences between 2015 and 2021—£2.1 billion across those six years—better to protect more than 300,000 homes. The hon. Lady will be aware that there are formulas for how we can allocate money to projects. My right hon. Friend the Member for Newbury (Richard Benyon) opened up the doors with a partnership funding approach, which is largely working. However, I am very conscious that the hon. Lady is doing diligent work on behalf of her constituents to get better flood protection.

Michael Gove: My hon. Friend draws attention to just one of many ways in which farmers are making sure that our natural environment is enhanced. Our new environmental land management schemes should better reward farmers and allow other landowners, such as the RSPB, to continue their good work.

Mr Speaker: The hon. Member for Chichester (Gillian Keegan) might invite the Secretary of State to Chichester to observe the situation at close quarters; I feel sure that he will say yes.

Ruth Cadbury (Brentford and Isleworth) (Lab): The Secretary of State will have seen that it emerged in The Sunday Times last week that the Department for Transport has pressurised Heathrow to hide information about the noise levels that the hundreds of thousands of people living around Heathrow will experience if and when runway 3 goes ahead. Does he share my concern, and that of my and many other Members’ constituents, that people have been kept in the dark about the noise that runway 3 will bring, which will be way above WHO recommended levels and way above what most people experience at the moment?

Michael Gove: The hon. Lady asks if I have read The Sunday Times; I tend not to read the Sunday newspapers—it is better for my health. She asks a very serious question, and I will raise it with John Holland-Kaye, the chief executive of Heathrow.

T4. [910094] Gillian Keegan (Chichester) (Con): Chichester District Council has been incredibly successful in reducing litter throughout the district, thanks to its “Against Litter” campaign, in which over 170 areas have been adopted by residents, including me, who keep them clean and tidy. The council will fund the second phase of this project, which will tackle fly-tipping and increase knowledge of the realities of waste disposal, but what steps are being taken to ensure that Government bodies such as the Environment Agency support local authorities such as Chichester in these initiatives?

Michael Gove: I absolutely agree that we need to take the issue of air quality more seriously. It is absolutely the No. 1 environmental threat to public health, and that is why our recent air quality strategy, which I launched with the Secretary of State for Health and Social Care, was applauded by the World Health Organisation as an example for other countries to follow.

Mr Speaker: Will she also pay tribute to the Minister reaffirm the Government’s commitment to ending single-use plastics? Will she also pay tribute to
the almost 90 volunteers from across Southport who came out last week to help clean up our beach at Ainsdale?

Dr Thérèse Coffey: The Government are absolutely committed to that aim. We are making good progress on regulations to achieve that, on cross-Government strategies, and on working with industry to do precisely what my hon. Friend wants. I praise the volunteers who went out litter-picking to keep the beach clean; I used to play on that beach as a child, and it is great to see that it is in safe hands under the stewardship of my hon. Friend, working with the local community.

Diana Johnson (Kingston upon Hull North) (Lab): Will the Secretary of State agree to meet Humber MPs to discuss making funding for a national flood resilience centre in the Humber area a priority in the comprehensive spending review?

Michael Gove: The Minister with responsibility for the environment, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), has already done so, and of course I would be happy to do so at any time.

Rehman Chishti (Gillingham and Rainham) (Con): The Government have a fantastic track record on improving standards for animals. In 2015, the compulsory microchipping of dogs was brought in. However, there is an anomaly: there is no such provision for cats. The Secretary of State knows that I have a private Member’s Bill on cats that would mean cats were treated in the same way as dogs. I am grateful for my meeting with him last week. Will he assure me that the Government will do everything that they can to take the issue forward, so that cats get the same treatment as dogs?

Michael Gove: It is a good Bill, and I am a cat owner. Let’s bring it on.

John Grogan (Keighley) (Lab): Most studies now indicate that we have an excess of incineration capacity to deal with residual waste. Is there not a danger that, if we build more incinerators, waste that would otherwise be recycled will be diverted to those incinerators?

Michael Gove: That is a fair point.

George Eustice (Camborne and Redruth) (Con): The UK has some of the highest standards of animal welfare in the world, but American attitudes to farm animal welfare remain very backward. Given that there is now a cross-party consensus in this House that we should enshrine recognition of animal sentience in law, should the Secretary of State not require the United States to pass equivalent legislation at federal level as a precondition to any trade deal?

Michael Gove: That is a very good point from someone who was an excellent Minister. I so enjoyed serving with my hon. Friend. As ever, he shows that his commitment to animal welfare and to the highest standards in farming remains undimmed. We are very lucky to have him in this House.

Mr Speaker: We all know the Secretary of State is extraordinarily polite. Some people might think the Secretary of State is cultivating the hon. Gentleman for a purpose in the future. I know not what or when—no idea what that might be.

Daniel Zeichner (Cambridge) (Lab): The east of England is a dry region with many houses planned for the future. Dr Robert Evans of the Global Sustainability Institute at Anglia Ruskin University tells us that many of the streams he regularly monitors are already drying up. What is the Secretary of State doing to ensure that we have enough water for future houses in the region?

Michael Gove: The hon. Gentleman is also a wonderful addition to the House of Commons. I would like to cultivate him. He is a tall poppy in this House and certainly no blushing violet. He makes a very serious point. I have been talking to Anglian Water and others recently. The Environment Agency chief executive, James Bevan, has pointed out that water scarcity is a significant environmental danger. We need to work together to deal with it.

Kirstene Hair (Angus) (Con): My farmers warmly welcomed the launch of the seasonal agricultural workers scheme today; in fact, James Porter, who was mentioned earlier, is one of my farmers and welcomes the scheme. I will be meeting them next week to see how we can further improve it. Will the Secretary of State agree to continue conversations with the Home Office to ensure that the system can be monitored, increased and made permanent?

Michael Gove: Absolutely. Were it not for the advocacy of my hon. Friend and her constituents, we would not have the seasonal agricultural workers scheme in place already, and I pay tribute to her for that work. It is her constituent who has been responsible, working with her, for bringing the scheme in. In stark contrast to the destructive and cynical sniping from the Scottish National party, Scottish Conservatives have been delivering for Scottish farmers.

Tim Farron (Westmorland and Lonsdale) (LD): Can the Secretary of State guarantee that not a penny of the £3.8 billion ring-fenced for agriculture in the proposed new scheme will be spent on schemes that are currently funded from non-CAP sources?

Michael Gove: I will do my very best.

Mr Speaker: One sentence of fewer than 20 words—Rebecca Pow.

Rebecca Pow (Taunton Deane) (Con): I was going to ask, Mr Speaker—I am going to extend it—whether you are a gardener. If you are, you will understand the value of healthy soil. Does the Secretary of State agree that soil is so important for delivering flooding control and healthy food, and for holding carbon, that we should give it top priority in the Agriculture Bill, call it a public good and pay farmers to deliver it?

Mr Speaker: The crops have had plenty of time to grow.

Michael Gove: Mr Speaker, can I thank you for granting my hon. Friend a long extension? She is absolutely right. Soil is at the heart of the fight against climate change, it is at the heart of good agriculture, and it is absolutely critical for making sure that our environment flourishes.
Patrick Grady (Glasgow North) (SNP): Does the Secretary of State still believe, as he has told me twice already, that other European countries are looking enviously at the United Kingdom’s attempts to withdraw from the European Union?

Michael Gove: Other European countries are looking enviously at the United Kingdom Government and piteously at the Scottish Government, whose contortions on constitutional questions continue to lead other European statesmen to wonder why a great country with so many talented people is in the hands of such a parcel of rogues.

Julian Sturdy (York Outer) (Con): In light of Dieter Helm’s recent comments, how much weight does the Secretary of State give to food security in developing future farming policy?

Michael Gove: I have enormous respect for Professor Helm, but food security is absolutely central to my Department’s and this Government’s mission.

Liz Twist (Blaydon) (Lab): Both farmers and consumers are concerned that future trade agreements will lower UK food standards. How will the Secretary of State ensure that future trade agreements maintain and improve our food quality standards?

Michael Gove: The hon. Lady is absolutely right to raise that, and I and my hon. Friend the Minister for Agriculture, Fisheries and Food will be talking to the NFU and other farming unions later today about how we can make sure that standards are protected.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners, was asked—

Shooting

1. Rachael Maskell (York Central)(Lab/Co-op): Whether the Church of England plans to review its policy on shooting on its estate.

The Second Church Estates Commissioner (Dame Caroline Spelman): The Church Commissioners’ rural estate is almost entirely let, predominantly on secure tenancies, which include shooting rights. The Church Commissioners’ ability to influence shooting activities, as long as they are legal and do not breach tenancy terms, is very limited.

Rachael Maskell: Bishop Wood is being used for shooting—land leased by the Church Commissioners to the Forestry Commission. Blood sports in exchange for blood money for the Church of England. What steps have the Church Commissioners taken to ban blood sports across their estate?

Dame Caroline Spelman: I know that the hon. Lady wrote to the Church Commissioners, and they replied to her on 6 March. It is a long-established practice of the Forestry Commission, who are the tenants of the land that she refers to, that they inform people locally when a shoot is to take place, but I can make additional inquiries on her behalf. The Church Commissioners do not have a wide-ranging policy on shooting, because in the majority of cases shooting rates are contained within farm tenancies, many of which are lifetime tenancies.

Jim Shannon (Strangford) (DUP): Mr Speaker, you will know, as I know, that those who lease land from the Churches have a responsibility as lessee to control pests on that land—grey squirrels, foxes, pigeons, crows and so on. Does the right hon. Lady agree that those tenancy agreement terms, and that pest control, have to be enforced?

Dame Caroline Spelman: Without doubt, the hon. Gentleman is right. The Church Commissioners do have a responsibility to ensure that the terms of any tenancy are conformed with. To be perfectly clear about conservation, the Church of England is strongly committed to conservation, especially in its own green spaces. I am sure we all remember the campaigns that were fought to provide a haven for the hedgehog in churchyards, for example, and the Church’s commitment to work with Natural England on bat conservation. Conservation is at our heart.

Archbishops’ Council’s Strategic Development Fund

2. Ian Austin (Dudley North) (Ind): What recent assessment the Commissioners have made of the level of funding for the Archbishops’ Council’s strategic development fund.

The Second Church Estates Commissioner (Dame Caroline Spelman): The Church Commissioners vote annually on the availability of strategic development funding. The funding is a 10-year programme, and the £270 million of overall funding for the programme that was agreed in 2016 is to be sustained over the period.

Ian Austin: Mr Speaker, you will recall from your celebrated visit to Dudley the beautiful sight of Top church, dominating the town’s skyline. I am sure you will want to join me in thanking the Church Commissioners for designating Top church a resourcing church, and for granting £2.5 million to pay for more staff, support for vulnerable people, its work in the deprived community and—together with support from the Heritage Lottery Fund—urgent repairs and much-needed restoration.

May I take the opportunity to say how grateful we are to the brilliant Bishop of Dudley, the Rt Rev. Graham Usher; our Archdeacon, the Venerable Nikki Groarke; the resourcing church leader, the Rev. James Treasure, and of course Maureen Westley, who has been the driving force behind the church for years, and the whole congregation at Top church?

Dame Caroline Spelman: Amen to that, Mr Speaker. I thank the hon. Gentleman. I will take those thanks back to the Church Commissioners. The hon. Gentleman’s question gives me, as Second Church Estates Commissioner, a chance to remind the whole House of the Church Commissioners’ commitment to helping communities, especially some of our poorest communities, to refurbish and regenerate their churches.
Mr Philip Hollobone (Kettering) (Con): How much of the strategic development fund is spent on building churches in new residential housing estates?

Dame Caroline Spelman: I thank my hon. Friend for that question. It is a very important point that the strategic development fund is there not only for the restoration of very fine examples of English architecture, such as Top church in Dudley, but to establish new churches, often in communities where there has been no provision for places of worship. I reassure my hon. Friend. If he has candidates in his constituency, perhaps he would like to place a request through me to the commissioners, if that is what he seeks.

Deidre Brock (Edinburgh North and Leith) (SNP): A recent article in The Guardian stated that Scotland’s largest private forestry owner is now the Church of England. There are growing concerns in Scotland about the effects of that type of concentrated land ownership. Can the commissioner shed some light on what assessment the Church made of the impact of that investment decision on local communities?

Dame Caroline Spelman: The investment in forestry was part of the Church of England’s commitment to respond to its ethical investment strategy and move away from investments in, for example, oil sands and companies that may be producing products that do not accord with our commitment to tackle climate change. Investment in forestry obviously is a positive contribution to the climate. As part of the assessment of those investments, we take into consideration the communities that live in the places where we are invested.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Houghton and Sunderland South, representing the Speaker’s Committee on the Electoral Commission was asked—

Foreign Influence on Elections

3. Mr Barry Sheerman (Huddersfield) (Lab/Co-op): What steps the Commission is taking to (a) identify and (b) prevent foreign influence on elections. [910100]

Bridget Phillipson (Houghton and Sunderland South): It is vital that there is no foreign interference in the UK’s elections, and transparency about who is spending money to influence voters is an essential safeguard. The Electoral Commission monitors party donations and campaign spending to ensure that the laws on foreign influence have not been broken. Where there are specific allegations that the UK’s political finance law has been broken, the commission can investigate, issue civil sanctions and refer cases to the police or the National Crime Agency for criminal investigation.

Mr Sheerman: I thank my hon. Friend for that answer, but from previous questions from my hon. Friend the Member for Aberavon (Stephen Kinnock) she will be aware of Russian influence. We know that that influence is happening and has happened. Many of us worry that we are not well enough organised to identify it. When can we get a coalition with GCHQ and security services that will reassure Members that interference, which we know is going on, can be stopped?

Bridget Phillipson: My hon. Friend raises an important issue. The Electoral Commission’s regulatory remit is confined in law to UK-based parties and other campaigners. It liaises with the UK Government and security services, working to ensure that our elections are free from foreign interference and to address the issue of threats to our democracy. Those questions might be well addressed to Government Ministers.

Craig Mackinlay (South Thanet) (Con): The hon. Lady has a unique relationship with the Electoral Commission; I perversely do as well now, and I have fast-track communication with it. I have lots of complaints about the Electoral Commission, but I raise one small thing. Let us try to repair the organisation one step at a time. Can we insist that it dates all its guidance and documents in the bottom left-hand corner, as we do in any other part of Government? Whether it is Her Majesty’s Revenue and Customs or Department for Environment, Food and Rural Affairs, there is always a date, but that is not always the case with Electoral Commission documents. Let us please just put that right.

Bridget Phillipson: I understand the hon. Gentleman’s concerns. I am sure that the issues he has raised this morning will have been heard. I will ensure that the commission responds in full to the issues he has raised.

Alison McGovern (Wirral South) (Lab): There is clearly a specific issue when it comes to the use of spending on digital campaigning. We now know that almost half of campaigners’ money is being spent on digital and social media platforms. What is the Speaker’s Committee on the Electoral Commission doing to ensure that our laws are updated to reflect that current landscape and that people who have power over the electoral system are held to account, transparent and do not create an atmosphere of mistrust?

Bridget Phillipson: This is a growing area of concern. In its recent report on digital campaigning, the Electoral Commission recommended greater transparency on the sources of digital campaign materials and those paying for them and that the commission should be given greater powers to compel information from social media companies.

HOUSE OF COMMONS COMMISSION

The right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, was asked—

Apprentices

4. Robert Halfon (Harlow) (Con): What steps the Commission is taking to increase the number of apprentices in the House of Commons. [910101]
Tom Brake (Carshalton and Wallington): To increase the number of apprentices, the House service has taken a number of steps. That includes expanding the range of apprenticeship programmes on offer from two to 14 since September 2018 and upskilling existing employees by enrolling them on apprenticeship programmes. The expansion of apprenticeship programmes will continue. Ongoing engagement and planning for apprenticeship roles across all House teams will ensure more quality apprenticeships are created.

Robert Halfon: Mr Speaker, you have led the way in ensuring that young people are employed in the House in your scheme, and in supporting apprenticeships, but as we are the House of Commons and the Houses of Parliament, can we please set an example to our nation and not just coast along in terms of employment of apprentices and make sure we meet our 2.3% public target? I urge you, Mr Speaker, and the senior Clerk to rocket-boost apprenticeships so that we have hundreds of apprentices in the Houses of Parliament.

Mr Speaker: What a splendid question!

Tom Brake: I commend the right hon. Gentleman for his work to raise the profile of apprenticeships in the House. He will know that the House intends to increase the number of apprentices from 14 to 38 by the end of May. He will also be aware that that does not hit the 2.3% target, which the House intends to do by 2021.

Alison Thewliss (Glasgow Central) (SNP): What rates are House of Commons apprentices paid? The Government’s minimum rate is £3.70 per hour for under-19s and those over 19 in their first year. I would be interested to know how much apprentices in the House, who do a very important job, are paid. Would it not set an example to give them a much higher rate so that the rest of the country could do so as well?

Tom Brake: I am afraid that my briefing on the subject has no information on that, so I will write to the hon. Lady to confirm the rate. Hopefully she will be satisfied with the rate House apprentices receive.

Mr Speaker: And if the hon. Lady is not satisfied, we might have to look at it again, preferably sooner rather than later.

Chris Elmore (Ogmore) (Lab): May I press the right hon. Gentleman on the regional and national diversity of apprentices? We are a UK House of Commons and House of Parliament. It would therefore be good if apprentices from across the UK feel that they can access the schemes. We should also ensure that we are more diverse by ensuring that we have more women apprentices—they can become Clerk of the House or serve as head of security. Diversity is extremely important. We cannot just preach it; we must also practise it.

Tom Brake: I agree entirely with the hon. Gentleman. He may be aware that the House works with Amazing Apprenticeships, an organisation that goes out nationally to 3,500 schools and colleges. Among other things, it is creating a short film about what happens in the House, which I hope has a positive impact on his diversity concerns.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners, was asked—

Church Land and Buildings: Digital Connectivity

5. Mrs Sheryll Murray (South East Cornwall) (Con): What progress has been made on implementing the joint accord between the Government and the Church of England on the use of Church land and buildings to support digital connectivity.

[910102]

6. Scott Mann (North Cornwall) (Con): What recent discussions the Church of England has had with the Secretary of State for Digital, Culture, Media and Sport on using church spires to facilitate the provision of broadband in rural areas.

[910103]

The Second Church Estates Commissioner (Dame Caroline Spelman): It gives me very special pleasure to respond to my hon. Friend the Member for South East Cornwall (Mrs Murray) because it allows me to extend to her my very best wishes for her wedding on Saturday. I am sure the House joins me in that.

The Church of England is working with stakeholders to produce guidance for churches to be published in May. The guidance should assist churches in making the best use of the joint accord between the Government and the Church to support digital connectivity. Two hundred churches have taken up the opportunity of the new technology, adding to the existing 300 that had already done so.

Mrs Murray: I thank my right hon. Friend for her good wishes. Is she aware of any specific problems that discourage parishes from taking up the opportunity to improve connectivity in rural areas such as South East Cornwall, and at the same time increasing parish income? If so, can the Government do anything to help?

Dame Caroline Spelman: It is largely about awareness or perceived barriers—some people think it is impossible to be a candidate, but I reassure my hon. Friend that it is perfectly possible to install digital technology infrastructure even in listed buildings. I encourage her to raise awareness locally. Two churches in the Truro diocese were granted facility in 2017, but two is not many in the whole diocese. Anything that can be done to encourage other churches to look at the opportunity to improve broadband coverage in their area would be gratefully received.

Scott Mann: It is a pleasure to be coupled with my hon. Friend the Member for South East Cornwall (Mrs Murray). I wish her the very best in her coupling this weekend—a proper Cornish wedding in Westminster.

After discussions with the Church Commissioners officer, I am aware that there are no reasons why church spires cannot be used for boosting broadband signals in rural areas. I recently had a good meeting with Cornwall Broadband, a local provider, which would like to open a
dialogue with the churches in Cornwall to utilise their spires. Would the Church Commissioners be interested in that dialogue, and what advice can the right hon. Lady offer to facilitate those discussions?

Dame Caroline Spelman: The Church Commissioners would be interested, but the initiative comes very much from the diocese; I encourage them to make contact through the diocesan office. Some diocese have progressed faster with this opportunity, particularly in East Anglia—almost 300 churches in Norfolk, Suffolk and Essex alone have installed this digital technology, for example. One of the key barriers is not knowing where the hotspots for mobile and broadband signals are. All colleagues can get involved: if there is a tall church building in the vicinity of a hotspot, perhaps this technology is for them.

HOUSE OF COMMONS COMMISSION

The right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, was asked—

Plymouth Gin: Mayflower Commemorations

7. Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Whether the House of Commons plans to stock Plymouth Gin during the Mayflower 400 commemorations. [910104]

Tom Brake (Carshalton and Wallington): The House of Commons catering service does not currently stock Plymouth Gin, but will seek to stock some for the Mayflower 400 commemorations.

Luke Pollard: I thank the right hon. Gentleman for that answer, which will warm the spirits of people in Plymouth. Plymouth Gin is a fantastic gin, and Mayflower 400, which marks the 400th anniversary of the sailing of the Mayflower from Plymouth to America, is a great opportunity. In these tough times, may I suggest to the right hon. Gentleman that we look not only at the standard-strength gin, but Plymouth Gin’s Navy strength as well? We could all do with a little bit extra in these tough times.

Tom Brake: I thank the hon. Gentleman for that. He may be aware of moves within the House to look at the availability of alcohol in this place: I am not sure whether the House will want to entertain the idea of double or triple-strength gins. However, he has put his point on the record and I will take it back to the catering services, including whether they want to stock the double or triple-strength gin that he proposes.

Sir Mike Penning (Hemel Hempstead) (Con): As the House authorities are aware, wholesalers have a monopoly, particularly when it comes to putting beer into Strangers Bar. Red Squirrel Brewery, which is in my constituency, managed to get it in there after five years, but only after having to go through the wholesaler designated by the House. The margins made it almost unprofitable for it to put the beer in there. That is wrong: there should not be a monopoly in this House.

Mr Speaker: I say to those observing our proceedings that that interesting inquiry does relate to alcohol, but not to gin. It is a sort of side observation from the right hon. Gentleman, borne of his personal experience, for which we are grateful.

Tom Brake: I assume that it is in order for me to respond very briefly, Mr Speaker. Clearly, the right hon. Gentleman has put on the record his concerns about how the process works, but he will also be aware that Members do at least, through the guest beer option, have the possibility of bringing their own specialist beers to the House.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners, was asked—

Ordination of Women: Priesthood

8. Mark Menzies (Fylde) (Con): What steps the Church of England is taking to mark the 25th anniversary of women’s ordination to the priesthood. [910105]

The Second Church Estates Commissioner (Dame Caroline Spelman): There are a number of significant anniversaries this year. It is the 25th anniversary of women’s ordination as priests, the 50th anniversary of women being made readers and the fifth anniversary of women being consecrated as bishops. The Archbishop of Canterbury has held a special service at Lambeth Palace to celebrate the anniversary, and events have also been taking place in diocese.

Mark Menzies: Throughout 2018, celebrations were rightly held in honour of the centenary of the women’s vote. What plans does the commission have to carry on in that vein for the 25th anniversary of women’s ordination to the priesthood?

Dame Caroline Spelman: Our plans are to pursue our determination to encourage more women into the priesthood. For the record, I share with the House the fact that the number of female clergy is now at a record high: women now make up nearly a third of the 20,000 active clergy. More importantly, there are those in the pipeline: more than half those entering training for the priesthood in 2018 were women.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Houghton and Sunderland South, representing the Speaker’s Committee on the Electoral Commission was asked—

Vote Leave

9. Dr Philippa Whitford (Central Ayrshire) (SNP): What recent representations the Commission has received on fines imposed on Vote Leave. [910106]

Bridget Phillipson (Houghton and Sunderland South): The commission found Vote Leave guilty of multiple breaches under electoral law and imposed fines of £61,000 in July 2018. Vote Leave made representations to the
commission in June 2018, when it was notified of the commission’s proposals for penalties. The commission considered these representations carefully, in accordance with its published enforcement policy, before deciding on the penalties to be imposed. Vote Leave took up its right of appeal to the county court, and the appeal is listed for July 2019.

**Dr Whitford:** The Leave campaign was found guilty of sending almost 200,000 unsolicited texts to numbers it had harvested from a football competition with odds of 5 million, million, billion to one. Anyone who is good at trillions can tell me at the end. In view of the threatened economic damage from Brexit, does the hon. Lady really think that a fine of £40,000 is enough to put others off?

**Bridget Phillipson:** The Electoral Commission works closely with the Information Commissioner and others in making sure that our rules are followed, but the Electoral Commission, in terms of its responsibilities, continues to urge the Government to introduce legislation to strengthen its sanctioning powers for future referendums and elections. Its view is that the current maximum fine of £20,000 per offence could well be seen as the cost of doing business.

**CHURCH COMMISSIONERS**

*The right hon. Member for Meriden, representing the Church Commissioners, was asked—*

**Easter Church Attendance**

10. **Kevin Foster** (Torbay) (Con): What plans the Church of England has to encourage more families to attend church this Easter.

**Dame Caroline Spelman:** Parish churches will be welcoming parents and families especially back to church this weekend for Mothering Sunday. What better year to record with grateful thanks all of those involved in making it possible for mothers to have their names on marriage certificates? Even though Mothering Sunday takes place during Lent, it is a feast day. In preparation for Lent, the Church has developed a free Lent pilgrim app and emails, and the campaign material is also available on Alexa.

**Kevin Foster:** I thank my right hon. Friend for her answer. As she knows, Easter is a special time for us Christians as it represents the absolute core of our faith. There is something unique and special about spending it in church, so can she outline what work the Church of England is doing to reach out via social media and the internet to families who may not normally be church attenders to come and share that special joy with us?

**Dame Caroline Spelman:** The Church has been winning awards for the range of innovative resources it uses to develop support for local churches and encourage their communities to use them. For example, there is a churchnearyou.com, a finder website that has more than 10 million visitors a year and has seen a big increase in the number of people using the site and spending time on it.

Hard copies of the Church’s materials are also available. Should the rigours of Brexit be too much, it is not too late for Members to avail themselves of the “Pilgrim Journeys” book of daily readings to get us through to Easter.
Supporting Disabled People to Work

10.42 am

Marsha De Cordova (Battersea) (Lab) [Urgent Question]: To ask the Secretary of State for Work and Pensions if she will make a statement on the National Audit Office’s report “Supporting disabled people to work”.

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): The Department welcomes the National Audit Office report, which acknowledges the Department’s work to build our evidence base and deliver tailored support through jobcentres with partnership working, including healthcare services that deliver for disabled people. Between 2013 and 2018, disability employment has risen by 930,000, but there is more to do to deliver on our commitment set out in the “Improving Lives” paper. As the Secretary of State announced earlier this month, we will review our goal of 1 million more disabled people in work by 2027 to see if it can be made even more ambitious.

We know that personalised, tailored support and tackling the misconceptions and the barriers that people may face are effective in getting disabled people into work. Our initiatives give claimants the opportunity to access personalised support to help them to move closer to work and to help to achieve cultural change, including through our Disability Confident campaign, supporting employers to provide job opportunities. Since the “Improving Lives” paper was published in 2017, the Department has launched the Work and Health programme, which will support some 220,000 disabled people, and the intensive personalised employment support programme, which will start at the end of this year. Access to Work supported some 33,860 people last year, up 13% to a record high, and more than 11,000 employers have signed up to the Disability Confident campaign.

The Department routinely evaluates its labour market programmes and ensures that the evidence is used to provide the most effective interventions that help people move closer to the labour market. We will continue to build our evidence base by testing a range of initiatives and using this evidence to inform our future strategy. With universal credit, that is transforming the labour market prospects of disabled people, not only through earlier and more intensive engagement, but by allowing them to move into and out of work without the fear of losing their benefits or having a new health assessment.

This year, we will also introduce new disability employment adviser leader roles to support work coaches to build their skills and capabilities.

In conclusion, stakeholders will be at the heart of our future work. Together we will continue to do all we can to unlock disabled people’s potential.

Marsha De Cordova: Mr Speaker, may I start by thanking you for granting today’s urgent question?

Today, the National Audit Office published a damning report evaluating the Government’s progress in supporting disabled people into employment. The NAO concluded that, two years into the Government’s work, health and disability strategy, the Department for Work and Pensions lacks any clear measures or implementation plan to promote the employment of disabled people.

The report found that the number of disabled people out of work has remained stagnant—at 3.7 million—for the last five years, highlighting that the increase in the number of disabled people has not been matched by a decrease in the number who are out of work. The report also found that the Government have yet to evaluate the effectiveness of their employment support programme. Indeed, the head of the NAO has said that the Government “has yet to make a significant dent” in the number of disabled people out of work. The disability employment gap has stayed at a little above 30% for the last two years. Recently, the Secretary of State announced “a more ambitious plan” to increase the employment target beyond 1 million in the next 10 years. Given the NAO’s conclusions today, how does she expect to deliver that?

The NAO also found that the case load of work coaches is set to double as a result of universal credit. How will the Minister ensure that disabled people do not receive a worse service, and what additional resources will be made available, aside from just disability employment leads?

We all know that the Access to Work scheme is effective, but many employers are unaware of it. Will the Minister commit to expand the scheme and to remove the current cap? The Government’s Disability Confident scheme lacks any credible performance measures to ensure that disabled people get the right support, as well as any quality standards or independent evaluation. Will the Government now commit to getting the scheme independently evaluated? Will they also start to record the number of disabled people who are in work as a result of it?

Finally, it has been two weeks since there was a Minister for Disabled People. When will one be appointed?

Justin Tomlinson: The NAO report did welcome our approach to offering tailored and personalised support. We know from speaking to disabled people of all ages that that is something they very much welcome. All of us in society have our own unique challenges and opportunities as we navigate through life and particularly as we seek work. From the many visits I made during my time as the Minister for Disabled People, I know just how powerful the case is for doing everything we can to help disabled people into work, and particularly young disabled people, who want to have exactly the same opportunities as their peers.

The NAO report also welcomed our test-and-learn approach. There is no global, off-the-shelf book that says exactly how we can help every single individual. We have to develop new, innovative ways, and that was welcomed, as was our commitment to continue partnership working, particularly to support local, excellent initiatives that help to unlock people’s potential.

I do not recognise much of what the shadow Minister said, because there are 930,000 more disabled people in work over the last five years. This is real people having the opportunity to work; these are record numbers. Over 400,000 workless disabled people a year move into work. That is a welcome figure. However, we recognise that more needs to be done, which is why the Secretary of State was passionate about saying that we will review that target of 1 million more by 2027, and I will support that.
We are focusing our efforts on personalised and tailored support. We are increasing the number of disability advisers and their training. The personalised support package will unlock local initiatives. The work and health programme is helping 220,000 disabled people. We are doing joined-up working with the Department of Health and Social Care. Our proactive work supporting employers has also helped. I recognise the point about raising awareness of Access to Work, and we do need to do more on that, but we had a record number of people last year—up 13%. The cap has gone from 1.5 times average earnings to twice that amount, at about £57,900. I welcome the cultural change among employers who recognise that, with just a few small changes, it can be a win-win situation. I felt that as an employer, and a number of times when I engaged with businesses of all sizes. Those businesses benefit, as do disabled people, and we will continue to do all we can.

Robert Halfon (Harlow) (Con): I strongly welcome what my hon. Friend has said. My constituent, Lacey-Rose Saamanthy, a Harlow resident, is deaf and she was recently offered a role at Broomfield Hospital as a catering assistant. However, her offer of employment email did not make it clear that that offer was conditional on a risk assessment, and it was subsequently retracted. To me, that is outrageous. The risk assessment identified a number of risks that Ms Saamanthy believes could easily have been mitigated. Will the Minister explain the role that disabled employees can play in the workplace, and help stop such outrageous discrimination against a deaf person who was offered a job but who then had that offer rescinded?

Justin Tomlinson: I pay tribute to my right hon. Friend’s work in supporting what I and my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard) have done to introduce disability apprenticeships. He mentions a terrible case, and disability employment advisers can help to provide constructive advice to employers—particularly small employers that do not have HR departments—and give them confidence to ensure that all people, regardless of their disability, can contribute to those employers.

Neil Gray (Airdrie and Shotts) (SNP): Although I have enjoyed our debates on this subject over the years, the Minister knows that it should not be him at the Dispatch Box but a new, dedicated disability Minister. The fact that the Prime Minister has not even bothered to replace the Minister for Disabled People after nearly two weeks is a shameful indictment of a Tory Government who have collapsed into crisis and chaos. They are so consumed by their Brexit folly that they are completely ignoring the day job. That is costing the country dearly, and it adds insult to injury for those disabled people who have been left unrepresented and impoverished by Tory policies.

We should not be surprised by the NAO report. Will the Minister explain why his party dropped its ambitious policy at the last election to halve the disability employment gap? We see in the NAO report that the Government’s new watered-down goal of having 1 million more disabled people in work cannot be used to measure the success of those efforts—even the Department for Work and Pensions acknowledges that. What is the Minister’s assessment of the NAO’s conclusion that his Department has no idea of what works when it comes to disability employment support? Why have all the schemes to support disability employment been underspent?

Finally, the NAO report does not cover the interaction between disabled people and the benefit system. Does the Minister see that cutting disability benefit support—as this Government have done with employment and support allowance and universal credit—while not having a clue about what impact their employment programmes are having, is the height of irresponsibility, and a neglect of the needs of disabled people?

Justin Tomlinson: I reassure the hon. Gentleman that I am happy to be here answering this urgent question, and I am passionate about this role. As I said, my work in this area, both as a former Minister for Disabled People and today, is particularly guided by meeting young disabled people and their families, and there is a passion and determination for them to have the same opportunities as others. In some cases that involves full-time work; other times it can be as little as one hour a month, but for some people that is life changing, and the Government are committed to that. It is right that the Secretary of State reviews our ambitious target of an extra 1 million disabled people in work, and it is the actual number that counts. Every one of those 930,000 disabled people involved with this scheme in the past five years now has the opportunities that so many others take for granted.

The hon. Gentleman spoke about the sign-up rates of various different packages, but I gently remind him that they are voluntary—we do not want to mandate anything. That said, however, through the personalised support package there is the opportunity to look for local initiatives. All our constituencies have examples of best practice, and through the personalised support of the individual work coach, we can unlock access to those initiatives, linking them to local employers and giving people—particularly those who have been away from the jobs market for a long time—the very best chance. As I said, I have seen the joy of individuals who work for as little as one hour a month, and what a difference that makes to their life.

Sir John Hayes (South Holland and The Deepings) (Con): I know that you, Mr Speaker, regard the report by the all-party group on acquired brain injury, “Time for Change”, as required reading. I hope the Minister will, too. It sets out how hundreds of thousands of Britons across all our constituencies are affected by head injuries, with physiological and psychological effects. Neurorehabilitation can help those people to recover and lead purposeful, meaningful and fulfilled lives, but I have to say that that requires Government Departments working together to bring these hidden disabilities to light and to give people new chances and new lives.

Justin Tomlinson: I thank my right hon. Friend. This is a very, very important issue. I know that the former Minister met stakeholders, as have I. My right hon. Friend has been a real champion in raising, in particular, hidden disabilities and long-term health conditions. It is absolutely right that we have joined-up working, which is why we are working so closely with the Department of Health and Social Care through the joint Health and Work Unit. Many claimants need a combination of support to unlock their full potential.
Stephen Timms (East Ham) (Lab): The disability employment gap fell steadily in the years up to 2010. It has since got stuck at a level just above 30%. David Cameron, in the 2015 election campaign, promised to halve it by 2020, a pledge that was quickly abandoned after the 2015 election. What does the Minister now believe will happen to the disability employment gap over the next five years?

Justin Tomlinson: The right hon. Gentleman is one of the most constructive and proactive Members of the Opposition pushing on this very important area. When we came to office, disability employment stood at 44.1%. It has now gone to 51.5%. That is up 7.4%, with the gap closing by 3.6%. I expect that trend to continue over the next five years.

Rachel Maclean (Redditch) (Con): I was very pleased to sign up my constituency office to the Disability Confident scheme, because I know, as a former employer in a small business, that there are practical and awareness barriers. Will the Minister update the House on some of the practical measures he is implementing to help employers employ disabled people who really want to work?

Justin Tomlinson: I thank my hon. Friend for showing real, tangible commitment to supporting this and to creating new opportunities for disabled people. The Government rightly have to lead on this, but we also need employers to be proactive offering work experience, interviews and, ultimately, jobs. The key message we give to employers is that it will benefit them. We have huge skill gaps in this country and often with just very small changes they can benefit. I am not just preaching as a Minister, but as somebody who ran my own business for 10 years and benefited from making very small changes to get some excellent new members of staff. We will continue to work and to give as much advice and support to businesses as we can.

Ann Clwyd (Cynon Valley) (Lab): Labour Members fought very hard in this Chamber to keep the Remploy jobs going. I had a Remploy factory in my constituency, which was a lifeline to so many people. I am sure the Minister has the best intentions, but I have heard these platitudes before. Can the Minister tell us how many Remploy people who lost their jobs are now in work?

Justin Tomlinson: I have to write to the right hon. Lady to give her the exact figures, but the principle we have to look at is giving individuals who are more than two years away from the jobs market, real and intense support to help them get there. At the moment, the best route is through the specialist employment support. Last year, we had 1,520 starts, of which 600 people were able to get at least a placement for 13 weeks, leading to permanent jobs. We need to continue to do everything we can on personalised support and linking up with local employment opportunities.

Sir Mike Penning (Hemel Hempstead) (Con): As a former disabilities Minister—I had other roles within the Department as well; it was not just disabilities, but that was the lead issue—I say to those on the Front Bench, and I hope the Prime Minister is listening, that we should have a Minister for this role as soon as possible. I do not understand why that has not taken place.

Disability Confident is a great success. As parliamentarians, we can push it forward in our own constituencies, as we have in my constituency of Hemel Hempstead, so that people have the confidence to get into work and employers can employ the right people.

Justin Tomlinson: My right hon. Friend is absolutely spot on. We can help to raise the awareness of Disability Confident. We can do our own Disability Confident events, and we can write to employers to encourage them to sign up and to work with local organisations that support disabled people to find job opportunities. It should be a real priority for all of us.

Neil Coyle (Bermondsey and Old Southwark) (Lab): The National Audit Office makes it clear that there is no evidence that the £386 million spent on Disability Confident has resulted in a single disabled person getting into work. Would it not be better to devolve that resource and extra responsibilities for employment programmes to local and regional government—such as in Southwark, where we have a Labour council committed to becoming a full employment borough—to allow them to innovate to get more disabled people into work?

Justin Tomlinson: To be fair, I think the figures speak for themselves: 930,000 people in the last five years have gained—[Interruption.] However, I accept the thrust of the point about looking at local solutions and empowering local communities, because they know their job market and where the skills gaps are. I accept that principle. We are moving in that direction through the personalised support package so that work coaches can look at local initiatives. There is a lot more work in that area. I very much welcome that question.

Vicky Ford (Chelmsford) (Con): One of my constituents who is disabled has written to me, suggesting that this Government are putting less into disability benefits than previous Governments, and my constituent is very concerned that there could be an impact from Brexit. Will my hon. Friend confirm that there is more money going into disability benefits and that the Government will continue to support those with disabilities, no matter what happens regarding Brexit?

Justin Tomlinson: Our support for people with disability benefits is now at £55 billion, up £10 billion in real terms since 2010. That is a record high. The amount that we are spending on employment support for those with disabilities is showing a real-terms increase following the spending review and will continue to do so.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I hope that the Minister would agree that this is a bit of a wake-up call, but what the Government have been doing is not all bad and I welcome some of the moves that are happening. As chair of the Westminster Commission on Autism, may I offer more of a partnership? The neuro-diverse community and people on the autism spectrum are differently abled. We have some wonderful organisations such as AchieveAbility and Genius Within that are going out looking for people who are a bit quirky in their thinking, who think differently. The gig
Justin Tomlinson: I thank the hon. Gentleman, who has done a huge amount of work in this area. These are the sorts of points that were picked up in the Maynard review. We have worked very closely with a lot of the leading autism charities. They rewrote the training guidance for our frontline staff and fed into the autism toolkit within jobcentres. He is absolutely right: if employers are savvy and look at their skills gaps so that they can match them to the huge amount of talent and potential of people with autism, they will benefit. That is the key message to employers. We are not looking for favours; we are looking for a win-win for the disabled individual and the business.

Kirstene Hair (Angus) (Con): I recently visited Remploy in my constituency in Arbroath. It does a fantastic job of transforming lives and supporting and getting people with disabilities into work. It had its first placement on a farm in Angus recently. Does the Minister agree that the Government have fantastically ambitious targets to widen their talent pool?

Justin Tomlinson: I thank my hon. Friend for championing this cause in her constituency. She highlights the point that a lot of these local organisations are doing a great amount to support disabled persons, building up their skills so that they are ready to enter the workplace. We all need to try to unlock as many doors as we can with employers, so that there are more opportunities that everybody can benefit from.

Lilian Greenwood (Nottingham South) (Lab): I was proud to speak at the Disability Confident conference in Nottingham last Friday and I pay tribute to the work of local DWP staff and local employers such as Nottingham Trent University, which is sharing its experience of improving the accessibility of its recruitment and retention practices. When the charity, Leonard Cheshire, surveyed disabled people in work or previously working, only 23% had received support from Access to Work, and the vast majority had had to wait more than three months for their application to be approved. What is the Minister doing to ensure that everyone is aware of the Access to Work support that is available and that they can get that support promptly?

Justin Tomlinson: I thank the hon. Lady for taking the time to pay tribute to the frontline staff in jobcentres, who do a huge amount of work to support disabled claimants. That often goes unnoticed, but it makes a real difference to those claimants. A record number of people received support from Access to Work last year, and I welcome the 13% increase, but we will continue to step up our efforts to ensure that businesses—particularly small businesses, which provide 40% of employment opportunities—are aware that both financial support and advice are available to unlock the potential of disabled staff.

Alex Burghart (Brentwood and Ongar) (Con): Will the Minister meet some of these people, whom I can introduce him to?

Justin Tomlinson: I am delighted to pay tribute to Brentwood Community Print. It has recognised that it can benefit from being an innovative business in terms of recruitment, and I hope that many other businesses will look and learn the lessons that it has set out.

Holly Lynch (Halifax) (Lab): The head of the National Audit Office has said that it is “disappointing” that the Department for Work and Pensions still does not understand “what works” when it comes to helping disabled people into work. However, further to the point made by the hon. Member for Brentwood and Ongar (Alex Burghart), may I invite the Minister to visit the brilliant ISCAL factory in my constituency? ISCAL is a leading manufacturer of tissue coasters and napkins, and offers supported employment opportunities to people with mental and physical disabilities. It really is transforming lives.

Justin Tomlinson: The NAO welcomes the fact that we are offering precise and tailored support, and that we are using innovative methods and a test and learn programme. There is no global definition: there is nothing that we can take off the shelf and say “This will work for everyone.” There is no one size fits all. Everyone is an individual, and everyone has individual challenges and opportunities.

We are rightly investing in that innovative research, and will use our findings to share best practice and roll it out. We welcome the fact that the number of disabled people in work has risen by more than 930,000 in the last five years. I am thrilled to hear of the success of the hon. Lady’s local initiative, and I will certainly suggest to the Department a potential future visit.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I was delighted to attend a Disability Confident event in one of my local jobcentres in Galashiels, whose staff do a tremendous amount to get disabled people back into work. Can the Minister confirm that the financial support that disabled people currently receive is more generous than the support that they received under the system that we inherited?

Justin Tomlinson: My hon. Friend is another champion in his constituency, ensuring that disabled residents have the maximum opportunity that so many of us take for granted. We are spending £10 billion more in real terms on disability benefits than we were in 2010, and that is making a difference to some of the most vulnerable people in society.

Chris Stephens (Glasgow South West) (SNP): It is good to see that the Minister survived his grilling from the Work and Pensions Committee yesterday. Has he seen the report from the think-tank Demos, which has found that there is a “chronic” lack of trust between disabled people and the Department, and that 60% of disabled people do not believe that it understands their concerns? What will he do to address that perception?
Justin Tomlinson: It is always a pleasure to appear before the Select Committee, and in particular to respond to the hon. Gentleman’s challenging and probing questions. We, as a Department, are incredibly passionate about working closely with stakeholder groups with real, frontline experience, not just listening to them but allowing them to help to shape the development of our policies and training guidance, so that we can do everything possible to unlock all people’s potential.

James Cartlidge (South Suffolk) (Con): It is important for us to get disabled people into work, but it is equally important for that work to pay. Does my hon. Friend agree that we should look not just at the benefits system, but at how it interacts with general measures such as the higher income tax threshold which support better take-home pay for all?

Justin Tomlinson: I think all Members will welcome the thrust of the point that my hon. Friend has made. It also gives me an opportunity to emphasise the benefit of universal credit to people with fluctuating health conditions. They do not keep crashing out of the benefit system and having to go through health assessments again and to reapply at a time when their health should be their primary concern. Universal credit offers that flexibility and tailored support.

Ian C. Lucas (Wrexham) (Lab): The DWP is the biggest-spending Government Department, but its spending is opaque. I have tabled questions about whom it pays in my constituency, and I cannot get a straight answer. Excellent local businesses such as Empower are helping disabled people. I want to work with local providers and the Department to provide placements, but I cannot get through to the Department. Will the Minister help?

Justin Tomlinson: I thank the hon. Gentleman. That is a really good question. Through the principles of the personalised support package, we have to find ways to support those local initiatives. There is not a one size fits all and a lot of that support will match the local market. That is a very important point and I will make sure that he has a meeting with the appropriate Minister.

Kevin Foster (Torbay) (Con): At a Disability Confident event I hosted some time ago, we saw some great examples of very talented people being employed by local employers. What work is the Department doing to ensure those employers are recognised not just for the fact that they have done something good but because they have taken on some brilliant people?

Justin Tomlinson: I thank my hon. Friend. Friend, who has worked tirelessly in the area, and that is exactly why the Secretary of State has been so passionate about saying that our target has to be ambitious. We owe it to every single one of those individuals looking for work, whether full-time work or the occasional bit of work. It makes a huge difference and we are incredibly proud that the number of disabled people in work has risen by 930,000 in the last five years—a record high.

Derek Twigg (Halton) (Lab): The report says that people with mental health conditions and learning disabilities fare worse than the rest. A number of parents in my constituency who have young people with learning difficulties in adult education find it very difficult and are in despair that their children are not going to find work. What more can the Government do to ensure that efforts are particularly focused on young people with disabilities getting into work?

Justin Tomlinson: That is very important because those with learning disabilities have about a 6% expectancy of finding work. Very early on in my time as a disability Minister, I met some young adults with a learning disability who desperately wanted that chance and that is what drove me to set up the Maynard review with my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), so we could unlock the potential of the apprenticeship programme. I am delighted that last year that came live and now people with learning disabilities who would not necessarily have got the grade C in maths and English are benefiting from apprenticeships, giving them a real, tangible chance of getting the work they so desperately want.

Mr Philip Hollobone (Kettering) (Con): I commend my hon. Friend the Minister for his commitment and dedication to the role and particularly commend the speed of response to correspondence, which is an outstanding example that other Ministers should be encouraged to follow.

How many disabled people are employed in the DWP?

Justin Tomlinson: I thank my hon. Friend and I do understand the importance not just of responding to individual MPs’ correspondence but offering an opportunity to meet, particularly on the more complex cases, and there are many Members I can see here today whom I have met in recent weeks on a variety of issues. We are all first and foremost constituency MPs who are here to champion those in our communities who have challenges. On the question about how many disabled people are employed in the Department, I will have to write to my hon. Friend because I would not wish to give somebody of such experience anything other than the exact answer.

Diana Johnson (Kingston upon Hull North) (Lab): Following on from the question from my hon. Friend, the Member for Halton (Derek Twigg) about young people with learning disabilities and their ability to access the job market and get employment, can the Minister explain why this report from the NAO did not recognise what the Minister has just said from the Dispatch Box—the review that has been carried out has not had the effect he has just claimed it has?

Justin Tomlinson: To be fair, that is looking historically and this came in last year—so it is the first wave of people starting to look—but it is all combined with making sure employers have the confidence that they can take on people who may have some challenges. Often it only means small changes, but we are incredibly proud that we will leave no stone unturned, so that not just the 930,000 people who we have seen over the last five years, but more people, of all disabilities, will have an opportunity to work.

Christine Jardine (Edinburgh West) (LD): This disappointing report today surely underlines the need for a Minister for disability, so following up on what other Members have said and the reports in today’s
Justin Tomlinson: I can reassure the hon. Lady that nobody cares more than our Department, led by a Secretary of State who is very passionate about this, and I have been very happy to support the various parliamentary debates and meetings that have gone on since then—and if we would like Brexit to be wrapped up, I urge all colleagues on all sides of the House to support the Prime Minister’s deal.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The hon. Member for Angus (Kirstene Hair) mentioned the great opportunity of the Remploy factory in her constituency, but unfortunately in my constituency, in Springburn, that opportunity was stripped from my constituents when the Remploy factory was closed in 2013, putting 50 disabled workers out of work. Indeed one of those workers was found dead on the day the factory was closed; it was another callous and shameful episode of the coalition Government. So will the Minister commit to extending the protected places scheme for disabled workers, particularly at Blindcraft in my constituency, where 250 people work producing world-class furnishings and high-quality joinery? It is a world-class example of how this can actually work as a proper sustainable model. I encourage him to go and look at that particular example, to extend the protected places scheme and to broaden that opportunity for disabled workers. It is a wonderful factory.

Justin Tomlinson: I thank the hon. Gentleman for highlighting what is clearly a very successful local initiative. This goes back to some of my earlier answers, in that we are committed to finding ways of getting support to those innovative local initiatives that are making a real difference on the frontline, and I will feed in to the Department his suggestion of a visit.

Ian Austin (Dudley North) (Ind): Will the Minister organise a meeting with me and his colleagues from the Department for Transport? The Ring and Ride service, which is used by thousands of disabled people and pensioners in the Black Country, has been put at risk after its operator collapsed into administration. The service is a lifeline for the many disabled people who use it to get to projects to boost their skills and confidence, and for the pensioners who use it to meet friends, do their shopping and get to social events or projects that prevent loneliness and isolation. It is really important that this service should be saved.

Justin Tomlinson: I thank the hon. Gentleman for highlighting the importance of that, and I will certainly ensure that an appropriate Minister meets him to see what support can be offered.
Households Below Average Income Statistics

11.18 am

The Secretary of State for Work and Pensions (Amber Rudd): Mr Speaker, with your permission I would like to make a statement on the poverty statistics published today. These statistics cover a range of poverty indicators. In a year when inflation was relatively high, average incomes were flat but still remain at a record high. These numbers show that between 2016-17 and 2017-18 relative poverty after housing costs has decreased by one percentage point; absolute poverty after housing costs is unchanged in percentage terms; and absolute poverty and relative poverty before housing costs have increased by one percentage point.

Since we entered government in 2010, income inequality has fallen, and we have lifted a total of 400,000 people out of absolute poverty, but of course no one in Government wants to see poverty rise. After all, we all came into politics to help people plot a path to a better life. That has driven me since I entered this place in 2010 in the midst of a national economic crisis, because I know it is vital that the Government support their citizens and provide them with the opportunities they need to succeed. I sit in a Department that has huge power to do that. I have seen what a force for good universal credit can and will continue to be when we roll it out further. I know how committed my Jobcentre colleagues up and down the country are; I have had the privilege to visit many of them over recent months. They truly do change lives for the better—no matter what the Labour party sometimes says.

Colleagues in this House are rightly proud that this Government have cleared up Labour’s economic mess and helped over 3.5 million people into work since 2010. Behind every employment statistic is a person or family whose mental health, wellbeing and life chances are improved by being in the workplace and having the security of a regular pay packet. It means that 665,000 fewer children will grow up in workless households, providing them with the support of an income, meaning that they are less likely to grow up in poverty, and giving them a role model in work. It means that there are now nearly 1 million more disabled people in work than in 2013, and I want to be more ambitious to ensure that more disabled people are in work. It also means that millions more people receive a much earned pay increase, with wages now growing at the fastest rate in a decade.

That is the record of a Conservative Government who provide opportunities for all, rather than trapping people on welfare. Remember that every Labour Government left office with unemployment higher than they inherited. Under the previous Labour Government, 1.4 million people spent most of the previous decade trapped on out-of-work benefits, meaning that spending spiralled out of control with benefits increasing by 65% in real terms. Trapping people who can work on benefits does not help them; it holds them back. Every household now pays an extra £3,000 a year to cover that splurge, and that included the lowest earners who were paying income tax. It was vital in such circumstances that the Government brought spending under control.

Colleagues know that our careful management of the economy means that we continue to improve our support for the poorest and the lowest paid. Today’s statistics capture household incomes up to April 2018. Since then, we have had nearly a year of real wage growth. The Government have also made significant changes to increase the incomes of the poorest since then, injecting an additional £1.7 billion per annum into universal credit alone at the 2018 autumn Budget. Those changes begin to take effect next month, when we will also give the country’s lowest earners a pay rise, introducing the highest-ever minimum wage. From April, we will be increasing work allowances by £1,000 for families with children and disabled people, which will enable 2.4 million households to keep more of what they earn, increasing the national living wage, which will rise to £8.21 an hour from next week, and increasing the personal allowance to £12,500, taking millions of the lowest paid out of paying income tax altogether. But I know we can do even more, and I want to do more.

Since coming into post, I have been determined to deliver a compassionate welfare system that supports the most vulnerable. In January, I announced that we would no longer be extending the right of appeal to children born after 6 April 2017 and that we would trail support for up-front childcare costs with the flexible support fund, allowing parents to start work before paying for childcare through universal credit. We have also committed to building an online system to enable private landlords to request that a tenant on universal credit’s rent is paid directly to them, supporting the most vulnerable to manage their money. We are also looking at how to ensure that the main carer in a household—usually a woman—receives the UC payment.

This month, I further pledged to scrap personal independence payment reassessments for 287,000 disabled pensioners, to introduce a personalised and streamlined assessment service to improve the experience for people claiming health-related benefits, to pilot a single assessment for UC and PIP, and to consider how we can best reduce the number of claimants who appeal decisions on PIP and work capability assessments by ensuring that we do more to make the right decision the first time around. In addition, the Chancellor has already announced our aspiration to end low pay, starting with a new review into the future of the national living wage.

I will continue to work with colleagues across the House to further improve our support for those on the lowest incomes, because I know that no one in Britain should have their future determined by the circumstances into which they are born. Every single boy and girl born in this country should be able to reach their maximum potential, escape any societal constraints, dream big and reach the highest heights. Every single man and woman should be able to go into the workplace knowing that a better future awaits them and their family—that endless possibilities and ambitions are within their grasp. Every town and city in this country needs to know that this Government are on their side, that we match their endless possibilities and ambitions for themselves.

I am determined to tackle poverty, in particular child poverty, and as I look at the next steps on welfare policy and at the DWP budget, including at the spending
review, I will of course look at what more can be done to address poverty. This is what it means to be a compassionate Government: one that supports work, lets dreams become reality and helps those in need. We will work tirelessly to deliver that. I commend this statement to the House.

11.26 am

Margaret Greenwood (Wirral West) (Lab): I thank the Secretary of State for advance sight of her statement.

The figures published today are truly shocking. They highlight the devastating impact of austerity on families throughout the country. It is a national scandal that 14 million people, including 4.1 million children, are living in poverty in one of the richest countries in the world; yet the statement was marked by complacency and denial. As universal credit has been rolled out throughout the country, we have witnessed a sharp increase in food bank use. We are one of the richest countries in the world, and that increase is a source of national shame. We see families unable to feed their children. As a former schoolteacher, I know what it is like when children are hungry in school: they cannot learn, they are unhappy and worried, and they do not want their parents to know how worried they are. It is a scandal that has to be addressed.

In the face of such human misery, we hear the Secretary of State attempt to justify austerity and the Government’s clear political decision to balance the books on the back of the poor and disabled. It is a disgrace. The Joseph Rowntree Foundation estimates that continuing the benefits freeze for a fourth year will mean families will be on average £560 worse off. On 10 January, the Secretary of State said that the freeze was “the right policy at the time.” If it is not the right policy now, why is it being continued until April 2020? And why was there nothing in the statement to address that?

In the past, the Government have responded to our criticism of the rises in relative child poverty by saying that it is absolute poverty that matters. Well, we all know that we have to look at all measures of poverty, so what is the Secretary of State’s response to the figures released by her Department today, which show that in 2017-18 the number of children living in absolute poverty before housing costs increased by 300,000, and after housing costs by 200,000? It is truly shocking that the number of people in absolute poverty before housing costs increased by 600,000 in that same year.

Evidence of the crisis in poverty in our country is clear, yet last year the Secretary of State criticised what she said was the political nature of the report by the UN special rapporteur on extreme poverty and human rights, when he delivered it last November. That was a shocking statement—as if somehow poverty has nothing to do with politics. After her own Department’s figures have shown a 600,000 increase in the number of people in absolute poverty in 2017-18, will she now accept that he was simply telling the truth about poverty in this country?

The number of pensioners living in poverty rose by 100,000 in 2017-18, which means it has increased by 400,000 since 2010, under the Conservatives. Will the Government therefore reconsider their plans to force mixed-aged couples to claim universal credit rather than pension credit when one partner has reached state pension age but the other has not? Or are they determined to go ahead and break the Conservative party manifesto promise on that?

The Secretary of State claims that health and wellbeing are being improved. I ask her to think about those on zero-hours contracts. There are individuals with three zero-hours contracts who cannot secure a pension because the different contracts do not meet the threshold. She talks of universal credit as a force for good. That is laughable to those who have studied universal credit and those who are experiencing the misery of it. We have seen delays, five-week waits and an inability to deal with fluctuating incomes, meaning that people on the same income are getting very different levels of benefit from the social security system. When will the Government wake up to the poverty crisis besetting our country and deliver to people the security they need?

Amber Rudd: It is because we care so much about the changes in poverty that I have come here to make a statement about today’s statistics and to answer questions. It is because of the Government’s commitment to the triple lock that pensioner poverty is at a near-record low. I gently point out to the hon. Lady that the only reason we are able to fund the triple lock is that this Conservative Government are running a strong economy. A focus on how we deliver benefits, whether to pensioners or working-age people, is absolutely key to being able to deliver those important contributions.

The hon. Lady mentioned the Joseph Rowntree Foundation, but its analysis shows that universal credit will reduce the number of people in working poverty by 300,000. That she continues to attack universal credit shows a fundamental misunderstanding of the changes it brings to people’s lives. I urge her to engage with her jobcentre and speak more to the work coaches and clients. If she does, she will find, as I have, how positive the response to universal credit is. Many people I know are still concerned about it, but in my experience, and that of many other MPs from across the House, once people have engaged with universal credit—once they are on it—they realise it is a much more positive source of income than the previous benefits.

There are many different sources of poverty. One area we have particularly made sure we put more money into is the lowest-income children in schools, because that is a way to bridge the gap between people born into different households. Under this Government, the education attainment gap between disadvantaged pupils and all other pupils at key stage 4 has narrowed by 9.5% since 2011. The pupil premium, which most colleagues will be aware of, is incredibly important for focusing additional funds on pupils on the lowest incomes. This combination of initiatives, funded by this Government, will help to reduce the poverty gap.

Sir Desmond Swayne (New Forest West) (Con): To what extent does the growth of tax credits actually reduce wages?

Amber Rudd: I would invite my right hon. Friend to come to my Department and find out a bit more about how universal credit works and how the taper rate has changed the benefits system—how people who start a job and earn more receive less from their benefits but
only on a very gentle trajectory. The taper ensures there is not the sort of ‘trade-off’ he is hinting at from the previous system of tax credits.

Neil Gray (Airdrie and Shotts) (SNP): I thank the Secretary of State for advance sight of her statement. There has long been a debate in this place about whether we should measure absolute or relative poverty—in that regard, I wish she would look at the work of the Social Metrics Commission—but, regardless of the measure, the Government are presiding over a trend of rising impoverishment. The relative child poverty rate, before housing costs, is up 400,000, and the absolute rate is up 300,000 in a year. This takes the rate before housing costs to its highest level in almost 20 years. After housing costs, we see a stagnation in relative terms and a 200,000 rise in absolute terms, while severe poverty and material deprivation are both up 4% to 5% for all children.

The Secretary of State must know the impact that policy, particularly social security policy, has on poverty levels—she spoke about the power of her Department in this regard. When there is investment, poverty levels drop, and when there are cuts to individuals, levels rise. That is why ending the benefit freeze this year would have been the best place to begin to stop—and, in some cases, to reverse—the rising poverty trend. She could also have lifted the two-child cap, which is a cut directed at children that is impoverishing them. Why has she not done the right thing in these areas?

The Secretary of State has taken some welcome steps, and she has moved further than any of her five predecessors I have dealt with, but I know that she understands that she must go further. These figures should put a rocket under the discussions that she is having with the Chancellor ahead of the spending review. Work should be a route out of poverty, but it currently is not. What does the Secretary of State see as her key anti-poverty policy, and what is her anti-poverty target for the next year, given that whatever type of Brexit occurs will harm family budgets and affect living standards?

Amber Rudd: I thank the hon. Gentleman for his partially constructive comments. We are looking at the Social Metrics Commission’s assessment of poverty. It is an interesting approach, because it puts the measure of poverty back towards what people spend their money on, as well as what they actually get in. It is a fair point for the hon. Gentleman to raise with me, and I will come back to him when we have some further conclusions.

The hon. Gentleman highlighted difficulties for families with moving into full-time work. We have made a commitment to make the process more straightforward by providing more free childcare. We have ensured that more money per year is invested in childcare; that has gone up from £4 billion to £6 billion, providing 30 hours of free childcare for people with three and four-year-olds. That is an important change to ensure that people can go into full-time work. The hon. Gentleman also highlighted the difficulty for people on low incomes in part-time work, and we recognise that. We are trying to make it easier for people to go into full-time work, because there are many lower instances of poverty when two parents are in full-time work, and that must be people’s goal.

Alex Burghart (Brentwood and Ongar) (Con): Does the Secretary of State agree that growing up in a workless household is one of the most damaging factors for a child’s life chances? Consequently, will she commit to investing more in universal support to help people with difficulties to overcome them and move into long-term employment?

Amber Rudd: My hon. Friend is absolutely right. Households with nobody in work are much more likely to be in poverty, and they are a bad role model for everybody else. It is important to ensure that we engage successfully with households so that everybody has the opportunity of getting a job. There are now 665,000 fewer children in workless households since 2010.

Frank Field (Birkenhead) (Ind): Is not the most horrifying omission from the Secretary of State’s statement that we live in a country where people are cold, hungry and pushed into destitution? When does she expect to be able to come to the House and report on the numbers of people in destitution? As claimants have contributed so much to the revival of public finances by having cuts to their living standards, will the Secretary of State allow herself to be judged by how much she gets when the Chancellor starts allocating funds, and ensure that those moneys first go to the poor, who contributed most?

Amber Rudd: The right hon. Gentleman is more aware than many people that the Chancellor has put a lot more money into the welfare system. When it is fully rolled out, the system will be £2 billion more generous than it was previously. The right hon. Gentleman knows more than anybody else that, important though welfare contributions are and as committed as I am to ensuring that universal credit works for everyone, the causes of poverty are not allayed by benefits alone. That is why we have made such a commitment to invest in the poorest children through the pupil premium and to invest an additional £33 billion a year into the health service by 2023. All these additional investments will help people on the lowest incomes to have a better quality of life.

Rachel Maclean (Redditch) (Con): Does the Secretary of State agree that it is right that we look at the pressures on people’s incomes in the round? That means that we should look at the cost of childcare, which the Government are addressing, and at taking people out of tax, which the Government are addressing. We should also look at putting up wages for the poorest people on the lowest wages, so will my right hon. Friend confirm that the national living wage is rising, which will benefit a lot of people on low incomes?

Amber Rudd: My hon. Friend is right. Next week the national minimum wage will go up to £8.21, which is the highest it has ever been. Furthermore, the level at which people start to pay tax is rising to £12,500. It was not very long ago that people on very low incomes—as low as £6,500—could be paying tax, and that has changed under this and the previous Government.

Kate Green (Stretford and Urmston) (Lab): It is welcome to see the Secretary of State gradually repairing the damage that has been done by her predecessors as a result of caps, cuts and freezes, but she will accept, I am
Amber Rudd: Since entering government in 2010, we have removed 400,000 people from absolute poverty. I have acknowledged—this is why I am here today—that today’s statistics are disappointing. I am highlighting that there is more to be done both in terms of other services around benefits and in terms of my engagement with the Chancellor. The hon. Lady raises the important point that it is often people with the largest families who have difficulties, and I will be looking at that area ahead of the spending review. However, we will not be changing the two-child policy, which is still an important part of having fairness in the benefits system for the people who pay the tax as well.

Kevin Foster (Torbay) (Con): One of the regular challenges that those in poverty face is in finding suitable accommodation, as the Secretary of State referred to in her statement. What work is she doing in talking to the Ministry of Housing, Communities and Local Government to ensure that we deliver the quality homes that people need, at an affordable price, across the country?

Amber Rudd: That is such a good point from my hon. Friend. He is right that we need to constantly address poor-quality accommodation, as well as making sure that that accommodation is affordable. I am engaged in conversations with my right hon. Friend the Secretary of State for Housing, Communities and Local Government to ensure that we address this together.

Mrs Emma Lewell-Buck (South Shields) (Lab): Recognising the direct link between this Government’s punitive welfare reform agenda and rising levels of absolute, grinding poverty, over seven months ago leaked documents showed that the Department began a study of factors driving the use of food banks. It is due to be concluded in October—what are the interim findings?

Amber Rudd: The hon. Lady is right—we are looking at the factors to do with food banks. I want to take a very open approach to finding out what is going on and what the drivers are, because sometimes there are quite a lot of conclusions. I want to make sure that there is an opportunity to do some myth-busting and find out what we can do to allay this.

Mr Philip Hollobone (Kettering) (Con): I have been listening carefully—have I got this correct? Since 2010, 400,000 people have been taken out of absolute poverty; 665,000 fewer children are in workless households; 1.7 million people are no longer paying income tax because of the increase in the personal allowance, and the national minimum wage is now at record levels.

Amber Rudd: I thank my hon. Friend for so succinctly summing up the good news for us. I would add that income inequality has also fallen.

Bridget Phillipson (Houghton and Sunderland South) (Lab): No child in modern Britain should grow up in poverty, and frankly it should be a source of shame for Ministers that today we are seeing child poverty rising, even by their own preferred measures. We are constantly told that work should be the best route out of poverty, yet for too many children that is simply not the case. Even today we have seen the percentage of children in poverty with working parents rising again. Will the Secretary of State not acknowledge this and change course?

Amber Rudd: It is because I have acknowledged that these figures are disappointing and because I want to address this that I have come here to set out what we are doing, what we have already done, and what are going to be the important changes to make to the welfare system to ensure that we do address it. I am committed to making sure that we reduce poverty, and I will be putting in place the levers whereby we can do so. However, these figures are now nearly two years out of date. I have made sure that we are starting immediately to invest the money that the Chancellor put aside for us—£1.7 billion a year—to reduce the taper rate, increase the work allowance, and make sure that we address some of these issues.

Stephen Timms (East Ham) (Lab): I welcome the Secretary of State’s new commitment to tackling child poverty, which these figures show is getting significantly worse. Will she look at the option of universal credit claimants forgoing their final benefit payment after they have got into a job, in exchange for an up-front payment to fill the five-week gap before entitlement to benefit, which is forcing so many families to use food banks at the moment?

Amber Rudd: The right hon. Gentleman has raised that with me before. I am always looking at ways to improve the way we deliver universal credit. I have said that I will look at that, and I will continue to engage with everybody across the House to find ways of improving the delivery of universal credit. I feel that the advances that are available to people on day one when they apply for universal credit are the way to ensure that people have access to money as soon as they need it. That is working well, with over 60% of claimants now taking advantage of it.

Chris Stephens (Glasgow South West) (SNP): But the problem with that answer is that, as the Chair of the Work and Pensions Committee said when he visited the Glasgow South West food bank a couple of weeks ago, people are not taking the advance payment because it is a loan, and they do not want to be in more debt. How much does it cost to administer advance payments, and would it not be better if they were the first payment for all claimants?

Amber Rudd: The hon. Gentleman can call it a loan; I can call it an advance. The fact is that it is a way of getting money that will be paid to the claimant to them in advance of the date they would receive it. I do not see it as a loan in the same way. I am looking at ways to ensure that work coaches in jobcentres can position it in the right way, so that claimants do not face it with fear, as he described. I want people to have confidence. This
is the money that they will be receiving. If they want to effectively receive 13 payments over 12 months, that is a choice they can make.

Yvonne Fovargue (Makerfield) (Lab): In the light of these figures, it is no surprise that StepChange reports that over 20% of its clients have no disposable income to pay off their debts, and they are borrowing for essentials such as food and heating. What is being done to assist the increasing number of people in that situation?

Amber Rudd: I know that the hon. Lady is quite an expert in this area. My colleague the Pensions Minister met StepChange this week. We are committed to ensuring that sufficient advice is available to people who need it, to help them budget. A lot of people come on to universal credit with quite significant debts. One of the issues we have addressed is reducing the debts that people have to repay out of their universal credit from 40% to 30%. We have also set up the Single Financial Guidance Body. We are very aware that people often arrive with debts, and we want to help them manage those debts, so that they have sufficient income to manage on the universal credit they receive.

Mr Gregory Campbell (East Londonderry) (DUP): Successive Chancellors have been lobbied by me and my colleagues to raise the personal allowance, which the Secretary of State alluded to, and that is welcome and good news. The problem now is that it is totally irrelevant to those in part-time employment and on very low pay, because they earn less than the personal allowance. What is she doing to raise the skills level and ensure that small and medium-sized enterprises offer training, to grow the skills base, so that people are not welfare-dependent at all?

Amber Rudd: That is a very good question. As the hon. Gentleman said, we have raised the personal allowance, which has been very successful, but I would like us to do more to help people move on in work from a small job to a higher skills level. I will be more to help people move on in work from a small job.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): The Government always say that being in work is the employment record we have created. We have better jobs and more jobs, and we are proud of the advantage of a growing economy. This Government are committed to making sure that we have better jobs and more jobs, and we are proud of the employment record we have created.

Alison Thewliss (Glasgow Central) (SNP): The Secretary of State has the audacity to claim that “no one in Britain should have their future determined by the circumstances into which they are born”. That is simply not the case, because a third child born on 5 April 2017 will be entitled to benefits, but a baby born on 6 April 2017 will not. Religious faith families and ethnic minorities are disproportionately affected by the two-child limit. She has set up an unacceptable, unjustifiable two-tier system for families in this country, and women will still have to prove if they have had their third child as the result of rape. Why does she think that is acceptable?

Amber Rudd: The hon. Lady has raised this with me many times, and I repeat to her that I do think the system is right. She also has to think about the people on low wages, who pay taxes, who will pay to us—as an MP, I have had people say this to me, and I expect people to have said it to others as well—that they have to plan for their third child or fourth child, and have to work out whether they have the funds to do so. I think it is right that people who are on benefits have to make the same assessment for their families.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): In 1998, child poverty was at 3 million. By 2010, that was reduced to 1.6 million, but now it is 3.7 million. That was an historic achievement under Labour; now this Government have not only reversed it, but made it even worse. The Secretary of State calls it “disappointing”, but I call it a disastrous—an absolutely disastrous—failure by this Government. The reality is that that reduction was not achieved by accident; it was done by massive, sustained, above-inflation increases in social security support. The Government have broken that link with their welfare cap policy and their arbitrary restrictions on welfare spending. Will the Secretary of State accept that that is the simple reality of the situation? Until they reverse that idea and return to a welfare system based on automatic stabilisers and an inherent right to support per person, that will not be changed at all.

Amber Rudd: I am sorry, but I am going to disappoint the hon. Gentleman. I think we have the right welfare system. It protects the most vulnerable, provides the safety net we need and helps people into work. Under the Labour system, people were abandoned on out-of-work benefits and were not helped. Under this Government, we ensure that they engage with jobcentres and work coaches to make sure that they have the opportunity of a job.

Ellie Reeves (Lewisham West and Penge) (Lab): Sums of £23 a week, £25 a week and £20 a week are all amounts that the Government have told my Lewisham West and Penge constituents on universal credit they should be able to live on after rent and basic utilities. With over 72,000 emergency food supplies given to Londoners over a six-month period, will the Secretary of State take responsibility for the shambles of universal credit and stop the roll-out?

Amber Rudd: I remind the hon. Lady that, under Labour, unemployment rose every time. Under this Government, we are ensuring that there are jobs available, with more people in work than ever before. I would hope that the work coaches at her jobcentre are able to help people into work, because there are jobs available, and that, ultimately, is what will help her constituents and her families have a better quality of life.
Amber Rudd: We have still lifted 400,000 people out of absolute poverty since 2010, but I acknowledge that there is more to do. Over the past two Budgets, the Chancellor has put in substantial additional sums: £1.7 billion a year is now coming in for the next three years. I hope that these changes will make a significant difference to improving the delivery of our welfare directly to people in the hon. Lady’s constituency.

Amber Rudd: I am committed to making sure that we reduce poverty and focus particularly on child poverty. We must also remember that the issue is not entirely about welfare benefits; it is also about having a strong economy, in which wages grow and better quality jobs are available for everybody. I reassure the hon. Lady that I am focused on making sure that we reduce poverty.

Amber Rudd: I would hope that personalised attainment support from work coaches will help provide what the right hon. Gentleman is looking for. Furthermore, the pupil premium in schools should help to focus on children from the most deprived areas, so that they get the extra funds at school to give them the additional support that they need.

Amber Rudd: The best way for poverty to be solved for families is for parents to be able to access full-time work. I know that the hon. Lady is referring to the fact that some of the people have access to work, but it is more important that they are also able to get into full-time work, which will help them reduce the poverty in their families.

Amber Rudd: As the hon. Lady will be aware, we have now seen a plateauing in the number of homeless people. We have a successful homelessness reduction strategy. I acknowledge that the number had gone up, but we are now seeing it come down, which shows that the homelessness strategy is working. We are committed to making sure that we continue it so that there are fewer homeless people across the country.

Amber Rudd: The hon. Lady has focused on an important driver of these statistics: the surprising rise of inflation. In the year in question, inflation was 2.8% when it was not expected to be. That was one of the factors contributing to the rise in the number of people in poverty in that year. However, I believe that the changes that we have made since then will help to address that, so that people can have higher levels of consumer purchasing power at home.

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Amber Rudd: Because of the triple lock, we have protected pensioners’ income. Over the past three decades, pensioner poverty has halved. They are most respected by the Government and we know that we must always look after pensioners.

I say to Members on both sides of the House that universal credit is helping people to get into jobs, with work coaches having a personal approach to individuals. If they have not had the opportunity to engage with their work coaches in jobcentres, I urge them to do so. We know that that work is being successful: Joseph Rowntree recently said to us that 300,000 people are likely to come out of poverty as a result of universal credit. That is good progress, and we will continue to build on that.
the only way we ensure we leave in good time on 22 May is by approving the withdrawal agreement by 11 pm on 29 March, which is tomorrow.

The European Council has agreed to an extension until 22 May, provided that the withdrawal agreement is approved by the House of Commons this week. It is crucial that we make every effort to give effect to that and to allow the House to debate this important issue. We do not want to be in the situation of asking for another extension and, of course, for the requirement to undertake European Parliament elections.

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House for the statement, which we received only about two minutes before I came to the Chamber. I am not sure how much discussion there was with the usual channels; certainly, the business managers have not seen the content of the motion. I would like further clarity on behalf of the whole House on whether this is in fact meaningful vote 3. I understand what the Leader of the House said about complying with the Speaker’s ruling—I do not know whether you, Mr Speaker, have had any discussions about the motion or whether this is in fact meaningful vote 3. I understand that the Government have to comply with what the EU has said, but we need more clarity on what exactly this motion is about and whether it is the meaningful vote, the agreement or the full package.

Again, I do not think this is the way to conduct business in the House on such an important matter. The Leader of the House has given the times, but only just, and there are people who have to make adjustments—I am talking not about Members but about the staff of this House, such as the doorkeepers, and all the civil servants.

I want to say thank you. There was a new process yesterday, and staff—the Clerks and all the staff of the House—rose to the occasion. It went very smoothly; we voted in the correct Lobbies, and we voted on the green sheets, which made a nice change from the pink sheets. I thank staff for working late to get the result to us on time, and we waited patiently for that. Yesterday was interesting: it was not just about process—to me, it was a confluence of process and principle. We know that the House can do that, and we know that it can be a modernising place.

Yesterday, the Leader of the House will have heard Opposition calls for an Opposition day. When will the next Opposition day be? This is a two-year Session.

I am not sure whether the Leader of the House was in the House yesterday when my hon. Friend the Member for Battersea (Marsha De Cordova) made a point of order about the Minister for Disabled People. I do not think one has been appointed. The Under-Secretary of State for Work and Pensions, the hon. Member for North Swindon (Justin Tomlinson), stepped up today for the urgent question, but I do not think he is the Minister for Disabled People. There are 13.9 million disabled people who need a Minister who will champion their needs. I do not know whether the Leader of the House is aware that we have had seven since 2010.

There are also a number of other vacancies. The right hon. Member for North East Bedfordshire (Alistair Burt) and the hon. Members for Winchester (Steve Brine) and for Watford (Richard Harrington) have all resigned their positions. Those were key roles, dealing with the middle east and north Africa, public health and primary care, and business and industry. A number of Parliamentary Private Secretaries have also resigned. It is about time that we had an updated list of ministerial responsibilities. I wonder whether the Leader of the House could provide one.

The Leader of the House will be aware of the survey carried out by Sir John Curtice for the independent agency NatCen Social Research. He was one of the few people who correctly called the result of the election. He found that 85% of those who voted remain and 80% of those who voted leave in 2016 think the Government have handled Brexit badly. Among our voters, just 7% believe that the Government have handled Brexit well. The Government keep saying to us, “This is the mandate from the people,” but all hon. Members know that the Government have had no problem U-turning on their manifesto commitments. I will give two examples: the means test on winter fuel payments and, just four days after the manifesto was published, the U-turn on the so-called dementia tax.

Yesterday, during Prime Minister’s question time the Prime Minister said:

“We have a deal that cancels our EU membership fee”.—[Official Report, 27 March 2019; Vol. 657, c. 311.] That is not strictly correct, because the withdrawal agreement is littered with references to how we will have to pay into the EU to secure benefits. For example, page 51 of the March 2019 agreement mentions communications infrastructure.

Earlier this month the European Parliament voted to guarantee funding for UK students who are already on the Erasmus+ programme, and in the event of a no-deal Brexit it promised to continue supporting European students who are on that scheme in the UK. There are 17,000 students in the UK who planned to study in Europe under Erasmus+, and they still face uncertainty about whether they can do that in September. Where is the Government’s commitment to our future, and to those students who want to work in the EU? May we have a statement from the Secretary of State about whether funding for those students will be guaranteed?

I have heard nothing in any statement about revelations in The Guardian that the Government have spent £12 million on a penthouse for the trade envoy. May we have a statement on whether that public money has been properly spent? Will we spend that sort of money in all countries where we have a trade envoy? When will the Government respond to the report by the Joint Committee on Human Rights, chaired by my right hon. and learned Friend the Member for Battersea (Marsha De Cordova) and the hon. Member for Peckham (Ms Harman), which concluded that more than 3 million Europeans living in Britain could be left in legal limbo after Brexit? The Committee proposed amendments to the Immigration and Social Security Co-ordination (EU Withdrawal) Bill. May we have a statement from the Government about whether those people will be protected, and a timetable for the progress of key legislation that needs to pass through Parliament before exit day?

Monday 25 March was International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and it is vital that we remember that history and treat everyone equally. My hon. Friend the Member for Manchester, Gorton (Afzal Khan) said yesterday during Prime Minister’s questions that
15 Conservative councillors who had been suspended for posting racist or Islamophobic content online have been let back into the Conservative party. Some of those members referred to people as “cavemen” and to Saudis as “sand peasants”, and they compared Asian people to dogs. A man puts on an England shirt, scores a goal, and is racially abused: we stand with Raheem Sterling.

Andrea Leadsom: I completely agree that any form of racism is abhorrent and must be stamped out wherever it is seen. The hon. Lady asks about the statement I have just made, and the motion for tomorrow. As I have said, we recognise that any motion brought forward tomorrow must comply with the Speaker’s ruling, and that discussion is ongoing. A motion will be tabled as soon as possible—obviously by later today—to allow the House to consider the motion in the name of the Prime Minister.

The hon. Lady asks about Opposition days, and I take this opportunity to thank all Members across the House, and to mention the tremendous work by civil servants that has gone into the secondary legislation programme. We are tabling a number of statutory instruments related to Brexit to ensure that we have completed our secondary legislation programme. All statutory instruments needed for exit day have now been dealt with appropriately, and Members have spent more than 120 hours debating more than 230 EU exit SIs in this Session. The sifting committee has considered more than 220 proposed negative SIs, and recommended more than 60 of those for upgrade to the affirmative procedure. I am very grateful for that huge amount of work.

The hon. Lady asked for an undated list of ministerial responsibilities, and I will seek that as soon as possible. She asked about European citizens, and I am sure she will be pleased that the Government have brought forward, through the Immigration Minister, a UK-wide campaign for the EU settlement scheme. That will include billboards and radio advertising, to ensure that everyone who is eligible knows how to apply and get the status they need. It is this Government’s priority to ensure that EU citizens who have built their lives here and contributed so much to our society know that they are welcome in the United Kingdom.

The hon. Lady asked about the new residence in New York, and I assure her that we secured the best possible deal and value for money on a property that will help to promote the United Kingdom in the commercial capital of our largest export market, and a trading partner for years to come. She will appreciate that diplomatic and economic considerations were central to the decision. She will be pleased that the United Kingdom will have a diplomatic presence in one of the most influential countries in the world. The residence will be used for commercial and diplomatic purposes, and to build our relationships with the US and our allies. She will appreciate that diplomatic and economic considerations were central to the decision.

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The Prime Minister’s “back me then sack me” strategy has spectacularly failed—she cannot even get her departure right, even when everybody wants her gone. The race to replace her has begun. I understand that 22 right hon. and hon. Members will feature in that leadership race, but the Leader of the House is not among the favourites. Many of them have cut their teeth in the House—Sir Oliver Letwin should be at the Dispatch Box announcing the business. He could not make a worse mess of it than this, and it is almost as if he is the Leader of the House anyway just now.

The only thing that everybody wants to hear from the Leader of the House is whether the Government are bringing back the meaningful vote tomorrow, because what is on the Order Paper clearly is not that. The right hon. Lady has until 5 o’clock today to table a proper motion. Will she do that, and will we have the meaningful vote tomorrow—yes or no?

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Our constituents are watching this with increasing horror. They are confused, frustrated, bewildered, and increasingly angry. This is what these Conservatives have done to us. They have divided a nation and paralysed Parliament. Thank goodness that the people of Scotland have a get out card and a way out of this madness. As it becomes apparent that a UK solution for Scotland to remain in the European Union is disappearing, more and more people are recognising that only a Scottish solution will rescue our EU membership.

Andrea Leadsom: Before I respond to the hon. Gentleman’s remarks, I must put something important on the record: I understand that I am over two weeks late in wishing him a very happy birthday. [Laughter.]

Wait for the punchline. I can more than make that up to...
him, however, because today is a bumper edition of Cake Thursdays in the office of the Leader of the House, as we have four birthdays over the next few days. I hope that he will swing by after business questions for a slice of Colin the Caterpillar—other cakes are available.

In response to the hon. Gentleman’s very serious and important points, I would like to put on the record that, in spite of his slightly less than generous remarks, the Prime Minister of this country has done enormous service. She has absolutely shown her determination at all times to put her country first and to make sure that we leave the European Union in line with the referendum. I think all Government Members support her in doing that.

Sir Edward Leigh (Gainsborough) (Con): Will the Leader of the House confirm that if the withdrawal agreement is not voted for tomorrow, on Monday my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) will take control? There is nothing to stop him, under our procedures, now whittling down the options to one option. Almost certainly, given the results last night, that will be permanent membership of a customs union. There is nothing to stop him putting that in a Bill. There is nothing to stop him making that an Act of Parliament. The choice will then be between—I say this to my colleagues—permanent membership of a customs union or a general election. And that, as they say, will be that.

Andrea Leadsom: My right hon. Friend sets out very clearly that on Monday my right hon. Friend the Member for West Dorset will in fact be carrying out my role, if not that of the Prime Minister, in determining the order of business for the day and in seeking an agreement from the House on a way forward. I certainly feel that this House needs to agree to fulfil on the 2016 referendum. The Prime Minister’s deal offers the means by which to deliver on that referendum, but at the same time, for those who do not want to leave the European Union, we need a compromise and I do urge colleagues right across the House to back it.

Ian Mearns (Gateshead) (Lab): I thank the Leader of the House for the business statement and for announcing the two Backbench Business debates for next Thursday. We still have a hefty queue of 17 unaired debates, so any additional time is always welcome. Can she promise us that we are not sitting next Friday? I am already rearranging my diary for tomorrow and am hoping to use next Friday for that purpose. When she said the House would not be sitting on Friday 5 April, did she really mean it?

Andrea Leadsom: The hon. Gentleman is a very knowledgeable and experienced Member of Parliament. He will know that the business statement always sets the order of business for the day, but I cannot promise or absolutely guarantee. Nevertheless, what I can tell him is that, all things being equal, the House will not be sitting next Friday.

Maggie Throup (Erewash) (Con): As we prepare to commemorate the 80th anniversary of the outbreak of the second world war, will my right hon. Friend consider how Parliament can best play its part in recognising the many servicemen and servicewomen who so bravely defended our country in its darkest hour?

Andrea Leadsom: My hon. Friend is absolutely right to pay tribute to all those who suffered so much for our freedoms. We should always value their sacrifice for us. I will certainly take away and consider how the House can mark the outbreak of the second world war, as she suggests.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I am sure the Leader of the House is aware that there has been a fantastic campaign over many years to save Huddersfield Royal Infirmary from being closed as a fully functioning hospital and downgraded to a much smaller local hospital on a different site. There was news this week from the Secretary of State for Health about saving Charing Cross Hospital, which has exactly the kind of challenges that we have in Huddersfield. There is obviously a change in mind, purpose and objectivity in terms of this new Secretary of State, so may we have a debate on the future of local hospitals?

Andrea Leadsom: I am delighted that the hon. Gentleman raises his success in his local campaign for Huddersfield Royal Infirmary. He has made a really important point. We all have local hospitals that we are very keen to support. I encourage him to seek a Westminster Hall debate, because I am sure many hon. Members will have their own local hospital issues, as indeed I do, along with my excellent Parliamentary Private Secretary, my hon. Friend the Member for Banbury (Victoria Prentis), with regards to Horton General Hospital.

Dr Julian Lewis (New Forest East) (Con): May we have an urgent statement from the Universities Minister about the disgraceful situation at Bristol University, where the free speech society has been told it cannot have a speaker—the person who drew up the extreme speakers’ league table in which Bristol University came 10th—unless it has an independent chairperson and another speaker to balance up the views of the person who lists extremism in universities in league table order. This is from a university which is said to have hosted no fewer than nine extremist speakers on its campus. It is a disgrace and we need to have an urgent statement about it.

Andrea Leadsom: My right hon. Friend raises a very important issue. I know all of us across the House support the idea of freedom of speech at all times, but nevertheless within the law. That is a very important balance to be struck. In particular, we all believe that freedom of speech in universities, to enable young people to learn about and be exposed to different views, is absolutely vital. My right hon. Friend might well like to seek an Adjournment debate so that he can discuss this matter directly with Ministers.

Thangam Debbonaire (Bristol West) (Lab): I thought the deal was a package of the withdrawal agreement and the political declaration that cannot be split. However, the Leader of the House only mentioned the withdrawal agreement in relation to tomorrow’s business. Can she confirm that, to secure an extension of the article 50 process to 22 May and to comply with section 13 of the
European Union (Withdrawal) Act 2018, this House has to approve both the withdrawal agreement and the political declaration on the future framework by the time the House rises at 2.30 pm tomorrow?

Andrea Leadsom: What I can say to the hon. Lady is that we are looking very carefully at bringing forward a motion later today that, very importantly, must comply with Mr Speaker’s ruling. That will be brought forward as soon as possible.

Sir John Hayes (South Holland and The Deepings) (Con): Two hundred thousand nurses have left the NHS in less than a decade and there are 42,000 vacancies, which is 12% of the nursing workforce. Notwithstanding a small number of apprenticeships, the fact that this is widely perceived as a graduate job has robbed nursing of those who long to care and once learned to do so. Will the Leader of the House arrange for a debate, mindful of the words of John Ruskin, who said:

“The highest reward for a person’s toil is...what they become by it.”

It is time for a debate on practical skills in which we can challenge the view that only academic accomplishment brings fulfilment. It is time, Mr Speaker, to elevate the practical.

Andrea Leadsom: My right hon. Friend raises the vital role of nurses. It is a good opportunity to pay tribute to the amazing work they do for so many people. What I can tell him is that there are now 16,300 more nurses on our wards than there were in 2010 and over 50,000 nurses in training. The introduction of the new nursing degree apprenticeships and nursing associate roles will help us to build the workforce we need.

Mr Ben Bradshaw (Exeter) (Lab): Let us try again, Mr Speaker. Is what the Leader of the House announced for tomorrow meaningful vote 3, or more attempted trickery and potentially illegal trickery by the Government by separating out the withdrawal agreement from the political declaration? Does she understand that that will be completely intolerable? It would not only be potentially illegal, but would ask this House to vote for a completely blind Brexit. Does she also understand that she and the Prime Minister could put this House and the country out of our misery by bringing back meaningful vote 3 and making it conditional on a public vote? Why is she so frightened of the views of the British public?

Andrea Leadsom: As the right hon. Gentleman will know, I absolutely supported the people’s vote that took place in 2016. I am absolutely determined, along with the Prime Minister, to ensure that we deliver on that.

Mr Peter Bone (Wellingborough) (Con): At 5 o’clock, we are going to be asked about the sittings of the House motion for 29 March. It is very unusual for us to have such an emergency sitting on a Friday. It seems rather strange that the Government have not decided what the motion is for that day. If a motion cannot be moved because you would not allow it, Mr Speaker, is the Leader of the House guaranteeing that she is still going to move the motion at 5 o’clock for the Friday sitting? Is that definite or is it optional?

Andrea Leadsom: My hon. Friend should refer back to the business statement that I just made, which still stands.

Chris Bryant (Rhondda) (Lab): There seems to be some shenaniganating going on here. The Leader of the House is being very coy, which is not normal for her; she is normally more up front. Maybe we can tease it out of her: is the plan to bring forward just the withdrawal agreement for the motion tomorrow? If that is the case, a lot of us in this House will think that that does not meet the requirement of the withdrawal Act, which states quite categorically that the Government will not be able to ratify the withdrawal agreement unless “the negotiated withdrawal agreement and the framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown”.

Unless she is going to say now that tomorrow’s motion is properly in line with the Act and would allow ratification, frankly tomorrow is a complete and utterly waste of time, and we would be better off voting against her motion later today.

Andrea Leadsom: I have tried to be as open as I possibly can on this. As the hon. Gentleman will realise, the fact is that a motion that comes forward tomorrow must enable us to meet the European Council conclusions, which say:

“Any unilateral commitment, statement or other act...should be compatible with the letter and the spirit of the Withdrawal Agreement.”

It must also comply with the Speaker’s ruling, and it must enable the House to move forward. Quite genuinely, of course it will meet UK law, and the reality is that it has not yet been finalised, but it will be brought forward just as soon as possible, in time for the House to discuss the business motion in the name of my right hon. Friend the Prime Minister this evening.

Jeremy Lefroy (Stafford) (Con): In North Kivu in the Democratic Republic of the Congo, there have been more than 1,000 cases of Ebola, resulting in more than 500 people dying. This is an incredibly serious situation with implications for the very large city of Goma and for Uganda, Burundi, Rwanda and further afield, as well as of course throughout the DRC. Will the Secretary of State for International Development or one of her colleagues make a statement to this House? I remember how in 2014, there were regular updates on an equally serious situation in west Africa. I believe that this has international implications and we need to hear about it.

Andrea Leadsom: My hon. Friend raises a very concerning matter and he is absolutely right to do so. The Government are working with the DRC and the World Health Organisation to tackle the latest outbreak of Ebola. UK aid has played a crucial role in supporting the response since the outbreak was first announced in August 2018. That support has provided funding and expertise to the World Health Organisation for response activities in the DRC and for regional preparedness. We are the leading donor by far for regional preparedness in neighbouring counties such as Uganda, Rwanda, Burundi and South Sudan. Preventing the spread of the disease not only saves lives, but provides the stability necessary for economic growth and security.
Ellie Reeves (Lewisham West and Penge) (Lab): I have recently been contacted by a constituent—an EU citizen—who worked here for many years before suffering ill health. She was previously entitled to housing benefit and employment and support allowance, but after these were absorbed into universal credit, she lost her entitlement because of stricter residency criteria. Many EU citizens have been plunged into poverty because of these benefit changes and no longer feel welcome, so can we please have a debate on the impact that universal credit is having on EU citizens living here?

Andrea Leadsom: The hon. Lady is raising a specific constituency issue, and I encourage her to raise that directly with the Department for Work and Pensions. I would say, again, that the Government’s priority is to make sure that EU citizens who have built their lives here and who have contributed so much to our society should continue to feel that they are very welcome here. That is the top priority and it is why we have introduced the EU settlement scheme to make sure that, as we leave the European Union, what we do will be entirely fair to those who have contributed so much to our society and our communities.

Mrs Anne Main (St Albans) (Con): Yesterday, we did things differently in this House. We voted on eight options, most of which we had never given five minutes debate to, which I found rather upsetting. We had not had any legal advice on any of them and they were all, quite wisely, roundly thrown out by the House. Does the Leader of the House agree that when we look at the figures, which are quite stark, we see that meaningful vote 2 had a majority of 123 over the top prize winner yesterday and had significant majorities over everything that happened yesterday? Given that the two options that I supported yesterday dropped off the list, may I ask if it is possible, if we are going down this beauty contest route, that we ensure that something that got more support in the House is not ruled out by you, Mr Speaker, that we all have to look at what we might wish to support, and that you, Mr Speaker, will look at the ruling on the one that had the top number of 391—over the second referendum’s 268—and ensure that that is now not ruled out because of some ruling by yourself?

Mr Speaker: Order. That has very little to do with the business of the House for next week. I do not say this in any spirit of discourtesy to the hon. Lady. But I am perfectly conscious of and capable of executing my responsibilities in relation to that business and all other business. The right hon. Member for West Dorset (Sir Oliver Letwin) is in the lead on the matter. Procedural propriety has been observed and he is perfectly clear with other colleagues as to the basis, sanctioned by the passage of the business of the House motion, on which we will proceed in these matters. I am sorry if the hon. Lady is not clear about the matter, but there is no basis for that ambiguity.

Andrea Leadsom: I am grateful to my hon. Friend. Friend the Member for St Albans (Mrs Main) for her comments. She, like me, would like to see resolution; we would like to see the UK leave the EU in an orderly fashion. Again, I urge all colleagues to find it in their hearts to consider finding a way forward urgently so that we can give businesses and citizens some certainty.

Ian Murray (Edinburgh South) (Lab): On 12 May, it will be the 25th anniversary since the devastating passing of the former leader of the Labour party, John Smith. I have applied to the Backbench Business Committee, chaired by my hon. Friend the Member for Gateshead (Ian Mearns), for a debate around 12 May, but given that it is a significant anniversary, I wonder whether the Leader of the House would consider providing some Government time in this place so that we can commemorate the death of John Smith properly.

Andrea Leadsom: I certainly join the hon. Gentleman in having fond memories of the late John Smith and I applaud him for raising that in this Chamber. I will of course look at this, but he will appreciate that there are often calls for Government debates to pay tribute to particular individuals and it is not always possible to offer time.

Kirstene Hair (Angus) (Con): Angus has seen over 15 bank closures in the past eight years. It is one of the worst affected areas of the country for closures and Kirriemuir in my constituency will see its last bank in the town gone in the summer. Can I ask the Leader of the House for a debate in this place around having banking hubs in each town, so that consumers have choice about access to cash, and around the role of the post office, because this is a real, urgent issue for my constituents?

Andrea Leadsom: My hon. Friend raises important issues on behalf of her constituents and she is quite right to do so. While banks are obviously commercial businesses, the impact of closures on communities must be understood and mitigated wherever possible. That is why we support the industry’s access to banking standard, which commits banks to carrying out a number of steps before closing any branches. We also welcome some of the innovative solutions that banks can find to ensure that they can continue to provide banking services to communities when they do close branches. She will be aware that the Post Office has reached an agreement with the banks that allows more banking customers to access a wider range of services at the post office than ever before. I encourage her perhaps to seek an Adjournment debate so that she can discuss this more, directly with Ministers.

Nic Dakin (Scunthorpe) (Lab): I was privileged to join Councillor Glyn Williams, Mayor of Bottesford, for an event at Bottesford Town football club to celebrate the role of volunteers in the community. May we have a debate to recognise and thank all volunteers for their strong contribution to our communities?

Andrea Leadsom: The hon. Gentleman has raised an important issue. I pay tribute to all those who do so much volunteering for our communities, and in particular to the Mayor of Bottesford for his contribution. We recently had a debate on this subject in Government time, because I know that Members like to seek such an opportunity from time to time, but I will certainly look at the issue again.

Robert Courts (Witney) (Con): The people of West Oxfordshire—and, no doubt, all our other constituents—are puzzled when new homes are built without some of the features that one would expect in a modern age, such as
full fibre to the door or environmental features such as solar panels. May we have a debate in Government time to discuss the planning system and what should be required of new homes in this day and age?

Andrea Leadsom: I am sure that many Members will agree with my hon. Friend, but I can tell him that building the homes our country needs is our top domestic policy priority. We want everyone to be able to afford a safe and decent place to call their own, and we want to help many more people on to the housing ladder. More than 222,000 new homes were built last year, the highest number that we have seen in all but one of the last 31 years, and the average cost of installing solar panels at home has fallen by about two thirds since 2010. As he may know, we have committed more than £1 billion to next-generation digital infrastructure, and we have also committed ourselves to providing full-fibre connections for most homes and businesses by 2025. However, I encourage him to seek an Adjournment debate so that he can discuss his ideas directly with Ministers.

Liz McInnes (Heywood and Middleton) (Lab): I know that, when the February recess was cancelled, many members of the House staff were very unhappy about having to cancel leave at short notice. The Leader of the House has been deliberately opaque about the Easter recess. What talks is she having with the trade unions about the possibility that staff will have to cancel leave at short notice again?

Andrea Leadsom: As the hon. Lady will know, recesses are always subject to the progress of business and no motion was tabled in relation to the Easter recess. Although the dates were announced, the motion was not tabled. Discussions are taking place constantly, and the House staff are very aware and extremely professional. I pay tribute to them for their commitment to supporting us at all stages. It is the case, however, that, unless a motion is tabled, a recess is not confirmed.

Vicky Ford (Chelmsford) (Con): Yesterday was a very busy day in this place, but I was pleased to see in my inbox an email from the Rail Minister, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), announcing another £48 billion of investment in our railways. I know that you, Mr Speaker, are a stickler for punctuality, so you will be pleased to hear that from Monday onwards—thanks to that same Minister—if my train is more than 15 minutes late, I, and other Chelmsford commuters, will be able to get some of our money back. Please may we have a debate about the Government’s outstanding track record and investment in infrastructure?

Andrea Leadsom: My hon. Friend has raised a number of points about the railways. She is absolutely right to do so. We will be spending nearly £48 billion on improving our railways to deliver better journeys. That is vital. When people buy their ticket, they deserve a reliable service that gets them to their destination on time. She may be aware that we have launched a comprehensive review of our railways in order to build on the success of privatisation and to ensure that we get the best from both public and private sectors.

Andy Slaughter (Hammersmith) (Lab): In a throwaway line during Health questions on Tuesday, the Health Secretary withdrew the Government’s threat to demolish Charing Cross Hospital after seven years. We have been partying in west London since then, but now the hangover has set in. May we have a debate on health service funding, so that the Government can explain how they intend to deal with the £600 million backlog of works at our three local hospitals, the £30 million-worth of cuts to our local NHS this year, and the extra £10 million that we are paying to subsidise the private Babylon GP at hand digital service promoted by the Health Secretary?

Andrea Leadsom: I should have thought that the hon. Gentleman would want to celebrate the fact that the NHS has now published its long-term plan, and the fact that a record level of Government funding behind it will enable the NHS to continue to deliver world-class care to patients at every stage of their lives. He is, as I understand it, celebrating the protection of his local hospital, and I am delighted to share in his pleasure, but at the same time he must appreciate that this Government have done more for the NHS than has been done at any time in its history, with the biggest-ever investment. Under this Government, the NHS is surviving and thriving.

Paul Masterton (East Renfrewshire) (Con): At a time of great uncertainty and angst, may we have a debate about things that make us happy? A survey released this week shows that East Renfrewshire is the happiest place to live in Scotland. May I extend an invitation to the Leader of the House? If she is looking for something to spark joy, Marie Kondo-style, I suggest that she make her way north for a warm welcome from me and from my very happy constituents.

Andrea Leadsom: Well, the people of East Renfrewshire did unseat the Scottish National party MP and elect a Conservative Member, so it is not surprising that it is Scotland’s happiest place to live. However, my hon. Friend has made a very good point. We all need to make time for the little things that make life happy. I should be delighted to visit him.

Mr Speaker: We could have a debate on the definition of happiness. I will offer a starter for 10: victories for Arsenal football club and Roger Federer.

Neil Gray (Airdrie and Shotts) (SNP): Notwithstanding the sunny disposition of the Leader of the House at the Dispatch Box, she is still being sleekit about tomorrow’s business. Will it be meaningful vote 3, and is she going to split the withdrawal agreement from the political declaration? If it will not be meaningful vote 3, what is the flaming point of tomorrow?

Andrea Leadsom: If you will forgive me, Mr Speaker, I would have to add to your examples a win by Northampton Saints. As for the hon. Gentleman’s point, it is simply the case that the motion has not yet been finalised. It will be tabled as soon as possible, but let me say again that it needs to comply with UK law, with the European Council resolution, and, of course, with the decision that was made by you, Mr Speaker.

Mr Charles Walker (Broxbourne) (Con): Fish, Mr Speaker! Not kippers, which have much to recommend them, but bass. May we have an urgent debate on
to breathalyse him and gather evidence for a charge of dangerous driving, for which he could have faced up to 14 years in prison. Instead he got just six months for failing to stop. There are serious concerns regarding the appropriateness of sentencing for this offence, particularly when the driver causes a death. May we have an early debate on this issue? Bereaved families must know that we view this crime with the utmost concern.

**Andrea Leadsom:** May I first say that that is an absolute tragedy and I am very sorry to hear about it? The right hon. Lady is absolutely right to raise that in this Chamber. I encourage her to seek an Adjournment debate so that she can discuss it directly with Ministers.

**Mr Nigel Evans (Ribble Valley) (Con):** I like the idea of a happiness debate. People are so fraught around here. Nobody asks “How has your day been?” Instead they say, “How bad’s your day been?” So that is a great idea.

While we try to deliver Brexit, that is in danger of crowding out other issues. As people know, 850 people have been affected by the loan charge legislation, involving £33 million. It has led to bankruptcies, breakdowns and, sadly, suicides. Is it possible to have a statement from a Treasury Minister next week in order to see what changes can be made to alleviate their misery?

**Andrea Leadsom:** My hon. Friend raises an important point. This issue has been raised with me directly by constituents of mine. A debate is being arranged by the Backbench Business Committee so that Members may discuss that very issue with Ministers and I encourage him to take part in that.

On my hon. Friend’s other point about Brexit squeezing out other legislation, I would like to highlight that, so far in this Session, 51 Government Bills have been introduced, 43 of which have already received Royal Assent—important legislation ranging from the counter-terrorism Act to the Tenant Fees Act 2019, the overseas crime production orders Act and of course the voyeurism offences Act. Some of these things really improve the lives of all of our constituents, which we should celebrate.

**Catherine McKinnell (Newcastle upon Tyne North) (Lab):** It appears that the country faces the imminent prospect of a new Prime Minister, so may we have a debate on the qualities required for leadership and whether it is appropriate for someone who describes Muslim women as “letter boxes” and historical prosecutions of child sexual abuse as “spawning money up the wall” should ever be considered appropriate for the highest post in Government?

**Andrea Leadsom:** The hon. Lady talks about a debate on leadership qualities. I certainly think that all across this House welcome good leadership where people treat each other with courtesy and respect and seek to progress this House welcome good leadership where people treat each other with courtesy and respect and seek to progress
six years ago. This is a sector where 80% of the vehicles produced are exported, so may we consider the decisions we might take in this place to provide certainty and to renew confidence in that vital manufacturing sector?

**Andrea Leadsom:** My hon. Friend is right to raise the concern over the slowdown in the car manufacturing sector. Of course businesses are crying out for certainty; they are crying out for this House to settle the issue of how we leave the EU. Again, I urge all colleagues across the House to consider the Prime Minister’s withdrawal agreement in order that we can move on and give certainty to businesses and to our constituents.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): On 4 March, I raised a point of order after the press had been briefed about the Government implementing key parts of my Food Insecurity Bill. Mr Speaker, you stated that Ministers are expected to announce important policy changes to this House and that it was unsatisfactory that I had not been directly informed of developments. I then received a response to a written question on the matter with some very scant detail stating that it is not usual practice for the Government to make statements on private Members’ Bills. Can the Leader of the House ensure that somebody—anybody—from the Government responds to me fully on this matter?

**Andrea Leadsom:** I am sorry to say that I was not aware of the situation the hon. Lady speaks about. If she would like to write to me after business questions I can certainly seek a proper answer for her.

**Kevin Foster** (Torbay) (Con): Paul Raybould was a constituent of mine, for many decades he was an active trade unionist and he was a very worthy opponent of mine for the Labour party at the last general election, so it was with great sadness that I heard of his death earlier this week at the age of 55. May we have a debate about those who may for decades campaign for what they believe in, perhaps even stand for election to this place and not get elected here, but still contribute to making sure that this is a vibrant democracy?

**Andrea Leadsom:** I am sure that the whole House will join my hon. Friend in paying tribute to his opponent at the last election and sending our sympathies to his family at this time. He is absolutely right that, among the passionate debate and disagreement, especially during political campaigns, we all have respect for those who put themselves forward for election. My hon. Friend is right that they make an invaluable contribution to making our democracy as strong as it is.

**Kate Green** (Stretford and Urmston) (Lab): I was surprised that there was no statement from the Government on the report this morning from the chief inspector of probation into the shocking performance of the transforming rehabilitation programme. She states that not enough attention has been given to keeping victims safe, she speaks of poor-quality work generally in the community rehabilitation companies, and she says the privatised contracts have been a failure. Will the Leader of the House arrange for a Minister to come forward with a statement to this House so that we can question him on this shocking report as quickly as possible?

**Andrea Leadsom:** The hon. Lady raises an important point. I can tell her that the Justice Minister, my hon. Friend the Member for Penrith and The Border (Rory Stewart), is meeting with probation officers today and will of course look very carefully at what Dame Glenys’s report shows up. We are now providing support and supervision to an additional 40,000 offenders leaving prison and have invested an additional £22 million a year in services for offenders on release. We will be creating new arrangements for offenders to build a more stable and resilient probation system. We will set out our detailed proposals later this year, but they will take very careful account of the report the hon. Lady mentions.

**Rebecca Pow** (Taunton Deane) (Con): Happiness, Mr Speaker, also has to be Nadal beating Federer, I think.

The Wellington monument is an iconic symbol on the Blackdown hills in Taunton Deane and very much the gateway to the south-west. Will the Leader of the House join me in thanking all the people involved in a fantastic project to restore that monument, which celebrates one of our greatest war heroes, the Duke of Wellington? It is proving to be much more than a monument. We are nearly at our £4 million target and, in recognition of its importance in so many ways, the National Trust has made restoring it one of its three top national priorities.

**Andrea Leadsom:** Good. My hon. Friend is a great champion of her constituents in Taunton Deane and they are very fortunate to have her. This very worthwhile project is undoubtedly pulling the community together. I understand that the Wellington monument will be the tallest three-sided obelisk in the world. I am sure that we all wish her constituents great success with its refurbishment.

**Hugh Gaffney** (Coatbridge, Chryston and Bellshill) (Lab): The Leader of the House mentioned tomorrow’s 11 o’clock deadline. Can she clarify when the vote is expected, so that we can make our travel arrangements?

**Andrea Leadsom:** Yes. As I mentioned earlier to assist the House, tomorrow will be a normal Friday sitting day starting at 9.30 am and finishing at the moment of interruption at 2.30 pm.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): Residents in Westruther in my constituency have set up a community enterprise scheme to buy the local pub and convert it into a community café, community hub, post office and shop. These local facilities—shops, pubs and post offices—are at the heart of local communities in my constituency and elsewhere, but they are increasingly being lost. Will the Leader of the House find time for a debate to praise the volunteers behind this scheme and similar ones, and to recognise the important work they are doing to keep the heart of their communities alive?

**Andrea Leadsom:** That sounds like an excellent initiative, and I am delighted to join my hon. Friend in wishing the Westruther community all the best with their plans. He is right to raise this issue, and I agree that it is the hard work of local people that keeps smaller communities going. I am sure he is as delighted as I am that the Chancellor recently announced the package for a
Mike Gapes (Ilford South) (Ind): May we have an early debate on democracy and accountability across Europe, highlighting in particular the achievements of the European Parliament, which has done so much on roaming charges, clean beaches, air quality and many other issues? In that debate, could we have clarification from the Government on what preparations are being made to fight the European Parliament elections in this country on 23 May if there is a need to extend beyond 12 April?

Andrea Leadsom: The hon. Gentleman is right to pay tribute to the work of the European Union in achieving so many good things right across the EU, including in the United Kingdom. It is this Government’s determination to ensure that we continue and build on that good work, as indeed we have already done in certain areas. For example, we have introduced shared parental leave ahead of other parts of the European Union. He asks for further information on standing European elections. As I said earlier, the EU Council has said that if we can agree to progress with the withdrawal agreement this week, we will have until 22 May to legislate for the withdrawal agreement Bill in order to avoid having to fight the European elections.

David Morris (Morecambe and Lunesdale) (Con): The Eden Project would like to come to Morecambe. At this moment in time, £1.1 million has been raised for the feasibility study and the Chancellor has given £100,000 straight to the Eden Project from the Treasury. Will my right hon. Friend help me to secure a debate on the Floor of the House about the benefits of Eden North, the Eden Project in Morecambe?

Andrea Leadsom: That sounds like an excellent idea. Having visited the Eden Project some years ago, I know that it would be a wonderful thing for it to be able to move to my hon. Friend’s constituency and to others. I would certainly encourage him to seek an Adjournment debate so that he can discuss this with Ministers.

Nick Smith (Blaenau Gwent) (Lab): Shocking figures today show that life expectancy for women in poorer areas has declined badly under this Government. This shameful inequality in our society is quietly worsening. May we please have an urgent statement outlining concrete action so that everybody can reach a good age, not just the prosperous?

Andrea Leadsom: The hon. Gentleman is absolutely right to suggest that it is our aspiration that everybody in society is able to enjoy a long and healthy life. That is why the Government have prioritised ensuring not only that more people are able to get into work and have the security of a pay package but that, through universal credit, people are supported when they are unable to work. We have also made significant investment in our NHS to ensure that it can help to support people to lead longer and more successful lives.

Jim Shannon (Strangford) (DUP): Two weeks ago, 50 innocent people were killed in Christchurch simply for practising their faith. It is clear that the rise of the far right is a growing threat to freedom of religion or belief across the world. Indeed, the Minister for Security and Economic Crime, the right hon. Member for Wyre and Preston North (Mr Wallace), speaking in his role as the security Minister, said that a similar far-right shooting could absolutely happen here in the United Kingdom. After the fact, the New Zealand Prime Minister, Jacinda Ardern, called for a global fight to root out racist right-wing ideology. I believe that the UK must join that fight. Will the Leader of the House therefore agree to a statement or a debate on this extremely important issue?

Andrea Leadsom: We were all shocked and appalled at the horrifying attack in New Zealand, and I reiterate that we stand shoulder to shoulder with the people of New Zealand. The Home Secretary has been very clear that the far right has absolutely no place in Britain. The British people overwhelmingly reject the prejudiced rhetoric of the far right, which is the antithesis of the values that this country represents: decency, tolerance and respect. Through our CONTEST policy and our counter-extremism strategy, we are dealing with the threat of extreme right-wing terrorism and the wider harms caused by the far right, including seeking to deal with community tensions, hate crime and public order issues. This is of course about keeping our communities safe and secure, and there will be many opportunities to discuss this with Ministers in the coming weeks and months.

Martin Whitfield (East Lothian) (Lab): Given the motion that has been tabled for tomorrow, may I offer the Leader of the House an opportunity to provide some clarification? Should the withdrawal agreement be separated from the future framework, it is not the intention of the Government to seek to place the responsibility for that fracturing on the conventions of this House and the decisions that have been made under those conventions, is it?

Andrea Leadsom: No. I repeat what I have said in answer to a number of questions, which is that the motion is being carefully considered in order to deal with the need to meet the Council resolutions within the law of the United Kingdom and to meet the ruling of the Speaker. As soon as that motion has been finalised, it will be brought forward for the House to consider in time for this evening’s business motion.

Alison Thewliss (Glasgow Central) (SNP): There have been around 130 preventable new cases of HIV in Glasgow among the drug-injecting community since 2015, and the British HIV Association is the latest organisation to come out in support of a drug consumption room. Will the Leader of the House make some time for discussion of my ten-minute rule Bill on this subject—the Supervised Drug Consumption Facilities Bill—which would provide the UK Government with a legal route to allow Glasgow to get on with the job of reducing harm and preventing deaths from drug injecting?

Andrea Leadsom: The hon. Lady is quite right to raise this really important matter. HIV is an appalling health problem and we want to do everything we can, not just here in the UK but globally, to eradicate it. I would encourage her to seek an Adjournment debate so that she can raise this directly with Ministers—

Alison Thewliss: I have a Bill.
Andrea Leadsom: She has a private Member’s Bill, and time has been allocated for that, but as she will appreciate, the order of private Members’ Bills is subject to the order in which Members have put them forward.

Wayne David (Caerphilly) (Lab): The Leader of the House has not been as clear as she might have been, but it appears to be the case that tomorrow’s vote will not be a meaningful one because the Government seem to have separated the withdrawal agreement from the political declaration. The House needs to approve both in order for them to be put on a statutory basis, but it has been suggested that if the House debates and approves only the withdrawal agreement, that might be sufficient for this country to remain within the European Union until 22 May through an extension of our timetable to depart. Can she confirm whether that is correct?

Andrea Leadsom: The hon. Gentleman asks me a very specific question about a motion that has not yet been finalised. That is something that I am not in a position to answer at the moment. I apologise to him for not being able to answer it, but I have responded to many Members in the same vein and I have sought to be as transparent as possible in saying that the motion will be brought forward as soon as it is finalised.

Chris Stephens (Glasgow South West) (SNP): I acknowledge the Leader of the House’s warm words about civil servants, but may we have a debate or statement next week to mark what will be the 10th consecutive year of the public sector pay cap and pay restraint for public sector workers? This situation is typified by workers at Tate Modern—now the most successful UK tourist attraction—who are now balloting on industrial action after years of pay restraint. When are public sector workers going to get a decent pay rise?

Andrea Leadsom: The hon. Gentleman and all right hon. and hon. Members should celebrate the fact that wages are growing at their fastest rate for a decade, and that the national living wage will rise again from April, taking the total annual pay rise for a full-time worker since its introduction to over £2,750. Most importantly, we now have over 3.6 million more people in work since its introduction to over £2,750. Most importantly, it will also ensure that UK citizens who have made their lives in the EU can continue as before. Importantly, it will also ensure that UK citizens who have made their lives here and have contributed so much will be able to continue as before. Importantly, it will also ensure that UK citizens who have made their lives in the EU can continue as before, too.

Vernon Coaker (Gedling) (Lab): While the House quite rightly continues to discuss Brexit, the knife crime epidemic across our nation continues unabated. On Tuesday alone, six people in London were stabbed in six hours, and people were stabbed in other parts of the country too. It just goes on and on. The Metropolitan Police Commissioner said at the Home Affairs Committee that there was a lack of interdepartmental co-ordination. It has taken a month to get the knife crime summit, as my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) pointed out in an urgent question last week. When are the Government going to get the necessary grip on things and come to this House to make statements on a regular basis? The knife crime summit is on Monday, so can we at the very least expect a statement by the Home Secretary or the Prime Minister to tell us what happened and to allow us to ask questions?

Andrea Leadsom: The hon. Gentleman often raises this incredibly important issue, and he is absolutely right to do so. The Government are determined to get a grip on the problem of serious violence, and he rightly points out that my right hon. Friend the Prime Minister has a summit on this subject on Monday. He will appreciate that the business of the House is not under the Government’s control on Monday in terms of statements and so on, but I will nevertheless take away his request and see what can be done.

As for his call for the Government to get a grip, that is exactly what the Government are doing. At the spring statement, the Chancellor announced £100 million for police and crime commissioners so that they can urgently divert resources to deal with serious crime. At a more strategic level, we have our serious violence task force, and our Offensive Weapons Bill will introduce new knife crime prevention orders that will help the police to prevent people from carrying knives. We are also extending stop-and-search powers, police forces are undertaking co-ordinated national weeks of action to tackle knife crime, and we are launching a consultation on a public health approach to tackling violent crime. I say gently to the hon. Gentleman that this Government are absolutely determined to get a grip, but I will certainly take away his request for a statement following the summit.

Bill Esterson (Sefton Central) (Lab): The statutory instrument needed to create a new state aid regime after we leave the European Union was due to be debated in Committee on 25 February, but it was withdrawn at short notice. In the four and a half weeks since that date, several other statutory instruments have been laid and debated, including SIs from the Department responsible for state aid. Without a state aid regime that functions properly, businesses that rely on state aid, and those who work for them, will be in serious difficulty, and that will have a profoundly negative impact on our economy. Will the Leader of the House tell me why there has been such a long delay and when the SI is likely to be brought back and considered?

Andrea Leadsom: The hon. Gentleman will know that that statutory incident has in fact been debated and agreed in the other place. As I said earlier, the programme of statutory instruments that we sought to finalise by
the date of exit has been completed on time, and any others will be considered in good time for leaving the European Union, as necessary. To be clear, a statutory instrument may not be needed for exit day—I am not commenting on this particular one—but all the statutory instruments that need to be in place by exit day will be.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): Today marks the 13th anniversary of the formation day of the Royal Regiment of Scotland as a new regiment in the British Army. Of course, it may be relatively new, but it is also the most senior regiment of line infantry, combining some illustrious names in the Army’s history, including the Royal Scots, the King’s Own Scottish Borderers, the Black Watch, the Royal Highland Fusiliers, the Argyll and Sutherland Highlanders, and the Highlanders (Seaforth, Gordons and Camerons). It also includes two reserve battalions in the 51st Highland Volunteers and the 52nd Lowland Volunteers, and I am proud to have been a member of the latter. I joined the regiment in 2006—the year it was formed—and it was a formative part of my growing up. Will the Leader of the House join me in marking this occasion, and may we have a debate on the huge contribution that the regiment has made over the past 13 years?

**Andrea Leadsom**: I am delighted to join the hon. Gentleman in celebrating the Royal Regiment of Scotland, its great contribution, and all the regiments that now form part of it. We owe a real debt of gratitude to all those who do so much not only to keep us safe, but to support international humanitarian exercises and work for our communities.

**Diana Johnson** (Kingston upon Hull North) (Lab): On 14 January, ahead of the first meaningful vote, the Prime Minister said that the link between the political declaration and the withdrawal agreement

“means that the commitments of one cannot be banked without the commitments of the other.”—[Official Report, 14 January 2019; Vol. 652, c. 826.]

Does the Leader of the House agree with the Prime Minister?

**Andrea Leadsom**: The hon. Lady asks me about a specific statement that the Prime Minister made a few weeks ago, and what I can say to her is that any motion that is brought forward will of course comply with the law, with the European Council decision and with Mr Speaker’s ruling.

**Marion Fellows** (Motherwell and Wishaw) (SNP): Next week is World Autism Awareness Week, so may we have a debate in Government time on the difficulties in accessing employment and apprenticeships for adults with autism spectrum disorders and what this Government are doing to help?

**Andrea Leadsom**: The hon. Lady raises an important point. It is vital that we do everything we can to support people with autism, many of whom can have extremely rich and fulfilling lives and may need some support to do that. There was a debate on autism quite recently, but the hon. Lady may like to seek a Backbench Business debate so that this important issue can be discussed further.

**Patricia Gibson** (North Ayrshire and Arran) (SNP): Last August, Siobhan McLaughlin won her case in the Supreme Court giving her access to widowed parent’s allowance for her children, which she had been denied because she was not married to her late partner of 23 years. The Court ruled that the purpose of the allowance is to diminish the financial loss caused to families with children by the death of a partner, and that it is unlawful to deny the allowance to an unmarried parent. Will the Leader of the House make a statement on why, seven months after the Supreme Court judgment, unmarried parents are still being denied this support after the death of a partner?

**Andrea Leadsom**: The hon. Lady raises an important issue, and if she would like to write to me, I can take it up directly with the Department on her behalf. Equally, she may prefer to raise it directly with Ministers.
1.19 pm

Anna Soubry (Broxtowe) (Ind): On a point of order, Mr Speaker. I am not going to go into the details, but I have shown you an email that I have sent to a senior police officer and that the Leader of the House is only just getting the opportunity to read. I am not going to go into its contents, but I will say this, because I know that it will concern you, Mr Speaker. Yesterday, a member of staff, not from this place but from the other place, sent me an email to thank me and the hon. Member for Cardiff South and Penarth (Stephen Doughty) for raising our concerns about the security of everybody who works in this place. I cannot help myself if there is a catch in my throat, because this is a young woman who works in this place. I cannot help myself if there is a catch in my throat, because this is a young woman who works in this place. I cannot help myself if there is a catch in my throat, because this is a young woman who works in this place. I cannot help myself if there is a catch in my throat, because this is a young woman who works in this place. I cannot help myself if there is a catch in my throat, because this is a young woman who works in this place.

Mr Speaker: I am grateful to the right hon. Lady for her point of order, and for showing me a copy of the relevant email, which I have just read at the Chair. I hope I can offer her and all colleagues the assurance sought. I make two points. First, as I indicated to the House that I would, I have had arranged for me a meeting between me, other senior colleagues and, indeed, a variety of colleagues to whom this matter is of concern, with the Parliamentary Security Director and the chief superintendent on the parliamentary estate. However, I have to acknowledge that that meeting is taking place only next Thursday, so it is some way off, but that was convenient for diary purposes for everybody involved.

My second point is that, although this does warrant further investigation and colleagues would not expect me to shoot from the hip, I am concerned by the idea, which has now been put to me not only by the right hon. Lady but by another hon. Member last night, that there has been at least one case—let us not get into an argument about how many, but at least one—of an individual coming on to the parliamentary estate and behaving in a threatening or abusive manner towards Members and staff. Although it is of course a treasured principle that there should be a presumption of public access to the estate for our citizens and people who want to visit here, it is axiomatic not only that they go through security but that they pose no threat to anybody here. If there is evidence of a person or persons in relation to whom we cannot feel that sense of security, I believe it must be right for preventive action to be able to be taken, because if there is a clash between someone’s right to visit here and our right—the right of us all, Members, staff and MPs’ staff—to be safe, the latter has to trump the former. I hope that is helpful.

The Leader of the House of Commons (Andrea Leadsom) rose—

Mr Speaker: The Leader of the House wants to come in, and it is absolutely right that she should.

Andrea Leadsom: Further to that point of order, Mr Speaker. Following the exchanges yesterday in which you quite rightly said you would convene a meeting, it might be of some reassurance to the right hon. Member for Broxtowe (Anna Soubry) that the director of security let my office know this morning that there will be significantly increased security tomorrow, for precisely the reason the right hon. Lady mentions. Our security teams here in the Palace are very aware of the concerns.

I remind all hon. Members that the behaviour code that forms a part of the independent complaints procedure applies to everybody, whether they work here or visit here, so if anybody feels that they are being treated in an unhelpful or derogatory way, that invokes the behaviour code that this House signed up to last July.

Mr Speaker: That is a very helpful underlining of the concern and the route map to resolution if colleagues are offended or insulted in that way. I had not made that point, and it is very helpful that the Leader of the House has done.

Dr Julian Lewis (New Forest East) (Con): On a point of order, Mr Speaker. I aplogise for not giving you advance notice of this point of order. Yesterday, I was quite shocked, when attending a meeting of colleagues, to find at least two—one male, one female—in tears at the prospect, yet again, having twice taken the difficult decision to vote against a three-line Whip, of being put in the position of having to decide whether to do so or not. At what point will there be some protection, particularly for younger Members, so that they are not put in that situation by being asked to come back again and again and again to vote on the same proposition?

Mr Speaker: I think the right hon. Gentleman’s point—which, as he says, I had no advance notice—stands in its own right. Many people will feel that it is a powerful observation. There are a number of reasons for the long-established convention that the House is not asked to decide the same question more than once in the same Session. The reason invoked by the right hon. Gentleman was not, from my study of history, part of the original rationale for it, but in my own view it is a powerful reinforcement of the continuing case for the convention. He has made an extremely important point, and it is something on which colleagues at all levels need to reflect.

Chris Bryant (Rhondda) (Lab): On a point of order, Mr Speaker. I understand why the Leader of the House is not able to give us details of exactly what is going to
Mr Speaker: The hon. Gentleman makes a compelling case, and it will have been heard by colleagues. For my part, in so far as he exhorts me to seek to facilitate manuscript amendments and so on, I am inclined to say to him that I shall always profit by his counsels. I always have done and I dare say I always will do.

Mrs Anne Main (St Albans) (Con): On a point of order, Mr Speaker. Further to the point of order made by my right hon. Friend the Member for New Forest East (Dr Lewis) about people being in tears, I think all of us here are grown up enough to be able to see that briefing is very much a phenomenon during the course of the day. I have not since heard from either of those senior right hon. or hon. Members, but I might do so. And I very politely say that the validity of a convention is concerned. As the Leader of the House knows, I met a couple of very senior colleagues this morning who were exploring possibilities and consulting me. A conversation was had, as people would think was entirely normal and proper. I have not since heard from either of those senior right hon. or hon. Members, but I might do so during the course of the day.

Mr Speaker: Yes, it is certainly important that we know what we are debating. The Leader of the House has announced that if we sit tomorrow there will be a debate on a motion relating to the UK’s withdrawal from the EU. I am not cavilling at that; I simply state it as a matter of fact. It could of itself be a perfectly orderly motion, but it is not specific, and is not intended to be specific, in terms of referring to a particular part of the Act. The House will obviously need to know what it is and is not debating, and I hope there will be greater clarity about that in the course of the day.

Mrs Main rose—

Mr Speaker: No, I am not debating the issue with the hon. Lady. [Interruption.] No, it is not a debate. She has raised a point of order. I have answered it. The right hon. Member for New Forest East very courteously raised his, and it was answered, and other colleagues might also wish to raise points. We always need to have a sense of other.

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr Speaker. This follows on from the point of order made by the hon. Member for Rhondda (Chris Bryant). We do not know whether tomorrow’s business will be the meaningful vote—the Leader of the House quite reasonably told us that we would see the motion at 5 o’clock—but it is being heavily briefed to the press that we are likely to be presented tomorrow with the withdrawal agreement without the political declaration attached. Do you think this acceptable and permissible, Mr Speaker, given what has been agreed with the EU and the clear strictures in clause 13 of the EU withdrawal Act? Will it be in order for the Government to bring that forward?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. As to the legality of such a proposition, I would have to look to others to advise. People can take their own counsel on this subject; I certainly would do so. If he is asking me whether I have seen any such motion, the answer is that I have not—I have seen no motion appertaining to tomorrow’s business beyond that which lies on the Order Paper suggesting that we might meet tomorrow. In terms of a substantive motion for tomorrow, I have as yet seen none. I am happy to tell him that, as the Leader of the House knows, I met a couple of very senior colleagues this morning who were exploring possibilities and consulting me. A conversation was had, as people would think was entirely normal and proper. I have not since heard from either of those senior right hon. or hon. Members, but I might do so during the course of the day.

As to the question of what people are briefing, I should observe that briefing is very much a phenomenon of our age: brief, brief, brief, create an impression, establish a narrative, try to dictate the course of events thereby—people do this all the time. I have not been briefed on any such plan, however, and the hon. Gentleman would not expect me to have changed my mind from the position that I enunciated on 18 March and reiterated on 25 March, and that I underlined again from the Chair yesterday. It remains the position so far as the convention is concerned. As the Leader of the House said—almost as a holding statement—during the business statement, we shall have to see what further work is done during the course of the day.

Wayne David (Caerphilly) (Lab): Further to that point of order, Mr Speaker. Once it becomes clear what the Government intend—once they have submitted their motion—would it be possible for you to make clear to the House the significance of the motion?

Mr Speaker: The hon. Lady expresses her disappointment with the verdicts of the House on propositions legitimately submitted to it yesterday. She did that earlier in our proceedings and has thought it worthwhile to repeat and underline her point. She is perfectly entitled to her view, but it will have to be considered by colleagues alongside that just proffered by the right hon. Member for New Forest East. Conventions exist for a purpose, and I very politely say that the validity of a convention is not dependent upon a headcount at a particular time. The whole point of having a rule is that it is judged to be of value. The fact that somebody suddenly thinks it is not convenient does not mean it should be discarded.
Chris Bryant: I wouldn’t bet on it.

Mr Speaker: I was not betting on it; I simply said I hoped.

Chris Bryant: Hope springs eternal.

Mr Speaker: The hon. Gentleman observes correctly.

Hannah Bardell (Livingston) (SNP): On a point of order, Mr Speaker. I apologise for not giving you notice of my being unable to be at business questions to raise this point, but I have spoken to several members of House staff who have quite reasonable and significant concerns about having holidays cancelled. As Members, we appreciate that we have to come here, despite the somewhat arcane procedures of this place, and lose out on holidays over recess—though it would be helpful if you could reiterate, for the benefit not just of the House but of journalists and the public watching, that recesses are not holidays and that, although Members and staff occasionally take holidays, for most of us they are a time to go back to our constituents, with whom we are getting very limited time at present.

Leaving that to one side, what can Members do to make sure that the voice of the staff of this House and the other place is heard, and that if their plans are being cancelled at significant cost to them they will be properly recompensed? From the conversations I have had, it seems that that is not the case. Members understand that that is something they have to suck up, so to speak, but I do not believe that House staff should be messed about and not recompensed for holidays and time with their families that they are losing out on because of the current state of affairs.

Mr Speaker: As far as staff are concerned, one would expect them to be fully recompensed. That is the working principle here. I cannot comment about others. I mean no disrespect to them, but journalists, who are not employees of the House or Members, are a different matter, and the responsibility there is someone else’s. As far as those here are concerned, however, the working assumption must be that people are properly recompensed. I understand the anxiety that many people will feel, however, and I hope there will be clarity sooner rather than later.

Insofar as the hon. Lady asks where people should go with their concerns, or what recourse they have to ensure that those concerns are expressed, I would say that the trade unions and staff associations are obvious bodies to express concerns to. Those institutions regularly interact with the House of Commons Commission and the Clerk of the House, who is head of the House Service, not to mention the Director General of the House. There are, then, avenues, and they are quite well known, and the trade unions in this place are perfectly well aware of how to get their messages across—and it is absolutely right that they are got across.

Kevin Brennan (Cardiff West) (Lab): On a point of order, Mr Speaker. Am I right in interpreting the business of the House motion to mean that we could be debating it until any hour tonight prior to the Adjournment debate, that the Government need not announce tomorrow’s business until the end of the Adjournment debate and that therefore it could be quite a late hour, should they choose to put in a lot of people to speak to the business of the House motion, before we have any concept of what we are debating tomorrow?

Mr Speaker: The hon. Gentleman’s understanding is correct. That could happen. It is what would be called a worst-case scenario, but I believe it to be so. I think that the Leader of the House is cautiously optimistic that that scenario will not transpire, but I cannot rule it out.

BILL PRESENTED

DOMESTIC PROPERTIES (MINIMUM ENERGY PERFORMANCE) (No.2)

Presentation and First Reading (Standing Order No. 57)

Sir David Amess presented a Bill to require the Secretary of State to ensure that domestic properties have a minimum energy performance rating of C on an Energy Performance Certificate; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 April; and to be printed (Bill 369).
**Backbench Business**

**Beer Taxation and Pubs**

1.39 pm

Mike Wood (Dudley South) (Con): I beg to move, That this House has considered beer taxation and pubs.

I am delighted to have secured this important debate, alongside the hon. Member for Stoke-on-Trent North (Ruth Smeeth) and my hon. Friend the Member for Ribble Valley (Mr Evans), and I am grateful to the Backbench Business Committee for allocating us this time.

In the short time that I have available, I hope to set out a compelling case as to why the Minister should recommend to the Chancellor that he cut beer duty in future Budgets, reform business rates and continue to look at new ways of reducing the disproportionate tax burden on pubs and breweries. Representing a Black Country constituency as I do, and as chair of the all-party parliamentary beer group—the largest Back-Bench all-party group in this House—I know what an important issue this is for many of our constituents. My own Dudley South constituency is home to three very distinct and individual brewers: Bathams, dating back to the 1860s; Black Country Ales, which is a much more recent and fast-growing brewery; and Ma Pardoes, one of the original Campaign for Real Ale breweries.

Kevin Brennan (Cardiff West) (Lab): I congratulate the hon. Gentleman on his great work as chair of the all-party parliamentary beer group, of which—I like many other hon. Members—I am a member. Does he agree that, although it is very welcome that the Government extended rates relief to pubs, it is disappointing that they did not also extend it to small music venues, where people often also drink the occasional beer?

Mike Wood: Of course, the business rates relief extension was part of the support for high streets and community pubs in particular. I think there is a particular value to that, but I certainly would not be opposed to the kind of measures to which the hon. Gentleman has referred.

When we last debated beer duty in this House—in Westminster Hall in October 2017—I said that there were 75 pubs in my constituency. I am afraid that there are now only 73, despite my very best efforts.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The hon. Gentleman talks about disappearing pubs in his constituency. A person does not actually have to be a drinker to enjoy the benefits of pubs. Jo Cox, our late and much missed friend, talked about the loneliness agenda. I am a non-drinker, but I am very upset that we are losing the Goldsmiths Arms in East Acton, which has been there since 1826 when it was a coaching inn. The petition to keep it open has been signed by 2,180 people, yet it has closed on many of those estates, and that has a huge impact on the facilities available for people to get together. Although I entirely support what he says about rural pubs, let us make sure that we do not forget the issue with regards to council estates.

Mr Deputy Speaker. Suffice it to say that, once again, I consider myself duly reprimanded, but under this Government it often feels that people power and planning law are in conflict, and greedy developers often have too much power on their side.

Mike Wood: I would caution against trying to turn this into a party political issue, because although the number of pubs is still reducing at far too high a rate, it is a rather slower rate than was the case before 2010. There are a number of factors that lead to pub closures, some of which are more in the control of the Government and public authorities than others. Where the Government can act to slow down, stop and reverse pub closures, I would very much encourage them to do so.

Sir Greg Knight (East Yorkshire) (Con): Does my hon. Friend agree that the closure of a public house often has a far more devastating effect in a rural area, where the pub is the centre and heart of the community, often acting as a shop, a music venue and a tavern to the local people?

Mike Wood: My right hon. Friend is quite right. I will speak about the particular importance of rural community pubs later, but pubs are often key to local identity even in our towns and high streets. In fact, more people probably give directions with reference to pubs than to road names.

Stephen Crabb (Preseli Pembrokeshire) (Con): My hon. Friend is making a superb speech, as always. On the subject of the decline in the number of pubs, we should not forget that one area of enormous growth in the industry over the last 10 years is the proliferation of craft brewers. I am sure that every single Member here has an excellent craft brewery in their constituency, and these breweries often run tap houses. Does my hon. Friend recognise the importance of the small brewer’s relief to the growth of craft brewers, and will he make that part of his discussion with the Chancellor and the Treasury?

Mike Wood: My right hon. Friend pre-empts the later part of my speech, and the hon. Member for Stoke-on-Trent North is similarly indicating that she may just touch upon this topic later. Yes, the rise in the number and variety of smaller breweries, and particularly craft breweries, over the last decade and a half has been one of the key features of the sector. This is partly down to the success of the small brewer’s relief.

Toby Perkins (Chesterfield) (Lab): I congratulate the hon. Gentleman on securing this important debate. He is absolutely right about rural pubs. However, the importance of the last pub on the council estates in many of our towns is often overlooked. The last pub has closed on many of those estates, and that has a huge impact on the facilities available for people to get together. Although I entirely support what he says about rural pubs, let us make sure that we do not forget the issue with regards to council estates.

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. Mr Perkins, if you want to speak, we are on a five-minute limit. I do not want to have to drop people down the list; I want everybody to have the same fair chance. If those who are speaking would take fewer interventions, it would help us all.

Mike Wood: I consider myself duly reprimanded, Mr Deputy Speaker. Suffice it to say that, once again, I strongly agree with the hon. Member for Chesterfield (Toby Perkins), as I have also seen the impact of derelict pubs of varying sizes standing monument within housing estates and town centres across the Black Country.
Stephanie Peacock (Barnsley East) (Lab): Will the hon. Gentleman give way?

Mike Wood: I will take one last intervention and then I must move on, otherwise you will shout at me, Mr Deputy Speaker.

Stephanie Peacock: I congratulate the hon. Gentleman on securing this debate and on his powerful speech. The Black Bull pub in Barnsley East closed last year, and the 250-year-old building is due to be demolished. Does he share the sadness, and what does he think we can do to improve the situation?

Mike Wood: I share the sadness whenever a well-used pub closes for any reason, and there is a particular impact on the community when that pub is a heritage building in a town, city or village.

Last autumn, 116,000 people up and down the country signed the Long Live the Local campaign—many of them emailing their MPs. It was launched by Britain’s Beer Alliance, and quickly garnered public support from licensees, beer drinkers and many more groups. I know that the success of that petition due to everybody who united behind the campaign was pivotal in persuading the Treasury of the need for action to support beer and pubs. I am delighted that the Chancellor listened to those passionate calls and froze beer duty once again.

The beer and pub sector is vital to our country. Nearly 900,000 people up and down the United Kingdom rely on the industry for work; 43% are young people aged 16 to 24, and more than half are women. Supporting the pub trade is a fantastic way to reduce youth unemployment and develop skills among young people.

This House saw at first hand the impact of apprenticeships across the hospitality sector and the opportunities available, during the apprenticeship showcase in National Apprenticeship Week.

Mr Marcus Jones (Nuneaton) (Con): My hon. Friend is making an extremely good point about the opportunities for people in the industry. Does he agree that this is one of those industries where someone can quite literally start behind the bar and end up as the chief executive or the chairman of quite a big company?

Mike Wood: My hon. Friend is absolutely right. I understand the Treasury’s concerns about the risk of fraud, the ability to actually enforce it, and particularly, at the moment, legality under the current European duty framework.

Beer duty has divided this House in the past, but there is now a general agreement on all sides that it is already high and we certainly need to avoid rises. When the hated beer duty escalator was introduced by Gordon Brown, beer duty rose by a staggering 42%, while beer consumption in the UK fell by 16% overall and by nearly a quarter in our pubs. Almost 7,000 pubs called time for good, and more than 58,000 beer-dependent jobs were lost. This was a very expensive policy failure, and the price was paid by beer drinkers, publicans and employees alike. I am delighted that, as a country, we are now drinking more beer but also paying less tax on it as a proportion of the cost. However, the amount of this beer being sold in pubs continues to fall, and while the rate of pub closures has slowed, as I said, they are still closing at a disturbing rate.

Helen Whately (Faversham and Mid Kent) (Con): I commend my hon. Friend on his speech. Pubs are very important in my constituency, where the brewery Shepherd Neame is the largest employer as well as the producer of excellent beer. I see colleagues nodding. Lower-alcohol beers are becoming increasingly popular, so does he agree that there may be a case for looking at the threshold at which brewers get duty relief for such beers?

Mike Wood: My hon. Friend is absolutely right. I know that my hon. Friend the Member for Waveney (Peter Aldous) would also agree, with St Peter’s being a major advocate of this argument as well. The European Union, within its beer duty framework, is in the process of changing those thresholds. I would hope that the Treasury, regardless of what form of Brexit we end up with, will make sure that, at the very least, we follow the mechanisms that are already in place, amending the threshold for low-alcohol beers to one where it is rather more viable for brewers to produce at that strength. Encouraging people to go down from over 4% to around 3% is better for their health, and if we can make sure that it is fiscally better for the brewer as well, then so much the better.

As CAMRA has made clear, one of the opportunities as we leave the European Union—we know from last night’s discussion that there is an element of disagreement nearly £23 billion to the UK economy and contributes almost £13 billion in taxation to the Treasury. Some of us would argue that that is a little disproportionate. One in three pounds spent in pubs goes straight into Treasury coffers, with an average of £140,000 for every pub in the country being raised for the taxman every year. I therefore strongly welcome the Chancellor’s announcement of a review of small brewer’s relief.
as to what should happen next—is that we are able to take back control of our excise duty regime. This gives the Chancellor an opportunity to look afresh at how we tax beer in pubs, in particular—how we can use fiscal measures to help pubs to thrive, to support responsible drinking, and to redress the competitive disadvantage that our community pubs have as against, in particular, supermarkets that are able to stack drinks high, sell them below cost, and use them as a loss-leader.

Mary Glindon (North Tyneside) (Lab): Does the hon. Gentleman agree with Colin Shevills of Balance North East, who commissioned an independent survey of publicans, that it is cheap alcohol—cheap booze—in the supermarkets that is most dangerous to our pubs and causing more closures than alcohol duty?

Mike Wood: There is a range of factors. Beer duty is certainly part of it, but business rates are a massive factor in the pressures affecting our pubs. For these pubs to flourish, to remain the beating heart of our communities, and to continue to compete as businesses, they need the investment that comes, and is only possible, if the tax burden is kept at a sensible level.

Mary Robinson (Cheadle) (Con): Will my hon. Friend give way?

Mike Wood: I really cannot—I ought to have finished by now.

The three duty cuts and two beer tax freezes that we have seen under successive Conservative Chancellors have secured thousands of pub jobs and hundreds of pubs. They have boosted confidence in our brewing and pub businesses, which have continued to invest in the sector. They have increased beer sales, boosting the Treasury’s total tax take from beer. This is a win-win situation, and I encourage the Minister and the Chancellor to win even more by giving us a fair deal on beer taxes. I ask the Minister to encourage the Chancellor to go further. Hard-pressed UK beer drinkers still pay 40% of all Europe’s beer duty despite drinking only 12% of the beer consumed. One could argue that 12% is possibly not yet enough. Crucially, seven in 10 alcoholic drinks sold in pubs are beer. By helping British beer, we are helping British manufacturing and also helping our community pubs. We have to address business rates. We need fundamental reform. The relief announced in the Budget last autumn was enormously helpful, with about 80% of pubs benefiting, but they are still hugely overtaxed. Despite only making up about 0.5% of total business turnover, our pubs represent nearly 5% of all business rate payments.

Beer and pubs are a great British success story. We can help them to prosper and to succeed if we can spare industry and consumers from the burden of high beer duty and unfair business rates, and use our duty framework to support our community pubs. I thank the Backbench Business Committee for finding the time for this debate, thank Members for supporting it, and look forward to the Minister’s response.

Several hon. Members rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): With a five-minute limit, I call Ruth Smeeth.

1.57 pm

Ruth Smeeth (Stoke-on-Trent North) (Lab): I congratulate my friend, the chairman of the APPG on beer, the hon. Member for Dudley South (Mike Wood). It is an honour to serve as his deputy and as the Labour lead in the House on the issue of beer.

I must declare an interest—not one in the register—in that I am the hon. Member for the Titanic brewery, the best small brewer in the United Kingdom.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I’ve got the pubs.

Ruth Smeeth: I think I am going to be heckled throughout by my hon. Friend and neighbour.

Titanic has benefited hugely from small brewer’s relief, which I will touch on in a moment. First, I would like to put on record my thanks to Keith and Dave Bott not only for the support that I receive from them, but for the investment they have made in my community. They have ensured that small brewers have had a voice in this place, and others, for many years.

It is a pleasure to talk about a B-word that has nothing to do with Brexit. I think we can all agree that we have spent enough time on that for a little while. Instead, I would like to talk about the value of pubs to our society.

While the sector supports more than 1 million jobs in the country, and we heard various statistics from the hon. Member for Dudley South about it, we need to touch on the other things that the pub sector delivers, such as the impact on loneliness—especially providing somewhere for older gentlemen to go—and on our communities.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Does the hon. Member recognise the importance of linking community pubs with craft breweries, such as Loch Lomond and Lennox breweries in my constituency, which reduces social isolation and consumption of alcohol at home?

Ruth Smeeth: There is a huge opportunity for us to debate the benefits of off-licence versus on-licence, the support that people get when they enter a pub and the responsibilities of the landlord. That is especially the case when we talk about loneliness.

Bob Stewart (Beckenham) (Con): I was stirred to action by the hon. Lady, my good friend, using the words “older gentlemen”—I qualify, but I am not lonely. The way to keep the pubs in our communities alive is for people to visit them. If we get more people going to the pubs, they will live longer. That is very important—and, by the way, that includes me.

Ruth Smeeth: I thank my friend for his intervention. I think a pint of Steerage from the Titanic brewery will definitely help him live longer.

Pubs bring everyone together in the community. Whether it is fundraising for local charities, increasing awareness of illnesses or just everyone coming together on a Sunday evening, pubs are at the heart of our communities when other institutions are falling away.

Several hon. Members rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): With a five-minute limit, I call Ruth Smeeth.
Louise Haigh (Sheffield, Heeley) (Lab): I congratulate my hon. Friend on making an excellent speech about the importance of the pubs at the heart of our communities. We are losing so many community pubs because of the terrible imbalance in our business rates regime. I am sure she will come on to it, but does she agree that this disparity—pubs pay 2.8% of the entire business rates bill but account for 0.5% of turnover, an overpayment of £500 million a year—desperately needs addressing?

Ruth Smeth: I will touch on taxation in a moment.

I want to talk about the role of pubs in British culture and society, because they are a core part of who we are. People enjoy coming to the UK for tourism—an issue that we need to discuss even more as we head towards Brexit—and there is nothing more English or British than holding a pint. Tonight at the Sentinel business awards, which I cannot attend because of the debates in the House, everyone will toast their awards with a pint of local beer, because it is part of our community and our culture.

Mary Robinson: Will the hon. Lady give way?

Ruth Smeth: I am afraid that I have run out of time for interventions.

As my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) said, there are some stark figures about the impact of taxation on the sector that we need to acknowledge. Amazon UK paid £4.5 million in corporation tax last year. Black Sheep brewery, chaired by the wonderful Andy Sler, a Stoke-on-Trent constituent, paid £8 million in beer duty. Amazon UK has a turnover of £1.98 billion. Black Sheep brewery has a turnover of £19 million. Minister, there is an issue here. In 2016, eBay UK paid £1.6 million in corporation tax. Titanic brewery paid 25% of its turnover to HMRC—£2 million.

On the disparity in business rates, following the rate revaluation last year, Titanic brewery pubs’ rateable value went up by 20% across Staffordshire. The Amazon warehouse in Stoke-on-Trent fell by 10% in rateable value. There is a disparity, and it is simply not fair for online and offline businesses. Breweries and pubs cannot move off the high street, nor would we want them to.

Small business rate relief has been touched on, but I am going to run out of time. All I can ask the Minister at this point is to look at the requests made by the Society of Independent Brewers about the impact of the changes. We are at a cliff edge, and unless this is smoothed out, investment to enable smaller brewers to reach the next level will stop. I reiterate my invitation to the Minister earlier this year to come and have a pint with me at Titanic brewery at his earliest convenience.

2.4 pm

Mr Nigel Evans (Ribble Valley) (Con): I declare an interest, as president of the all-party parliamentary beer group. It is great to follow the hon. Member for Stoke-on-Trent North (Ruth Smeth). I do not think she heard, but when she told us that she was the MP for the Titanic brewery, I shouted, “I suspect she’s sunk a few of those.” I know I have.

Mr Deputy Speaker (Sir Lindsay Hoyle): It was not a good joke the first time you said it.

Mr Evans: As you know, Mr Deputy Speaker, I live next door to a pub; there cannot be much more commitment than that. At times, I feel that I should pay my council tax for the pub rather than the house I live in. I celebrated my 50th birthday in that pub, and I welcomed you and your wife Catherine to the pub. Only a few weeks ago I was at the superb Caledonian brewery in Edinburgh and sunk a few of its pints while celebrating Wales on their march to the grand slam.

It is great to have a debate in this place where we are all coming together, rather than knocking six bells out of one another. The pub is such an important focal point for people. I live in a rural village, and it is great when people can get together. Pubs do so much to raise funds for numerous charities, and they are a place for sporting groups—whether it is darts teams or football teams—to come together.

Mary Robinson: I am grateful to my hon. Friend for giving way and to him and his colleagues for securing this debate about beer taxation and pubs. The wider aspect of this is pubs as a community hub. It is Mother’s Day on Sunday. Our pubs will be full of people celebrating, dining and drinking and having a great time. Does he agree that the loss of these pubs would be a real detriment to our society?

Mr Evans: Absolutely. I hope that many people will be taking their mums out to pubs in their communities to thank them for being their mums; we do not need any other excuse than that. We hardly pass a pub these days that does not have a board outside informing people that Mother’s Day is coming up and they should book early to avoid disappointment. There are so many occasions when one can go to a pub and celebrate. In fact, any day with a “y” in it will do, as far as I am concerned.

Pubs bring people together. The best way to see that is to go to a village where the only pub has closed. It tears the heart out of that village. I know the pressures that pubs are facing, whether due to business rates, which are crippling some small pubs, environmental standards—it is right that they have to meet those—or investment in new fridges.

Pubs generate a lot of economic activity, and not just through the sale of beer, which is a fantastic product. They provide jobs in rural areas where jobs can be scarce. In particular, they provide badly needed extra income for younger people who are perhaps at college and can be flexible with their time.

Dr David Drew (Stroud) (Lab/Co-op): The hon. Gentleman is making a wonderful speech, as I knew he would on this topic, which he knows only too well. Has he considered communities that have gone even further and bought their pub? The community-owned pub is now a really important part of some villages. I congratulate the Plunkett Foundation, which does an awful lot of work to tell communities how they can buy their own pub.

Mr Evans: Yes. At times, there must be immense pressure for pubs that have closed to be turned into a block of flats, because there is a lot of money in housing, but there is an opportunity for them to be turned into a community pub, if the community come together to raise money and keep it going. There are countless examples of those throughout the country,
and it means that the community still have a focal point where they can come together. I hope that more publicity will be given to those opportunities.

I have three breweries of different sizes in my patch: InBev, which makes Stella Artois, Thwaites brewery, which was moved from Blackburn into the Ribble Valley, is much smaller but is the famous brewery with the shire horses—there is a lot of corporate responsibility within that company—and Holmes Mill, which brews the great Bowland beers in the heart of the Ribble Valley.

Bob Stewart: My hon. Friend speaks with forked tongue. I have been to the pub beside his house with him twice or three times, and it is a wonderful pub, but when we go next door he always leaves behind the lady who lives in his house. She is called Alexa. He has never taken her.

Mr Evans: All I can say in reply to that interesting intervention is that my hon. Friend has been to my pub three times and not once has he bought me a drink. That is the sort of friends I have.

Bob Stewart: What about Alexa?

Mr Evans: I am not mentioning Alexa.

It is a great pub—it was actually the CAMRA pub of the year in 2013—but I have other pubs such as the Freemasons at Wiswell and the Parkers Arms in Newton. A lot of pubs rely on offering food as well. The hon. Member for Ealing Central and Acton (Dr Huq) mentioned that she does not drink, but people do not have to drink alcohol to go to these places because there is so much more on offer.

Mention has been made of taxation on beer, which is huge. At £13 billion, it is massive. Almost 1 million jobs are provided by the industry. We need to look at ways of lowering that taxation. There is something wrong when taxation goes up, people drink less and less money actually goes to the Inland Revenue. There should be a common-sense approach to lower taxation, increase sales and ensure that HMRC gets more money out of that.

Taxation is high if the alcohol by volume rate is high; it drops only at below 2.8%. We need to look at ways of increasing the rate to 3.5%. It would encourage more people to drink lower strength alcohol and have a great time; it would incentivise them to do that. It is worrying when a lot people drink high ABVs—5%-plus. Drinking a pint of beer is good for one’s health, but drinking too much beer with a higher ABV is not.

Tomorrow night, I was due to be in a pub celebrating a big event, but that big event is not happening: it is being deferred. All I can say in reply to that interesting intervention is that my hon. Friend has been to my pub three times and not once has he bought me a drink. That is the sort of friends I have.

2.12 pm

Liz McInnes (Heywood and Middleton) (Lab): I am pleased to be able to make a contribution to this very important debate, and to follow the hon. Member for Ribble Valley (Mr Evans), and I thank the hon. Member for Dudley South (Mike Wood) for securing it.

I am particularly interested in this subject for several reasons, including as a constituency MP with a medium-sized family-run brewery in my constituency, J.W. Lees—John Willie Lees—which provides employment for about 1,100 people, owns 140 pubs across the north-west and north Wales, and is a major contributor to our local economy. My interest is also as the daughter of a landlady. My mother ran the Owain Glyndwr pub in Corwen, north Wales, during the 1980s, and then she was allowed to return home to the Duke of York in Heyside, Oldham—they were both John Willie Lees pubs—where I spent many hours, most of them happy, helping out with bar work in the evenings and at weekends.

Giles Watling (Clacton) (Con): I thank the hon. Lady for giving way because she has just reminded me of something. I have been to the Owain Glynwdwr pub in Corwen, when I was working at Theatr Clywd over the way. As an actor who toured the country for the best part of 50 years—I probably visited everybody’s constituency, apart perhaps from that of the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone)—I have visited many taverns in many towns and, much to my wife’s surprise, people know me by name. The tragedy is to revisit a place—as we know, at one period some 50 pubs a week were closing—and find that the heart of the community has been torn out because the pub has closed. In Kirby-le-Soken in my own constituency, two of the pubs closed, but they have now reopened. Should we not celebrate the fact that some publicans are being innovative and creating new business, and we should support them through taxation?

Liz McInnes: The hon. Gentleman is absolutely right that a lot of publicans are having to be innovative in the way they run their pubs to keep them open. I do not know when he visited the Owain Glyndwr, but if it was in the 1980s, I may well have served him.


Liz McInnes: Then it could well have been me who poured his pint.

As the hon. Gentleman has just said, pubs are at the heart of our communities. For me, there is no greater pleasure than going down to my local on a Sunday evening—I try to make it my night off from politics—fending off all the queries about Brexit and what on earth we are all doing in this place, as well as providing a sympathetic ear for the landlord’s often expressed concerns about business rates and the future of his pub.

The facts are simple: pubs are closing at a rate of two to three per day. Our high streets are already struggling from the effects of bank branch closures, post office closures and the rise of online shopping. This is just piling on the problems in the face, I am afraid, of this Government’s increasingly incoherent policy on the future of our high streets. Pubs are being taxed left, right and centre with duty, business rates and employment taxes, as well as full VAT at 20%, while people are shopping online, staying at home and not coming out to socialise with others. This is not good for society, and a healthy pub is the heartbeat of its community.

The Campaign for Real Ale is calling for a fundamental review of the tax system to stem the tide of pub closures. CAMRA welcomes the Government’s business rate relief introduced in the 2017 Budget, but has said recently—just this month—that more action is needed to ensure the survival of the remaining 50,000 pubs. I am pleased that the Treasury is reviewing small brewers’ relief, which is already mentioned. I look forward to hearing the results of the consultation, which closed on 17 March.
While small brewer’s relief has been helpful in the start-up of many new micro-breweries, it has also meant a reduction of one third of brewers, such as John Willie Lees in my constituency, which are squeezed between the large international brewers, with huge economies of scale, and the smaller brewers that benefit from a beneficial duty rate. As has already been mentioned, business rates do not help, and many pubs are closing because of high costs.

John Grogan (Keighley) (Lab): Does my hon. Friend think it would be good if the micro-brewers agreed with the family brewers a proposal for a new structure of duty relief that would have weight with the Treasury? SIBA was in contact with family brewers last year, but the talks broke down. Does she agree that if the industry could agree a scheme, that would have considerable weight?

Liz McInnes: I think that is a very sensible suggestion, and I hope my hon. Friend has fed it into the consultation. As I have said, I am looking forward to hearing the results of the consultation. I do not want to set up the small brewers against the medium-sized brewers, but I think we need to find a solution to this issue.

We have heard already from CAMRA and the British Beer and Pub Association that for every £3 spent in the pub, £1 goes straight to the taxman. The beer duty freezes in 2017 and 2018 were a welcome measure, after the damaging 3.9% increase in March 2017, but British beer remains overtaxed. Britons pay nearly 40% of all the beer duty paid in EU nations, but we consume only 12% of the beer. The beer duty rate in Germany is 12 times lower than the UK rate. A modest cut in beer duty in the next Budget would create thousands of additional jobs and help to ensure the sustainable future of our surviving pubs. This has been supported by the over 115,000 people who have signed up to the recent Long Live the Local campaign.

Finally, I want to finish with a point that was also made by the hon. Member for Ribble Valley. If the Government were to increase the threshold for lower strength beer to qualify for duty relief from 2.8% to 3.5%, this would stimulate further investment in lower alcohol products and increase the range of low and no-alcohol alternatives available to encourage the healthy social drinking that our pubs—our community hearts—so desperately need.

2.19 pm

Mrs Anne Main (St Albans) (Con): It is a pleasure to follow the hon. Member for Heywood and Middleton (Liz McInnes). This debate has been very good humoured, and it is a pleasure to take part—I’m fed up with this place at the moment! Beer duty has been mentioned, and I should declare an interest: the headquarters of the Campaign for Real Ale, which is in the forefront of the campaign on beer duty, is in my constituency. However, I want to focus on pub business rates.

Generally speaking, people do not go to the pub to get drunk these days. There are so many other things: some pubs run mini-libraries or toy libraries, while others run campaigns to support local people in need or help charities. Some hold darts matches. They are a focal point for many people who have nowhere else to go to meet friends and can be a place for celebrations with relatives as well. A pub is so much more than just the price of the liquid in the glass, and we really have to get that over. That is why I want to focus on the premises in which the liquid is served. A reduction in beer duty would be good, but as a wine drinker I want to focus on how we keep pubs in business so that we all have somewhere to go.

I took part in the previous, very well attended, debate on this issue in Westminster Hall. I am trying to get a meeting with the Financial Secretary to the Treasury to raise this important issue and some of my constituency’s pubs and landlords have come to meet my hon. Friend the Exchequer Secretary to the Treasury, who is on the Front Bench now. But the reality is that those people do not feel that there is a real awareness that the much welcomed reduction in business rates will not reach all the parts that other beers cannot reach. In my constituency, the reduction reaches a mere 50% of the pubs, on average. Many of the pubs have contacted me about a massive hike in business rates; they have to cut stuff or close their businesses altogether. That cannot be the message that the Government intended to send out.

Mr Jim Cunningham (Coventry South) (Lab): This, of course, is not the first time we have had a debate about pubs; we have had them for years, although we never seem to make much progress when it comes to their taxation. The other affected area is the working men’s clubs, a lot of which are now dying out. It is important that the Treasury has a good look at the situation to see whether it can help pubs. At the end of the day, pubs are a catalyst for the community. The hon. Lady is on the right track.

Mrs Main: I am pleased that the hon. Gentleman mentioned the community aspect in his valuable intervention. Some pubs threatened with closure are taken on as community assets, but it is incredibly hard to make the business case, given how business rates are. No matter how willing the community is, there are only so many pints of beer that anyone can drink to help provide the income it needs, unless we want to encourage people to be blotto night and day. We have to ask whether the business model is workable, and for many pubs it just is not.

The cut of 33% in rates for businesses with a rateable value of under £51,000 was a major step, but in areas such as St Albans it is not having an impact. Areas with high property values such as St Albans are almost totally overlooked. Many people have mentioned heritage and beautiful buildings: pubs in my area are under a huge threat of being turned into domestic properties. That is a real worry. They are struggling at the cliff edge, and we have to address the issue now.

The 2017 business rates formula for pubs uses a methodology for setting the rateable value on fair maintainable trade. Nobody seems to understand how that works. The rateable value is driven mainly by the pub’s turnover and it takes into account property valuations. That means that even small pubs in St Albans are having huge hikes in business rates because they happen to be settled among much higher-value domestic properties. The formula does not take that into account, so it penalises small business operators.
The hon. Member for Keighley (John Grogan) mentioned micro-breweries: the formula also penalises the independents, which is a real problem. We may lose some of the quirky pubs on our high streets that offer that level of interest and difference and prove a huge pull for tourists who come into areas such as St Albans and appreciate pubs such as The Boot and Ye Olde Fighting Cocks, many of which have historic backgrounds and architecture to match. That means that it is difficult to expand or increase footfall, because they are extremely small.

Save UK Pubs has compiled a useful document outlining the increases that pubs face. I have given it to the Minister before, but I will send it to him again in case he has lost it. The Boot, which I have just mentioned, is an absolutely tiny heritage pub—some people have bigger sitting rooms. People there reckoned they would have to sell an additional 22,000 pints to cover the additional £51,000 in business rates that they now have to pay—a 280% increase. That is unsustainable.

If the Chancellor came up with the model, he certainly was not looking at St Albans when he did. Christo Tofalli of Ye Olde Fighting Cocks told me that unless there is proper reform of the relevant taxes, licensing laws and duty costs, his pub will be finished. He bought this beautiful, historic pub; people can work out from its name that it goes back a long time. Bringing it back to life has cost him a huge amount of personal investment. Having pulled it back from despair, he expects people in this House to get how important a pub is. It is not necessarily a drinking outlet—there are plenty of those. A pub is family to some people and part of the community to many people. Once it has been turned into a posh house, as happens in my constituency, it will never come back. I put in a plea for the Member not to hide behind the numbers; all the different things that have been done. It is not enough, and we need to look at the situation again.

2.26 pm

Toby Perkins (Chesterfield) (Lab): It is a great pleasure to follow the hon. Member for St Albans (Mrs Main), who called at the end of her speech for more to be done to support our pubs—the theme of this entire debate.

Pubs are absolutely crucial to our communities and certainly to my constituency. Chesterfield has 105 pubs, and 1,419 people there rely on beer and pubs for their employment. In Chesterfield alone, £15 million goes into the local economy through wages paid to people who work in our pubs. Alongside the economic value that pubs provide—we have talked about the huge tax contribution that they make—pubs also make an incredibly important social contribution. As we have heard from other hon. Members, when a pub closes on an estate that is important social contribution. As we have heard from other hon. Members, when a pub closes on an estate there is no longer a focal point for the community.

What is the first thing that comes to mind when we think about soap operas? We think of The Rovers Return or the Queen Vic, which are the hub of their communities. When people visit our country, the first thing they want to do is visit the local and have a pint of British ale. We cannot overestimate the incredibly important role that pubs play in our social fabric.

Alex Sobel (Leeds North West) (Lab/Co-op): My hon. Friend is making a wonderful speech. In the market town of Otley in my constituency, there are two grade II listed pubs—the Black Bull Inn and The White Swan, operated by Star Pubs & Bars. It has ruined the heritage of those pubs. Does my hon. Friend agree that that goes against the heritage and tourism that we need to engender? Should we not have more local powers to ensure that that sort of thing cannot happen to grade II listed heritage pubs?

Toby Perkins: I certainly feel strongly that the owner or landlord of a pub is its custodian for the local community. Pubs valued by a community have often been lost as a result of the irresponsibility or inadequacy of the people who have run them. When pubs close, that has a huge impact on the local community. Sometimes, we have got too bogged down with the numbers; where pubs close is also important. We have heard about the importance of rural pubs, and I mentioned previously the importance of pubs on the local estate.

The Brampton Mile is a famous area in Chesterfield with 17 pubs within a single mile. Some have attempted to visit them all in a single night—I cannot entirely remember how it ended, but it started well. When a pub closes in an area with a huge number of pubs, the impact may not be the same, but when there is only one pub in an area, it is incredibly important, and we feel strongly about that. Some 243 people in Chesterfield signed the “Long Live the Local” petition.

Here in Parliament, we recognise how important pubs are. The hon. Member for Dudley South (Mike Wood) who started the debate, is chair of the all-party parliamentary beer group. I am chair of the all-party parliamentary pubs group. This year, we held the first ever parliamentary pub of the year competition. I was delighted that so many MPs entered. There was a fantastic array of entries. My own entry, the Chesterfield Arms in Chesterfield, was a finalist, but was ultimately defeated by the Four Elms pub in Cardiff, Central. It was an event in which we came together and celebrated the role that pubs play in our communities.

There are always claims that if the Government only taxed businesses less, the pubs would do better. As a former shadow Business Minister I recognise the extent to which such calls are heard. The Government were elected in 2015 on a manifesto that promised a fundamental review of business rates. I appreciate that that commitment disappeared from the 2017 manifesto, but the Government have not considered themselves to be held to many items in that manifesto. The system of business rates disincentivises investment, whether in pubs, manufacturing or retail. When people make their premises better they pay a higher tax bill, which flies in the face of the sort of investment that we all want to see. I would love the Government to put less focus on reducing corporation tax at the expense of business rates. Corporation tax is businesses paying tax on profits that they have made, whereas business rates are a tax on owning a property. At a time when pubs and so many retail units are closing, the taxation policy achieves the opposite of what the Government intend.

If I had more time, I would talk about the pubs code, and I look forward to the review that the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Rochester and Strood (Kelly Tolhurst), is undertaking. Pubs are crucial to our communities, and I am delighted that this debate has taken place. May we all continue to trumpet that crucial role.
That food can bring families in and, combined with pubs, supply not only great drinks but fantastic food, domestically and with exports. Does he agree that our distillery and others, that provides vital support, in my constituency such as mine, which has Diageo, Strathearn by freezing the duty for the last two years. For a industry which the Government have supported so well, we have had the small business bonus scheme. Another good thing is the freezing of beer, cider and spirits duty for yet another year—I thank the Chancellor very much for that.

I have previously expressed my support for the freeze on duty, given my constituency includes Grants of Girvan, producing whisky and Hendricks gin, Caledonian Bottlers in Cumnock, and the small Ayr Brewing Company, which produces excellent real ales consumed and enjoyed by many.

Even though we are discussing beer, it would be remiss of me not to mention the Scottish whisky industry, which remains a great British success story. Exports are worth some £4 billion per annum, comprising almost a fifth of the UK’s food and drink exports. Duties on alcoholic drinks are forecast to raise £12.3 billion in 2018-19. Surely the Chancellor has a bit of wiggle room for some kindness towards the pub trade.

Luke Graham (Ochil and South Perthshire) (Con): My hon. Friend makes a good point about the whisky industry which the Government have supported so well by freezing the duty for the last two years. For a constituency such as mine, which has Diageo, Strathearn distillery and others, that provides vital support, domestically and with exports. Does he agree that our pubs supply not only great drinks but fantastic food, like the Kirkstyle Inn in Dunning in my constituency?

That food can bring families in, and, combined with local music, can make the pub the heart of the community.

Bill Grant: I completely agree, and pubs are great outlets for locally grown produce which we can be very proud of in the UK, in particular in Scotland.

As with all good news, there is a negative. One of our local businesses raised concerns with me recently about post duty point dilution and the proposed ban on this. I am aware that it will hit some businesses hard and cost them dearly to maintain their standards, only to fund the Exchequer, where their methods involve this practice. I ask the Minister to consider whether any flexibility can be applied when the legislation is drafted this year.

2.37 pm

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I congratulate the hon. Member for Dudley South (Mike Wood), my near neighbour, on securing this debate. He mentioned Baynhams beer, of which I am a regular consumer and supporter, and Ma Pardoes pub, where I am a regular visitor. In fairness to all the other Black Country beers and drinking places, I must say that it is a fantastic area for anyone who loves their beer. The sheer range of craft and real ales there is phenomenal.

I particularly welcome the debate because it is framed in the context of the taxation regime for pubs. We need a change in that regime, but that alone will not protect our pubs and their heritage unless it is allied with a change in the supervisory and regulatory relationship between pub tenants and pub-owning businesses.

Let me touch first on the tax regime, although Members have covered most of this. There is obviously a case for looking at alcohol duties. The fact that high-alcohol beers and ciders are taxed at hugely different rates is in
itself a reason for looking at them. The fact that high-alcohol spirits are taxed at a lower rate is another reason for looking at them. Ultimately, it is the job of the Treasury to have a comprehensive review of these duties. That should be designed first to promote social drinking, secondly to sustain pubs and lastly to sustain Exchequer revenues.

**Ruth Smeeth:** My hon. Friend has touched on the fact that there are differential duties. Does he agree that it is ludicrous that there is still, in effect, a subsidy for alcohol, when that is not the case for beer? There needs to be a level playing field across the sector.

**Mr Bailey:** I agree with my hon. Friend. Given the increased consumption of cider and the increased tax revenues from it, I would have thought there was a case for looking at the relative taxation levels of the two drinks.

Business rates have been mentioned. I will not go over the details, but we have a ludicrous situation whereby someone who invests in their business and increases their turnover often gets a huge increase in their business rates as well. One example given to me involved somebody who took over a pub that had traded at £200,000. He raised that to £700,000 but then found that his business rates had gone from £8,400 to £37,000. He did get that reduced to £24,000, but the mere fact that he had such a big increase and that it was then revised would seem to demonstrate that the process for evaluating business rates is deeply flawed. I recognise the Government’s attempts to do something about that, but we really need a comprehensive review of business rates so that they are geared in such a way as to promote and reward investment rather than penalise it.

**Mrs Main:** The hon. Gentleman is absolutely right. I have had similar experiences, with pubs putting in the investment and then finding themselves penalised. However, they say that when they put in a challenge, it takes a long time and it is difficult to get an explanation as to why the final figure is arrived at. There is not the transparency over the rateable system that there should be.

**Mr Bailey:** I totally agree. The process is opaque and would often appear to be perverse as well. There is a big case not only for revising it but for making it far more transparent so that anybody investing in their business can get a clear idea of what the potential financial penalty—if that is the word—would be on their investment.

I want briefly to touch on the pubs code and the Pubs Code Adjudicator, which my hon. Friend the Member for Chesterfield (Toby Perkins) mentioned. I am the former Chair of the Business, Innovation and Skills Committee, and a member of its predecessor Committees, and we examined time and time again the relative balance in power between the pub tenant and the pub owner, as well as the relatively low level of income that tenants running even the most successful pubs obtained from all their efforts, relative to the revenues accrued by the pub-owning business.

The pubs code was agreed by the Secretary of State for Business, Innovation and Skills in the previous coalition Government, and I give him credit for that. A Pubs Code Adjudicator was appointed to adjudicate and to try to ensure that there was a fair balance of risk and reward between the two parties. It is fair to say that the appointment of Paul Newby was controversial, and a lot of concerns were raised. On many occasions; the evidence we are getting back from tenants, those concerns were well founded. The changes do not seem to have affected the rate of pub closures whatsoever; indeed, the number of tenants who are still finding that the reward they get from all their efforts is totally inadequate does not seem to have changed either.

I welcome the fact that the Government are about to undertake a review of the working of the code and the adjudication. The essential thing is for the Pubs Code Adjudicator to act as an adjudicator and not just to enable negotiation between the pubco and the tenant, which actually reinforces the imbalance of power between the two. All too often, pub tenants find themselves negotiating against not only the pub company but their solicitors as well, and they are not in a position to have equivalent legal advice.

I conclude by saying that saving the pub involves two things: a radical transformation in taxation, but also the reinforcement of the legal protections for the pub tenant against the pub-owning business.

2.46 pm

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): I thank the hon. Member for Dudley South (Mike Wood) for bringing this debate before us. As other Members have said, this is light relief compared with the dark place we have been in for far too long—let me put it that way.

Many of the points I would have made have already been made, so I will crave your indulgence, Madam Deputy Speaker, and tell a little anecdote from the past. As some Members know, prior to appearing rather unexpectedly in this place, I was much involved in amateur dramatics and the local pantomime group—I have, indeed, been the dame in my time. On a Thursday night—to go back to the halcyon days of pubs—we would repair to a particularly famous old pub in my home town. At 11 o’clock, the barman, Paul, would say, “Well, well, boys and girls, I think we will need to lock the door.” He would shut the massive, great door, turn the key and then carry on pulling the pints. One Thursday, I turned to a new member of the cast beside me at the bar and said, “Goodness me, do you think the bobbies might come knocking on the door tonight?” He laughed and said, “Ha, I’m an off-duty police sergeant,” which caused a slight reaction around the bar. Then, a voice further down the bar said, “That’s nothing. I’m an honorary sheriff’s substitute.” They were fax days, but I just wanted to tell Members that anecdote.

There are two points I want to pick up on in my brief contribution. The hon. Member for Stoke-on-Trent North (Ruth Smeeth) made the point that publicans and their staff are trained, and they know the danger signs when somebody is drinking too much. As often as not, they will refuse to serve them, or they will get them into a taxi and get them out of the place. How much better is that, as she said, than having some lonely bloke drinking himself into a stupor at home on cheap White Lightning or cheap wine? We all know that far too many household fires are caused by somebody being blootered in their seat and dropping a fag down the back of the settee or whatever. There is therefore a safety aspect to this.
If someone goes on holiday to Spain, Italy, or wherever, if they are like me, fairly quickly they think, “I’ll pop down the village”. It is a hot day, there is a place with nice wee tables outside, and they have a pint of lager. Let us switch that the other way round. Visitors come to the highlands of Scotland and find no pubs—are you kidding? Tourism is crucial to the highlands, and the one industry that is fundamentally sustainable in the long term. If there are no pubs, the visitor experience will be much impoverished, to say the least, and the bad news is that the next year, people will think, “Perhaps I’ll not go there again”. Pubs have a far wider role than has yet been touched on in this debate, and I echo all that has been said about pubs being part of the social fabric of our communities.

Bob Stewart: The Jolly Woodman in Chancery Lane in my constituency is the nearest pub to my house, and it provides quality real ale. People come from miles around to visit that pub, and that is the sort of reaction we want to pubs in our areas.

Jamie Stone: I could not agree more, and I hope that one day the hon. Gentleman will take me to that splendid place and introduce me to the delights of that nectar.

I have said enough. As soon as I have the opportunity, I shall invite the hon. Member for Clacton (Giles Watling)—he is not in his place at the moment—to my place and introduce me to the delights of that nectar. One day the hon. Gentleman will take me to that splendid pub. It will be the nearest pub to my house, and I shall invite him to the delights of that nectar. Pubs have a far wider role than has yet been touched on in this debate, and I echo all that has been said about pubs being part of the social fabric of our communities.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I thank the hon. Member for Dudley South (Mike Wood) for so ably setting the scene and being generous with interventions, and I thank the Backbench Business Committee for selecting this debate. From the fore I wish to be clear that I am aware of this House’s duty to encourage people to drink sensibly, and our policies, taxation, and legislation must carry a message that a sensible balance must be achieved by those who choose to drink alcohol. For that reason I, along with other Members, oppose supermarket cheap deals on alcohol—the hon. Member for North Tyneside (Mary Glindon) referred to that, as have others—because that is clearly a contributory factor to those who have problems with alcohol. Some people buy too much and then imbibe too much. They end up in A&E, and with broken families due to their abuse of alcohol.

I fully support my local pubs, and I want to ensure they have that support in every corner. They have contributed a lot to the local economy in Northern Ireland. With local pubs it is clear—either use it, or lose it—and we cannot continue with the losses that we have unfortunately experienced over the years. I also understand the benefits of drinking in a pub that is a safe, local environment. As others have said, that might include someone who is able to reach over, take someone’s keys and call them a taxi, or an Uber, which is what young people use today, or someone who says, “Okay Billy, or Pat, that’s enough for tonight”, as opposed to them drinking in the home where there is no limit to what can be consumed. I believe that most pubs encourage responsible drinking, which is why I am in favour of this motion.

When we consider the pub industry in Northern Ireland, the figures are clear. We have around 1,216 pubs in Northern Ireland, and the pub and beer sector alone contributes £390 million in gross value added to the economy. It sustains more than 16,000 jobs and £200 million in wages, and the total tax contribution is around £260 million annually—that is some contribution.

There is little doubt that the industry makes a key contribution to the supply chain in Northern Ireland, generating additional value, jobs and wages for the economy. The sector has been in a precarious trading position over the past few years, as demonstrated by the instability of its gross value added performance over time. That is also reflected in the fact that Northern Ireland’s pub sector is the only one in the 12 UK regions to have experienced negative capital expenditure in 2016. That cannot be ignored. It contributes three times more in business rates than its profitability in the economy. The business rating approach to pubs in Northern Ireland is based on old case law that determined that pubs were more profitable than other businesses. Valuation is therefore based on an archaic law that no longer has any basis.

I can well understand the argument that, as things stand, the sector is paying too much relative to its contribution to the economy. We can demonstrate clearly that it is certainly not more profitable than other businesses. The difference between Northern Ireland and the rest of the mainland is clear. The sector contributes 2% to non-public rates in Northern Ireland, but accounts for just 0.7% of the profitability of the local business economy. Northern Irish pubs account for just 1.6% of UK pub sector GVA, but pubs contribute 2.5% to UK
business rates and 2.5% to the overall direct tax burden for the sector across the UK. It would seem to me that this is an overtaxed business area as it is, and that does not take into account the fact that, with people finding it more and more difficult to make ends meet, pub beer can be swapped for home beer. The mentality of “I can drink more if I drink at home” is not what we seek to endorse. We are trying to make sure that people stay in the pub.

I am not in favour of a cut to alcohol taxes per se, but I do believe that a cut targeted specifically at our pubs, bars, hotels and restaurants should be considered, as the social benefit would surely outstrip the initial duty cut cost. The industry is struggling, and my fear is that more local pubs will close. It is important that we do not encourage youngsters to chance their arm at supermarket self-service so that they never experience the safety measures that come with drinking in a local pub, where the tap stops, the keys are removed and there is no trouble. I fear for a generation who will only have to swap pubs for home beer. The mentality of “I can drink more if I drink at home” is not what we seek to endorse. We are trying to make sure that people stay in the pub.

Kirsty Blackman (Aberdeen North) (SNP): It is a pleasure to take part in this debate. I congratulate the hon. Member for Dudley South (Mike Wood) and other Members on ensuring that this debate took place. I thank the Backbench Business Committee and all those who have contributed to what has been a very good-humoured debate with very little disagreement. We need to support our local pubs, and we need appropriate taxation regimes that ensure, in particular, that responsible drinking can take place.

I want to talk about a few issues in relation to Scotland and make some wider points on tax. In Scotland, we pioneered minimum alcohol pricing. It mostly affects cheap supermarket alcohol and ensures that, for example, some incredibly cheap high-alcohol-content ciders that are sold in supermarkets have to be sold at a higher price. That, however, is not what we would in an independent Scotland. In an independent Scotland, we would be looking for a comprehensive review of alcohol taxation overall. In fact, we asked the Government to do that, and we moved such a provision in a previous Finance Bill. We can only look at individual elements of alcohol taxation for a few years before an overall review is needed. We think that that review should be based on the amount of alcohol in each drink, and that taxation should therefore be levied on an appropriate basis.

I know that this debate is about beer and the taxation of pubs, but in pubs 42% of alcohol sold by value is wines and spirits, so it is important that that is considered in any decisions made. Given that women consume three times as much wine as beer, it is important to consider wine in this context and not just beer. As someone who likes a pint rather than a glass of wine, I am on the other side of this argument, but I understand that an awful lot of people are concerned about wine taxation.

On post duty point dilution, which has been mentioned by a number of Members, I am pleased the Government are bringing forward a review. I have been approached by constituents who are keen to see a change. It would be useful if the Minister, in his summing up, could let us know what is happening with the timescale for that. I am not clear about the timescale going forward, although the Government may have talked about it in the past.

I think there are three different reasons for taxation in general: to generate revenue for the Government; to encourage positive behaviour; and to encourage positive behaviour, particularly in the case of reliefs. In assessing taxation on alcohol and pubs, the Government need to think of those three things going forward. What do they want to encourage? What do they want to discourage? How much revenue do they need to generate from any decision that they take? I think the view around the House is that responsible social drinking is the way forward, rather than people drinking at home and choosing drinks with incredibly high alcohol volumes.

On business rates, in Scotland we have the friendliest environment for business rates in the UK. Two out of every five pubs in Scotland receive the small business bonus and pay zero or reduced business rates as a result. In Scotland, 90% of properties also pay a lower poundage than they would if they were in the rest of the UK. We have done everything we can to ensure that we have the most competitive taxation regime for properties.

Let me just say a wee bit on the contribution of beer and pubs to the economy in Scotland, which is £1.7 billion a year. The brewing and pub industry supports the employment of 60,000 people in Scotland, which is significant. In my constituency, although I do not have breweries, I have the first pub for Fierce Beer, six°north and BrewDog, so it is nice to be able to give them a shout-out.

I appreciate the tone in which this debate has taken place. If the Minister could answer my question on the post duty point dilution review, that would be incredibly useful. If he could also commit to a review of alcohol taxation in general, that would be great, but I am not sure that he will be able to go that far today.

Anneliese Dodds (Oxford East) (Lab/Co-op): I congratulate the hon. Member for Dudley South (Mike Wood) on securing the debate. As my hon. Friend the Member for Coventry South (Mr Cunningham) said, this is not the first time that we have debated many of these issues, but I very much agree with the hon. Member for Aberdeen North (Kirsty Blackman) that this has been a good-humoured debate, albeit one with rather too many puns. This debate is also important, as so many Members from right across the country have said, because the UK pub is renowned around the world—the oldest one was established right back in the 11th century—and an essential feature of our national life.

We have already gone through many of the statistics, so I will not do that now, but I very much agree with the hon. Member for Ribble Valley (Mr Evans) that much of the economic impact of the pub and brewery sector is indirect as well as direct. We have talked a lot about the impact on employment. It was very interesting, in particular, to hear about the experience of my hon. Friend the Member for Heywood and Middleton (Liz McInnes) and about her working life. It was also the first taste that I had of working life. Working in a pub and restaurant I was paid the princely sum of £2 an hour before Labour’s minimum wage was introduced.
This sector is very important, supporting around 1 million jobs in the UK. Those who work in it contribute many payroll taxes as well. However, pubs are really also community hubs, as so many hon. Members have said. My hon. Friend the Member for Ealing Central and Acton (Dr Huq) referred to the role that they can play in combating loneliness. We have heard about how pubs can help older gentlemen—I do not know why I am gesturing in the direction of the hon. Member for Beckenham (Bob Stewart)—and how they are open to mothers in the run-up to Mothers’ Day.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): We recently had a consultation in the west of Wales on the reconfiguration of health services. Dr Rhys Thomas, one of the lead consultants, informed us that one of the biggest public health challenges that we face is loneliness, so there is a public health aspect to this as well.

Anneliese Dodds: I absolutely agree with that point. There is now evidence of that. Work has been undertaken, commissioned by CAMRA, which set out clearly that there is a positive impact of people using pubs in the kinds of ways that we have been talking about during this debate. The point has also been made that many people who use pubs are not necessarily drinking alcohol. They use them in a whole variety of ways. I would also mention the fact that many pubs—particularly community pubs, and I will come back to that point later—are setting up special sessions for people with different conditions, such as dementia, so they are very important institutions from that point of view.

We have seen some worrying developments, which many Members have referred to. We have seen pubs closing at an alarming rate. Last summer, we saw figures showing that 18 pubs a week are closing. Those closures are occurring at the same time as the closures of libraries, post offices, banks and many local shops. They are happening in rural areas, as has been mentioned, but in urban areas as well. My hon. Friend the Member for Chesterfield (Toby Perkins) noted very movingly what happens when the last pub leaves an estate, and my hon. Friend the Member for Barnsley East (Stephanie Peacock) raised the same issue.

Members on both sides of the House rightly referred to the importance of local pubs, but also drew attention to the challenges they face. The first of those challenges relates to the tax system, and involves beer tax, small brewer’s relief and business rates.

We are in a peculiar position when it comes to beer tax. I agree with the Institute for Fiscal Studies, which has said that “The UK’s current system of alcohol excise duties is a mess”, and that the way in which we tax our alcohol does not necessarily “fully correct for the social costs of alcohol.” I hope that the Minister will spell out what the Government intend to do in the longer term, because a longer-term approach is needed, given the developments at EU level that were mentioned earlier and given the development of the low-alcohol beer sector, which was mentioned by my hon. Friend the Member for Faversham and Kent Coastal (Helen Whately) and many others. Those developments are significant, but the tax system has not yet responded to them.

Many Members, including the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone), my hon. Friend the Member for North Tyneside (Mary Glindon) and the hon. Member for Stratford (Jim Shannon), referred to the corrosive impact of low-quality, high-alcohol products which are drunk at home and are cheaper to drink at home.

We had an interesting discussion about small brewer’s relief. My hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) spoke of its importance to small breweries, but I think we should also look carefully at its calibration in the light of the unintended consequences that were mentioned. My hon. Friend the Member for Keighley (John Grogan) made some good suggestions, and I hope that they will be noted in the review that is currently being undertaken. Despite those pressures, however, we are seeing incredible innovations, especially in the craft brewery sector. I want to plug the micro-pub movement which is taking place in my constituency, and our amazing covered market as well.

Many Members referred to business rates, which have been extremely damaging to pubs and to many other businesses that are based on bricks rather than clicks. My hon. Friend the Member for Stoke-on-Trent North, and many other Members, talked about the imbalance in that regard. A business pays corporation tax only when it has become profitable, but the Government appear to have focused on reducing the corporation tax rate. My party would not take that approach, because we value the high streets and we value bricks-and-mortar-based businesses. Of course, that does not just apply to pubs. My hon. Friend the Member for Cardiff West (Kevin Brennan) mentioned the impact on music venues, many of which are, in practice, in the same place as the local pub. We need to look at these issues in the round, and, in fact, we should look at them in relation to council tax as well. That is why we have committed ourselves to a proper review of local taxation, which we think is well overdue.

However, pubs face many other impediments that are not related to tax. That point was made very forcefully by my hon. Friend the Member for West Bromwich West (Mr Bailey). The pubs code, which was intended to level the playing field for small pub tenants, has not operated in the way in which many of us hoped that it would. It appears that the situation is being manipulated, which is immensely problematic, because, as was pointed out by my hon. Friend the Member for Leeds North West (Alex Sobel), tenants are still subservient to pub companies. That is also a big problem for the social mobility referred to by my hon. Friend the Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), because it means that people who start off pulling pints cannot end up as pub owners.

I should like to hear from the Minister when the compulsory review of the pubs code will be announced. I thought that it was to be announced this month. Can we also be assured that the process will be open and accountable? We need to restore trust and accountability to the process. We also, as was mentioned by my hon. Friend the Member for Stroud (Dr Drew), need to make sure communities are aware of that social value process so they can take over those community assets when they want to; many communities are not aware of it.

Many of us have said this debate is a refuge from Brexit, but, sadly, it is not entirely of course. That is first because the workforce is very important to the pub
sector and we are all aware of many of the concerns about what will happen if, in particular, we have a threshold of £30,000 to get workers into the UK. UK Hospitality has said the current proposals are illogical. We need to deal with this challenge. Also, the hon. Member for Waveney (Peter Aldous) rightly referred to the importance of exports from our brewery industry in particular; we must not impose any additional bureaucracy on those exporters, particularly in growth fields and innovative parts of our brewing industry.

I hope the Minister will respond to my points in his remarks, particularly on the beer tax, small brewers’ relief, business rates and some of the legal issues.

3.10 pm

The Exchequer Secretary to the Treasury (Robert Jenrick):

I thank the Backbench Business Committee for securing this debate. As numerous Members have noted, it has felt rather like finding a good pub on a long walk when we are feeling weary and looking for a welcome break. The debate has been conducted in a very good-humoured manner throughout. I was first elected at the end of the coalition Government, and pubs was the only vote I believe that that Government lost in all those years, whereas today we are united on this topic but it is just all the other votes we seem to be losing.

I thank my hon. Friend the Member for Dudley South (Mike Wood) for sponsoring the debate. Like the hon. Member for West Bromwich West (Mr Bailey), he spoke about the Black Country’s long association with beer and brewing. I grew up in the shadow of Banks’s brewery in Wolverhampton and spent my teenage years, like the hon. Member for Oxford East (Anneliese Dodds), working in pubs that my hon. Friend’s constituents might drive out to Staffordshire and Shropshire to visit. I also thank the hon. Member for Stoke-on-Trent North (Ruth Smeeth) for her contribution; I have had a few drinks near her constituency in the Potteries, not least on the night I lost my first election in 2010. Given the scale of the result I probably should have drunk a pint from the Titanic Brewery.

But I do not want to be too negative about what we find today, because there are many great positives about beer and the brewing industry across the United Kingdom, many of which have been heard over the past couple of hours, not least the flowering of the British craft beer industry. That has brought fresh life to the market, creating a new generation of entrepreneurs, many of whom I know from my own constituency, a former brewing town, Newark-on-Trent, which has seen several new breweries created in recent years. This has given people across the length and breadth of the country unprecedented choice and, as we have heard, word has spread across the world and exports have risen very significantly.

Toby Perkins: The Minister is right that the small business brewing relief is an example of Government forgoing a bit of tax and a huge industry flowering on the back of that. Might he take note of that example for some of his other decisions?

Robert Jenrick: It certainly is, and I will talk shortly about the relief the hon. Gentleman mentions, which has played a significant part in that flowering and which I believe we can make better and fit for purpose for the future.

The value of beer exports has risen now to £500 million a year, and we heard earlier about the tremendous results also with respect to Scotch whisky and other spirits.

Small brewer’s relief gives the smallest brewers across the country a 50% reduction in duty and, as we have heard, it has helped fuel the explosion in the number of local breweries; we now have over 2,000 breweries across the country. At the autumn Budget we announced a review of this relief to give brewers the opportunity to share their thoughts on a relief that is now 17 years old and which has not been reviewed systematically over the course of that period. We have opened the review and had over 500 responses which we will carefully consider and report back on in due course.

Our motives at the Treasury have not been to extract more revenue from the sector, and certainly not to end the relief. However, for some of the reasons that the hon. Member for Keighley (John Grogan) and others mentioned, there is some evidence that although the relief has been hugely positive in some respects, it has limited the growth of some businesses that would like to expand and employ more people and that are concerned about the cliff edge that the relief creates. I hope that we will be able to work with breweries and organisations such as the Society of Independent Brewers to work through that and to do something positive for the industry.

With respect to beer duty, we have taken a number of steps over the past nine years to improve the situation in a country that has been widely acknowledged to have high levels of alcohol taxation. We removed the beer escalator, and we have either cut or frozen beer duty in six of the last seven fiscal events, so that the duty on a pint is lower now than it was in 2012. In real terms, this long-term and significant action by the Government has kept prices low for everyone, in contrast to the period from 1997 to 2010, during which beer duty increased by 60%. This was underlined at the most recent Budget with another freeze on beer duty, meaning that the price of a typical pint of beer is now 2p lower than if prices had risen with inflation. I appreciate that there is always more that we could do this respect.

We are also focusing on other alcohol, such as cider and spirits. My hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) talked about whisky and the importance of spirits to his constituency and to many others across Scotland. The hon. Member for Aberdeen North (Kirsty Blackman) talked about their importance to the wider Scottish economy. She also asked me a question about post-duty point dilution. We have given this matter considerable thought for some time, and we announced at the Budget that we will be bringing this practice to an end from April 2020. She also asked, as did the hon. Member for Oxford East, about a wider review of alcohol duty more generally. This is a complex area, and there are clearly no easy answers. There are certainly few answers that are fiscally neutral and that would create no losers, which would be important to many who work or own businesses in the sector. It is perhaps premature to conduct a review at this moment, because the greatest flexibility will be available to us after we leave the European Union. A future Chancellor might then have the choice to take action.

We heard from the hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) about responsible drinking, and they asked whether we could lower the duty on
low-alcohol beers. We are somewhat constrained in that respect by EU law. The EU alcohol structures directive sets the maximum threshold for reduced duty on low-alcohol beer at 2.8%. Her Majesty's Government charge a reduced duty of 6p a pint on beers with a strength between 1.2% and 2.8%. Until we leave the EU, we cannot raise the threshold for low-alcohol beer above 2.8%, but this is something that we will work on with our partners across Europe, and we could have further flexibility in the years ahead. The Government have taken action in some specific circumstances—with respect to white cider, for example—and our approach is that we will continue to take action as necessary where there is clear evidence that certain alcohol duty rates are causing difficulties for society.

We have heard a great deal about pubs, which are, as we heard from numerous colleagues, the bedrock of many rural and urban communities. As the hon. Member for Chesterfield (Toby Perkins) rightly highlighted, they boost the economy, create jobs and, crucially, act as hubs for our communities. We have heard about their importance in tackling loneliness, and about the issues for older people, whether older gentlemen or others. They are great places for people to work and start their careers in. The pub industry currently employs about 450,000 people, many of whom are younger people, as has been said.

Bob Stewart: I rise, again, as an older gentleman. We have been talking about what pubs do. Let us imagine people who live in pretty awful accommodation—a bedsit or something like that. The local pub can provide a really nice, friendly, warm environment. That is the sort of place that those people can go to, and in my view that is the real advantage of local pubs.

Robert Jenrick: I agree with everything that my hon. Friend just said.

I will talk briefly about business rates in the short amount of time available to me because they have been an important element of this debate. My hon. Friend the Member for St Albans (Mrs Main) brought some of her publicans to see me at the Treasury to discuss the matter. We have taken several actions to support pubs by lowering their tax burden. The most important of them—this comes into effect on 1 April—is the Chancellor’s Budget announcement that the business rates bills of small and medium-sized retailers, including pubs, will be cut by a third. The policy has been set for maximum impact among retailers and pubs with a rateable value of £51,000 or below. I appreciate that that will have less impact in communities such as my hon. Friend’s, where rateable values are high, but 90% of retailers and between 70% and 85% of pubs across the United Kingdom will benefit, with pubs seeing a tax saving of up to £8,000. We also previously had the £1,000 discount for small and medium-sized pubs, and many pubs will also benefit from up to 100% small business rates relief or the 100% rural rate relief. Of course, all ratepayers are benefiting from the switch from RPI to CPI.

The hon. Member for North Tyneside (Mary Glindon) mentioned the request of many, including the industry, to create a rate of beer duty that differentiates between people drinking in a pub and people purchasing beer in a supermarket or convenience store. I can see the strong argument for that, but it is unfortunately not possible under EU law. Duty is levied on production, not on the place of consumption. However, we might be able to turn to that should we have sufficient flexibility.

I conclude by thanking the Backbench Business Committee and my hon. Friend the Member for Dudley South and the hon. Member for Stoke-on-Trent North, both of whom gave superb speeches. This debate unified the House and demonstrated the important role that pubs can play in our communities. I will certainly relay the strong feelings from across the House to my right hon. Friend the Chancellor with respect to the next Budget and the future of beer duty. The House’s voice is clear that it wants, like people the length and breadth of the country, further and continued support for beer, breweries and our important pubs.

3.22 pm

Mike Wood: I thank all right hon. and hon. Members for their contributions today. We have had well over 20 contributions from Members representing six out of the seven parties in the House and all four nations of our United Kingdom. The contributions from the Minister, the shadow Minister and the SNP spokesperson, the hon. Member for Aberdeen North (Kirsty Blackman), showed the breadth of agreement and support for British beer and pubs and the need for us to support them where we can.

If people watching this debate take away just one message, I want it to be that British beer and pubs are a force for good in so many ways. As the hon. Members for Heywood and Middleton (Liz McInnes), for Chesterfield (Toby Perkins) and for Aberdeen North said, they are good for jobs and local economies. As my hon. Friend the Members for Cheadle (Mary Robinson) and for St Albans (Mrs Main) pointed out, they are good for communities and for families. My hon. Friend the Member for Ribble Valley (Mr Evans) said that pubs are good for charities and for community sport, the hon. Member for West Bromwich West (Mr Bailey) said that they are good for promoting local investment, and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) said that they are good for attracting tourism.

There are other non-economic benefits, too. As the hon. Members for Stoke-on-Trent North (Ruth Smethpearl) and for Coatbridge, Chryston and Bellshill (Hugh Gaffney) pointed out, they are essential for tackling loneliness and strengthening the social fabric. The hon. Member for Strangford (Jim Shannon) referred to the vital role that good community and high street pubs play in offering a safe place for responsible drinking. Pubs are a force for good in so many ways. Think just how much more good they could do if we can get the tax burden under control, give our beer and pubs a fair deal, and support these key industries and the role that they play in our communities.

Question put and agreed to.

Resolved,

That this House has considered beer taxation and pubs.
Permitted Development and Shale Gas Exploration


3.25 pm

Wera Hobhouse (Bath) (LD): I beg to move, That this House has considered use of permitted development and the nationally significant infrastructure project regime for shale gas exploration and production.

First, may I thank the Backbench Business Committee for allowing time for this important debate, which I am honoured to lead? I also thank colleagues from all parties who have turned up to contribute, even though we have had a rather long and difficult week.

This debate follows two over-subscribed Westminster Hall debates. Last October, the Government consultations on giving shale gas exploration permitted development rights and classifying sites under the national significant infrastructure regime came to an end. The Government have yet to publish their responses to those consultations and are instead choosing to push the issue into the long grass. The first two Westminster Hall debates on this subject made one thing clear: Parliament has a view and would like to be heard. The proposed measures to give shale gas exploration permitted development rights and to classify sites under the national significant infrastructure regime are a bad idea for many reasons, but I shall focus on two central points.

First, to give fracking companies access to permitted development rights under the mantle of nationally significant infrastructure deprives local communities of a voice. Secondly, and even more fundamentally, fracked fuel is a fossil fuel. To support the new development of any fossil fuel is a travesty, given that the threat of global warming should urge us all to rethink completely how we produce our energy.

Dr David Drew (Stroud) (Lab/Co-op): I am pleased that the hon. Lady has secured this debate and congratulate her on the way she has started it. Does she agree that the context of the Government encouraging fracking is bad enough, but the way in which they have treated renewables, by making them so difficult through the planning process and completely cutting away the subsidy regime, means that renewables are now at a standstill? It is a disgrace.

Wera Hobhouse: I could not agree more. We have such a long way to go before we become carbon zero and it is so important. What are the Government doing promoting fracked fossil fuel over renewables? We are living through a global climate crisis.

Kevin Hollinrake (Thirsk and Malton) (Con): I congratulate the hon. Lady on her powerful speech. On community engagement, does she recall a former Conservative Minister saying that fracking could take place in the “desolate” north? This is not good enough. My constituents do not want fracking and communities should be listened to.

Wera Hobhouse: Absolutely. To classify different regions of our country in that way is appalling.

Dr Andrew Murrison (South West Wiltshire) (Con): I am enjoying the comments of the hon. Lady, my constituency neighbour, but for balance could she remind the House which country is top of the league table in 2050? I am sure the Government have read the report of the Intergovernmental Panel on Climate Change.

Wera Hobhouse: This country has made great strides, and we are leaders, but we will fall behind badly if we do not keep up that lead. That is what worries me. Things have gone badly wrong in the last three years. We are living through a global climate crisis and we must align our policies to become carbon zero before 2050. I am sure the Government have read the report of the Intergovernmental Panel on Climate Change.

I have been campaigning against fracking since 2014. In Bath, not only is there concern about global warming; there is concern that fracking will interfere with our hot springs, causing unknown damage to the water table, our unique geology and the natural springs that are the very reason for Bath’s existence and prosperity throughout its rich history. There are additional concerns about the wider environmental damage, such as earth tremors, gas leaks and the huge water consumption the process requires. I do not know whether people have read the recent reports about water shortages. Why are we encouraging an industry that wastes water in this way? What are we doing? Why are we not listening to the environmental concerns?
Kevin Hollinrake: My point earlier was about displacement: we use gas anyway, so this is not about more gas, but about whether we import it or produce it. There are 23 million homes in the UK connected to the mains gas network. Is the hon. Lady’s home one of them?

Wera Hobhouse: My home is heated through a community energy centre. That said, I am talking about how the gas is produced. I am saying that fracked gas is a fossil fuel but that there are renewable gas alternatives that we need to explore and invest in, and which the Government should be prioritising.

Matt Western (Warwick and Leamington) (Lab): I commend the hon. Lady for bringing this debate to the House. I appreciate the point the hon. Member for Thirsk and Malton (Kevin Hollinrake) is trying to make, but we have been building an unprecedented number of houses in the last few years, and the 15,000 to 18,000 in my constituency will all have gas boilers. They did not have to. They could have been heated by air source heat pumps, for example.

Wera Hobhouse: I completely agree. Getting to carbon zero is a massive challenge and we must start today. We must think about how our new houses should be built, because the retrofitting of these properties will cost even more. All Departments need to put their minds to it.

These problems are not unique to Bath or the UK. We know from the United States that fracking operations can result in the contamination of the water table. The effect is wide-ranging. Sometimes people cannot even drink their own tap water because of the health risk. A report in 2016 by the United States Environmental Protection Agency demonstrated exactly how the hydraulic fracturing fluid used to split the bedrock can contaminate groundwater and release gases displaced by it. Communities across the USA have been forced to try to mitigate these problems. We should not even go there. Why should we risk water contamination?

Added to all this is the amount of industrial infrastructure that will scar our countryside if these proposals are pushed through. Giving permitted development rights to shale gas exploration would in effect remove the control that local authorities usually have over the planning process.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): On building infrastructure around these sites, does the hon. Lady agree that it is slightly hypocritical that the Government-backed development bank—that invests in infrastructure outside Britain—would not invest in shale gas because of the infrastructure and climate change risk, but for some reason we are happy to do it in our own country?

Wera Hobhouse: I certainly agree that there is a lot of hypocrisy around this issue. A wind farm was built over the communities of Greater Manchester in my old authority, and I remember people talking about the infrastructure that was built just to access the hills in order to put up the wind turbines; it was terrible. Fracking platforms need to move around all the time, and the infrastructure that we need to build to enable that is absolutely incredible. I do not think that people have ever put their minds to that point.

Geraint Davies (Swansea West) (Lab/Co-op): The hon. Lady is probably aware that satellite data over the United States shows that 5% of the methane from fracking is leaked through fugitive emissions. Given that methane is 85 times more powerful than CO₂ for global warming, that makes fracking nearly twice as bad as coal for global warming. Does she therefore agree that under no condition should we go ahead with fracking?

Wera Hobhouse: I certainly agree that we do not really have comparative data. Fracking is hailed as this new thing that would reduce global warming, but it absolutely does not.

Giving permitted development rights to shale gas exploration would mean local communities being removed from the decision-making process. That is one of my biggest concerns. This issue was picked up by the report of the Housing, Communities and Local Government Committee, which concludes:

“Shale gas development of any type should not be classed as a permitted development. Given the contentious nature of fracking, local communities should be able to have a say in whether this type of development takes place, particularly as concerns about the construction, locations and cumulative impact of drill pads are yet to be assuaged by the Government”.

Rosie Cooper (West Lancashire) (Lab): Will the hon. Lady give way?

Wera Hobhouse: I really have to get on now.

Since the Government proposals were announced, 300,000 people have signed petitions against them and 40 councils have passed motions to reject them. With such widespread opposition, giving fracking companies access to permitted development rights would not simply speed up the process; it would serve to muzzle opposition, effectively silencing local communities. This is outrageous and I hope that colleagues across the House will join me in voicing their strongest opposition.

The consultation that looked at making larger fracking sites part of the nationally significant infrastructure regime is entirely incoherent and, frankly, dangerous. According to the Select Committee report, there is no precedent for this classification. Shale gas extraction sites fail to meet the criteria that normally determine nationally significant infrastructure. The report suggests that this issue would undermine the ideals on which nationally significant infrastructure was founded, and would damage the relationship between fracking companies and the communities they are placed within. Combined with permitted development rights, this adds to the Government’s callous attempt to take the decision-making process away from local communities. Shale gas exploration and extraction would be a decision for private companies and the Government, bypassing those who are most affected by it.

Let me turn to the climate crisis. The big problem that we face is the Government’s energy strategy and our continued reliance on fossil fuels. Fracking is not sustainable, and even classifying it as a transitional fossil fuel does not stand up to the science. It recently emerged that investing in fracking would produce as many as 300 million new cars. It is blatantly obvious that the Tory Government favour fracking over renewable energy. The Environmental Audit Committee found that investment in renewable energy
had fallen by 56% in 2017, which was the greatest decline of any country that year. In May 2018, investment in renewables was at its lowest in 10 years, despite the claims by the Government that renewable energy is booming. That must be wrong if we must now urgently turn our attention to becoming carbon zero before 2050.

The recently released IPCC report states that globally we must become carbon zero by 2050, if we are to limit a global temperature rise to 1.5 °C. Scientists have concluded that a temperature rise that is higher than that will bring irreversible damage. The IPCC report gives us 12 years to completely transition away from fossil fuels in order to prevent this from happening—12 years. With the proximity of that deadline, how can this Government argue that now is the time to be rushing into a massive national project of shale gas production? My view, which I hope will be shared by others in this House, is that they absolutely should not. We must reinvest in renewable energy. This Government have removed subsidies for onshore wind and have spearheaded a 65% cut in subsidies for household solar panels. The 2017 Budget ruled out additional investment in renewables before 2025. Yet communities up and down the country are asking for more investment in renewables. Only a few weeks ago, our streets were filled with schoolchildren who were making their voices heard and saying that the climate crisis is the biggest issue for them.

We urgently need a culture change. All Government Departments should have sustainability and a zero-carbon target at their core. As a developed country, we should lead the fight against climate chaos, but this Government have gone in completely the opposite direction. Policies such as those proposed by the Government stand in the way of progress. This Government cannot keep prioritising big oil over the urgent need to combat climate chaos. They have to drop these proposals. As a country, we must legislate in a way that restricts fossil fuel industries and instead invests heavily in renewable energy. There is no time to lose. We owe it to ourselves and future generations.

Several hon. Members rose—

Madam Deputy Speaker (Dame Eleanor Laing): Order. The House will be aware that a great many people wish to speak and we have limited time, so we will have a time limit, immediately, of five minutes.

3.41 pm

Mark Menzies (Fylde) (Con): It is a great privilege to be able to speak in a debate of such importance to my constituency. I thank the hon. Member for Bath (Wera Hobhouse) for applying to the Backbench Business Committee for it. It follows in the path of a similar debate that I held in Westminster Hall at the end of last year. That debate, too, was heavily oversubscribed. I will therefore focus my comments on one or two significant areas.

I was elected in 2010. At the point of my election, it became very clear that shale gas activity—or, at that time, just gas activity—was taking place in my constituency. I would urge caution on Labour Members before they make this whole thing very political, because it was the actions of the previous Labour Government that delivered shale gas to my constituency. I say to the Liberal Democrats that it was a huge privilege to work in the then Department of Energy and Climate Change as Parliamentary Private Secretary to the then Secretary of State, the right hon. Member for Kingston and Surbiton (Sir Edward Davey), who is in his place today. Much of the work that was done on putting in traffic lights and some of the regulatory framework should have been done by the Labour Government before they gave the green light to proceed with shale gas and fracking, but none of it was.

Sir Edward Davey (Kingston and Surbiton) (LD): I am grateful to the hon. Gentleman for making those points. I hope he can confirm that in those years we allowed local democracy to function. I opposed people who were arguing for permitted development, and opposed the idea that this should be some sort of national infrastructure project. We put on, after vast consultation, very strict regulation with regard to seismicity, and we had his support for that. Will he continue with that support?

Mark Menzies: That is why I called the Westminster Hall debate last year and why I am on my feet today. It is absolutely critical that permitted development, which has a place in our planning system, is for, say, a small extension to a bungalow or a conservatory, not for an enormous industrial estate that will produce tens of thousands of tonnes of pollutants, have thousands of vehicle movements per year, and so on.

I thank the Minister and the Department for listening to the case that I and local people put with regard to the Roseacre Wood site in my constituency. That was a long-running case that had gone through a number of stages in the planning process, including two planning inquiries. We made the case that the site was unsuitable, primarily because it was up country lanes, and regardless of how we tried to cut it, the traffic management plan simply did not work. I am not sure where traffic management plans fit in under permitted development.

A fundamental reason why a site was turned down would not be a consideration under permitted development. If the Minister is looking for a reason why this proposal does not stack up, he should refer to Roseacre Wood and the decision tree that kicked in. It was turned down on those grounds, and therefore the Government simply cannot proceed with the permitted development proposals.

Sir Greg Knight (East Yorkshire) (Con): The present Government have a policy of localism and wish to see devolution increased. If the Government are to be consistent, does he agree that, on this issue, they should let local communities decide?

Mark Menzies: I absolutely agree. The Minister has a difficult decision to make, because the planning system for shale gas simply cannot continue as it is. After various appeals, the planning process for Preston New Road and Roseacre has been going on for years. It is not good for local communities to have this hanging over them, nor does it favour local democracy, because the powerful can hire lawyers and basically game the system to suit them. The planning system in its current format must change and needs review, but permitted development is not the route to go down.

On the issue of local democracy, a lot of nonsense is talked when it comes to Lancashire County Council. It is said that Lancashire turned the Preston New Road
site down and then Ministers forced it on them, but the reality is that planning officers at Lancashire County Council recommended that the site should go ahead on planning law grounds. Those people who were complaining about the Secretary of State giving Preston New Road permission to proceed cannot then celebrate when the same process refuses Roseacre Wood. The planning system sometimes gives us what we want, and it sometimes gives us the opposite of what we want. I am afraid that we cannot trim our argument to suit our case.

**Julian Sturdy** (York Outer) (Con): My hon. Friend is making a really important point. Does he agree that if the permitted development changes went through, they could have a detrimental impact and undermine public trust in our planning system?

**Mark Menzies**: Absolutely. Time is against me, so I will not give way again.

It is important that the Secretary of State bears in mind the concerns raised by local communities and Members such as me, and that we work together in a constructive way to ensure that permitted development is taken off the table, because it is not a sensible route to go down. The planning system must be reformed to ensure that there are consistent and transparent opportunities for input from local communities, that the process does not drag on for years and create a shadow over parts of our countryside, and that we give planning guidelines on what a suitable site looks like and what sites people should not frankly waste their breath considering.

I want us to move towards a situation where renewables provide the overwhelming majority of electricity output, alongside a contribution from nuclear. Until we get some movement on battery technology and other forms of the next stage of renewables, gas will play a part. On the cold day in February when the wind does not blow and the sun does not shine, gas does not play a part. Shale gas can only play a part if we can say hand on heart that it is done safely, that it has robust regulation and that it is taking communities with it, not being done to them.

I call on the Government to continue the work that has been done. Let us celebrate the huge amount of positive change that has taken place as a result of listening to concerns from Members such as me and ensure that permitted development is not a tool that the shale gas industry can deploy as part of the planning process.

**Sir Mark Hendrick** (Preston) (Lab/Co-op): I came to this subject 10 years ago as a neutral, because I have a scientific and engineering background and am usually driven on issues such as this by the evidence, rather than political or ideological reasons. I deeply believe that we need a very varied energy mix for this country, and obviously as much renewable as possible, but I still think that nuclear power has an important role to play because it is much safer nowadays. In a very unstable world where we still need carbon fuels—with Russia and countries in the middle east and north Africa producing oil and gas—it is very important that we have our own indigenous carbon fuels that we can turn to as and when we need to. I was therefore quite agnostic when it came to the development of shale gas production in Lancashire.

I thank the House of Commons for producing an excellent paper on shale gas and fracking on 6 November, because it has provided a great deal of background on and insight into the issue. Until fairly recently, the issue hinged on exploratory development in Lancashire and, if I may, I will look back at what has happened in Lancashire in the past. On 1 April 2011—getting on for nine years ago—Blackpool, which is not far from my constituency of Preston, experienced seismicity, or a tremor, of 2.3 on the Richter scale, which was far too large. On 27 May 2011—again, nearly nine years ago—there was a subsequent tremor of 1.5 on the Richter scale. We were told that this was due to fluid injection into a fault zone, and that the fracking company, Cuadrilla, had already mapped out parts of Lancashire and knew exactly where the fault lines were so that it should never occur again.

**Cat Smith** (Lancaster and Fleetwood) (Lab): My hon. Friend is making a passionate speech. As a fellow Lancashire MP, I am sure he also hears from his constituents about their concerns about earth tremors and earthquakes caused by fracking. In response, the Government have brought in a traffic light warning system. Many of my constituents are concerned that traffic light warning system is maintained and stays in place, despite the pressure from some fracking companies. Do his constituents tell him the same?

**Sir Mark Hendrick**: Yes, my constituents do feel the same, which is why I have risen to speak on this important subject. The city of Preston is obviously very close to these fracking sites.

To move on, the Government have insisted that controls are in place so that operators will have to assess the location of faults before fracking, to monitor seismic activity in real time and to stop if a magnitude greater than 0.5 on the Richter scale is detected. The figure of 0.5 is the one promised throughout the time that the developers were going through the exploratory phase and the development phase before they turn to production in Lancashire.

It is good to see the right hon. Member for Kingston and Surbiton (Sir Edward Davey) in his place. He was the Secretary of State at the time, and I recall being present in his office when he gave a great number of assurances about how fracking would be conducted in Lancashire. Of course, things have turned out rather differently from what he said at the time. He was the Secretary of State for Energy and Climate Change between 2012 and 2015, and he made the following statement to The Guardian. He said:

“If we are going to do fracking we have got to make sure that it does not hurt our environment and local communities benefit from it.”

He went on:

“If we are going to do fracking we have got to make sure that it does not hurt our environment and local communities benefit from it.”

We have yet to see local communities benefit from it. With coal, people in the north dug the coal, but it was those in the south and around London who made the profits from that. I do not want to see the same happen with fracking.
Since then, local communities have been subjected to much higher levels of seismic activity. Over a two-week period in November 2018, there were something like 30 recorded events of seismic activity with a 1.1 magnitude tremor. That is twice the level indicated by the former Secretary of State, the Government at the time or Cuadrilla itself. The people of Lancashire have had enough of this. I came to this as an agnostic, and as somebody who wanted to believe that 0.5 was the level Cuadrilla was going to stick to. Unfortunately, that has not been the case. Brian Baptie, head of seismology at the British Geological Survey, told journalists at a briefing in 2019 that the limit could safely be raised to magnitude 1.5 since that was a level similar to vibrations caused by a heavy bin lorry. I am sorry, but that is not what was promised. Since then, 50 geoscientists have sent a letter to The Times, on 9 February 2019, arguing that we should increase the limit even higher. That is not acceptable, and the people of Lancashire will not accept it.

3.55 pm

Nick Herbert (Arundel and South Downs) (Con): As the House will know, my constituency of Arundel and South Downs is the most beautiful in England—250 square miles of Sussex countryside, with no large towns but only small villages and small market towns. Half of it is in the protected landscape of the South Downs national park.

Nevertheless, there is oil extraction in my constituency, and it is entirely uncontroversial. There are small oil wells, and I have never received any complaint about them. I assume that oil tankers visit regularly to take the oil off site, but because the wells are located sensibly the public do not get excited about them. My neighbour’s constituency of Chichester has an oil well in the national park itself. It is similarly uncontroversial because it is near a main road, not a community.

Public interest in the proposed fracking in West Sussex takes two forms. There is concern about below-the-ground activity: will it have an impact on local water sources, for instance? Then there is concern about the above-the-ground activity: what will the exploratory drilling and then any potential further drilling mean for future traffic movements that will affect neighbourhoods? My experience is that communities get particularly exercised about proposals when they fear that the countryside in which they live is about to become industrialised and that there will suddenly be significant lorry movements through otherwise quiet country lanes and villages—not just during the exploratory period, but potentially afterwards, if large sources are discovered.

It fell to West Sussex County Council, as the responsible local authority, to assess whether one proposal for exploratory drilling, near Wispers Borough Green, a beautiful village in my constituency, was appropriate. The council looked at the proposed traffic movements down very narrow lanes and was very unhappy about the impact. Ultimately, the council, taking no view on the merits of fracking or drilling otherwise and not having a policy of animus against the extraction of the mineral, nevertheless thought that the lorry movements were inappropriate. It rightly reflected the concerns of the local community.

Alex Sobel (Leeds North West) (Lab/Co-op): The right hon. Gentleman is making an excellent speech. Traffic is a concern not only at drilling sites: the Knostrop treatment works in Leeds is one of only three places licensed to treat fracking waste water, which would discharge into the River Aire. There is concern there about not only traffic movements, but discharge into local rivers. There is an issue not just at drilling sites but also at treatment works.

Nick Herbert: The hon. Gentleman makes an interesting point. There are, of course, wider environmental objections; those might be addressed separately by suitable, strong regulation. My concern is whether it is appropriate for exploratory drilling and potential subsequent extraction of shale gas to be allowed by permitted development. I do not oppose permitted development rights in principle; it is sometimes appropriate for such rights to be applied. I support the application of those rights for the conversion of office buildings to residential premises because that has produced a large amount of housing that would not have been available otherwise.

Mike Amesbury (Weaver Vale) (Lab): The 2017 Conservative party manifesto that Conservative Members stood on spoke about a revolution in shale gas and liberalising the planning regime.

Nick Herbert: The hon. Gentleman is right. We stood on many other manifesto proposals that have not seen the light of day. I gently suggest to the Minister, my good friend and near neighbour, that this is one proposal that it would be wise to keep firmly locked away in the bottom drawer. It would not be wise to allow that activity to come under the permitted rights regime, and that would not be an appropriate use of that planning procedure. It is appropriate for local authorities to be able to assess the impact of traffic movements and so on an activity in their area. Conditions can be put on permitted development, but that is not the same as having it looked at by the local authority.

All such issues are a question of balance, but I have discovered, in 14 years as the Member of Parliament for my beautiful constituency, that there is no non-controversial way to generate energy in our country. Yes, we all want more solar, but large-scale solar panels in beautiful countryside can excite just as much opposition as drilling.

The question is whether activity is located appropriately. Some of the proposals that have been made in my constituency have been for inappropriate locations and the impact on local communities has not been thought through. Others are uncontroversial because they have been located more sensibly.

I do not have an in-principle objection to the extraction of oil or gas and I am not entering into the debate about the merits of fracking in particular. It is likely that there will only be oil, not gas, in my part of West Sussex in any case—although I may be wrong about that. I know that there is concern about the potential, random industrialisation of the countryside. We cannot allow that to happen through one tick in a ministerial box, and then find that we have no control over it subsequently except in protected areas of national parks. Local authorities have to have the ability to take a view about the impact of, for example, traffic movements, to decide whether levels are appropriate and, potentially, to impose conditions. That is why we should retain the existing planning regime for this activity, and why I would strongly suggest to the Minister that this is not a proportionate or sensible policy that he should pursue.
Madam Deputy Speaker (Dame Eleanor Laing): Order. We have to reduce the time limit to four minutes.

4.3 pm

Sir Edward Davey (Kingston and Surbiton) (LD): I refer the House to my entry in the Register of Members’ Financial Interests, especially in respect of solar power and community energy renewables.

When I was Secretary of State and had to deal with these issues, some people in the coalition thought that shale gas was the answer to everything and would reduce energy prices. They were extremely keen to push it forward. I was not one of those people. I was helped in my far more cautious approach by colleagues such as the hon. Member for Fylde (Mark Menzies) and others on the Conservative Benches, who realised that we had to be extremely cautious about the environmental issues and the local planning issues. One reason I am proud of my hon. Friend the Member for Bath (Wera Hobhouse) for calling this debate is my concern that the controls agreed by the coalition—being very strong on local democracy and risks such as seismicity—are in danger of being removed. I was concerned that this relatively new industry had to be safely regulated, for the environment and to take account of local issues.

When we looked at seismicity in particular, we took advice from the experts. We had advice from the Royal Society and the Royal Academy of Engineering about what would be the right approach to regulation on seismicity. We consulted widely. I published the report that was given to me, and I asked for people’s opinions on it. We took a precautionary approach even to the evidence.

I came to the view, and accepted the recommendation, that the traffic light system was the way to go and that we needed a precautionary approach, not least because the geologists and experts were telling us that even a small seismic event underground could damage the casing of the wells and the bore holes of the fracks. I therefore accepted that we needed to be cautious, and it was important to give that reassurance to the public. We decided that we would go ahead, but only on that explicitly cautious basis.

In the ministerial statement I gave in December 2012, setting out that cautious regulatory regime, I said that it could perhaps be looked at again in due course. However, for the benefit of the House, let me be really clear about what we were saying at that time. We wanted a significant amount of evidence—this had to be evidence based. So what we were saying at that time was that we wanted a significant amount of evidence. We took a precautionary approach even to the evidence.

I brought that to the House’s attention because those were the wrong priorities, not least because of the climate change crisis. If anything, I have got more sceptical about fracking over the years, because the evidence—particularly after Paris—is that we need to be even more rigorous in reducing our fossil fuel usage. Now that we have gone from a 2° target to a 1.5° target, we have to push the renewable agenda further forward.

I would say to the Minister that when we were thinking about shale gas, we were thinking about making sure it was linked to technologies such as carbon capture and storage, which are now in abeyance. Without CCS, there is much less of an argument for fracked gas. Moreover, renewables technology has increased and improved dramatically. Prices have come down much further. We have seen storage technology come on. We are not going to need the gas that people thought we would need just a few years ago.

The relaxation of regulations, whether on seismicity or planning, is completely unjustified, and I hope the House will send a clear message to Ministers. However, I would go even further. Given that we have had such progress on renewables and storage, the case for fracking is much weaker than it was just a few years ago. I urge the Government to rethink their priorities. Let us bank and capitalise on the amazing success of new green technologies; let us not look backwards.

4.8 pm

James Heappey (Wells) (Con): I congratulate the hon. Member for Bath (Wera Hobhouse) on opening today’s debate. I agree with much of what she said. I, too, oppose fracking, for two reasons. First, it poses a threat to my constituency, and I object to it being there. Secondly, I do not see the case for it from an energy policy perspective.

There is, however, an important distinction to make, which my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) tried to introduce to the hon. Lady during her speech. We should not conflate fracking—where we get the gas from—with the role of gas in our energy system in the interim. I absolutely understand the point she made about methane leakage and the potency of methane as a greenhouse gas. Fundamentally, however, the decision over whether to go big on fracking now in the UK is an immediate decision—it is a planning decision and an energy policy decision—and there is a clear argument against it. However, if we conflate that immediacy with the more measured approach that we need to take to removing gas from our energy system, that risks diluting what is a very important debate.

Fracking has no role in our future energy mix because, as a consequence of decisions taken by the Chancellor over decommissioning costs in the North sea, there has been a resurgence in North sea oil and gas exploration. That is helpful in meeting the UK’s short-term domestic needs, meaning that the expected economic upside of fracking will no longer be realised. Add to that the
rapidly decreasing cost of renewables and storage, and the exciting opportunity of embracing hydrogen, which I would rather were the mainstay of the Government’s future energy policy, and one can start to make a compelling case for not requiring fracking, whatever the safety arguments might be. There is simply no role for it in the UK’s future energy mix, but there is an interim role for gas.

I commend to the hon. Member for Bath, and other Members, the work that I have been doing with the right hon. Member for Orkney and Shetland (Mr Carmichael) and the hon. Member for Southampton, Test (Dr Whitehead) on the future of the gas grid. There is a real opportunity to introduce low-carbon gases into the natural gas mix in our gas system immediately, and to start to decarbonise, which will have a profound impact on the decarbonisation of heat. The longer-term goal is the arrival of a hydrogen-based gas system that would meet the needs of decarbonising heat, and will also have an exciting role in transport and for inter-seasonal long-term energy storage.

Interestingly, the right hon. Member for Kingston and Surbiton (Sir Edward Davey) mentioned carbon capture and storage. The real opportunity with hydrogen—particularly pre-combustion carbon capture and storage technologies—is that instead of CCS being something that one spends £1 billion a time on, if it is linked to the production of hydrogen and the emergence of a hydrogen economy, CCS becomes more affordable because it is part of that whole package, which is an exciting proposal. I hope the Government can admit that what might have seemed liked a good idea five years or so ago, is no longer a good idea. The world has moved on, and we could be embracing many much more exciting opportunities if we just ditch fracking.

4.12 pm

Louise Haigh (Sheffield, Heeley) (Lab): It is a great pleasure to follow the hon. Member for Wells (James Heappey). The Government are considering bypassing local authorities entirely and removing the need for planning permission for fracking, because fracking has local authorities entirely and removing the need for their democratic right to oppose fracking through the planning system, how can the Government maintain the presence of localism? There is no broad consent for fracking in the way that there often is for other uses of the national infrastructure projects regime.

Rosie Cooper: Will my hon. Friend acknowledge that it was the elected members on Lancashire County Council who voted not to have fracking at Preston New Road, and that it is the Government who turned their back on those people—my constituents? Despite all their nods to localism, what the Government are saying is that localism and local opinion is well and truly buried.

Louise Haigh: My hon. Friend is absolutely right. There can be no pretence to localism when the Government are riding roughshod over the voices and rights of local authorities and local people, not least because of the documented seismicity risks. Since October last year the Preston New Road operation has triggered three red level tremors and 57 earthquakes, not to mention the risk to aquifers. Denying the local community a meaningful say is utterly anti-democratic and perverse.

It is not too late for the Government to rethink their approach and recognise that the obstacles they find in their way should not just be bulldozed through inappropriate legislation. At a fundamental level, the prospects for an advanced shale gas industry in the UK are completely and utterly flawed.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): I am now introducing a three-minute time limit to make sure we get everybody in.

4.15 pm

Lee Rowley (North East Derbyshire) (Con): Thank you, Madam Deputy Speaker, for the opportunity to speak today. It is a pleasure to follow my near neighbour, the hon. Member for Sheffield, Heeley (Louise Haigh). It is also a pleasure to see so many people who have been involved in this discussion ever since I joined this place, particularly in my capacity as chair of the all-party group on the impact of shale gas. I congratulate the Backbench Business Committee on selecting this debate and the hon. Member for Bath (Wera Hobhouse) on securing it.

This is an incredibly important debate. Already, we have heard fantastic contributions from those on the Government Benches, and, in fairness, from those on the Opposition Benches. I think what we are seeing is the emergence of a cross-party consensus that we have a problem with fracking in our country. If there was a traffic light system to be applied today to this House, it would be flashing red that there is no majority for permitted development NSIPs—nationally significant infrastructure projects—or probably even for pursuing fracking in general in this country.

I say that not because I am an anti-fracker per se. I did not start in that place. My second job after I left university was as an oil and gas analyst for three years, so I came at this issue, like others in this debate, from an agnostic perspective. The problem with fracking is that...
when we unpick it and the economic prospectus on which it is based, as my hon. Friend the Member for Wells (James Heappey) indicated a moment ago, it falls apart. I am a pro-business Conservative. I believe in trying to fix our energy solution, and I believe that we cannot move straight to renewables, however laudable that may be, but if the prospectus on which we are talking does not work then at some point we have to say practically and pragmatically that we should go no further, and that we should invest our personal energies, our money, our capital and our effort in something else. That is why I am convinced that fracking does not have a place in the future energy mix of the United Kingdom and that the Government should abandon it. It is wasting time.

There are three problems with fracking. One is a people problem. The knowledge that people have about fracking has increased. As it has increased, support for fracking has decreased. The problem now is that there is a perception that the system is being pranged. The fracking has decreased. The problem now is that there is fracking has increased. As it has increased, support for people problem. The knowledge that people have about wasting time.

Damien Moore (Southport) (Con): Does my hon. Friend agree that this process has to be more organic, and that if people want this it should come from the ground up, rather than from the top down?

Lee Rowley: I completely agree with my hon. Friend. We absolutely have to give local communities their own say. The community I represent in Marsh Lane has been clear that it does not want this proposal. It should not be forced upon them. It should not be compelled to take the 14,000 lorry movements over the next five years just for exploration. It should not be required that a light industrial estate be plonked in green belt that has been largely unchanged for the past 200 years and in a village of 800 people.

In the time I have left, I am going to read into the record again the actual bulk that will be there for five years: a 2 metre high perimeter fence; an additional 4.8 metre high combination of bunding and fencing; two to three cabins of up to 3 metres in height; acoustic screenings of up to 5 metres in height; up to four security cameras of 5.5 metres in height; a lighting rig of 9 metres in height; a 2.9 metre high power generator; two water tanks of up to 3 metres in height; a 10 metre high emergency vent; a 4.5 metre high Kooney pressure controller; a 4 metre high blow out preventer and skid choke manifold; and, for six months, a 60 metre high rig. That is in the middle of green belt. That is next to a field which, just a few years ago, was rejected as the site of a car boot sale for 14 days a year, but apparently we can stick a light industrial estate in the field next door. Fracking does not work in this country practically, economically or for the landscape.

4.19 pm

Thangam Debbonaire (Bristol West) (Lab): It is a pleasure to follow the hon. Member for North East Derbyshire (Lee Rowley), who argued very well for his community. I recently said in this Chamber that I wanted to be able to look the next generation of Debonaires in the eye when they are 18 and say that I had fulfilled my promise for us to stop climate change—for us to be the generation of policy makers who halted it and even managed to reverse it—but we are not going to do that unless we stop taking new fossil fuel sources out of the ground and invest instead in renewables.

Bristol has declared a climate change emergency. Local communities in my constituency are taking part in many different initiatives to do their bit, but local communities can do only so much, and we need national leadership. I really would like the Government to consider following Bristol’s lead and that of many other local councils around the country and declare a national climate and environment emergency, as Labour did earlier today, and take the policy actions that are needed. That includes stopping fracking.

In 2015, the Government declared that there would be no fracking in national parks and sites of special scientific interest, but I sat on a Delegated Legislation Committee—oh goodness, the thrill of those DLs—in which Government Members were suddenly shocked to realise that my hon. Friend the Member for Southampton, Test (Dr Whitehead) was pointing out that the Committee was about to pass a regulation allowing fracking under national parks and SSSIs in certain circumstances. The most that they were able to muster was an abstention, but we voted against it. That was not what we were led to believe when the Infrastructure Act 2015 passed through Parliament. The public and Members were led to believe that there would be no permitted fracking under national parks and SSSIs. As well as the argument about climate change, there is an argument about protecting the countryside.

Most of all for me, however, the argument is about climate change. I want this to be the generation of politicians who declared that national and international climate emergency and put it into every single one of our policies, making sure that with every single decision we take, we think about how it will either contribute to or mitigate climate change. The young people I met outside in Parliament Square three weeks ago and in my constituency on other climate strike demonstrations and in schools want us to do that. They want us to stop fracking and to invest in carbon-neutral technologies. They want us to be the world leader that I know we can be, and I urge the Government to follow their lead.

4.22 pm

Kevin Hollinrake (Thirsk and Malton) (Con): My comments centre on the need for gas, and I am on a slightly different page from the other people that I have heard speaking in the debate. I think that we will need gas, and it is a question of whether we import it or produce it. In my view, it is much better to produce it than to import it for many reasons, including the environmental benefits of producing rather than importing. However, as the Minister knows, I am against permitted development rights and nationally significant infrastructure project status for shale gas exploration.

The need is clear: we import half our gas today, and that will go up to 70% by 2030. Increasingly, it comes from all over the world—principally from Norway, but it includes Russia—and we want for 23 million homes. Gas might have a long-term future. Carbon capture and storage and the H21 programme in Leeds, where we are going to convert methane into hydrogen, mean that
even in a zero-carbon future by 2050—which I am supporting, and I wrote to the Prime Minister on that basis—gas can still play a part.

I am concerned, of course, about how this issue affects my constituency. That is why I went on a self-funded trip to Pennsylvania to look at the infrastructure there. I met protesters, producers and regulators. I saw from Pennsylvania that fracking can be done well or badly. It is compatible with the landscape if it is planned properly. That is why I helped North Yorkshire County Council to produce a minerals and waste plan that had clear guidelines about surface protection in protected areas, no fracking surface activity in national parks and areas of outstanding natural beauty, and restrictions on proliferation. There should be a maximum of 10 well pads per 100 square kilometres. Some people think that that is a lot, some think it is not very much. In my constituency, I have conventional gas extraction. There are three well pads there that operate on that density, and most people in my constituency do not even know that the well pads are there. In the short term, as my hon. Friend the Member for North East Derbyshire (Lee Rowley) said, there is industrial activity, but that goes away. People who come to Kirby Misperton to see it would see a clump of trees—that is all they would see of a fracked well pad.

People should at least be cognisant of the reality of shale gas exploration. There are some problems that need to be solved. We need a proper, Government-backed remediation plan. It is not fair for landowners to pick up the tab if this goes wrong in the longer term, which is a likely event. We also need to do more to enable local communities to benefit directly from the disturbance and the nuisance that will doubtless be experienced: that benefit should go directly into householders’ pockets.

I am against both NSIP and PDR. This is the wrong thing to do. The Select Committee said that quite clearly, and the Government should withdraw their plans to push ahead with exploration of this kind.

4.25 pm

Mr Clive Betts (Sheffield South East) (Lab): I am pleased to follow the hon. Member for Thirsk and Malton (Kevin Hollinrake), my fellow member of the Housing, Communities and Local Government Committee. Our Committee produced a report that focused not on whether fracking was good or bad per se, but on whether fracking was good or bad per se, on whether the planning guidance was right, and whether local communities had any real say and could address the impact of fracking through the planning system. As the hon. Gentleman said, we concluded that proposals on NSIP and permitted development were totally wrong. They are completely contrary to the localism agenda that the Government set out in the Localism Act 2011. During the Bill’s passage, the then Secretary of State talked of “a ground-breaking shift in power to councils and communities”. It appears from these proposals that that has gone into reverse.

In coming out against the proposal on permitted development, the Committee said that because of “the contentious nature of fracking”—which has already been demonstrated by a number of speakers—and the impact on local communities, those communities “should be able to have a say in whether this type of development takes place”.

That, I think, is fundamental. Communities should not be excluded from the process.

It was very different when the Government introduced planning regulations on onshore wind. They said then that in order for a proposal to go ahead, it must be demonstrated that the planning impacts identified by affected local communities had been fully addressed and that the proposal therefore had their backing. So communities can veto proposals on onshore wind, but they can have no say in exploratory applications for the purpose of fracking.

As for NSIP, when we asked, “Why do the Government want to make these changes?”, the only answer that we received was, “Councils are probably delaying the consideration of applications.” We had plenty of evidence to show that that was not true, and that NSIP would not speed up the process at all. Indeed, we heard from Lancashire, where there had been complaints about the process taking a long time, that regulation 22 had had to be used four times, and the consultation had had to be paused and then started again because of extra information that the applicant had had to provide in response to questions from the public. There was no deliberate delay on the council’s part; the delay was part of the proper consultation and consideration.

The Minister took up his role after the consultation had started, and he never looks very comfortable when this matter is being discussed. I suspect that he is coming at it with a new eye; I hope that that is the case. I ask him to listen and to take account of the weight of opinion across the House, among his hon. Friends as well as Labour Members, and to conclude that whatever the merits of fracking per se, these two proposals are a row-back from the localism and the democratic agenda that we ought to be pursuing but are abandoning now.

4.28 pm

Justin Madders (Ellesmere Port and Neston) (Lab): There is no doubt that shale gas exploration, or fracking, has caused great concern up and down the country, but what is also of concern is the feeling that this Government are trying to move the goalposts and lock people out of being able to express their concerns. People from many different communities and, indeed, with many different political perspectives have been united against this heavy-handed and undemocratic approach, including people in my own area. On 18 October last year, Labour, Conservative and independent Cheshire West and Chester councillors voted unanimously to oppose the Government’s approach, and that cross-party consensus is building in communities throughout down the country. It is high time the Government stopped this dash for gas and listened to what communities are saying.

Neil Gray: Will the hon. Gentleman give way?

Justin Madders: I am sorry, but I do not have time.

By transferring responsibility for these decisions to a permitted development or centralised system, the Government are, in essence, making it easier to apply for permission to carry out fracking than to apply for a two-storey side extension to a semi-detached house. Friends of the Earth has warned that the plans “pervert the planning process and could make England’s landscape a Wild West for whatever cowboy wants to start drilling and digging up our countryside.”
The Campaign to Protect Rural England calls it “an outright assault on local communities’ ability to exercise their democratic rights in influencing fracking applications” and adds that it “reads like a wish list from the fracking companies themselves.” If we are truly going to take back control, we should have a genuine democratic procedure, not a stitch-up that benefits a few private interests.

The Prime Minister has said that our climate is the most precious thing that we can pass on to the next generation, and we would all agree with that, but how can those fine words possibly be consistent with these proposed changes? The Committee on Climate Change has stated categorically that supporting unconventional gas or oil extraction is incompatible with meeting our binding targets under the Climate Change Act 2008. We have spent months in here trapped in a Brexit mess of our own making, and all the while the impact of climate change both at home and abroad is happening around us. Are we so wrapped up in our own squabbles that we fail to fully appreciate the enormity of this?

Last month, February, was so hot I was walking around for several days in a T-shirt, which was very nice at the time, but actually the February I remember growing up in were pretty inhospitable. So while I was warmed by the rays of the sun I was haunted by the thought that once again we were experiencing unseasonably warm weather, and then I thought about the constituent who told me their daffodils had arrived in December, the recent reports that the world’s insect population is declining rapidly and the fact that places as nearby as Spain have lost 1 million hectares to the desert in recent years.

I fear that when we put all that together it is clear that we are sleepwalking into a climate catastrophe, and that unless we really begin to face up to the fact that we need to shift away from carbon-producing energy sources and we need to do it now, we will be the last generation to shift a way from carbon-producing energy sources unless we really begin to face up to the fact that we need to shift away from carbon-producing energy sources.

Our children are telling us about climate change. We should take that seriously, but with the possible advent of Brexit we may be in the hands of big multinationals using tribunals to fine us. If once they start fracking we withdraw tax concessions, they will fine us. In the case of Lone Pine v. Canada they charged the Canadian Government hundreds of millions of dollars because Quebec had a moratorium on fracking. Similarly Wales does not want to do any fracking, and if we go ahead with Brexit and with fracking as we are planning it, we will be under the cosh of multinationals as well as breaching our Paris commitments and ruining the future for our children.

4.34 pm

Matt Rodda (Reading East) (Lab): It is a pleasure to follow my hon. Friend the Member for Swansea West (Geraint Davies). For me, the context of this debate is quite simply the deeply worrying issue of climate change. We face a stark choice if we are to avoid extreme and potentially unstoppable change to the climate: do we continue to develop and exploit fossil fuels, or do we leave them in the ground? It will be extremely difficult, if not impossible, to stop dangerous climate change if we do not leave fossil fuels, including gas, in the ground. We can and must take a more responsible and sustainable approach, and that is why we need to stop the exploitation of shale gas.

I also want to talk about the issue of local planning, which other Members have spoken about today. There have been test wells in eastern Berkshire and other parts of the south-east, as was mentioned earlier. Many residents in Reading, Woodley and the Thames valley have deep concerns about our local environment. In our area, there is a long history of concern about the effects of noise and pollution from major infrastructure projects such as the expansion of Heathrow and large-scale gravel extraction. The very last thing that residents in our part of England need is a major new environmental threat.

I am conscious of the time, but I just want to add my support for a range of other points that have been made today. In particular, I would like to support and endorse the concerns that have been expressed about the relative weakness of the planning system and about the Government’s policy on energy—particularly renewable energy—and their deeply mistaken policy of cutting the feed-in tariff and not investing in wind power, solar energy and other renewables such as the tidal power...
project in Swansea bay. These mistaken energy policies stand in stark contrast to the policies of many other Governments, including the last Labour Government.

Matt Western: Will my hon. Friend give way?

Matt Rodda: I am afraid I am running out of time.

We have just 12 years left to reduce carbon emissions dramatically. Local communities around the country have serious and substantial concerns about fracking. Given the climate crisis and the need for radical change in energy provision, and given the indisputable local concerns, shale gas exploitation has to stop, and it has to stop now.

4.36 pm

Deidre Brock (Edinburgh North and Leith) (SNP): We hear a lot from some people about the benefits of firing on with unconventional gas extraction, but not, rather surprisingly, from some Conservative Back Benchers today. Perhaps the Government should listen rather more closely to the voices in their own party on this issue. We have heard about the jobs that it will create and the energy gap that it will fill, and many of these extravagant claims are being made with quite Trump-esque glee. This seems somewhat at odds with the reality of what this messy, dirty process would offer. If the UK Government want to take an evidence-based approach, they will also be forced to take a little more seriously the overwhelming weight of scientific evidence supporting climate change. They must balance this fact against the rather weaker case for pressing down on the accelerator in the rush to frack the English countryside.

We can argue one way or the other about the level of risks involved in the shale gas extraction process, including the possibility of groundwater contamination and the danger of induced earthquakes. There are a lot of unknowns that need more research, and I do not wish to dwell on the points that have been made very ably by others today. However, we do know that these are genuine concerns, because there are examples of these things happening in areas where fracking has been more rapidly pursued. This has led to many countries, including the Netherlands, announcing plans to bring shale gas extraction to an end. And we have to ask ourselves why even the citizens of the city of Denton in Texas, which is among the pioneers of fracking, have been trying to have it banned from their own backyard.

Neil Gray: I am opposed to fracking, and the majority of my constituents are opposed to it. The majority of MPs who have spoken today also oppose it, largely because of the concerns expressed by their constituents. Can my hon. Friend reflect on the position that my constituents are in, given the approach that the Scottish Government have taken, compared with constituents of other colleagues across the House, given the approach that the UK Government are taking?

Deidre Brock: Absolutely. I think that all of us who represent Scottish constituencies are pleased by the much more cautious, evidence-based approach that the Scottish Government have taken, and I would hope that the UK Government could learn from their example.

Perhaps a more thorough regulatory regime will reduce the likelihood of some of the worst public health and safety hazards that we have seen in the States and elsewhere, but frankly I would not trust this Government to ensure that the checks and balances were robust enough, and the rewards are simply not worth the risk. I hope that care will be taken properly to address the public concerns that have been expressed across England, but listening to people is not a great strength of this Government. Instead, the UK Government seem intent on slashing red tape and fast-tracking fracking through the planning process, bypassing local democracy and those pesky protestors who get in the way of things. I do not have a lot of faith in the Government putting public interest before that of big business.

Even if it were established that fracking could be done safely, and even if the considerable environmental impacts of the process could somehow be removed, no amount of regulation would prevent it from being a fresh new source of greenhouse gas emissions, and that is really not the way to go. One can disregard the evidence on climate change, deny its existence, look the other way and whistle a happy tune but, like all destructive diseases, the longer it is left, the harder it becomes to fight. Climate change is the biggest man-made crisis facing this planet—or far bigger, even, than the bouroach known as Brexit. The schoolchildren who took to the streets calling for action are right, and they deserve to be listened to. They are fed up with politicians carrying on as normal—people who are stuck in the past, but who have the power to rob them of their futures.

It is undeniable that we have a long way to go to move away from our reliance on oil and gas, both economically and in our lifestyle choices. Offshore gas will still play a role in the UK’s energy mix for the foreseeable future, and I recognise the continued importance of the jobs that are currently dependent on the industry. However, Governments must pull together internationally to tackle climate change, and that will require us to move on from our fossil fuel dependence, not embrace new forms. Diving headfirst into onshore fracking explorations is completely the wrong direction for energy policy.

The good news, however, is that we do not need desperately to seek more gas under people’s homes in order to keep on the lights. We have the onshore and offshore renewable technologies needed to establish a successful and sustainable energy industry. Scotland is leading the world in marine renewable energy and is lucky to have a highly skilled workforce to deploy and the wind and the waves to be harnessed. With a quarter of Europe’s tidal and offshore wind resources and 10% of its wave potential, this is where the unwavering focus for Government support should be.

Powers to issue and manage onshore oil and gas licences is devolved, and the debate over fracking takes on a different flavour at Holyrood, where a majority opposes progressing fracking and underground coal gasification developments. The Scottish Government have conducted extensive research and continue to engage widely with the public on the issue. After more than 60,000 responses, 99% were opposed to fracking. My constituents in Edinburgh North and Leith are not known to be shy of an opinion, and they have told me how appalled they are at the thought of unconventional gas exploitation damaging our local shores, and I agree.

I welcome the Scottish Government’s cautious, evidence-led
and transparent approach to policy on this issue. I urge the Minister to do the same and to put an end to this damaging dash for gas.

4.42 pm

Dr Roberta Blackman-Woods (City of Durham) (Lab): I congratulate the hon. Member for Bath (Wera Hobhouse) on securing this important debate, which has produced a great degree of consensus across the Chamber. The Government should accept that fracking is both dangerous and exacerbates global warming. In Labour’s opinion, fracking should never be allowed, and it should certainly not be approved via permitted development or the nationally significant infrastructure projects regime instead of achieving local planning permission. Permitted development and the NSIP regime bypass both local decision-making processes and local people. To propose such systems for fracking determination is absolutely reckless.

On permitted development, such is the madness of the Government’s approach that even their own MPs have said it is nothing short of irresponsible and downright bonkers. The hon. Member for Fylde (Mark Menzies) spoke for just about everyone when he asked whether there is anyone on earth who thinks that fracking is equivalent to putting a small extension on the side of a bungalow.

The current planning position is that those seeking to develop shale gas exploration need to secure full permission. Decisions must be made in line with the national planning policy framework, and local planning authorities should also have a section on mineral extraction in their local plan. Those involved need to follow the minerals section of the online planning practice guidance, because it covers the principal issues that mineral planning authorities should address, such as noise, dust, air quality, lighting, visual impact and so on. It is not clear whether the impact on agriculture, safety, heritage, flooding or safeguarding land would be analysed or protected under the permitted development regime.

We recognise that there are exemptions to the proposed policy in respect of national parks and so on, but we think that the intrusive nature of shale gas exploration means that wherever it is intended to be, it should have to go through the local planning permission system. Also, the consultation is not clear about exactly what conditions would be applied to shale gas exploration, as they will be outlined in legislation, which obviously we have not seen.

We think fracking should not go ahead under permitted development, either with prior approval or not—and we are not alone. The Government’s approach to fracking has been criticised by almost everyone, apart from the fracking companies themselves and some Conservative Members. The Royal Town Planning Institute said:

“Blanket permissions for shale gas exploration in England are completely unsuitable and fly in the face of good planning”.

The institute has warned that the scale and sheer complexity of exploratory drilling “dwarfs” development covered by permitted development rights, ignoring the hugely sensitive local issues and environmental hazards associated with shale gas exploration.

The Government’s consultation on permitted development for shale gas exploration closed in October 2018, as did the consultation on approving planning permission for fracking under the NSIP regime, so where are the Government’s responses? How long are we going to have to wait? The NSIP regime suffers from many of the same drawbacks as permitted development, and using the NSIP regime to give planning consent would also override the local planning process. The Housing, Communities and Local Government Committee has called on the Government to ensure that planning applications for fracking remain at the local level, as councils are best placed to understand their area. The Chair of the Select Committee, my hon. Friend the Member for Sheffield South East (Mr Betts), excellently confirmed that point earlier.

The vast majority of consultation submissions were anti the Government’s approach. For example, Lancashire, Bolton, Brighton and Surrey are among the councils that have opposed the permitted development change, and some have called the proposals “an affront to democracy”. The Local Government Association responded to the Government’s consultation by saying:

“We do not support the proposal for a permitted development right for shale gas exploration. This will bypass the locally democratic planning system. People living near fracking sites—and who are most affected by them—have a right to be heard.”

My hon. Friends the Members for Sheffield, Heeley (Louise Haigh) and for West Lancashire (Rosie Cooper) made that point excellently.

A permitted development right for shale gas exploration would fundamentally undermine the local planning process and stop councils consulting on issues that are relevant to fracking applications, such as the potential for seismic activity, which we know has actually happened, and water pollution; the disposal of waste water; well construction and integrity; and water availability. Those points were made well by the hon. Member for Fylde, the right hon. Member for Arundel and South Downs (Nick Herbert), my hon. Friend the Member for Preston (Sir Mark Hendrick), the right hon. Member for Kingston and Surbiton (Sir Edward Davey), the hon. Member for Thirsk and Malton (Kevin Hollinrake) and my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders).

To date, the Government simply have not addressed the serious areas of concern that I have outlined, so it is time for them to think again, not only about permitted development for fracking and using the NSIP regime for determination, but about fracking itself. Conservative plans to force through dangerous fracking would release CO₂ equivalent to the life emissions of almost 300 million cars. That would hugely add to climate change and undermine the Paris agreement, which is exactly what my hon. Friends the Members for Swansea West (Geraint Davies) and for Reading East (Matt Rodda) confirmed in the debate.

Community and environmental groups, including the Campaign to Protect Rural England and Friends of the Earth, have fought back against the Government’s proposals, including by taking them to court, but they have ploughed on regardless, including by withdrawing support for safer sources of energy, such as nuclear, tidal and onshore wind, as referred to in points made excellently by the hon. Members for Wells (James Heappey) and for North East Derbyshire (Lee Rowley), and by my hon. Friend the Member for Bristol West (Thangam Debbonaire).

In power, Labour will listen to the voices of communities throughout the country and ban fracking. Instead, we will invest in new renewables, end barriers to onshore...
wind and support new nuclear as part of a sustainable and secure energy mix. We strongly urge the Government to reject both the NSIP regime and permitted development as routes to achieve consent for fracking.

4.49 pm

The Minister for Housing (Kit Malthouse): I congratulate the hon. Member for Bath (Wera Hobhouse) on securing this debate, which I will call “shale 2”, as it is a repeat of the Westminster Hall debate promoted by my hon. Friend the Member for North East Derbyshire (Lee Rowley). It is clear from today’s debate that passions remain as high on this subject as on that heady afternoon.

I know the hon. Lady was not trying to position herself as the sole custodian of our precious countryside. My party overwhelmingly represents the British countryside and recognises the precious nature of our green and pleasant land. As an unapologetic environmentalist myself, I share that view. Being genetically from Yorkshire—although I was brought up in the north-west and educated in the north-east—I also have the interests of the northern half of this country at heart. I now happily represent a part of the same bulge of chalk as my right hon. Friend the Member for Arundel and South Downs (Nick Herbert)—I also have oil production that goes on unnoticed and uncomplained about by my constituents—so this is a matter of extreme importance to me.

I emphasise that no final decision has been made on whether to bring these proposals forward. The consultations have now closed and the Government are currently considering the representations made and will issue a response in due course. These consultations are part of a range of measures to make planning decisions faster and fairer. These are long-standing principles that I am adamant we will stick to. However, we understand that communities feel that they are often not consulted closely enough before planning applications are submitted by developers to the local planning authority. That can lead to opposition to developments and a longer application process.

As right hon. and hon. Members will know, my remit as Housing Minister in relation to shale gas development is focused on planning policy and delivering the related manifesto commitments. Given that hon. Members have raised matters beyond my remit, including energy policy and reported seismic events, I will refer those matters to the Minister for Energy and Clean Growth, my right hon. Friend the Member for Devizes (Claire Perry), for a response.

Mr Betts: The Minister has talked about having faster applications. Can he explain how precisely that would be done in a way that allows communities to be fully consulted? Furthermore, as I understand it, the Government have done no impact assessment on their proposals. Does he intend to do one at any stage?

Kit Malthouse: The consultation asked exactly that question of whether there should be a restriction. I know my hon. Friend suggested—in the last debate and in this one—having density restrictions on well pads in particular areas. We will answer that question when we respond to the consultation.

The permitted development consultation and the NSIP consultation mentioned by my hon. Friend and the shadow Minister ran for 14 weeks and closed on 25 October. The Government are currently analysing the representations to the consultations and will publish a response in due course.

All hon. Members have highlighted the importance of community engagement in the planning process. I reassure the House that we remain profoundly committed to ensuring that local communities are fully involved in the planning decisions that affect them.

As right hon. and hon. Members will know, my remit as Housing Minister in relation to shale gas development is focused on planning policy and delivering the related manifesto commitments. Given that hon. Members have raised matters beyond my remit, including energy policy and reported seismic events, I will refer those matters to the Minister for Energy and Clean Growth, my right hon. Friend the Member for Devizes (Claire Perry), for a response.

I should also emphasise that any permitted development right would cover only the planning aspects of the development and would not remove requirements under other regulatory regimes from the three regulators: the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority. It is important to note that all permitted development rights contain specific exemptions, conditions and restrictions to control and mitigate the impact of the development and to protect local amenity, and any potential permitted development right for shale gas exploration would be no exception.

A right could include things such as limits on the height of any structure, areas where a permitted development right would not apply and noise and operation controls. The consultation sought views on this.

Kevin Hollinrake: Would permitted development rights allow a producer to construct a well pad pretty much wherever they wanted to put it?

Kit Malthouse: The consultation asked exactly that question of whether there should be a restriction. I know my hon. Friend suggested—in the last debate and in this one—having density restrictions on well pads in particular areas. We will answer that question when we respond to the consultation.

The permitted development consultation and the NSIP consultation mentioned by my hon. Friend and the shadow Minister ran for 14 weeks and closed on 25 October. The Government are currently analysing the representations to the consultations and will publish a response in due course.

All hon. Members have highlighted the importance of community engagement in the planning process. I reassure the House that we remain profoundly committed to ensuring that local communities are fully involved in the planning decisions that affect them and to making planning decisions faster and fairer. These are long-standing principles that I am adamant we will stick to. However, we understand that communities feel that they are often not consulted closely enough before planning applications are submitted by developers to the local planning authority.

Engagement with communities at the pre-application stage gives local people an earlier say in the planning process and makes developers aware of issues of importance to the community that may need to be resolved. The planning system in the UK already provides an extensive legislative framework for community involvement. However, there is scope to do more. That is why we published a separate consultation—sadly, unmentioned this afternoon—on whether applicants should be required to conduct a pre-application consultation with the local community prior to submitting a planning application for shale gas development, which could further strengthen the role that local people play in the planning process. The consultation closed on 7 January. We are currently assessing the representations that we have received and will publish a response in due course.

We also welcome the Housing, Communities and Local Government Committee’s report of its inquiry on planning guidance relating to hydraulic fracturing and shale exploration. The report was published on 5 July 2018. We are considering its conclusions and recommendations, and will respond—to use a well-utilised word in this House—shortly.
I thank all hon. Members who have participated in this interesting and fascinating debate. Domestic onshore gas production, including shale gas, has the potential to play a major role in further securing our energy supplies. The UK must have safe, secure and affordable supplies of energy with carbon emission levels that are consistent with the carbon budgets defined in the Climate Change Act 2008 and our international obligations. The written ministerial statements on energy and planning policy made by the Secretaries of State for Business, Energy and Industrial Strategy, and for Housing, Communities and Local Government on 17 May 2018 reiterated the Government’s view that there could be substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources.

We remain expressly committed to ensuring that local communities are fully involved in planning decisions that affect them and to making planning decisions faster and fairer at the same time. We have now delivered on our promise to consult on how best to develop our planning processes for both the exploration and production of shale gas development, while ensuring that communities remain fully involved. We are currently considering the responses from those consultations and will respond in due course.

4.57 pm

Wera Hobhouse: I thank all hon. Members from across the House for their powerful contributions to this important debate. There is real anger across the board about the Government riding roughshod over local communities, and not allowing local people a voice on shale gas exploration sites. Across the board, there are concerns about the environmental impacts, particularly the industrialisation of the countryside, water contamination and seismic activity. But most of all—I wish the Minister would listen—there is a concern that fracked fuel is a fossil fuel. The Government should entirely change direction and invest in renewables instead. Let us change direction, take some action on climate change and ditch fracking.

Question put and agreed to.

Resolved,

That this House has considered use of permitted development and the nationally significant infrastructure project regime for shale gas exploration and production.

Mr Speaker: Order. Colleagues, I have to inform the House of some corrections to yesterday’s recorded votes. In respect of Mr Nicholas Edward Coleridge Boles’s motion (D) on Common Market 2.0, the Ayes were 189, not 188. In respect of Mr George Eustice’s motion (H) on EFTA and EEA, the Ayes were 64, not 65. In respect of Mr Kenneth Clarke’s motion (J) for Jemima on customs union, the Ayes were 265, not 264, and the Noes were 271, not 272. The published lists of how Members voted will be amended. The decision on the Question in each case is unchanged.

BUSINESS OF THE HOUSE

Ordered,

That, at this day’s sitting, proceedings on the Motion in the name of the Prime Minister relating to Sittings of the House (Friday) may be proceeded with, though opposed, until any hour, and Standing Order No. 41A (Deferred divisions) shall not apply.—(Mike Freer.)
Speaker’s Statement

Mr Speaker: I am pleased to report to the House that the Government’s motion for tomorrow’s debate complies with the test set out on page 397 of the 24th edition of “Erskine May” that motions that are the same, or substantially the same, must not be put to the House more than once in a parliamentary Session. The previous meaningful vote motion encompassed both the withdrawal agreement and the political declaration. This motion covers the former but not the latter. I am glad that the principle of the House determining a motion definitively once and for all in each Session has been accepted and upheld, and that that principle cannot be circumvented by the assertion of a notwithstanding clause or even a paving motion. In short, the motion is new, substantially different, and in conformity with the requirements of my ruling of 18 March, reiterated on 25 and 27 March.

Sittings of the House (29 March)

5 pm

The Leader of the House of Commons (Andrea Leadsom):

I beg to move,

That this House shall sit on Friday 29 March 2019.

May I start by saying that I recognise that changes to the sittings of the House agreed at short notice can create inconvenience to Members and their constituents? I know how important constituency work is to all of us, and I regret not being able to give more notice. I do, however, believe that all of our constituents expect the House to continue to make progress at this crucial time. To be of assistance to the House, I can again confirm that, should the House agree to this motion, it is intended that the sitting hours tomorrow will be the same as for a normal sitting Friday, with the House sitting from 9.30 am and the moment of interruption at 2.30 pm. Should any urgent questions be allowed, these would take place from 11 am and the debate would resume following those urgent questions in the usual way. As I said earlier today in my business statement, I join those who recognise the hard work and dedication of the staff of the House and of our civil servants. I thank them for their support to us in this place, and I am very grateful to them in advance for their work tomorrow should this motion be agreed.

As I said to the House during my business statement earlier today, the motion tabled by the Government this afternoon has been prepared in order that it complies with your ruling, Mr Speaker, while also reflecting that the European Union will agree an extension to article 50 until 22 May only if the withdrawal agreement is approved by 11 pm on 29 March. It is crucial, therefore, that we make every effort to give effect to the Council’s decision, and tomorrow’s motion gives Parliament the opportunity to secure that extension. I think we can all agree that we do not want to be in the situation of asking for another extension and facing the potential requirement of participating in European Parliament elections.

Chris Bryant (Rhondda) (Lab): Could the Leader of the House read out the motion, so that we know what we will be debating tomorrow?

Andrea Leadsom: The motion has been tabled, and the hon. Gentleman will be able to find it in the Table Office. I am happy to read it out. It is quite lengthy, so I hope Members will bear with me. It reads:

"That this House notes the European Council Decision of 22 March 2019 taken in agreement with the United Kingdom extending the period under Article 50(3) of the Treaty on European Union, which provides for an extension to the Article 50 period to 22 May 2019 only if the House of Commons approves the Withdrawal Agreement by 29 March 2019; notes that if the House does not do so by that date the Article 50 period will only as a matter of law be extended to 12 April 2019 and that any extension beyond 22 May 2019 would require the UK to bring forward the necessary Day of Poll Order to hold elections to the European Parliament; notes that Article 184 of the Withdrawal Agreement refers to the Political Declaration between the UK and EU agreed on 25 November 2018, but that the EU has stated it remains open to negotiating changes to the Political Declaration; notes that the House is currently undertaking deliberations to identify whether there is a design for the future relationship that
commands its support; notes that even should changes be sought to the Political Declaration, leaving the European Union with a deal still requires the Withdrawal Agreement; declares that it wishes to leave the EU with an agreement as soon as possible and does not wish to have a longer extension; therefore approves the Withdrawal Agreement, the Joint Instrument and the Unilateral Declaration laid before the House on 11 March 2019 so that the UK can leave the EU on 22 May 2019; notes that this approval does not by itself meet the requirements of section 13(1)(b) of the European Union (Withdrawal) Act 2018; and resolves that it is content to proceed to the next steps of this process, including fulfilling section 13 of this Act.”

Kevin Brennan (Cardiff West) (Lab): I note that the motion talks solely about the withdrawal agreement and not the political declaration. Has the Leader of the House had any thoughts or information on whether an amendment that included the political declaration would be acceptable or in order?

Andrea Leadsom: The hon. Gentleman will be aware that motions are amendable, and the selection of amendments is a matter for the Speaker.

Chris Bryant: I am grateful to the Leader of the House for reading out the motion; that is helpful for the House. So far as I understand it, if the motion were carried tomorrow, the Government would not be able to ratify the withdrawal agreement treaty. Is that correct?

Andrea Leadsom: No. It would mean that the withdrawal agreement Bill would then be before the House.

I think we can all agree that we do not want to be in the situation of asking for another extension and facing the potential requirement of participating in European Parliament elections.

Mary Creagh (Wakefield) (Lab): I am at a loss to understand how this House can put into law section 13 of the European Union (Withdrawal) Act 2018 and then the Government can offer us only one part of that. What advice has the Leader of the House had on whether what the Government are doing is legal?

Andrea Leadsom: The hon. Lady will appreciate that Mr Speaker’s ruling ensured that this would not be a meaningful vote. She will also appreciate that, since it is for this Parliament to decide on the laws and amendments to them, it will be a matter for discussion tomorrow, followed by the discussion on the withdrawal agreement Bill, should that be approved, to rectify any outstanding matters. I encourage all hon. and right hon. Members to support this motion, so that we can leave the EU in an orderly way that gives businesses and people the certainty they need.

I turn to the amendment tabled by the shadow Leader of the House, the hon. Member for Walsall South (Valerie Vaz), and the Opposition Chief Whip, the right hon. Member for Newcastle upon Tyne East (Mr Brown). It may help the House and provide some reassurance to the shadow Leader of the House if I confirm that we will be sitting tomorrow with a very clear purpose in mind: so that the House has time to debate the motion tabled by the Government this afternoon. That is our only intention for tomorrow’s sitting.

Sir William Cash (Stone) (Con): Article 184 of the withdrawal agreement refers to the political declaration and they cannot be separated, so if the political declaration is changed later, the withdrawal agreement would need re-approval. I accept the ruling of the Speaker with regard to this question, but I just make that point about the substance of the question, because it is going to be very important for the debate tomorrow.

Andrea Leadsom: I can assure my hon. Friend that the motion seeks to ensure that we can meet the requirements of the EU Council for the extension that will enable us to consider these matters further.

In conclusion, I very much hope that the House can support this motion, and that it will agree to sit tomorrow so that we can make the important decisions the country expects us to take in its interests. I commend this motion to the House.

Several hon. Members rose—

Mr Speaker: Order. The Leader of the House has moved the sittings motion, and I have selected amendment (a) to it in the name of Valerie Vaz. I just thought I would get that on the record.

Ian Murray (Edinburgh South) (Lab): On a point of order, Mr Speaker. I appreciate that the Leader of the House has given us the business for tomorrow—it is helpful not only that she has read out the motion, but that it has now been circulated—but has there been any indication whether the Attorney General’s legal advice on whether what the Government are doing tomorrow is actually legal could be placed in the House of Commons Library or published for Members before the debate starts at 9.30 am tomorrow?

Mr Speaker: The Attorney General can offer an assurance on that front. I know that he is satisfied, but it is for him to say.

The Attorney General (Mr Geoffrey Cox): Further to that point of order, Mr Speaker. May I say on the proposal the Government are making that when the House listens to the rationale behind it and hears the full context of it, I am sure the House will accept that it is not only perfectly lawful and perfectly sensible, but designed to give this House the opportunity of availing itself of a right that the European Union has given us to avail ourselves of an extension until 22 May. The view of the Government is simply that we could not let the time limit expire at 11 pm tomorrow without allowing this House the opportunity to avail itself of that right, and it is perfectly reasonable and perfectly lawful.

Several hon. Members rose—

Mr Speaker: Order. I will happily take points of order. People sought the judgment of the Attorney General, and the Attorney General has provided it. I would not dream of pronouncing on the matter of law—that is not something with which I need to preoccupy myself—or on the matter of the desirability or otherwise of the motion, which is a matter for the House. My concern was solely with the propriety of the convention and the importance of its being upheld and asserted. I am satisfied that the propriety of the convention has been upheld and asserted. Colleagues must make their own judgment on the political substance of the matter.
John Redwood (Wokingham) (Con): On a point of order, Mr Speaker.

Mr Speaker: Of course I will take a point of order from the right hon. Gentleman before we proceed with the debate on the sittings motion.

John Redwood: Given that the Government now say that, if the motion passes, we will go straight on to the Bill being part of the documents for tomorrow’s debate, because it would be very important to know what we were in for before being asked to vote for it?

Mr Speaker: I say to the right hon. Gentleman that whatever the Government intend to tag—the term that is commonly used in relation to House of Commons motions—the withdrawal and implementation Bill to the motion is a matter for their determination. My understanding is that that Bill was drafted some time ago. I do not think that hot wet towels over officials’ heads or any burning of the midnight oil will be required. The document exists, but whether it is the Government’s intention to table it tomorrow for the benefit of colleagues conducting the debate is a matter for them.

Sir William Cash: On a point of order, Mr Speaker. You have very kindly referred to the withdrawal and implementation Bill, which I have raised on a number of occasions over the last few weeks. In its most recent report, the European Scrutiny Committee has insisted that that Bill be made available, because it is quite unfair on the House to be making decisions about a Bill that it has not seen, and I understand that other Committees take a similar view. Will you be good enough perhaps to give the Government a firm nudge in order to produce that Bill forthwith?

Mr Speaker: Yes is the short answer. It is a matter for their judgment; it is not a matter of a ruling. However, in light of the fact that colleagues are expressing a desire to see the Bill, I think it would be out of keeping, shall we say, with the legendary—some would say exemplary—courtesy of the Attorney General for the debate that might well be opened by him to be staged without the benefit of that important document. Knowing the hon. Member for Stone (Sir William Cash) as well I do and for as long as I have, I have a feeling that if the Bill does not appear tomorrow, in time for the debate, this will not be the last we will hear of the matter.

Mr Mark Francois (Rayleigh and Wickford) (Con): On a point of order, Mr Speaker. It seems that, as so often in this whole saga over the last couple of years or so, the Government have got themselves into a bit of a procedural mess. It is plain that tomorrow’s motion will not be a section 13 motion under the European Union (Withdrawal) Act 2018. But the motion does state very clearly—I am reading the operative bit—that this House “therefore approves the Withdrawal Agreement, the Joint Instrument and the Unilateral Declaration laid before the house on 11 March 2019”, so even though it is not a section 13 motion under the 2018 Act, it is absolutely plain from the Government’s own wording that this is a decision in principle on whether or not the House “approves”—the operative word—the withdrawal agreement. Have I understood that correctly, Sir?

Mr Speaker: Yes, and that decision would be followed by consideration of the relevant legislation.

Mary Creagh: On a point of order, Mr Speaker. Section 13 is in front of me, and it is extremely clear. Paragraph (1) says:

“The withdrawal agreement may be ratified only if…the negotiated withdrawal agreement and the framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown”.

That is the original legislation that we fought for—the right for this sovereign Parliament to have its say on both things together. As I put it earlier, these are two horns on the same goat. The goat’s head cannot be divided as the Government are seeking to do. This is an extraordinary and unprecedented reverse-ferret of the commitments that have been given by Ministers to this place: that we should have our say on both items together. Is it not extraordinary, Mr Speaker, that this comes right on the day when we know that far-right demonstrators will be gathering in Parliament Square?

Mr Speaker: The hon. Lady has made her point with considerable force, educating me in the process—I am grateful for that—with the use of the expression “reverse-ferret”: apparently one with which the hon. Member for Cheltenham (Alex Chalk) is well familiar, but of which I was previously unaware.

I do not seek to trivialise the hon. Lady’s point. She has made her point, but there is not a procedural issue for the Chair. There is a political issue for the judgment of the House, but not a matter for adjudication by the Chair.

Stewart Hosie (Dundee East) (SNP): On a point of order, Mr Speaker. It appears clear that if we pass the withdrawal agreement, that will satisfy the European Union in terms of the extension to 22 May. However, the withdrawal Act requires both the agreement and the political declaration to be passed prior to ratification—that much is clear. May I ask you whether it would be orderly for the Government to bring forward an implementation Bill that sought to knock out the requirement for the political declaration to be passed, therefore bypassing the political difficulty that they found themselves in?

Mr Speaker: The short answer to the hon. Gentleman is that that would be orderly. Whether it would be desirable, whether it would secure the approval of the House, and whether it would cause commotion or earn disfavour, are all separate matters. I am looking narrowly at the question of procedural propriety. We do not know—or at least I do not know, I confess—quite what the withdrawal and implementation Bill currently contains or what, at a point in its passage, it might contain, but it is of course open to the Government to bring forward a piece of legislation that differs from and possibly even changes the provisions of another piece of legislation. The House will have to make a judgment about whether that is something that it accepts. I put the matter, I hope people will agree, entirely neutrally.

Mike Gapes (Ilford South) (Ind): Further to that point of order, Mr Speaker. If the House were to reject the Government motion to approve the withdrawal agreement tomorrow, would that mean that the Government...
were not able to bring back to the House a separate position between the withdrawal agreement and the political declaration in future, but would have to bring back the same position that has already been ruled by you to have been considered in the past?

**Mr Speaker:** The Government would not be in a position to bring back the same or substantially the same proposition if their proposition tomorrow were defeated. I am very clear in my mind about that.

By the way, reference was made earlier—I think by the hon. Member for Cardiff West (Kevin Brennan)—to amendments. The question he had in his mind was whether an amendment could be tabled to ensure that the motion required both sets of questions to be considered. Of course, the answer is that an amendment could be tabled but the selection of amendments is a matter for the Chair. I am clear that the convention that the same question shall not be put again in the same Session will be asserted and upheld.

**Andrea Leadson:** Further to that point of order, Mr Speaker. You have rightly pointed out the same question point. But another point that is very important is that in agreeing tomorrow’s motion we will trigger the automatic extension to article 50 to 22 May, and if we do not agree the withdrawal agreement tomorrow, we will not. That leaves in doubt the future of the arrangements with the European Council.

**Mr Speaker:** Thank you.

**Joanna Cherry** (Edinburgh South West) (SNP): Further to that point of order, Mr Speaker. I am sure that, like me, you will have looked closely at section 13 of the withdrawal Act which has been mentioned by other hon. Members, as well as at section 20, which interprets various phrases used in the Act. I wonder if the fact that neither “political declaration” nor “future framework” is defined in section 20, but that the “withdrawal agreement” is defined in section 20, may have something to do with the Attorney General’s thinking.

**Mr Speaker:** Well, I fear that the hon. and learned Lady invests the Chair with powers that he does not possess. I am well familiar with the notable and widely observed oratorical style of the Attorney General and that, to some extent, I can comfortably and with enthusiasm predict: what I cannot do is say what is in his mind. That is not known to me. It may be known to a great many people in Torridge and West Devon, and it will be known to the right hon. and learned Gentleman, but it is not known to me.

**Jim Shannon** (Strangford) (DUP): On a point of order, Mr Speaker. On the business for tomorrow, the Leader of the House mentioned the tabling of amendments. Can you please indicate whether amendments will be taken in a singular fashion, as they have been in the past, or will they be taken in a multiple fashion, as they were on one sheet of paper last night?

**Mr Speaker:** There will be a business of the House motion in the standard form governing the proceedings. I would hope that that would offer the hon. Gentleman the comfort that he seeks. Amendments can be considered to it.

**Geraint Davies** (Swansea West) (Lab/Co-op): On a point of order, Mr Speaker. The House will be asked to agree the withdrawal agreement on the presumption that it will subsequently agree the political declaration, yet it is clear that the House has not agreed the political declaration in the past, by 230 and 149 votes. How is it in order to ask us to agree the withdrawal agreement on that assumption?

**Mr Speaker:** The responsibility is that of the Government to table the motion that the Government wish to table, subject to the overriding constraint of procedural propriety. The hon. Gentleman asks how it can be orderly; it can certainly be orderly, and it is for the House to decide whether it endorses it. The motion that it is proposed by the Government to have debated tomorrow is not the same, or substantially the same, as that which has previously been disposed of by the House—for the benefit of those observing our proceedings from beyond the Chamber, I use the term “disposed of by the House” in the sense in which we use that term in Parliament, meaning treating of, decided by.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): On a point of order, Mr Speaker. Can you clarify—or perhaps somebody on the Treasury Bench can—whether the Prime Minister resigns if she wins tomorrow or whether she has to get both parts before we see the back of her?

**Mr Speaker:** I have no knowledge of that matter, which is on a very different pay grade.

**Kevin Brennan:** On a point of order, Mr Speaker. The Government now having tabled the motion for tomorrow, is it possible that you could give us an indication at this time—I realise that this session could proceed until any hour—as to how you intend to treat possible amendments and any time limit for the submission of amendments, including manuscript amendments?

**Mr Speaker:** Ordinarily, as the hon. Gentleman will know, the attitude would be that amendments should be submitted before the rise of the House. There is, however, a degree of unpredictability as to how long this session will run today on the sittings of the House motion, and therefore I am open to the possibility of manuscript amendments.

Forgive me, my response to the hon. Member for Strangford (Jim Shannon) was perhaps not entirely self-contained. He was quizzical about the matter of amendments, and I said that the business of the House motion governing the proceedings tomorrow was a relatively standard business of the House motion, but it might be worth while my opening that envelope and explaining what that means.

Because there is a business of the House motion, after the moment of interruption, the questions will be able to be put, and that means that such amendments as have been selected, if there is more than one, will be able to be voted upon by the House, so there is no danger of our running out of time for deciding upon amendments. I have, at this stage, no way of knowing whether I will select one amendment or multiple amendments, but the hon. Gentleman need not be concerned on that front.
Chi Onwurah (Newcastle upon Tyne Central) (Lab): On a point of order, Mr Speaker. Probably like many people following this—or trying to follow this—I am having great difficulty understanding how the motion, which says itself that it does not meet the requirements of the withdrawal Act, can actually lead to us approving the withdrawal Act. My understanding now is that it seems to be saying that, for the purposes of the European Union, we will have approved the withdrawal Act, but for the purposes of British law, we will not have approved the withdrawal Act. Can such a position have any basis in reality? Can it be orderly for it not to have any basis in reality?

Mr Speaker: I genuinely do not want to cavil at what the hon. Lady is saying, because she is asking me a perfectly fair and reasonable question, but the way I would characterise it for colleagues, and I hope carry them with me in doing so, is as follows. It may seem a fine line, but there is a clear distinction between procedural propriety, with which the Chair has to be concerned, and legal exegesis, with which the Chair need not be concerned. Those matters are separate and distinct. Many right hon. and hon. Members of the House will be well versed in and have opinions about both those things, but my concern is with procedural propriety and the orderly conduct of business. Whether something makes sense in law and satisfies the hon. Lady’s palate in that regard is another matter.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Mr Speaker. This is being done late in the day, and many Members are just getting news of this provision, as they have been involved in meetings and other parliamentary proceedings. Will you ensure that this information is widely disseminated and that the Library provides some independent advice? This looks to me like trickery of the highest order. Can we ensure that all Members are fully briefed and fully understand what is going on here, and what the Government are trying to do?

Mr Speaker: Certainly the Library can be asked to provide information and a note on this matter, copies of which can be made available, and I have every expectation that something will be provided. I had earlier discussions with and have just spoken to the senior Clerk at the Table, whose professionalism will be universally respected across the House. Those who serve us will do all they can to ensure that all possible material is available to colleagues as they undertake this deliberation. That is a very reasonable request, and I hope the answer satisfies.

Wayne David (Caerphilly) (Lab): On a point of order, Mr Speaker. Given that the withdrawal agreement and political declaration are intrinsically linked, could we be getting into a situation where we could comply with European law, but not with our own legislation?

Mr Speaker: That is conceivable. Is that outwith the bounds of reality? No, it is not.

Christine Jardine (Edinburgh West) (LD): On a point of order, Mr Speaker. Can we be reassured by the Attorney General that if we approve the motion to the satisfaction of the European Union, whatever we do in this House will become irrelevant because the European Union would regard us as having approved a motion that we have not in fact approved using our own purposes?

The Attorney General indicated dissent.

Mr Speaker: For the record I can say that the Attorney General is shaking his head, and he dissent from the hon. Lady’s proposition. Forgive me, because I think the House will want to move on, but I hope she will accept it if I say that that is a political point. It is an important point, and I am not knocking it in any way, but it is not germane to the remit of the Chair, nor—if I may politely say so—is it material to the sittings of the House motion with which we are now dealing.

Hilary Benn (Leeds Central) (Lab): On a point of order, Mr Speaker. Having just read the motion, I wonder whether an opportunity might be given for the Government to clarify a really important point. If the EU agrees that, if the motion is passed tomorrow, the UK will be granted an extension until 22 May, at that point it will no longer be possible for the United Kingdom to apply for a further extension, because we would have failed to make the arrangements necessary to take part in the European elections. Therefore, to pass this motion will preclude the United Kingdom from asking for any further extension. It would be helpful to the House if a Minister could come to the Dispatch Box and clarify that point.

Mr Speaker: I must say to people listening that I am mightily glad that the right hon. Gentleman was not asking me to adjudicate on that. It is very helpful that he has excused me from any responsibility. I do not sense that the Attorney General, who is comfortably seated on the Government Front Bench, is looking to come to the Dispatch Box, or indeed that the Leader of the House is inclined to do so. I think I can safely say—I do not think I will be accused of disclosing a state secret—that as things stand the Attorney General is intending to declaim from the Dispatch Box tomorrow.

The Attorney General: Further to that point of order, Mr Speaker. I rise out of respect for the right hon. Member for Leeds Central (Hilary Benn). This is clearly a matter that I shall address tomorrow morning in full. It requires serious consideration, as virtually everything the right hon. Gentleman says in this House is entitled to. I will address that point in full tomorrow.

Mr Speaker: Colleagues, the motion has been tabled, moved and spoken to in a perfectly orderly way. I suggest that we now hear from the shadow Leader of the House.

5.35 pm

Valerie Vaz (Walsall South) (Lab): I beg to move amendment (a), at end, to add “but that sitting shall not be used for proceedings on consideration of the Overseas Electors Bill.”

I thank the Leader of the House for the statement, the second business statement we have had today. Mr Speaker, you say that the public are watching up there in the Gallery. They are watching our proceedings throughout the world. They should know that none of us on the Opposition Benches—not a single hon. Member—received a copy of the motion. I came into the Chamber 10 minutes before these proceedings were due to start and it still was not in the Table Office, so it is
right that my hon. Friend the Member for Rhondda (Chris Bryant) has asked for it to be read out as though it were a bedtime story.

The treatment of this House is absolutely disgraceful. Members are going about their business, but have now been told that they have to come back for tomorrow’s motion. This underlines the Government’s disrespect for the House of Commons and for Parliament.

I have had the chance to look at the motion while sitting here on the shadow Front Bench. [Interruption.] I am not going to say anything until this exchange is over. Is that okay for the hon. Member for South Derbyshire (Mrs Wheeler)? [Interruption.] Good. I need to know whether you, Mr Speaker, are content to see that the law is actually being broken. The motion states that the House approves what was put before the House “on 11 March 2019 so that the UK can leave the EU on 22 May 2019; notes that this approval”—the House is going to note this—“does not by itself meet the requirements of section 13(l)(b) of the European Union (Withdrawal) Act 2018; and resolves that it is content”—hon. Members need to know that they are signifying their content—“to proceed to the next steps of this process, including fulfilling section 13 of this Act”, even though it does not comply with that section of the Act. Is that in order? Is the motion in order? On the face of it, it does not comply with the Act.

The shadow Secretary of State for Exiting the EU, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), has made it consistently clear that he does not want the separation of the withdrawal agreement and the political declaration. That is not just his view; it is the view of the Prime Minister. I just wonder whether asking the Prime Minister to resign to get the withdrawal agreement through is the price that the Government are paying. On 14 January, she told the House that there was “absolute clarity on the explicit linkage between the withdrawal agreement and the political declaration.” She added that “the link between them”—the two documents—“means that the commitments of one cannot be banked without the commitments of the other. The EU has been clear that they come as a package.”—[Official Report, 14 January 2019; Vol. 652, c. 826.]

The Prime Minister was right then. It seems that she is wrong now. That is why we on the Labour Benches will not be supporting the motion.

This is no way to run a Government. I do not know whether the Prime Minister will come back here, but she has a duty to tell the truth to the House. She has made it clear, on that basis, that the two documents are linked together. We are now presented with a motion that breaks that link. On the face of it, that breaks the law; it breaks the European Union withdrawal law. This is the Government playing games. Parliament, our constituents, future trading partners and the country will not countenance this.

Mr Speaker: I am sorry, because other colleagues will want to speak, but I want to make this very simple point: it is not for the Chair—and I absolutely respect what the shadow Leader of the House said—to pronounce on whether a motion, in terms of its effect, is lawful or not. The House makes a judgment on the merits or demerits of a motion and the law is ultimately interpreted by a court if there is a challenge. I am making no assertion of lawfulness or unlawfulness. The Attorney General is entirely comfortable in his own mind and will doubtless articulate that tomorrow. My concern is with the narrow confines of order and procedural propriety. I make no assertion beyond that.

Ms Nadine Dorries (Mid Bedfordshire) (Con); On a point of order, Mr Speaker. In one breath, the shadow Leader of the House complained that she had not seen the motion until she walked into the Chamber, and in the next, she said that the Opposition would not be supporting the motion. Until they have heard the arguments that can be made to support the motion, how can they so quickly come to a point of view unless they are playing political games with the future of this country and this deal, which delivers on the vote of 17.4 million people? It is game playing, Mr Speaker, and it has to stop.

Mr Speaker: The hon. Lady has made her own points with conviction, but it is not a matter for the Chair.

Mr George Howarth (Knowsley) (Lab); On a point of order, Mr Speaker. In view of the question raised by my right hon. Friend for Leeds Central (Hilary Benn) a few moments ago and either the Attorney General’s unwillingness or inability to respond to him, would it be in order for my right hon. Friend or somebody else to put in an urgent question to be answered tonight so that we can get a proper answer to what are very important questions?

Mr Speaker: I think that matter is governed by Standing Orders, so the short answer to the right hon. Gentleman is that the Attorney General is entirely comfortable in his own mind and will doubtless articulate that tomorrow. My concern is with the narrow confines of order and procedural propriety.

Mrs Anne Main (St Albans) (Con); On a point of order, Mr Speaker. I think the hon. Member for Walsall South (Valerie Vaz) might have inadvertently misled the House when she said that she had only just got sight of the motion. I have been having quite detailed discussions with the deputy Clerk of the House about procedures for the next few days. Indeed, he took me to the Table Office, and there was the motion for me to have a copy of at 4 o’clock, so I am surprised that the hon. Lady took an hour and a half to find this out.

Mr Speaker: The shadow Leader of the House can answer for herself, but I simply say to the hon. Lady that if she is referring to the motion for tomorrow’s debate, that motion certainly was not in the Table Office
at 4 o’clock, as far as I am aware. I discussed the matter with the Attorney General, and I can assure her that it certainly was not there at that time, or absolutely not in anywhere near its final form. I think I am quite clear about that. As to the sittings motion, that is a different matter.

**The Attorney General:** Further to that point of order, Mr Speaker. I rise out of respect to those asking questions about why the motion was late. I do apologise to the hon. Member for Walsall South (Valerie Vaz)—I was anxious to get it to her and to others as soon as I could—but I was particularly concerned that the motion should comply with your ruling, Mr Speaker. Therefore—I hope you will permit me to divulge this—as a result of some discussion with you, I am afraid that it was concluded only shortly before the time we came into the House. [**Interuption.**] Well, I cannot speak for that, but I say to the House that I am sorry it was late, but it was a matter that needed to comply with your important ruling, Mr Speaker.

**Mr Speaker:** These things are subject to change. There was a version of the motion earlier this afternoon. The Attorney General and I met, as is perfectly reasonable and proper, and then there was a later version. However, I am quite certain in my own mind that the motion was not in the Table Office at 4 o’clock, and I think that the shadow Leader of the House has misrepresented, if I may politely say so.

**Mrs Main:** I believe that. Thank you very much.

**Mr Speaker:** I thank the hon. Lady for withdrawing what she said earlier, although I think the shadow Leader of the House has been misrepresented, if I may politely say so.

**Valerie Vaz:** On a point of order, Mr Speaker. I am really sorry, but I am not happy with that. The hon. Lady called me a liar. She effectively said—I **[Interuption.]** The hon. Lady has withdrawn what she said. [**Interuption.**] I am happy with that. We will leave it there.

**Valerie Vaz:** On a point of order, Mr Speaker. I am really sorry, but I am not happy with that. The hon. Lady called me a liar. She effectively said—I **[Interuption.]** Let me just explain. I am in front of the Attorney General. I can get an affidavit or a written statement from the very nice person in the Table Office. I went in at 10 to 5 and I asked for a copy of the motion. I walked round to your office, Mr Speaker, to ask for a copy, and I have not received it. So I think that the hon. Lady does owe me an apology.

**Mr Speaker:** I think that the hon. Member for St Albans (Mrs Main) said that she thought that the shadow Leader had inadvertently misled the House. The simple point is that, as we now know, the shadow Leader did not mislead the House. That is a matter of fact.

**Hugh Gaffney** (Coatbridge, Chryston and Bellshill) (Lab) **rose—**

**Mr Speaker:** Are we returning to the motion? Does the hon. Gentleman wish to speak on the motion, or is he seeking to raise a point of order?

**Hugh Gaffney:** On a point of order, Mr Speaker. Perhaps you can help me. We have been accused of playing political games. At what time did you meet the Attorney General to talk about the motion?

**Mr Speaker:** I saw the Attorney General a number of times during the day. I would just say to the hon. Gentleman—I do not mean to be discourteous to him—that I think colleagues will recognise the Speaker regularly meets the Leader of the House, the shadow Leader of the House, the Government Chief Whip, the Opposition Chief Whip and a variety of other people. There is nothing particularly unusual about that. I met the Attorney General at half-past eight this morning; I then met him at 2.30 this afternoon, and then again at—if memory serves me correctly—approximately 4 o’clock, 4.15, or thereabouts. So we had three meetings during the day, and in the course of the three meetings I supplied the Attorney General with just one cup of tea.

Who else wishes to speak in the debate? I call **Mr Christopher Bryant.**

5.47 pm

**Chris Bryant** (Rhondda) (Lab): Who would have thought that a debate on whether we should sit tomorrow would get everyone so wound up?

In one sense, this is very simple. We are simply deciding, at a moment of national crisis, whether or not we should sit tomorrow, notwithstanding the normal practice of the House, which is that we only sit on Fridays for private Members’ business. I do not think that a single Member of the House would resent the Government’s motion proposing that we should sit tomorrow, because we know that this is a very important moment for our country, and we need to get this right. However, as every good architect will tell you, form must always follow function. My anxiety is that when the Government announced that we were going to sit tomorrow, they should have told us what we were going to sit for. We should have had plenty of prior notice, not the negligible notice that we have had.

I understand, and take in good faith, the difficulties that the Government have had in trying to get to this moment, but I think that the motion that we will debate tomorrow is problematic in many ways, and I think that that gives us reason to ask whether we should really be seeking to consider this matter tomorrow. [**Interuption.**] No, this is not a point of order. I am taking part in the debate. This is a debate on a motion which is before the House.

I have a problem with the function that we are being asked to address tomorrow. First, the motion expressly does not meet the requirements of our own law, passed in this House, namely section 13 of the European Union (Withdrawal) Act 2018, which clearly binds together the withdrawal agreement and the political declaration. Indeed the Prime Minister herself had repeatedly said the two things could not be separated out, and for that matter senior members of other Governments elsewhere in Europe have also said the two things go together. Indeed the Prime Minister’s express point was that if they were separated out, we in the UK would be losing the benefits we gained. So I have an anxiety about that element.

**Martin Whitfield** (East Lothian) (Lab): Will my hon. Friend give way on that point?

**Chris Bryant:** May I finish the point? The second problem I have is that the motion, to my mind and according to what the Leader of the House herself...
said earlier, is only there to appease the EU’s desires. Well isn’t that an irony; this is not exactly taking back—

Mr Speaker: Order. I have the highest regard for the hon. Gentleman, but we are in danger of edging into tomorrow’s debate. I am not casting aspersions on the hon. Gentleman, who is a consummate parliamentarian, but the issue before the House now is the motion moved by the Leader of the House, which is a sittings motion: the issue is whether we should sit tomorrow for the period specified. A very occasional reference to what we would be meeting to discuss is one thing, but to devote a speech to the merits or demerits of tomorrow’s motion goes way beyond that, and I do not want this debate to be the debate we are proposing to have, and that the Leader of the House is advocating having, tomorrow.

Chris Bryant: Mr Speaker, if you had just told me to shut up I probably would have done so; you could have done it a bit more briefly, if I might say. [HON. MEMBERS: “Hear, hear.”]

Mr Speaker: Order. Let me just say to the hon. Gentleman that although I always profit by his counsels he has already devoted some minutes to the substance of tomorrow so it ill behoves him to lecture me on brevity. He has spoken for quite a long time, not on the sittings motion but on the substance of tomorrow. Wrap it up, man.

Chris Bryant: I could say the same, Mr Speaker.

Mr Speaker: Resume your seat. I say very gently to the hon. Gentleman, let it go, make your point—which we always enjoy hearing—finish the speech, and let others take part. I do not need any backchat from the hon. Gentleman.

Chris Bryant: What the Leader of the House is proposing in this motion is that we should adopt a new precedent. There has been much talk of precedent in the last few days in terms of the way we proceed here, and I believe in precedent, which is why I believe we should very rarely set the precedent we are setting for tomorrow. I think for instance we should abide by the precedent that when a Government lose a major policy they fall, and that when a Government Minister proposes a motion they vote for it. All of these are precedents that have been abandoned.

I am happy for us to sit tomorrow, but I would just say that if it is absolutely clear, as has already been stated, that tomorrow’s motion is not a meaningful vote, it is then a meaningless vote and consequently there is little point to us sitting. And the one precedent that I am absolutely sure the House will always have abided by in the past and will probably abide by tomorrow is that when the Government come up with a policy—a change of mood, a change of style, a different way of doing business—that is too clever by half, they always lose.

5.53 pm

Pete Wishart (Perth and North Perthshire) (SNP): I will confine my remarks exclusively to the motion before us this afternoon—I am sure you will be pleased about that, Mr Speaker—and I will leave it to others to continue to debate the merits of the motion tomorrow.

I do not think I have ever seen in the last 18 years a start of a business motion which has been preceded by endless points of order. That more than anything demonstrates the mess this place is in—the absolute guddle we have in procedure and process. All these points of order are trying to examine and define and find out exactly what is going on. I am pretty certain all of our constituents, who are taking a great deal of interest in our proceedings just now, are absolutely bemused and mystified, frustrated and increasingly angry about the way we do our business in this House, with all these issues trying to come to the front of our attention. It has almost got to the point in this House where it is so broken and the debate is so corrupted that we are now having debates through points of order. I can barely imagine that we have reached that stage just now; it demonstrates how badly broken things are.

The sitting tomorrow is all about the Government’s latest wheeze to get their doomed Brexit deal through. They are inviting us to consider the withdrawal agreement without the political declaration attached. It is a meaningful vote, but it is a sort of Schrödinger’s meaningful vote: it is both alive and dead at the same time. After three years without any attempt to create any sort of secure consensus on the way forward, and after two months of defeats and this House taking control yesterday, this is the last throw of the dice for the Government tomorrow. It seems that even the Prime Minister offering herself as a sacrifice to the Brexiteers this week was not good enough for them. As the First Minister put it so elegantly in the Scottish Parliament today, this is a Prime Minister who threw herself on her sword and missed. It cannot get any more calamitous than that.

There is just one more issue about tomorrow. As Scottish National party Members, we are all, as you would expect, Scottish Members of Parliament. That means that there are particular issues when it comes to our travel arrangements. We spend more than half a day getting to this House and half a day getting back—that is one full day of travelling just to be able to come down here and do our business. This Government have so disrespected all of us who have to travel great distances. Confirming only this morning that the House will be sitting tomorrow is totally unacceptable—

Simon Hoare (North Dorset) (Con) rose—

Pete Wishart: And I look forward to the hon. Gentleman agreeing with me.

Simon Hoare: Nobody is forcing the hon. Gentleman to be here.

Pete Wishart: This is just part of the pattern that we expect from some hon. Members. “Just go home!” “Go away!” That is what they feel about us. I would be happy to oblige the hon. Gentleman, and the way that we can elegantly achieve that is to secure independence for our nation.

Luke Graham (Ochil and South Perthshire) (Con): The hon. Gentleman is making a point about travel. I say to him, my constituency neighbour, that our constituents
in North Perthshire and South Perthshire will be plenty happy for us to be here making some of the biggest and most important decisions in this Parliament in modern political history. These decisions cannot wait any longer.

Pete Wishart: I am pretty sure that the electors of Perthshire would be delighted if we were here making decisions, but that is the exact opposite of what we are doing. We have probably not made any decisions in this House for the past few months, and he is responsible for that.

Lastly, I totally and utterly support the shadow Leader of the House when she said that it is absolutely disgraceful that we were presented with tomorrow’s motion only 10 minutes before this debate was supposed to start.

Martin Whitfield: Does the hon. Gentleman agree that the business of the House motion makes reference to complying with Acts and the European Union documents, yet the motion that we are debating tomorrow acknowledges that we are not going to follow UK legislation and that we will catch up at some point in the future?

Pete Wishart: Absolutely, and I raised the question this morning with the Speaker about what exactly we are doing about section 13 of the European Union (Withdrawal) Act 2018. The hon. Gentleman is right. We have not seen the withdrawal and implementation Bill. We are expected to make critical decisions about the future of this country and about how we should progress Brexit without knowing what the Bill is. The Government are offering the ultimate blind Brexit. We are expected to give them a blank cheque to negotiate the political agreement as they see fit. This is the last throw of the dice for them. This is the only place they are expected to give them a blank cheque to negotiate the withdrawal agreement. Let us agree that that is what we need to do tomorrow, and I will be here to do that.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The hon. Gentleman is making an important point about a blind Brexit. Does he agree that the way in which the motion has been tabled goes against the spirit of this House, where we have been trying to expand and understand where there is consensus, and that it instead contracts the debate by trying to separate the debate about the future? That is at the very core of the debate, and this is why we do not want to leave without knowing where we are going to. It is like moving house and leaving your home without knowing where you are going to be living.

Pete Wishart: I have heard that analogy before, and the hon. Lady is absolutely right.

We can compare what happened yesterday when this House was able to consider all sorts of measures and ways forward in order to see whether there was any sort of consensus across the House on how we should determine and progress these ideas. Tomorrow, on the other hand, is all about trying to satisfy Conservative Back Benchers, with no attempt to reach out to the rest of the House. That is why I believe that tomorrow’s motion will ultimately fail. This is the last chance for the Government to bring it back, and the hon. Member for North Dorset (Simon Hoare) can be certain that the Scottish National party will be here to take part in tomorrow’s debate even though we have hundreds of miles to travel. We will ensure that the motion fails tomorrow and that the interests of our country are maintained and progressed, and we will look forward to that. As an exercise, this is totally and utterly consistent with the chaotic cluelessness that lies at the heart of this Tory Brexit. This Tory Government have divided that nation and taken us to the brink. The SNP will be here tomorrow, and we will be voting the motion down.

Vicky Ford (Chelmsford) (Con): I have learned to read the details of European Council conclusions. Last Wednesday night, Donald Tusk sent out a message that an extension—

Mr Speaker: Order. I am sorry, but I said it before to the hon. Member for Rhondda (Chris Bryant), who took it in pretty good spirit—[Laughter] Well, reasonable spirit. With the greatest of respect to the hon. Lady, whose experience of the European Parliament is well known, this is not a debate about tomorrow’s motion. I have said this before and I will say it again: this is a debate on the sittings motion. That is all we are debating now. If the hon. Lady would like to make a few remarks—[Interruption] No, I am telling the hon. Lady what the situation is. The debate is on the sittings motion. If she would like to make a speech on that motion, she can do so, but this is not about tomorrow’s debate.

Vicky Ford: Thank you, Mr Speaker. Some of the points of order that have already been made this evening suggested that we should be voting on both the withdrawal agreement and other parts of the agreement, but Europe has made it clear that it needs a decision tomorrow on the withdrawal agreement. Let us agree that that is what we need to do tomorrow, and I will be here to do that.

Mr George Howarth (Knowsley) (Lab): In a point of order a few moments ago, Mr Speaker, I asked you whether there was any mechanism by way of an urgent question that we could get a response from the Attorney General to the point made earlier by my right hon. Friend the Member for Leeds Central (Hilary Benn). It is important that we get an answer before we conclude this evening’s proceedings, because how we vote tomorrow could, as my right hon. Friend said, have an effect on any further delay that the European Commission might consider. Can we ask the Attorney General to make a statement on that during the course of this debate?

Mr Speaker: In so far as it is germane to the right hon. Gentleman’s view as to whether the sittings motion should pass, it is a reasonable point for him to raise. I can say only that the Attorney General can respond now, but I think it became clear in earlier exchanges that he was minded to address such matters tomorrow.

Mr Howarth: Not good enough.

Mr Speaker: If the right hon. Gentleman concludes that that is not good enough, that may inform his view of the sittings motion. I explained the situation on the sittings motion to the hon. Member for Chelmsford (Vicky Ford) and I say the same to the right hon. Gentleman, but I thank him for what he said.
6.3 pm

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): There are plenty of people in the Gallery today who will be here to see the magnificent historical features of this building. They should pay particular attention to the parts that are currently held up with scaffolding, which represent the places where MPs have been banging their heads against the walls for nearly three years in trying to make sense of the chaos that the Government have created. No MP resents coming into this place, because it is a pleasure and a privilege to be here to represent our constituents, but it is extremely disruptive when the Government are so chaotic and when they refuse to plan ahead and to communicate well in advance so that we can make proper arrangements. We saw that in the February half-term, when MPs with childcare responsibilities and other responsibilities were disrupted, and we are likely to see it in the Easter recess as well. Again, no MP has an issue with being here—it is a privilege to be here—but we have arrangements to make, so clarity would be appreciated.

When the Leader of the House returns to the Dispatch Box, it would be helpful if she could help me to understand something. Currently, the local government elections are due to take place on 2 May. If, for whatever reason, the business is not passed tomorrow, we might be heading towards a position in which we have to elect Members to the European Parliament. The European elections are currently scheduled for the end of May. Would the Government intend to reschedule the date of the local government elections to coincide with the European elections that take place 21 days later?

6.5 pm

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): I shall not speak for long. Like my hon. Friend for Rhondda (Chris Bryant), I am very happy to sit tomorrow, even though it means a day not spent in the glorious city of Newcastle, but I am concerned that in effect the setting tomorrow has been designed purely to circumvent British law—not to pass new laws, because the Leader of the House knows that she does not have the numbers to do that, but to circumvent laws that we have already passed. I hope she will address my final point. It seems to me that, for the House to sit in order to cede control of the process to the European Union goes against not only the spirit of the 17.4 million who voted for Brexit but the spirit and intention of the House.

6.6 pm

**Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): Tomorrow, 29 March, had long been trailed as the Brexiteers’ brilliant independence day. It was the day that they had trumpeted for two and half long years, but it turns out that, actually, on 29 March we are going to be here in the House of Commons because the European Union demands it. The humiliation of Brexit will soon be very complete indeed. Rather than all that they promised, we have now seen, at the edge of the cliff, the horrors of Brexit and the disaster that is coming our way.

**Patrick Grady** (Glasgow North) (SNP): Does my hon. Friend agree that it seems the Government’s tactics have gone from, “Vote for the deal or it is no deal,” to “Vote for the deal or it is no Brexit,” to “Vote for the deal or there is no recess,” and now it is “Vote for the deal or there is just no going home at all”? The solution for those of us from Scotland who are stuck in the big Brexit house is to become independent and get out of here.

**Hon. Members:** Hooray!

**Angus Brendan MacNeil:** I hear cheers from the Tory Benches for Scottish independence. Is that a first? Are the benefits of Brexit finally coming to us?

**Pete Wishart:** My hon. Friend will, like me, remember that tomorrow was also supposed to signal the start of the festival of Brexit, at which the Attorney General, doing his best Gilbert and Sullivan, was going to be out there as the compere, talking about all the wonderful achievements of post-Brexit Britain? What happened to that?

**Angus Brendan MacNeil:** The humiliation for the Brexiteers is greater and deeper than any single Scottish nationalist could have imagined. Not only are they here because the European Union demands that they be here, but they have to put off their festivals as a result of the European Union’s demand. It is humiliation for them.

**Stewart Malcolm McDonald** (Glasgow South) (SNP): As this is a debate on a sittings of the House motion, might it be in order for my hon. Friend to list the things that we could debate instead of this fixed-up motion that the Government have introduced with 10 minutes’ notice? I am sure my hon. Friend would like to adumbrate the many things that could be on tomorrow’s Order Paper; would he care to give the House a bit of that?

**Angus Brendan MacNeil:** Absolutely. My hon. Friend makes a good point. In a number of business questions sessions, I and other Members have asked the Leader of the House for time to make progress on the Refugees (Family Reunion) (No. 2) Bill—

**Mr Speaker:** Order. The hon. Gentleman was led astray from the path of virtue when his hon. Friend exhorted him to list matters that it would be worthy to debate tomorrow. I can advise the hon. Gentleman on that matter: the sittings of the House motion specifies the purpose for which the House will meet, and an amendment to it specifies a purpose for which it should not meet. It is clear from the motion what it is about, and this debate is not an opportunity to dilate on a vast range of other matters, which may be of interest to the hon. Gentleman but which are not consistent with the terms of the motion. If I have somewhat truncated the hon. Gentleman’s speech as a result, I am sure he is sad, but that is the reality.

**Angus Brendan MacNeil:** I was rather enjoying your own speech there, Mr Speaker.

To finish, I want to underline the humiliation that is the House of Commons turning up at the demand of the EU. I wonder if the 50ps might get melted down tomorrow and turned into something a little more useful. God bless ya.
Amendment (a) agreed to.
Main Question, as amended, put and agreed to.
Resolved.
That this House shall sit on Friday 29 March 2019 but that sitting shall not be used for proceedings on consideration of the Overseas Electors Bill.

Vernon Coaker (Gedling) (Lab): On a point of order, Mr Speaker. Is there any way to emphasise a point you made earlier concerning tomorrow’s motion, where it says the House “resolves that it is content to proceed to the next steps of this process”?

Given that the next steps of the process very much depend on the EU withdrawal and implementation Bill, is there any way we can emphasise to the Government the importance of that Bill, which exists in draft form, being published so that, in resolving to move to the next steps, we can know what those steps are, particularly as some of us are of the view that we might see in that Bill the introduction of retrospective legislation to change certain parts of the European Union (Withdrawal) Act 2018?

Mr Speaker: This matter was touched on earlier. Whether the Bill will be published in time for the debate I do not know—it remains to be seen—but the very strong wish of the hon. Gentleman and some others that it should be has been noted.

I note in passing to colleagues that 29 March is itself Brexit neutral. I say that because, if memory serves me correctly, tomorrow, 29 March, is the birthday of the noble Lord Tebbit of Chingford and of Sir John Major.

Anna McMorrin (Cardiff North) (Lab): And my daughter.

Mr Speaker: And, very importantly, it is the birthday of the hon. Lady’s daughter, and doubtless of a great many other people to boot, Brexiteer and remainers alike. [Interruption.] I cannot name them all, I am afraid. I am grateful to the right hon. Member for Don Valley (Caroline Flint), but I am afraid that my knowledge is not that great. It was a good try.

Housing

Motion made, and Question proposed, That this House do now adjourn—(Mike Freer.)

6.13 pm

Mr Richard Bacon (South Norfolk) (Con): I am sorry to see Members leaving the Chamber, because we are about to discuss the Government’s top domestic priority, which is of far more concern to many people up and down the country than our endless talk of Brexit. I have entitled this debate “Housing” because I did not want to be confined to any specific part of the housing debate and wanted to give the Minister the opportunity to address any question within the housing space.

It is absolutely clear that we have a very big housing problem, and have had a very big problem, for some years. I have been attending seminars, roundtables and conferences on housing for at least seven years. I first went to the QEII Centre to hear Adri Duivesteijn, the godfather of the self-build and custom house building movement in the Netherlands—a former Dutch Member of Parliament who then became the mayor of Almere, a community in the Netherlands that I think I am right in saying the Minister has visited. Since then, I have been to many events of various kinds, and everyone has their own diagnosis of the problems and their own solutions, but generally they all mention land, planning or finance. They often mention the role of the volume house builders, the way in which local council planning authorities are stretched and the difficulty in getting access to land.

Many of these points have a great deal of truth about them, but the issue can be encapsulated much more simply in the following sentence: the supply of housing does not rise to meet the demand for housing. In many other areas of life, it is true that supply generally does rise to meet demand. In what I would call orthodox, rather than classical, economics, if someone is making what economists call supernormal profits—profits that are in excess of what one might expect—two factors generally combine to bring those profits down to normal levels. One factor is that other actors in the marketplace will see the opportunity of those high profits and will move in. In other words, new suppliers will move in, with competition, increasing choice for consumers and driving down the profit margins. But that is not the situation that we have in the United Kingdom. In fact, over the last 30 years, the situation has steadily become the reverse of that. We effectively have permanent supernormal profits.

Some 30 years ago, in 1988, 66% of houses in this country—a large fraction of the total—were built by SME builders, which were represented by excellent organisations such as the Federation of Master Builders. The situation now is that less than 20%—perhaps 15% or 17%—of houses are built by SME builders, with all kinds of extra problems that make it more difficult for them to engage. Now a very small number of very large companies build most of the houses; for the most part, they are the members of the Home Builders Federation.

The strange thing is that if one asks consumers what they think and what they want, as has been done several times by independent, authoritative opinion pollster organisations that have been commissioned for the purpose, they will come up with the following result. Somewhere between two thirds and three quarters of people do not want to buy the products of volume house builders.
The figure of 75% comes from a YouGov survey conducted by the National Custom and Self Build Association, which is a trade body for, as the name suggests, self-building and custom house building, whereby houses are manufactured offsite—perhaps a better way of putting it is “high-tech offsite construction”—and then delivered to a site where they are constructed. The figure of 67%—the two thirds of people who do not want to, or would prefer not to, buy the product of the volume house builders—comes from the volume house builders themselves. Their own research tells us that most people do not want to buy their product. Now, in a vaguely competitive ecosystem where there was choice for consumers, that would be corrected by new suppliers coming in and providing something that consumers did want.

Let me be very clear that the numbers themselves suggest that between a third and a quarter of consumers do want to buy the product of volume house builders. If they wish to do so, they should be free to do so, as long as those products are built to the right standards in terms of health and safety and building regulations. I have no issue with that at all. It is true that, over the last 30 to 40 years, houses have got smaller and more expensive than they were in the not-that-distant past. However, if people wish to buy the product of a volume house builder, they should certainly be free to do so, as long as those volume house builders operate within the law; I do not object to that at all. But fundamentally, the two things required for this ecosystem to function are low barriers to entry and consumer choice, and those are the two things that are fundamentally absent.

We all know what the consequence is. I have tested this with nine-year-olds in primary schools in my constituency. I say, “What happens to the price of something if there is not enough of it?” and every hand goes up and they say, “It goes up.” Then, just to make the point really clearly, I say, “And what happens to the price of something if there is too much of it?” and every hand goes up and they say, “It goes down.” It is not difficult to understand—it is intuitive to the point where a nine-year-old can grasp it. That is what has happened in the housing market, if one can call it a market, in the UK. I suppose that an economist might say that of course it is a market, but a very oligopolistic one—in other words, something approaching, but not quite, a monopoly.

That means that the suppliers making supernormal profits can keep on doing this for a very long time without let or hindrance. At the same time, the average price of an average dwelling has gone from three and half to four times income a generation ago to about eight times income now. That depends on where one is in the country, of course. For South Norfolk, the last figures I saw from the National Housing Federation—admittedly slightly out of date now, but they will not have changed that much—were about 8.2 times average income. The same numbers suggested 8.2 times average income in Harlow in Essex, 13 times average income in Hertfordshire, and 17 times average income in Oxford—and in some of the really hot boroughs in London, it was completely off the charts. Even in the poorer parts of the country where incomes are lower and properties are less desirable, it is now five and half to six times average income in many cases.

I pumped my parliamentary salary into one of the websites just to see what a lender would lend, and I was quite horrified that the first number that came out was five and half times income. That would not have been possible a generation ago. We have had more money chasing roughly the same amount of houses, and, not surprisingly, the price has gone up. That has a number of consequences.

Anna McMorrin (Cardiff North) (Lab): Does the hon. Gentleman agree that house builders need to be looking at the cost of living in a property over the time that residents would own that property and meeting carbon reduction or zero-carbon targets, so that when the house is sold the cost of living in that house has changed?

Mr Bacon: Yes, I do, although if one went on a sales course, one would be told “Benefits, not features.” One does not explain that a vacuum cleaner does 3,000 revolutions per minute rather than 1,500, as nobody cares—one explains that it cleans one’s house better. In the same light, I would not bang on about carbon, making people feel kind of morally inferior—I would explain that one could have the choice of a house that would cost nothing to heat, and ask why anyone would want one that cost a lot to heat.

I had this out very specifically at the Policy Exchange think-tank with the land use and planning director of Barratt. I asked about what it did for its customers in this regard. I said, “Is it really true that you have a conversation with your customers in which you say, ‘Now madam, we’ve got a variety of houses available for you, this one over here that will cost you roughly £1,400 a year for heat and hot water, and this one over here that is insulated to, or nearly at, passive house standards that will cost you almost nothing to heat—perhaps, with mechanical ventilation with heat recovery, £80 or £150 a year. Which one would madam prefer?’ Do you really offer them that choice?” Of course, he turned his back on me and stomped off rather than answer the question.

Anna McMorrin: Does the hon. Gentleman agree, though, that we need to change our building regulations in England, and also in Wales, where this is devolved, to make sure that housing is built to low-carbon or zero-carbon standards to ensure that this happens across the board? We have house builders that are really taking advantage by putting up houses that come at a ridiculous cost to our climate.

Mr Bacon: Yes. I do not want to be building houses that we will be knocking down in 30 or 40 years’ time because they are so dreadful. That is utterly pointless. The hon. Lady mentioned building regulations. At the Local Authority Building Control conference, where I gave an address, I needed only to say the word “Persimmon” and people fell around laughing as if I was as funny as Tommy Cooper—perhaps there are people who think I am—because it is a byword for poor practice in the building industry.

I have heard the chief executives of volume house builders criticise Persimmon for its bad practice. We all know what happened to the sainted Jeff Fairburn. Because of his compensation scheme, he was being paid—I will say this slowly—£130 million in emoluments...
by the shareholders of Persimmon. So egregious a scandal was it that he got so sick of being followed round by someone from the BBC with a microphone asking him to justify it that he eventually resigned, which was a red letter day for many of us who are campaigning for higher quality. In a competitive environment where the company could not afford to pay one chief executive that much money, that money should have been going into larger spaces, better quality material and better thermal performance. There is a huge distortion.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on securing the debate. He and I have discussed on a number of occasions how houses should be built in the future. Modern house building should ensure better air quality, better insulation, better heating, better windows and better doors. It is also about the location—for example, the green areas around the house and access to shops. A house has to be a home. I declare an interest, as chair of the all-party parliamentary group for healthy homes and buildings. I know that the Minister and the hon. Gentleman have read the APPG’s report and are aware of its recommendations. Does he feel that those are a way forward for housing?

Mr Bacon: I do, and I am grateful to the hon. Gentleman for reminding me of that. There is a lot of evidence that if people live in better, more spacious, healthier homes, there are lower costs for the NHS and lower sickness rates; it is better for employees and employers. There are lots of other ancillary benefits of having better homes, as well as their being good in themselves.

I am keeping a close eye on the clock, Madam Speaker. I planned to start with a preamble, which I seem to be doing without too much trouble, and then get into the specifics of what I want to say to the Minister about the Right to Build Task Force, but I will say one or two more things before I do that.

The situation we face is one in which an entire generation have basically given up on the chance of either owning a property or even being able to afford to rent one. In general, and especially in the big cities like London, Birmingham and Manchester, people spend an absurd proportion of their income on rent. When it is costing people over 50% of their net monthly salary to rent a ghastly little bedsit where the mattress is hanging over the sink—I do not exaggerate; I saw such an example on a Channel 4 documentary a while ago—we obviously have a big problem.

I was at a dinner at the London School of Economics where a professor was talking about a graduate student of his who was about to start working in the Bank of England on a not inconceivable salary, but he was going to be living at home with his mum. The chap from KPMG around the table said, “Well, that’s nothing. We start our graduates on £45,000, and they can’t afford to buy anywhere.” Then the chap from BlackRock said, “Well, that’s nothing. We start our graduates on £75,000, and they can’t afford to buy anywhere, certainly not within a decent distance of our office.” It has got completely out of sync, and the Government have to fix it.

There is, of course, a political problem for our own party. I will address that later, but it is perfectly obvious that if people cannot get somewhere to live at a price they can afford, they will not vote for a party that cannot provide that for them. We need a fundamental change. We have dug ourselves a big hole over the last 20 to 25 years, and it will take us 20 to 25 years to dig ourselves out of it. If we are not careful, we will be in the same position in 20 to 25 years, only worse, unless we have the right policy proposals for fixing it. That is what I want to come to.

When I came off the Public Accounts Committee in 2017, it was to spend time on the Right to Build Task Force, an initiative set up by the National Custom and Self Build Association to help local councils, developers, community groups and landowners who want to bring forward self-build and custom house building projects on serviced plots of land—that is to say, where all the difficult bits such as fresh water, sewage, electricity, broadband and so on are already dealt with—in order to increase supply and give people more choice. That is what I have spent most of the last two years in this place doing.

Alex Chalk (Cheltenham) (Con): In Cheltenham, the overwhelming majority of the house building taking place in the town centre is for retirement apartments. Does my hon. Friend agree that if we want to maintain the culture, vitality and vibrancy, we have to ensure that young people can afford to live there as well? Will he join me in congratulating the Government on providing, through the home improvement fund, millions of pounds for a Portland Place development in Cheltenham that subsidises marginal viability schemes, to ensure that young people can truly live in the town centre and contribute to its vibrancy?

Mr Bacon: Yes, I do, although I could easily get into a long discussion about viability that would consume the rest of this debate, which I cannot do. There are big problems with the whole concept of the way in which we calculate viability. However, I congratulate the Government on helping Cheltenham bring forward what sounds like a very important scheme.

The Right to Build Task Force has been going for two years. We have scraped together £300,000, courtesy of the Nationwide building society’s charitable foundation, the Nationwide Foundation. Over 50 organisations have been helped, of which 60% are local councils, with the rest being community groups, landowners and developers. There is a whole range of examples of its work. Aylesbury Woodlands in Buckinghamshire will have a project where 15% of all the new homes are custom and self-build. Cornwall has an ambition to bring forward up to 1,000 serviced plots across the county. I am looking around for my hon. Friend the Member for North Cornwall (Scott Mann), who arranged the meeting we had with the Prime Minister on this very subject and who is a passionate believer in more serviced plots. North Northamptonshire has a plan whereby as many as 10% of homes could be custom and self-built across several different local authorities. There are rural areas such as Eden in Cumbria, which is looking at a range of opportunities for affordable homes for local people. King’s Lynn and North Norfolk, in my own county of Norfolk, has agreed an action plan to drive up delivery across the area with landowners and smaller builders. A lot is going on already, but the thing is that there could be very much more going on.

This is the fundamental point. It is a quote from Andrew Baddeley-Chappell, a former director of Nationwide building society, who is now the chief executive
of NaCSBA, while still chairing the Bank of England residential property forum. He has said:

“Custom and Self-build can deliver more and better homes that more people aspire to live in and that communities are happier to see built.”

An exegesis of that would basically cover most of what I want to say.

If we want more homes, we have to build them in a way that people want. At the moment, the problem is that most local people feel they have no say or voice in what gets built, where it gets built, what it looks like, how it performs—its thermal performance and therefore what it costs to run—and, absolutely crucially, who gets the chance to live there. If we change all that, we change the conversation. As the right hon. Member for Leeds Central (Hilary Benn), the former shadow Secretary of State said, we need to turn NIMBYs into YIMBYs. Prince Charles put it even better when His Royal Highness referred to YIMBYs—beauty in my backyard. We need to create an environment in which people actually welcome housing. We have reached the tipping point now in that more people want it than do not, because people have begun to realise how serious the crisis is.

As the Minister would expect, I have a small number of specific asks. The first is that we should have more Government support for the taskforce. We have already had some. I persuaded my right hon. Friend the Member for Bromsgrove (Sajid Javid), when he was the Housing Secretary, to lend us a civil servant—a qualified planner and career civil servant. He would prefer me not to mention his name, but I will because we are so indebted to him. His name is Mario Wolf, and he directs the work of the taskforce. We are very grateful for the loan of Mario Wolf from the Ministry of Housing, Communities and Local Government. He has done an enormous amount with very little in the way of resources. I mentioned some of the work earlier.

It is of course true that if we had more Government support, we could do more. The Help to Buy programme, which I will come on to in a moment, has so far spent £16.5 billion, and plans to have spent £22 billion by 2021. In other words, 35,000 times more is spent on subsidising demand than on a scheme to subsidise supply, albeit indirectly by helping to facilitate and increase choice for consumers—except, of course, that the Government are not actually paying for it; Nationwide building society is paying for it. I hope to have a discussion about that with the Minister at some point, because we are of course implementing Government policy. If hon. Members read the housing White Paper, they can see that we are implementing Government policy. If they read the Homes England strategy, it is very clear that the strategy calls for diversification of housing.

The second thing I would like the Minister to consider is a review of the planning guidance on custom and self-build housing—the guidance that supports the revised national planning policy framework—because at the moment it is outdated. Three things need urgent attention. On land allocation, many councils do not even know if they are allowed to allocate land specifically for custom and self-build housing, even though they are, and councils such as Bristol City Council are already doing so.

We also need clarity about what counts. Some local authorities are gaming the system, and in some cases local authorities are not clear what counts towards their legal obligations to provide permissioned plots of land. Some councils are allowing the conversion of holiday lets into private dwellings under the happy delusion that that counts towards meeting their legal obligations under the right to build legislation, and some of them may be in for a rude awakening at some point.

There is also the issue of viability. For as long as one has viability assessments, the Government need to look carefully at how they should work in relation to custom and self-build; they will not necessarily be the same as for market housing. I would be grateful if the Minister engaged with the taskforce on updating the guidance generally, so that it is more fit for purpose.

My third request is about the Planning Inspectorate. It is absolutely imperative that Government planning inspectors properly apply the current provisions of the legislation when they determine planning appeals and when they examine local plans. There is clear evidence that that is not happening as it should—mostly because planning inspectors are unfamiliar with the law in this area, which is still quite new. The obvious answer is to have training for inspectors. The Secretary of State has agreed with me at the Dispatch Box that we should do that, although it has not happened yet. I urge the Minister to pursue that and engage with the taskforce in identifying exactly what training is required.

We need something to help raise consumer awareness. Most people would like to commission a project of their own at some point in their lives; 1 million people would like to do that in the next 12 months, yet only 12,000 to 15,000 do. The reason is that it is very difficult to get a serviced plot of land. If getting one were as easy as it is to go into a Ford dealership and buy a Ford Fiesta, far more people would do it.

We are spending a significant amount of public money on housing, but at the moment I am not convinced that we are not simply making the problem worse. Help to Buy will have spent £22 billion by 2021 on helping 360,000 households. If we divide one figure by the other, we get £61,111—that is per household. The reason is that it is very difficult to get a serviced plot of land. If getting one were as easy as it is, we would have a revolution in this country in how housing is done. If we get it wrong, we will pay a high price at the ballot box: almost nobody between the ages of 20 and 40 can easily, at a price a normal person can afford, dream of having their own place, even though 86% of people in this country want to. We need to design and redesign a system that allows them, and everyone else, to achieve their aspirations.

Matt Western (Warwick and Leamington) (Lab): I am sorry, but I will not give way—only because of the lack of time; I need to leave the Minister a couple of seconds.

What did Adam Smith say?

“People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices.”

The aim of public expenditure on housing should be to lower barriers to entry and increase choice, so that people can have the houses they want. If we get this right, we can engender a revolution in this country in how housing is done. If we get it wrong, we will pay a high price at the ballot box: almost nobody between the ages of 20 and 40 can easily, at a price a normal person can afford, dream of having their own place, even though 86% of people in this country want to. We need to design and redesign a system that allows them, and everyone else, to achieve their aspirations.
6.37 pm

The Minister for Housing (Kit Malthouse): That was a remarkable example of a combination of encyclopaedic knowledge and conviction about what my hon. Friend rightly says should be not only the Government’s top domestic priority but the entire country’s primary moral mission: to build the homes that the next generation need and which are currently denied to them.

It is unusual for me to hear strains of my own speeches read back to me. I know that my hon. Friend has not been to listen to many of my speeches, but what he said resonates strongly with me: many of the themes he laid out in his preamble and diagnosis I am myself going around the country promoting—not least the dysfunctionality of the house building market. The one element that he omitted, but that I am sure he is aware of, is that the situation is not helped by the fact that in the crash of 2007-08, 50% of all small house builders were wiped out—removed from the market—having produced, as my hon. Friend said, more than half of all new homes. That proportion has now dropped to about a third, I think.

Both in coalition and since, the Government have done their best to try to push output up from a low of 124,000 in 2012 to 222,000 last year. The forward indicators for next year are looking pretty good as well.

Anna McMorrin: Why did the Government scrap the requirement for homes to be carbon neutral, when that would go a long way towards helping with living costs and budgets, as well as meeting climate targets?

Kit Malthouse: I totally acknowledge the role that high environmental standards have to play in a sense of social justice about housing. I went to a factory run by Accord Housing, which produces 1,000 modular homes a year. So good are the environmental standards in those homes that they have lower arrears because people can afford to heat them. That is definitely something on which I want to focus.

I want to address some of the questions that my hon. Friend raised. He is right that we need to do something about the way in which the house building market functions at the moment, and my job is to wander around being disruptive, supporting new entrants and players to create the competitive landscape that he is looking for—competing on quality and type; being disruptive on technology and encouraging modern methods of construction, including off-site manufacture and new techniques, so that new entrants find it easier to overcome the barriers to entry that he mentioned; and being disruptive on finance.

My hon. Friend is a little negative about Help to Buy, but I ask him to take care. Many tens of thousands of young people have accessed homes for the first time when the market was denied to them before, because of a Government-backed effective bank of mum and dad. While there will be assessments of that scheme, there is no indication at the moment that it has pushed up prices.

Mr Bacon: Of course people who are given cash will be grateful, but if there is a subsidy for demand rather than supply, we will not fundamentally solve the problem. Would it not be a good idea to wean people off Help to Buy and towards Help to Build, so that we subsidise supply? If we subsidise something we get more of it, and what we need more of is supply.

Kit Malthouse: My hon. Friend is right. It is possible—although I know it is strange—for Government to do two things at the same time. Help to Buy affects a very small percentage of housing transactions—about 4%—and the indications are that it has not had a particular impact on prices. We continue to review the policy in the light of its success—some 160,000 people have now accessed homes who otherwise would not have done so.

In the last minute or so I want to return to my hon. Friend’s questions. He asked five specific questions. First, will we look at a review for the taskforce? Given that we are going into a spending round, with what may be small amounts of money in the scale of the spending that I have available, I would be more than happy to do so. I am of course also more than happy to look at planning guidance review and particularly land allocation. In particular, we could perhaps think about communicating more widely to local authorities. I would be happy to help him by sponsoring some kind of event to promote the idea and to help local authorities to learn.

On viability, when I was on the Treasury Committee we did a housing inquiry in which I posed the question to Kate Barker and David Orr whether we should do away with the viability test as part of the planning system, and both of them thought that that was a good idea. In the meantime we have standardised the viability test to see where we get to.

On the Planning Inspectorate, my hon. Friend is right. We are trying to talk to staff about how they can be more consistent in their decision making and apply it more regularly across the country.

Finally I would be more than happy to join my hon. Friend in raising consumer awareness, and I congratulate him on what was a tour de force of knowledge of housing policy.

Question put and agreed to.

6.43 pm

House adjourned.
9.35 am

The Attorney General (Mr Geoffrey Cox): I beg to move,

That this House notes the European Council Decision of 22 March 2019 taken in agreement with the United Kingdom extending the period under Article 50(3) of the Treaty on European Union, which provides for an extension to the Article 50 period to 22 May 2019 only if the House of Commons approves the Withdrawal Agreement by 22 May 2019; notes that the House does not by itself meet the requirements of section 13(1)(b) of the European Union (Withdrawal) Act 2018; and resolves that it is content to proceed to the next steps of this process, including fulfilling section 13 of this Act.

May I begin by thanking all Members for coming to the House on a Friday, and by apologising for the fact that we have had to convene today? The reasons we are convening today are partly to be found in the fact that today is 29 March, and as this House voted some months and years ago, it was today that should have been the day on which we left the European Union. However, we are—

Mike Gapes (Ilford South) (Ind): Where we are.

The Attorney General: Precisely: we are where we are. I intend not to review how and why we have arrived at this point, but to explain the motion that the Government have placed before the House.

On 21 March, the Council agreed a decision that if the withdrawal agreement is approved, we have a legal right as a country to an extension to 22 May 2019. If this withdrawal agreement is not approved, that extension will expire on 11 April. That means that any other extension that this House might desire to be agreed by the Union would be at its discretion, subject to the veto of 27 leaders. Therefore, by this evening, if the 11 o’clock deadline expires and the agreement has not been approved, that legal right will expire with it.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Will the Attorney General give way?

The Attorney General: I will in a moment, but not now.

This is, therefore, the last opportunity to take advantage of our legal right. The Government have taken the view that it would have been wrong to allow that time and date to expire without giving this House the opportunity to consider whether it should avail itself of the legal right or whether it should move into a position where any further extension will be at the discretion of the 27 leaders.

Stephen Doughty: Will the Attorney General give way on that point?

The Attorney General: I am not taking interventions at the moment; I will in due course. [Interruption.] I do not intend to take long. I want to set out clearly the choice before the House today.

The minimum necessary in order to secure this right, which is ours as a matter of law, is that the withdrawal agreement is approved. All negotiated exits from the European Union will require this withdrawal agreement to have been approved. The Union has made it abundantly clear, and the decision—

Stephen Doughty: On a point of order, Mr Speaker.

Mr Speaker: I hope this is a genuine point of order.

Stephen Doughty: The Attorney General refused to accept my intervention, Mr Speaker. I believe that he may be inadvertently misleading us. He spoke very importantly about the date, the significance of today and the importance of the deadline this evening. However, I know that the Government approached those of us working on the indicative votes process asking us whether
As the motion acknowledges, the political declaration is open to change. The Union has accepted that it is open to negotiating change and that it will consent to discuss it, and so the House is undergoing a process at the moment of seeing whether a stable majority can be found for any political solution for the future. Of course, the Government respect that process: they acknowledge that it is continuing and they accept therefore that further steps will be necessary to approve the political declaration in this House.

This House will have to ratify not only the withdrawal agreement, but the political declaration. So the Government will give consideration as to precisely how the full package will be approved with the political declaration. One option will be to introduce the EU withdrawal implementation agreement Bill before this House. If this agreement is approved today, the Government will introduce the Bill within the next few days.

I am grateful to the Attorney General for giving way. Does he agree with me that the motion today flatly contradicts the European Union (Withdrawal) Act 2018, which specifically provides that both the political declaration and the withdrawal agreement must be in place before we comply with the Act?

The Attorney General: As the motion notes, this is not purporting to be a section 13(1) vote. This is simply designed to afford the House the chance of taking advantage of the legal right established by the Council decision. It is not a vote under section 13. There is nothing unlawful and certainly nothing procedurally improper about it. It is done to afford the House this chance.

Ian C. Lucas (Wrexham) (Lab): I am grateful to the Attorney General for giving way. I want to ask him about the consequences for any further extension of this motion passing today. If we get until 22 May but in the week leading up to that it becomes clear that we have still not reached agreement on a political declaration, and if we ask the EU for a further extension, is it not likely to say, “I’m sorry—you can’t have one because you did not take part in the European Parliament elections”? Therefore, defeating this motion today will at least give us the chance to make that choice with an extension until 12 April, when we could get a longer extension. We could not get that if we go to 22 May.

The Attorney General: I understand the right hon. Gentleman’s point. I say straightforwardly that the answer is that this is the only right we have to an extension. If we move into next week without securing it, we take the chance that among those 27 leaders there will be vetoes.

The right hon. Gentleman asks me about European parliamentary elections. Plainly, the stated position of the European Union is that we would have to organise and stand in those elections if we went beyond 23 May. Some lawyers, of course, disagree with that stated position and say that it would not be necessary, but that is the stated position of the Union. The point, however, is that we have the opportunity here to embrace certainty.

What the right hon. Gentleman’s prescription would have us do is take a chance on the good will of the 27 member states of the European Union granting us
another extension. The withdrawal agreement—everyone knows; the right hon. Gentleman knows—is an essential prerequisite for our departure from the European Union. That may be why he does not want to vote for it. The official Labour position is that it does not disagree or object to a clause or article of the withdrawal agreement. The country looking on must judge this. The Opposition do not object; they have not emitted a peep of disagreement with a single clause or article of that agreement, and their position today is that they intend to vote it down. What kind of cynicism is that?

The opportunity now is for us to embrace the certain legal right of an extension to 22 May. That will give us the opportunity to give certainty to the country and allow the process of reconsideration of the political declaration to take place.

Mr Dominic Grieve (Beaconsfield) (Con): I am most grateful to my right hon. and learned Friend for giving way. I entirely agree that, of course, apart from the dates of 12 April and 22 May, any other extension for a longer period would have to be agreed with the other 27 member states, but was it not made quite clear when the Prime Minister was at the last European Union summit that an extension to 22 May was what was described as a “technical” extension for the purpose simply of bringing about what had been agreed fully and completely in this House? If we extend to 22 May without reaching that conclusion now, we run the serious risk that we will not be able to extend further at that date if we have not completed all parts of both the withdrawal agreement and the political declaration, but if we were to go back now and ask for longer, it would be given to us if we wanted to consider other options.

The Attorney General: My right hon. and learned Friend is a very distinguished and able lawyer, but I never knew that he had a crystal ball. The fact of the matter is that the European Union has not agreed to grant any longer extension. It will be subject to the veto of any of the 27, and it would certainly be subject to clear signs in the House that there was a stable majority for an alternative solution, and a stable way to deliver it.

Several hon. Members rose—

The Attorney General: My right hon. and learned Friend for Rhondda (Chris Bryant).

The reason for the motion today, and for the form of the motion, is that it enables the House to secure this legal right. It is the case that the Government make that agreement is required in any event. Members on the other side do not dispute the requirement for the agreement to be passed, so we invite the House to secure the certainty of the extension; to continue the process of the political declaration reconsiderations; to enable us, by 22 May, to ratify the domestic implementing legislation; and to conclude discussions on the political declaration.

Chris Bryant (Rhondda) (Lab): The Attorney General’s argument is basically that this is a way to guarantee certainty for business in the country. However, if today’s motion is carried, there will be no certainty. The Government will not be able to ratify the treaty. I think that he accepts that they will not be able to do so—and a proper motion will still have to be introduced in this House, and the other House, including both sides. There will still have to be a Bill, which will be the subject of contentious dispute. There is no certainty—if anything, today throws more uncertainty into the process.

The Attorney General: There will certainly have to be a Bill. There will have to be a process of ratification in the House, which is why, if it votes for the withdrawal agreement today, it would be surprising if it did not vote to implement the withdrawal agreement. This is the step that we need to take.

Several hon. Members rose—

The Attorney General: May I move on to the withdrawal agreement? First, I will give way briefly to the right hon. Member for Birkenhead (Frank Field).

Frank Field (Birkenhead) (Ind): If we pass the motion, given that we have business on Monday to continue to express our preferences, and if Mr Speaker were willing, could we not introduce a motion that captured what we decide today—if that is to accept the divorce settlement—with the motion that the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), put to us to vote on this week, which came the nearest to being passed, so that we would have the divorce settlement and alternatives, including the customs union?

The Attorney General: Plainly, that would be open to the House to do. The problem is that we would have lost the legal right to the extension, so we would apply to the discretion of the Union for it to be granted.

Let me come back to the political declaration, because it is important that I should say a few more words about it. The process that is—

Sir William Cash (Stone) (Con): On a point of order, Mr Speaker. I am seeking to catch the attention of the Attorney General, and wondered whether he might have a loss of hearing or something.

Mr Speaker: In my experience, the hon. Gentleman is both noticeable and audible.

The Attorney General: I will give way to my hon. Friend the Member for Stone (Sir William Cash), but let me complete my remarks on the political declaration. The process is being undergone by the House at the moment. The Government recognise that process and will in due course make decisions on how and if we can implement anything that might emerge from that. The whole point of the political declaration is that it cannot be negotiated with the European Union now.

What the Government are saying—and some amendments were tabled, I think, by the hon. Member for Stoke-on-Trent Central (Gareth Snell)—in connection with the next stage of the political declaration and its negotiation with the European Union is that there will be new mechanisms and new procedures so that the House can be properly consulted and have a role in the manner in which the political declaration, once it is finalised in the House, will be negotiated in that second stage. I can say to the hon. Member for Stoke-on-Trent Central—I shall give way to him in a moment—that the Government would have accepted the amendments that he tabled, with others standing in his name.
Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I thank the Attorney General for giving way. The amendment that I tabled with colleagues today was very clear. Any process for the House would have to be underpinned by legislation—it would have to form part of a withdrawal agreement implementation Bill, and there would have to be a clear role for the House to agree the future relationship before it was signed off with the European Union. Can he give confirmation at the Dispatch Box, if he introduces the Bill next week, that those measures will be in clear text, in that Bill, in black and white?

The Attorney General: We would have accepted the hon. Gentleman’s amendments. Clearly, in terms of the detailed working out of those amendments, in discussion—[HON. MEMBERS: “Ah!”]. No, no, no—hon. Members can table an amendment. If it requires amendment to that legislation, we would obviously consider the detail carefully, but we would be minded to accept such.

Sir William Cash: I am most grateful to the Attorney General for giving way. He has referred on a number of occasions to the withdrawal and implementation Bill. He knows, as do the Secretary of State for Exiting the European Union, the Prime Minister and others, that the European Scrutiny Committee has asked repeatedly over the past month for a draft or a copy of the withdrawal and implementation Bill. He has just said that if the withdrawal agreement goes through, the withdrawal and implementation Bill will follow. If the withdrawal agreement is not approved today, will the withdrawal and implementation Bill come to this House and be introduced in any event?

The Attorney General: What I can say to my hon. Friend is that we would certainly give it very careful consideration. We have taken the view up till now that, before the withdrawal agreement is approved, it is premature to publish the Bill. There are certain elements of it that still remain to be finalised. However, as I have said to my hon. Friend privately, the moment we are in a position to publish it, he, as Chairman of the Committee, will be among the first to see it.

Several hon. Members rose—

The Attorney General: I must make some progress. I am very conscious that it is Friday and that we need to move forward as swiftly as we can.

The House can take a single, decisive step today to afford certainty to the millions of people throughout this country who are waiting for it and to have a short—not prolonged—extension that will bring our exit from the European Union to 22 May. There will be no further uncertainty. The political declaration can be resolved in that time. The ratification of the Bill can proceed with any amendments that might be forthcoming in connection with the subsequent negotiating stage.

I submit to the House the responsible thing. I ask the House to consider and reflect carefully, because what we have before us today is the legal right to extend. No other extension is guaranteed; every other extension would require European parliamentary elections, as the right hon. Member for Leeds Central (Hilary Benn) said. We are therefore at an important crossroads for the purposes of this nation’s future and its history, and I urge all Members of his House to embrace this opportunity now, when this withdrawal agreement, in its substance, is in no way objectionable to any Member willing to consider moving forward with it. In those circumstances, what conceivable point can there be now in not embracing this agreement, subject to further discussions on the political declaration? I urge the House to vote for this agreement.

10.2 am

Nick Thomas-Symonds (Torfaen) (Lab): Members of this House secured a proper meaningful vote for a purpose. It was so that this House would be able to make an informed judgment on the future of our whole country. The point was to know not only the terms of the withdrawal but what the future relationship would look like—a future relationship that would shape our economy and our constituents’ jobs and livelihoods for decades to come. To consider those two things together is vital; it is what this House should rightly expect, and what has always been promised, because it is central to the whole process.

Article 50 itself says:

“The Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.”

If we look at the withdrawal agreement, article 184 specifically refers to the political declaration and even identifies the particular document.

In their letter to the Prime Minister of 14 January, Presidents Juncker and Tusk said this:

“As for the link between the Withdrawal Agreement and the Political Declaration, to which you make reference in your letter, it can be made clear that these two documents, while being of a different nature, are part of the same negotiated package. In order to underline the close relationship between the two texts, they can be published side by side in the Official Journal in a manner reflecting the link between the two as provided for in Article 50.”

It is also what the Prime Minister herself has always said. On “Sophy Ridge” on 21 November last year, this was her view:

“we agreed the withdrawal agreement in principle last week, the withdrawal agreement goes alongside the future relationship, it’s the future relationship that actually delivers, if you like, on people’s concerns in the withdrawal agreement.”

Neil O’Brien (Harborough) (Con) rose—

Nick Thomas-Symonds: I will give way in a moment. I will just finish this part of my speech.

The Prime Minister continued:

Getting that future relationship right is necessary but nothing’s agreed until everything is agreed.”

She is not known for her flexibility, so, unsurprisingly, on 14 January in the House, she said again:

“the link between them means that the commitments of one cannot be banked without the commitments of the other.”

Simon Hoare (North Dorset) (Con) rose—

Nick Thomas-Symonds: Let me finish this section. The Prime Minister went on:

“The EU has been clear that they come as a package. Bad faith by either side in negotiating the legal instruments that will deliver the future relationship laid out in the political declaration would be a breach of their legal obligations under the withdrawal agreement.”—[Official Report, 14 January 2019; Vol. 652, c. 826.]

How many times have I heard the Attorney General argue from the Dispatch Box, when we have spoken about the backstop and the future relationship, about
the importance of reasonable endeavours and good faith in ensuring that we secure a future trade agreement in good time? Yet the Government have now decided to remove from our consideration in the motion today one of the documents against which we can judge bad faith.

Alex Chalk (Cheltenham) (Con): The fact is that the withdrawal agreement would be accepted by the European Union—that is the first point. The second point is that it sorts out the implementation period and the money and, crucially, that it guarantees citizens’ rights for my constituents, EU nationals and Brits abroad. Which of those factors does the hon. Gentleman actually disagree with? The answer is none.

Hon. Members: Answer!

Nick Thomas-Symonds: I will answer. We used to say that the political declaration was so vague that it was a blindfold Brexit. However, we also now know, because the Prime Minister has made it clear that she intends to leave office, that rather than this just being a blindfold Brexit, the Tory party is asking us not only to be blindfolded but to be led into a different room by a different Tory Prime Minister. Let us be clear: this will be a Prime Minister ultimately chosen by Conservative party members, who constitute a tiny part of the wider electorate. The Tory party can talk about the national interest, but it is not in the national interest for the future of our country to be decided by a Tory leadership contest.

Mary Creagh (Wakefield) (Lab): I thank my hon. Friend for giving way. He is making excellent points and, in the process, demolishing the premise of the Attorney General’s request to the House today. The Attorney General did not take my intervention, but in his speech he promised mechanisms and processes to Parliament to guarantee a future say. We acted in good faith on section 13 of the European Union (Withdrawal) Act 2018, which put both these things together. With the Government today undermining that mechanism, why should we trust a word the Attorney General says?

Nick Thomas-Symonds: My hon. Friend is absolutely right. Let me be clear: Labour Members will never leave a Tory Prime Minister free to rip up workers’ rights and protections and to put the jobs and livelihoods of our constituents at risk in a Brexit that would be driven by ideology. As my hon. Friend set out, the motion before the House will rightly wonder what on earth is going on today, so can my hon. Friend confirm, for the benefit of my constituents and the rest of the country, that the Labour party has voted repeatedly for Brexit, but for a different deal—for a Brexit that supports and protects jobs and workers? If the Conservatives were to move their red lines a bit, we could reach an agreement, as we all want to do.

Gloria De Piero (Ashfield) (Lab): Does the hon. Gentleman agree that what we have heard today from the Attorney General is an attempt to solve political chicanery as a requirement to secure legal certainty, when in actual fact what the Government are trying to do is solve the Tory party’s political problems so that they can usher in an unelected right-wing Prime Minister to negotiate—[ Interruption. ] Shut up! [ Interruption. ]

Mr Speaker: Order. Every hon. and right hon. Member of this House must be heard. No attempt should be made to shout someone down, and if it is made, be in no doubt: it will fail.

Joanna Cherry (Edinburgh South West) (SNP): Does the hon. Gentleman agree that what we have heard today from the Attorney General is an attempt to dress up political shenanigans as a requirement to secure legal certainty, when in actual fact what the Government are trying to do is solve the Tory party’s political problems so that they can usher in an unelected right-wing Prime Minister to negotiate?

Nick Thomas-Symonds: We have always been clear: the two documents—the declaration and the withdrawal agreement—have to be taken together. The chicanery of the Government in trying to separate them does them no credit whatsoever. The Government can seek to blame others because they cannot carry out the statutory approval process in their own legislation, but we are here today because this Government have manifestly failed on their central policy over the past two years. The handling of the negotiations has been frankly disastrous.

The Prime Minister took office in July 2016. It was then that she could have tried, after the referendum, to build a cross-party consensus on the way forward. The Prime Minister did not. She called a general election in June 2017; she lost her majority. Knowing then that she was leading a minority Government, again, she could have reached out across this House, and she did not.

Joanna Cherry: Perhaps hon. Members on the Government Benches would like to go and join the mob outside. What this is about today is an attempt to solve the Conservative party’s political problems and usher in a right-wing, unelected Tory Prime Minister to negotiate a Canada-style free trade agreement and a workers’ rights-free Singapore-style economy.

Nick Thomas-Symonds: We talk about political chicanery today, and the hon. and learned Lady is absolutely right. Remember, as well, that today’s was a non-binding motion. I appreciate that you have not chosen any amendments, Mr Speaker, but even if you had, they would not have been binding in any event and the Government could have wriggled out of them in due course.
Jim McMahon (Oldham West and Royton) (Lab/Co-op): I will take no lectures from the SNP, who failed to vote for a customs union that could have created the conditions for a compromise. Can my hon. Friend confirm that it is entirely conceivable—[Interruption.]

Mr Speaker: Order. There is far too much noise. The hon. Gentleman must and will be heard.

Jim McMahon: It is entirely conceivable that the motion could be voted through today, but then when we are required to bring forward the meaningful vote, the exact same legislation could be voted down. What type of constitutional crisis would that create?

Nick Thomas-Symonds: My hon. Friend is absolutely right. This is promoting uncertainty rather than providing certainty.

Simon Hoare rose—

Nick Thomas-Symonds: I will give way to the hon. Gentleman, but then I must make some progress.

Simon Hoare: I am very grateful to the hon. Gentleman for giving way. It was the EU Council itself that separated these two strands of the process. Both strands have to be delivered. The letter that he referred to from Presidents Tusk and Juncker, while referring to both parts of the package, in no way suggested that they had to be voted upon on the same day or simultaneously. May I put it gently to the hon. Gentleman that he is dancing on the head of a pin to provide a fig leaf?

Nick Thomas-Symonds: The hon. Gentleman should read section 13 of the EU withdrawal Act, which he voted for and which is very clear that the two documents have to be approved together.

Several hon. Members rose—

Nick Thomas-Symonds: I am going to make some progress; I have given way a number of times.

The Prime Minister signed off the withdrawal agreement and the political declaration in November. She was originally supposed to hold the meaningful vote on 11 December. Since the day she took the decision to abandon that vote—the day before it was due to take place—109 days have passed. She knew then that the deal was going to be defeated by a substantial margin, but she ploughed on. On 15 January, the Government suffered the biggest defeat in parliamentary history, by a margin of 230 votes, on the first meaningful vote. Two weeks later, on 29 January, the Prime Minister promised the House that she would change the withdrawal agreement:

“What I am talking about is not a further exchange of letters but a significant and legally binding change to the withdrawal agreement. Negotiating such a change will not be easy. It will involve reopening the withdrawal agreement”.—[Official Report, 29 January 2019; Vol. 653, c. 678.]

At this late stage in negotiations, any withdrawal agreement would have required the backstop. It was always totally unrealistic for the Prime Minister to pretend that she could drop the backstop entirely or make substantive changes to the withdrawal agreement, yet she wasted weeks and weeks on this fruitless pursuit, including voting for the amendment in the name of the hon. Member for Altrincham and Sale West (Sir Graham Brady), which required the Northern Ireland backstop to be replaced by “alternative arrangements”. Those arrangements have not been secured and they could never have been secured.

On 12 March, the Government suffered the fourth largest defeat in parliamentary history, by a margin of 149 votes, on the second meaningful vote. And now the Government are trying to carve out the withdrawal agreement, in a last-ditch attempt to save a botched deal that has failed to even come close to commanding the support of a majority of this House. This Prime Minister has recklessly run down the clock. She knows that her deal is unacceptable and she has failed time and time again to listen and to change course.

Too often this Government have ignored motions of this House. It took Parliament to fight for a meaningful vote on the two documents, the withdrawal agreement and the political declaration, to be considered together. To suggest that they should be considered separately now is to go back on what the Government have been saying about the importance of the link between them for months and months.

Gareth Snell: I thank my hon. Friend for giving way. As always, he is giving a fine performance at the Dispatch Box highlighting the Labour party’s position, but could I seek from him two points of clarity? As was made clear by my hon. Friend the Member for Ashfield (Gloria De Piero), the Labour party has on numerous occasions put forward what we consider to be an acceptable form of Brexit. If the Prime Minister were to relent on her red lines and accept that form of Brexit, and the Labour party were to consider that acceptable, can he confirm for me whether the Labour party would still consider that deal as requiring a confirmatory public vote? Secondly, when this deal fails this evening, our choice on 12 April will be no deal or a lengthy extension. Can he outline for me what length of extension the Labour party will be seeking and for what purpose?

Nick Thomas-Symonds: The purpose of the extension is always the critical issue. Let me just say, in respect of the issue of a—[Interruption.]

Mr Speaker: Order. Mr Seely, calm yourself. Your attempt to intervene was politely rejected. Do not holler across the Chamber, man. Calm yourself—Zen.

Nick Thomas-Symonds: I say to my hon. Friend that we have raised the idea of a comprehensive customs union for months and months. That has not been properly considered because of the Prime Minister; it is nothing to do with the Opposition. Let me be clear: we will never mortgage all our futures on the outcome of a Conservative party leadership contest which most Members have no control over at all and would have to sit back and watch.

Without the clarity and protections that we need in the political declaration, we should not approve this withdrawal agreement. Today’s vote is a shoddy gimmick from a desperate Government trying to hide away from the reality that a meaningful vote on the political declaration and the withdrawal agreement still needs to be brought back to the House. For months and months, the Prime Minister’s deal has simply created division and discord when we needed consensus on the way forward. The national interest is in building consensus for a future that protects the jobs and livelihoods of all our constituents. That is why the House should reject this motion.
10.20 am

**Sir William Cash** (Stone) (Con): We have heard a great deal—[Interruption.]

**Mr Speaker:** Order. I understand the hubbub and air of excitement in the Chamber, for which I am sure the hon. Gentleman is suitably grateful, but the House must hear colleagues deliver their speeches—in the first instance, that of the Chair of the European Scrutiny Committee.

**Sir William Cash:** Thank you, Mr Speaker. We have heard a great deal about the process and the underlying reasons for this motion this morning, but we are really dealing with whether the withdrawal agreement should be passed and approved today, and if not, why not. The first point I make in that respect is quite simple and straightforward: under article 4 of the withdrawal agreement, we will, for a significant period, lose control over the lawmaking conferred on the House by virtue of our election as Members of Parliament according to the wishes of voters in general elections. It is unconscionable that, for whatever reason, the House should be politically castrated by the arrangements set out in article 4. For that reason alone, it is therefore unthinkable that the withdrawal agreement should be passed.

I just refer to the state of affairs within the German constitutional court, which takes precedence over all EU laws. That court often expresses rulings insisting that the EU can only operate or legislate in accordance with what the Bundestag has given it, and that EU actions are illegal if they depart from the terms in which the Bundestag gave that power. If that is good enough for Germany, it is good enough for this country, is it not?

I asked the Attorney General whether there will be a withdrawal and implementation Bill even if the withdrawal agreement goes down this evening. I got no answer, just as I received no answer from the Prime Minister to several questions I put to her about whether the Attorney General had given legal advice in accordance with the ministerial code. One characteristic of this debate is that, when we ask difficult questions, we tend to get no answer. That is not good enough, in terms of the accountability of the Government to the House. That is point No. 1, regarding control over laws. It is unconscionable.

**Mr Richard Bacon** (South Norfolk) (Con): I am grateful to my hon. Friend, with whom I have regular discussions. He makes an interesting point about Germany, and the fact that the Bundesverfassungsgericht has often made that point. However, is it not true that that actually amounts to no more than, to coin a phrase, a political declaration by a court? Were it tested in front of the European Court of Justice, it would be shown that German law is inferior to European law in the same way as for every other member state. That is why we in the United Kingdom have to have legal exit and stop being a member state, however painful the route to get there.

**Sir William Cash:** I understand my hon. Friend’s point, but I have to point out to him that, under EU law, it has been made abundantly clear in several cases regarding the constitutional orders of member states—van Gend en Loos, Costa and similar cases—that the European Court asserts superiority over the internal constitutional orders of the country in question. The reality is that the question he and I raise demonstrates a conflict over competence, because, as I have stated, the German constitutional court will not countenance direct contradiction of its own lawmaking.

The next point I wish to make regards the Northern Ireland backstop. I know that many Members are more than familiar with this; we have justifiably spent an enormous amount of time on this question. However, it really boils down to the constitutional status of Northern Ireland within the United Kingdom. The European Communities Act 1972—[Interruption.]

**Mr Speaker:** Order. I am sorry to interrupt, but I think, if I may say so, that we should reflect on the fact that the debate is being widely viewed. It is rather discourteous when a Member is addressing the House for there to be a hubbub. Let us listen to the hon. Gentleman.

**Sir William Cash:** I add to that, Mr Speaker, that if Members are so blind that they do not want to listen to these points, it makes no difference to me. The points I am making are significant to the question of whether we agree to the withdrawal agreement.

**Mr Bob Seely** (Isle of Wight) (Con): My hon. Friend makes a series of powerful points, but is not the problem that he is letting the perfect be the enemy of the acceptable? Today we have the chance to leave the European Union, but he and others are preventing that from happening.

**Sir William Cash:** I of course want to leave the European Union, but the problem with the withdrawal agreement is that it does not. I assert, represent Brexit, in terms of repealing the 1972 Act. As I was saying, that is an Act of Parliament not only of Great Britain but of Northern Ireland. The constitutional status of Northern Ireland is therefore at stake, with respect to the question of the Northern Ireland backstop. There is no doubt about that.

**Ian Paisley** (North Antrim) (DUP): Is it not the case that the withdrawal agreement would cause irreversible and lasting damage to Northern Ireland and our precious Union?

**Sir William Cash:** I heard the Prime Minister repeatedly mention our precious Union. The Northern Ireland backstop drives a coach and horses through the precious Union—that is the problem. As I understand it, that is precisely why the Democratic Unionist party will vote against the withdrawal agreement today—because it puts the Union at risk.

**John Redwood** (Wokingham) (Con): Is it my hon. Friend’s view that we are not being shown today the Bill to implement the withdrawal agreement because it would reveal that we have to remove the repeal of the 1972 Act, or reintroduce all the European Union powers, proving that this is not leaving the European Union?

**Sir William Cash:** That is exactly the point. I see the Solicitor General chuntering a little. He is a good friend of mine, but I have to say that he knows this is a serious
point—the Attorney General referred to private conversations I have had, and I will now refer to one that I had with both him and the Solicitor General—and he acknowledges that it would need to be sorted out, because there is a serious worry.

What happened can be very simply stated. On 26 June last year, we passed the European Union (Withdrawal) Act 2018, section 1 of which states that the European Communities Act 1972 is to be repealed on exit day. Exit day operates in lockstep with whatever exit day turns out to be. However, the reality is that, because of the saving provisions, and under article 4, on the capacity of the Court to disapply enactments, it is just conceivable—indeed, it is highly possible—that issues of interpretation could arise.

We need to discuss this properly, but we cannot do so until we see the implementation Bill. I know that the Solicitor General agrees. In fact, some Secretaries of State—I will not disclose which—have told me that they think we should see a copy of the Bill, because until we see the drafting, we will be unable to judge its impact on the repeal of the 1972 Act, which itself is the anchor of the referendum. I repeat the point that the referendum was itself endorsed by a sovereign Act of this Parliament that transferred the decision to the British people, and the British people make that decision, in line with the wishes of the electorate.

Sir Bernard Jenkin (Harwich and North Essex) (Con): I am perfectly clear that whatever the public voted for in the referendum, or at the last general election, nobody had a clue that they would be voting for a withdrawal agreement anything like the one before the House today. May I ask my hon. Friend about a matter of good faith? I interpreted the Attorney General’s remarks to be a suggestion that we should perhaps approve the agreement today in order to satisfy the technical terms of the extension agreed by the EU27, on the basis of some kind of ruse to get a further extension, even though we have not actually approved the withdrawal agreement and the political declaration in the terms that we said we would. Is that an act of good faith with our European partners?

Sir William Cash: My right hon. Friend makes a very good point. That is why I have just asked the Attorney General for an assurance—he did not answer my question—that if the withdrawal agreement is not approved today, the Government will bring in the Bill anyway. A lot of people are telling me, as Chair of the European Scrutiny Committee—I am pleased to see the Leader of the House shake her head—that if this agreement is rejected, it will not be followed by a Bill. Is that crystal clear? I look to the Leader of the House for confirmation. Is it quite clear that there will be no Bill if this agreement is rejected? She does not answer.

The European Council decision is yet another example of the manner in which this great country has effectively capitulated to the demands of the European Council. That is one of my greatest objections to the motion. Last March—a whole year ago—the European Scrutiny Committee produced a report stating that we should never have accepted the sequencing or the terms of reference laid down by the European Union. That was capitulation, not compromise. It is so important that the House recognises that in the vote today.

Lady Hermon (North Down) (Ind): I am enormously grateful to the hon. Gentleman for giving way—my patience has paid off. Let me take him back to his remarks about Northern Ireland. May I gently remind him that the DUP does not speak for the majority of people in Northern Ireland? May I also reflect on the fact that the Prime Minister cares deeply about the United Kingdom? She cares so deeply about the United Kingdom that the Good Friday Belfast agreement and the consent principle are protected in black and white in her withdrawal deal, and therefore the constitutional status of Northern Ireland remains the same: it remains in the hands of the people of Northern Ireland voting in a border poll.

Sir William Cash: I have great respect for the hon. Lady. I will only say that we have had this debate before and we differ on the matter. Of course I want to see the Good Friday agreement retained, because it has been a tremendous triumph, and I in no way wish to disparage that. However, there are very serious questions about the constitutional status of Northern Ireland as a result of the backstop. I have heard hon. Friends—good friends of mine—who themselves may have changed their minds on whether to support the withdrawal agreement, repeatedly objecting to the backstop. We have had the distinguished Attorney General and Solicitor General opining on the subject. We have had some very interesting outcomes. However, the reality is that the backstop is an insuperable impediment to the House agreeing to the withdrawal agreement.

James Cartlidge: My hon. Friend talks about opting back into the European Communities Act, which we all know is what will happen in the transition, but there is a key word there: “transition.” Does he accept that the risk of defeating the withdrawal agreement today is that we will stay in the European Communities Act forever?
Sir William Cash: No, because I have heard no suggestion, from either side of the House, that the repeal of the 1972 Act would itself be repealed—there is no question about that. The reality is that, because that is an Act of Parliament and therefore set in stone, I do not believe that will happen. Furthermore, the consequences of our moving on to the next phase will reinforce that. I can only say that the British people will be incredibly angry—if they find that the repeal of the 1972 Act is repealed. That would be a massive breach of faith with the British people.

Kevin Hollinrake (Thirsk and Malton) (Con): I understand that my hon. Friend opposes the motion on the basis that he wants a clean break with the European Union, but does he not realise that he will be walking through the Lobby with people who want a very soft Brexit or no Brexit at all? Either he or they will be very disappointed.

Sir William Cash: I have witnessed over the past few weeks members of my own party, tragically, repeatedly going through the Lobbies with the Opposition. I even saw the Prime Minister going through the Lobby with the Leader of the Opposition on a certain motion. That is because of the enormous issues that are at stake in relation to the question of who governs us. That is really why this entire debate is so vital for our future. That is why repeal of the 1972 Act is central to that question.

Dr Andrew Morrison (South West Wiltshire) (Con): I particularly appreciate my hon. Friend’s remarks in respect of Northern Ireland, but the hon. Member for North Down (Lady Hermon) is precisely right. Will he reflect on the fact that bastions of Unionism such as the Federation of Small Businesses, the CBI, the Ulster Farmers’ Union and Ulster chambers of commerce are all in favour of the withdrawal agreement?

Sir William Cash: I know that, and I have heard it, but so has the DUP.

Nigel Dodds (Belfast North) (DUP): Will the hon. Gentleman give way?

Sir William Cash: I simply say this before giving way to the right hon. Gentleman. The reality is that DUP Members sit in this House having been elected on a proposition. This issue is all about democratic decision making. It is about the honesty with which we approach it. It is to do with the trust inherent in our taking the instructions of the British people in accordance with the sovereign referendum Act.

Nigel Dodds: The Democratic Unionist party has never pretended that it represents the majority or everyone in Northern Ireland, but it represents more people than anybody else. The fact of the matter is that no party in this House that is in government in Scotland, Wales or here represents a majority. We have the same proportion of votes as the SNP in Scotland.

Let us be very clear. As the hon. Gentleman pointed out, never mind individual voices or business groups, every single Unionist party in Northern Ireland—the Ulster Unionists, the Traditional Unionist Voice, the Progressive Unionists—agrees that this is a problem for the Union. Let not people pretend otherwise. That is why we have worked hard with the Prime Minister to try to get changes to the backstop that would have allowed us to vote for the withdrawal agreement. That is why we backed the Brady amendment. That is why we work with her. Sadly, we have not made sufficient progress, but let no one pretend that we do not speak for the Unionists of Northern Ireland.

Sir William Cash: I agree with every word that the right hon. Gentleman said. That is true. It is not good enough to talk about our precious Union and then to damage it. It is not good enough to say that we will not truly leave the European Union unless we regain control over our laws, which the Prime Minister said in the Lancaster House speech, and then for us to arrive at a point where we are politically castrated, precisely because for a number of years we will be put at the mercy of our competitors—for example, in relation to state aid. That is the key issue. It is not just the question of sovereignty in its own right; it is the practical impact.

Several hon. Members rose—

Sir William Cash: It is important now for me to end my remarks—[HON. MEMBERS: “Hear, hear!”] I expected that from the rabble across the road. That does not trouble me one bit.

I have done my best over many years to ensure the democracy and sovereignty of this House, and I will never give way on that point. For me, this is a matter of principle. The record speaks for itself. I wish I could vote for this withdrawal agreement, but for me, it comes down to a simple question of integrity and principle. Anyone who wants to question me on that can do so, but I am doing this for the best of intentions, as a matter of conscience and as a matter of record.

10.43 am

Ian Blackford (Ross, Skye and Lochaber) (SNP): It is disappointing that, as I stand to speak on behalf of the Scottish National party and the Scottish Government, the Prime Minister has already walked out of the Chamber. I regret that that is the response we get from her, and it is all too common.

On the day that the Prime Minister told us the UK would leave the European Union with a deal, she has come to Parliament defeated and desperate. This is a Prime Minister who is willing to break every promise she has made to this House and to the people of the United Kingdom. This is a Prime Minister who has had to offer her own resignation to get her own party to support her bad Brexit deal. This is a Prime Minister obsessed with power but powerless. Instead of serving the interests of all these islands, this Tory Government are seeking to serve the interests of no one but the Tory party, and even that has not worked. The Prime Minister cannot pull her fractured party together, and we in this House and the rest of the UK will pay a price for that failure to seek a broader consensus. It is time they were stopped.

I take no credit for pointing out to the Prime Minister that at no time has she sought to reconcile the 52% who voted to leave and the 48% who voted to remain. All we seemed to get was the Prime Minister’s “Brexit means Brexit” and that we were leaving on 29 March. There was no attempt to go beyond the soundbites and to engage across this House or with the devolved
Administrations. It has always been her way or the highway, and all she has done is sought to meet the demands of the European Research Group.

Neil Gray (Airdrie and Shotts) (SNP): My right hon. Friend sets out well the game-playing that has gone on. There is no doubt game-playing going on with the motion today, but it appears that some Labour MPs may be getting bought by that game-playing, in spite of the cost of this terrible Brexit and the damage it will cause for our poorest constituents, and the fact that passing the motion will usher in a right-wing Tory Prime Minister who is even worse than the disaster we have right now. Will he reflect on the damage that will be caused to the Labour party in Scotland if the motion is passed by Labour votes?

Ian Blackford: I am grateful to my hon. Friend. We are at a dangerous juncture. I appeal to Members on the Labour Benches to think very carefully about where we are today. If the Government somehow or other manage to get this motion through on the back of Labour MPs voting for it, we know that the Prime Minister will depart, and we will all be left in the hands of Tory MPs, who will appoint a new Prime Minister—a Prime Minister who, in all events, is likely to be a Brexiteer. I appeal to Labour Members: do not give that authority to the Conservative party. Do not be the midwives of Brexit. Do not allow this Tory Government, on the backs of a few Labour MPs, to deliver a hard Brexit that will imperil all our constituents.

Jim McMahon: Can we have a bit less of the holier-than-thou grandstanding from the SNP on this issue? Let us be honest: the SNP would be completely happy for the current deal—with all its faults and the danger to Northern Ireland—to be on the ballot paper in a people’s vote, with the possibility that people could vote for it. Where is the integrity in that?

Ian Blackford: My goodness! This is a serious moment for all of us. I applaud the 1 million-odd people who marched in London last weekend and the 6 million people who want to see revote on the ballot paper. I appeal to Labour Members: if you go through the Lobby today with the Conservatives, you are delivering a hard Tory Brexit, and you will pay a price economically for that. Thank goodness, in Scotland we have the opportunity to defend ourselves, and we will not allow ourselves to be dragged out of the European Union. It will usher in the day when the thing that so many Members tell us they want to preserve—the Union of the United Kingdom—will be over, because Scotland will and Scotland must become an independent member of the European Union.

Ian Murray (Edinburgh South) (Lab): The first thing I will say is that the SNP does not speak for Scotland. Secondly, the right hon. Gentleman needs to remember that everyone on the Opposition Benches—with the exception of a few, who are standing up for their constituents—is on the same side. His entire speech so far has attacked the Labour party, which tells us all we need to know about the nationalists. Rather than using his speech to attack the Labour party, when we will all be in the same Lobby later, will he tell us why he was not in the Lobby with us for the vote on the customs union on Wednesday night, so that we could have got out of this mess?

Ian Blackford: I say to my hon. Friend—he knows I have respect for him—that I want us to unite. I am not attacking the Labour party—[Laughter.] They can laugh, but I am saying to Labour Members: do not be duped by voting for the Conservatives today; have some backbone and let us make sure that all of us are united. That is what I am appealing for. The Labour party has to reflect on the fact that in 2014 in Scotland that is exactly what it did—it joined with the Conservatives in Better Together. You would have thought that by now Labour would have learned the lesson that its members have become also-rans in Scottish politics because time after time they side with the Tories. One of these days the Labour party has to understand that it should be standing up with the people of Scotland, [Interruption.] Let me say to hon. Members who I can see gesticulating wildly, that that day of the referendum—[Interruption.]

Mr Speaker: Order. I am sorry, but there is a very disorderly atmosphere in the House, with sustained barracking and finger-pointing of the most unseemly kind. Please, let us try to lower the decibel level and treat each other with respect.

Ian Blackford: Quite right, Mr Speaker. I say to the Labour party that the day will come when there will be a referendum on Scottish independence. I hope that next time Labour decides to stand with the people of Scotland and we can get that safe passage towards independence and Europe.

Several hon. Members rose—

Ian Blackford: I am going to make some progress. There has been no attempt to engage across the House and no attempt to engage with the devolved institutions. It has always been the Prime Minister’s way or the highway. There has been no appreciation that, rather than being sucked into reconciling herself with the European Research Group, the Prime Minister should have sought to work across party. Last Wednesday, the Prime Minister met Opposition party leaders. Many of us set out our positions, but crucially, when we extended an olive branch and sought to work with the Prime Minister, it was rejected. It was the Prime Minister who would not budge: transfixed, repeating the same old mantra and caught in a trap of her own making. Leadership brings responsibility. It has been sadly lacking in this case. It is little wonder that we are left in this situation where the Prime Minister is isolated: isolated from the other parties in this House and leaving the UK in a position of division.

Anna Soubry (Broxtowe) (Ind): I thank the right hon. Gentleman for giving way. I am really delighted that he is now looking at the substance of the Government’s motion, because it is really important that all of us who see this motion for what it is and who are going to vote against it stick together and do not turn against each other. Can he help us with this? Has he had the opportunity, and would he welcome the opportunity, to speak to the Attorney General—I am sure the Attorney General is going to come off his phone in a minute, if somebody could give him a prod. [Interruption.] Thank you.
Hello. Has the right hon. Gentleman had the opportunity to speak to the Attorney General? Would he take that opportunity to speak to the Attorney General to discover whether it is the Government’s intention to revoke section 13 of the European Union (Withdrawal) Act that we passed last year?

Ian Blackford: My right hon. Friend is absolutely correct. We have had no clarity from the Attorney General on that issue. Let me applaud her, Liberal Democrat Members, Plaid Cymru Members and the Green Member of Parliament, because we have all sought to work together. We have all sought—

Anna Soubry: And Labour.

Ian Blackford: And those on the Labour side as well. We have all sought to work together to bring unity to the Opposition and to present a credible alternative. I hope that on Monday we do that; that we can coalesce around a motion that we can support which sends a very clear message to the European Council ahead of its meeting on 10 April. We say to the European Union, on the basis of the Government being able to achieve a consensus across the Houses of Parliament, trust the Members. It is in that spirit that I say to all colleagues in this House—I plead with you—under no circumstances vote with the Government today. Do not make it easy for this Government to deliver us into a blind Brexit.

Several hon. Members rose—

Ian Blackford: I am going to make some progress.

Mr Speaker, I do not think I will forget the Prime Minister failing to take responsibility for her own failings and blaming Parliament for the impasse, in so doing seeking to pit Parliament against the people in a quite shameless way. She made a catastrophic error of judgment, yet we are still waiting for an apology. Where is that apology, Prime Minister?

Today, we must close the door on the Prime Minister’s proposal and move on. Parliament today must reject this shambolic proposal before us.

Colin Clark (Gordon) (Con): It is very kind of the right hon. Gentleman to give way. Does he agree with the Scottish Fishermen’s Federation, the National Farmers Union, Scotland, the Scottish CBI and the Federation of Small Businesses that what is important today is that Scottish MPs, and all the MPs of the United Kingdom, vote for jobs and businesses in their constituencies? Voting against the motion makes no deal more likely and Scotland is watching the SNP.

Ian Blackford: I am very grateful to the hon. Gentleman for his intervention. I ask him to reflect on the fact that every local authority area in Scotland voted to remain. The people of Scotland can reflect on the fact that the 13 Conservative MPs have failed time and time again to stand up for the people of Scotland. When I hear the hon. Gentleman raising the unicorn of no deal, it becomes very simple. What he must do, along with his colleagues the so-called Scottish Conservatives, is to vote with us on Monday to support the motion on revocation and stop this Conservative Government driving Scotland out of the European Union. That is the way to protect jobs in Scotland.

Joanna Cherry: I am very grateful to my right hon. Friend for giving way. I am sure Scotland, unlike the SNP MPs, cannot vote for this withdrawal agreement, because it uppers the end of freedom of movement?

Ian Blackford: My hon. and learned Friend is absolutely correct. We have been enriched by freedom of movement. We have been enriched by those who have come to live and work and contribute to life in Scotland. It is perhaps the most shameful aspect of this whole consideration that we are turning back, that we are turning inwards and that we are closing the door on those who would come to Scotland and help us grow our economy. Our population has barely grown over the course of the past 100 years. It started to increase over the past decade. The Conservatives want to put on that handbrake, and to stop those who want to come and live and work in our beautiful country. We want them to come in and that is why not only must we reject this motion today, but, yes, we must stop Brexit.

Several hon. Members rose—

Ian Blackford: I am going to make some progress, because I am aware that other people wish to speak.

We were promised another vote on the Prime Minister’s deal, but because the Prime Minister knows she has no support for her deal she comes here to play games, to trick MPs into backing her disastrous deal. Yet it is still the same deal that the House voted against not once but twice. Mr Speaker, this deal should be dead. Before us are the terms by which the Prime Minister wants us to agree to withdraw from the European Union without any clarity about our future. This is a blindfold Brexit.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I am very grateful to the right hon. Gentleman for giving way, but I beg him. I am standing in front of a plaque that says that we have more in common than divides us. He knows that on many issues we have put aside party and, sometimes very subtly, worked together. I beg him today, as he ends his speech, to come back a little bit. All of us believe that this is not an honest debate today, but a confidence trick—to trick us into misleading our constituents. We are nearly there. We can defeat this. Let us stay together.

Ian Blackford: I applaud the hon. Gentleman for that intervention because I agree with him, and that is precisely what we are seeking to do. I hope that all his colleagues—every single one of these colleagues—stay with us today, and we can defeat this Government.

Several hon. Members rose—

Ian Blackford: I am conscious of time and I have been generous with interventions, so I now want to make some progress.

How can any MP agree to sleepwalk in behind a deal when they have no idea what it means for the future of our countries, our constituents and our communities. It
is incomprehensible that anyone could even consider simply taking the Prime Minister’s word for it, especially a Prime Minister who cannot even be truthful about living up to her word. Like her predecessor, the Prime Minister will ride off into the sunset after delivering crisis, chaos and further uncertainty for the UK. She has committed the ultimate betrayal: she is abdicating all responsibility. How humiliating, how reckless! History will remember her premiership as one defined by cowardice, falsities and negligence. I cannot believe that any leader could take us to this place. It is a disgrace.

There were constant promises to find consensus and to find a way forward, yet the Prime Minister has done as expected: she has run down the clock—only to ignore the wishes of Parliament and the wishes of the people, and engage in a game of blackmail and trickery to win support. It is an absolute outrage that those who go through the Lobby in support of the Prime Minister and the Government will be responsible for aiding and abetting the greatest act of self-harm in the United Kingdom.

The arguments against the Prime Minister’s plan do not need to be rehearsed. They are well known in this House and they are well known to every household in the country, but it is not only the substance of the plans the Prime Minister has put together but the disgusting treatment the Prime Minister and the Tory Government have displayed towards the people of Scotland that need to be known in every household in Scotland.

Tim Loughton (East Worthing and Shoreham) (Con): Some time ago, the right hon. Gentleman talked about the enrichment of free movement. Is it not the fact that the greatest enrichment of free movement enjoyed by Scotland has been free movement between the nations of the United Kingdom? Is it not ironic that he talks about the Prime Minister not paying attention to the 48% when he absolutely fails to pay attention to the 55% who voted to stay within the United Kingdom? When will he acknowledge that he is a Member of the Parliament of the United Kingdom of Great Britain and Northern Ireland, not just a Scottish Member?

Ian Blackford: My goodness, I was almost expecting the hon. Gentleman to burst into a chorus of “Land of Hope and Glory”. Is he really suggesting that people from Scotland will not have the right to come to live and work in the rest of the United Kingdom? Is that what he is suggesting? Quite frankly, if he is, he should apologise because that is a disgrace. It is what we see from so many Tory Members—seeking to threaten the people of Scotland with sanctions—and it really lacks any degree of dignity.

The Tories really think they can do whatever they want to Scotland and get away with it. So much for the partnership of equals! We have been ignored, silenced and sidelined, with the futures of citizens across Scotland and the rest of the UK held to ransom by right-wing Brexiteers and the DUP. The Prime Minister has no mandate from Scotland and has no right to assert that her version of Brexit is the only version of Brexit. Lies brought the country to vote for Brexit in the first place, and people certainly did not vote to become poorer and be faced with the prospect of troops—troops—being mobilised to manage basic services. How extraordinary that a Prime Minister of the United Kingdom is threatening us with troops on the streets, because that is the reality.

With one internal confidence vote and one parliamentary confidence vote, with the Government being held in contempt of Parliament for the first time in history, with scores of her Ministers resigning and with her flagship policy in ruins, the Prime Minister has no legitimacy or authority left to carry forward her policy or to speak for the country. The Prime Minister certainly does not have any authority, nor will she ever have authority in Westminster to tell the people of Scotland what to do. The people of Scotland will decide what is best for the people of Scotland. Now more than ever that reality needs to sink into the minds of politicians across this Chamber.

Bill Grant (Ayr, Carrick and Cumnock) (Con): Does the right hon. Gentleman have a kindly word for businesses in Scotland and for the over 1 million people in Scotland who voted to leave the EU?

Ian Blackford: Yes, of course I do, because businesses in Scotland know that the best way to protect their interests is to stay in the European Union. Every economic analysis of any substance that has been published has shown us that we will be poorer. I say to those in Scotland who voted for Brexit, “Of course we understand why you voted the way you did, and of course we will listen to your concerns.” However, our obligation is to speak with everyone and to have an open conversation and dialogue about what is in the best interests of the people of Scotland—how do we grow prosperity in Scotland and how do we deliver a fairer Scotland?—and that is why independence offers the best option for us all.

Westminster clearly has no interest in doing what is right for Scotland if it votes for this motion this afternoon. Westminster has no authority over the rights and the freedoms of the people of Scotland, and Westminster will never—not ever—be an authority over the sovereign right of the Scottish people to determine our futures and to choose to be a European nation.

Carol Monaghan (Glasgow North West) (SNP): Is it not interesting that while my right hon. Friend is talking about Westminster not being interested in the people of Scotland, Conservative Members are gesturing to him to sit down and be quiet? Other people have spoken, and the Front-Bench leader of the SNP here has a right to speak in this Chamber the same as every other Member.

Ian Blackford: I am grateful to my hon. Friend, and she is absolutely right. We are sent here as 35 SNP MPs to stand up for our constituents—the majority in Scotland. At a time when this House is threatening to take us out of the European Union against our will, I can absolutely guarantee that the voice of Scotland and the voice of remain will be heard in this Chamber, and no Conservative MP is going to shut Scotland down.

This Tory Government have wasted £4 billion on investing in no-deal preparations. This money should never have been spent, and we should have ruled out no deal as a possibility long ago. Why did the Prime Minister not do that? The PM regularly says that all
MPs have a duty to deliver Brexit. Above all the duties mandated to the SNP, we are elected to stand up for Scotland’s interests and Scotland’s voice. It is clear that no one else will, and we are making it absolutely crystal clear: we will never accept Brexit on behalf of the people of Scotland.

The Prime Minister has prescribed her Brexit deal to Scotland, despite decisive and unanimous analysis that this will be bad for our country and do irreparable damage to our key relationships. Even some of her Cabinet seem to agree. Some 100,000 jobs could be lost from Scotland if Westminster backs the Prime Minister. The EU workers needed to grow our economy will be denied to Scotland if the Tories get their way. Our economy will be smaller, our people poorer and our country isolated. The SNP will not—not ever—do that to Scotland. We will not back the Prime Minister. We will always stand up and put Scotland’s interests first.

I am angry and I am frustrated, but I am, too, deeply saddened that we have reached this point. Imagine how people think up and down the United Kingdom. They are appalled at the behaviour of Government Members and many official Opposition Members as well. They have let you down. They have broken Britain and now they have no idea how to fix it. While the Tory and Labour parties scramble on a race to the bottom, I say to them listen up: the people are watching.

One million people marched to demand a second EU referendum, and 6 million signed a petition to revoke article 50. Are we listening to their voices? The answer is in all our hands—let us use it. Let us give the power back to the people, end this stalemate and give certainty back to business and assurances.

Let us give the power back to the people. The Prime Minister has lost control. The Government are out of control. The Leader of the Opposition is unwilling to exert control over his party. The Government are out of control. The Prime Minister has lost control. The Government are out of control. The Leader of the Opposition is unwilling to exert control over his party.

Mr Iain Duncan Smith: Order. An eight-minute limit on Back-Bench speeches applies with immediate effect.

11.11 am

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): It is a pleasure to follow the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), but he will forgive me if I do not follow him completely, as we would never finish this debate.

I wish to apprise the House of my view of this motion. As my right hon. and learned Friend the Attorney General said, it is not the motion we have already voted on; it is a different motion. [Interruption.] I will make no excuses about that—it is a different motion. Opposition Members agreed that, so I do not know how they can laugh.

Today, I will support the Government for the very simple reason that I think nothing huge has changed in the nature of the Bill that is likely to be presented, or even in the withdrawal agreement. What I do think has changed, however, is the balance of risks, and as politicians—not lawyers—we must apprise ourselves of what that balance amounts to and to what degree we owe it to ourselves to make those decisions.

Since we had the two-week extension we now face a choice about what is likely to happen. Some of my colleagues genuinely believe that if we vote down this agreement we will go to 12 April, and we will not get an extension from the EU. I find that difficult to believe. If we consider what the EU has already said—Mrs Merkel and various others—we see that they really want to keep the UK inside the EU. One way or the other, they would rather have us in, even if it is troublesome at this stage. I genuinely believe that by 12 April we will be offered—or it could even be demanded of us—an extension of at least two years that will require us to fight the European elections. I do not know how I can go on to doorsteps, having campaigned to leave the European Union and support 17.4 million people, and tell them not to worry because even if we are not leaving right now, we might leave a little bit later. That is simply inexplicable, and I genuinely do not believe that that is what I campaigned on or for.

Some people have said that an extension does not really matter because we will be able to stay in the EU, make those negotiations and get those changes, and we will be in control because we will have votes and an ability to take that control. All I say is that I voted against the Maastricht treaty 26 years ago, and I have always maintained that we have never had real control. If we have had so much control for 40 years, why are we now trying to get out of a European Union that has extended its power and competence year in, year out?

Kevin Brennan (Cardiff West) (Lab) rose—

Mr Duncan Smith: I hope the hon. Gentleman will forgive me but I want to finish my point. I will give way just once because, as Mr Speaker says, we want to try and keep this short.

I believe that the way to stand up for the 17.4 million is to get to the Bill. As I said to my hon. Friend the Member for Stone (Sir William Cash), whose knowledge of constitutional law I revere, Bill needs to get to the Bill. We will then look to see which of the issues raised by the Attorney General are in the Bill and how they protect us. What can we ensure is in the Bill? We can then make a judgment about whether it represents the way that we believe we should leave the EU, and my hon. Friends need to consider that issue immediately.

Kevin Brennan: On 3 March the right hon. Gentleman stated on his website:

“British Governments have lied about the EU for decades. This deal is the final deceit”.

Yet he is going to vote for it.
Mr Duncan Smith: My simple point is: absolutely. There has been a trail of deceit on both sides of the House and by different Governments. The judgment I make today is about the balance of risks. I believe that the one saving grace of this process so far is that we will repeal the European Communities Act 1972, and that means we will have left the European Union. That is the single issue I accept because, as my hon. Friend the Member for Stone said, we must get to the Bill and figure out how that provision is protected. Is it the default mechanism?

Several hon. Members rose—

Mr Duncan Smith: I will not give way because others wish to speak.

Is the Attorney General’s comment correct that this is the right place to be? I want my Government not to be deceitful and to own up about whether the Bill will protect those rights and for my right hon. and hon. Friends to make that judgment when we have seen the Bill.

This is an opportunity for us to get that process going. If we do not, we go to 12 April, and in that case we have only the simple statement that we will extend the date for leaving the EU. An extension is death in terms of our voters—the people who put us here and who wanted us to get this through. I ask my right hon. and hon. Friends to look around. Every one of the speeches made, even the interventions, has demanded an extension to 12 April because people know we will get that extension. This is important. We are in a Chamber of people who really do not want to leave the European Union at all.

I know and honour my hon. Friends who have fought and campaigned to get this agreement changed, but we must recognise that we need to take hold of the one element that gets us out of the European Union, leaves us out and shuts down the debate about future referendums. That will allow us to be confident that, under a new leadership, we can go forward to change the nature of this process.

In conclusion, I say to my colleagues that for me this is not an easy decision. There is a lot about the withdrawal agreement that I do not like, and I stand by that position. However, if we do not go forward to consider the Bill, we will rue this day because we will end up having to accept what I believe will be a damaging and destructive extension that means we never leave the European Union. If we say that we stand up for 17.4 million people, we must get those people what they asked for, which is to leave the European Union, and this is now the only way.

11.18 am

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): What a shambles this has been, Mr Speaker. Today we see desperate measures by a desperate Government. We hear that the Cabinet is riven, and it is all about the party that purports to be in government today.

We have seen repeated mistakes. A referendum was passed with no rules and no planning—not even half a dozen civil servants in the basement of the Treasury or the Cabinet Office working out what might happen if the vote went the way it did. The Prime Minister triggered article 50 in March 2017 to rush into a process, again with no plan. She then recklessly called a general election a month later and lost even the fig leaf of a majority. Now we see a Prime Minister who has been incapable of negotiation over that two-year period and a Government who were secretive.

I am Chair of the Public Accounts Committee, and my Committee has worked hard, along with other Committees, to try to get information about what was happening to prepare for Brexit, and answer came there none. I met the late head of the Cabinet Office, and he said it would damage our negotiating position if the Government revealed that information—information that is flowing around Brussels like there is no tomorrow, information that sectors of industry and the community know about.

Mary Creagh: My hon. Friend makes a powerful and important speech. Just a week ago, the Environmental Audit Committee asked the Secretary of State for Environment, Food and Rural Affairs what steps he would take, in the event of a no-deal Brexit, to protect British farmers. He said that a package of funds would be available but that he could not tell us—as MPs, we are accountable for taxpayers’ money—how the money would be spent, how much would be spent and where it would be spent. Does my hon. Friend agree it is the most incredible abuse of a Government’s power to commit funding to farmers and not to tell MPs how much is going to be spent?

Meg Hillier: My hon. Friend makes an important point. My Committee has repeatedly said that businesses and people need to know what is happening, yet the Government advised businesses only in October 2018 about some of the preparations they would need to make for a no-deal Brexit. We estimate huge costs for businesses, billions of pounds—I do not have time to go into it today—just to prepare for a potential no deal alone.

This deal was unveiled last November with none of that information, and it would have been easy, sensible and proper government to be talking to sectors about what might happen. Had the Government done that, they might have heard the reality for people on the ground. Yet we are here with this desperate last-ditch attempt by the Government to rescue themselves, and this country, from a disaster of their own making. We are being asked to agree the withdrawal agreement with no guarantee of what comes next. The little certainty that gives is cold comfort for businesses out there. We are being asked to take a leap of faith, but I have no faith in this Government to deliver on this or any further stages of Brexit. We are being asked to vote for this withdrawal agreement with no knowledge of what will be in the political agreement. It is a leap into the dark, and I am not prepared to take that leap and put my constituents in that position.
The Public Accounts Committee has highlighted, in 10 reports, the problems, challenges and costs of preparing for no deal. Of course, the civil service has had to prepare for both a no deal and a deal simultaneously, double the cost. The cost is high in pounds, but it is huge in the confidence of this nation. This has been an utter failure.

Luke Graham (Ochil and South Perthshire) (Con): I had the honour of serving on the Public Accounts Committee with the hon. Lady when I first entered the House. She is talking about risk and, knowing what she does through the Public Accounts Committee, does she not recognise that the greatest risk is not passing this withdrawal agreement and not having that certainty on data and customs so that the United Kingdom can move forward? She is right that there is a big discussion to be had about the future, but we have to do this first before we get to that discussion.

Meg Hillier: The hon. Gentleman served honourably on the Public Accounts Committee, of which he was an assiduous member, and we both know that, yes, we need certainty, but to jump into the dark by passing this motion today without any of that detail is too much of a leap of faith. My point is clear: the Government could have shared and discussed a lot more.

If we remember back to the 2017 general election, the discourse we were having then was remarkably different from the discourse we are having two years later. It is for that reason that I now think we need to have a deal that goes back to the people, because we are now three years on from the original referendum and the people are now seeing that there is no certainty in what is being proposed. That lack of certainty is hitting prices in our shops, and our constituents are having to pay more for the basics. It is hitting businesses, which are stopping me in the street to tell me about the challenges they face as they prepare for a potential no deal. The cost of preparing for that no deal is very real for them.

Every time we speak about this, the exchange rate falls and there is uncertainty. It is utter recklessness for Her Majesty’s Government to lead the country into this uncertainty. We need to accept that we need a longer extension both to reach agreement and to pass the relevant laws. It has been oft-quoted today, here and elsewhere, that we should not rush into European Parliament elections. I say that we should not let the tail wag the dog. If that is what has to happen for us to have a longer extension, so be it.

Understandably, many in this House feel that is not ideal, and the right hon. Member for Esher and Walton (Dominic Raab) talks about renegotiation with the European Union. He had the privilege of serving as the Secretary of State for Exiting the European Union and he knows, as I know from the three years I spent negotiating in Europe for the last Labour Government, that we cannot negotiate the changes that would need to be negotiated in two weeks, or even up to 22 May. While we are still a member, we rely on working together with the other 27 nations in the European Union, so we need to make that change. We have been very good at this. Our diplomatic skills and the talents of successive Governments of different colours have achieved a lot in the European Union, so it is in our power to achieve a lot, but not in two weeks.

Mr Sheerman: Does my hon. Friend agree that Members on both sides of the House heard the voice of the people in the referendum and are absolutely committed to getting a decent, good deal for the people in our constituencies? We have not turned our back on them and we are listening, but we want to give them a chance to decide whether the deal is good enough for them.

Meg Hillier: I completely agree but, above all, we must rule out no deal. We have voted in this House, yet a no deal remains a risk. No responsible Government should lead us over a cliff edge and put up fig leaves.

Caroline Flint (Don Valley) (Lab): I certainly do not want to see us crash out with no deal, either. I do not support a second referendum but, if we had one, it seems only fair that the people should decide between a deal, a no deal or remain.

Meg Hillier: If we were to propose and pass a Bill for a second referendum, the reality is that this House would have to vote on at least five separate occasions to frame that legislation. I will not talk about such hypothetical situations.

We need to rule out a no deal. There is consensus here, and the Government need to make that absolutely clear. Parliament is coalescing, as the indicative votes process shows, around certain options, on which we will have a chance to vote on Monday and, potentially, Wednesday, yet the Government have made no commitment that they will take any notice. The votes are not binding, but I hope we will get some comfort from Ministers today about how the Government will react to those votes.

Mary Creagh: My hon. Friend is making a powerful speech and is being very generous in giving way. Was she as dismayed as I was to hear the Secretary of State for International Trade on the “Today” programme this morning saying, in terms, that he does not support a customs union? That is what this House will be voting on on Monday if the deal falls today.

Meg Hillier: Of course, it is up to the Government of the day to set out their position, but I would hope that, at the point at which Parliament debates and votes on this again on Monday—that is happening only because the Government have failed so abysmally—the Government might have the courtesy to have their listening ears on and be prepared to hear what Parliament may be willing to support.

I have said my piece. The Government need to listen, and they must rule out a no deal. We need to make sure we are moving forward. We need a longer extension and, ultimately, we will need to go back to the people, because we are now three years on from the referendum. Things have moved on. The public are not fools, and they can see when things are not working and when this Government have let them down. I rest my case.

John Redwood (Wokingham) (Con): I know that numerous Members, particularly on the Conservative side, are finding this a very difficult decision to make, so perhaps I could briefly explain how I have gone about trying to reach my difficult conclusion.
The first thing I asked myself was: what do my voters in Wokingham want me to do? Where they have a very strong majority for a certain conclusion, I would need an extremely good reason to disagree with them, and it is quite clear from all those who have communicated with me—talked to me, sent me emails—that there is a very big majority in Wokingham against accepting this agreement. It has brought together people who voted remain and people who voted leave. They have come to the same conclusion—they would like a different outcome afterwards, but they have come to the same conclusion: this is not an agreement that the United Kingdom should in any circumstances sign up to. The national polling reflects this, so this is a matter of interest to all Members. The agreement has somewhere between 15% and 25% support—on a very good day in a favourable poll—meaning that roughly four out of five people have considered it and think it a very bad idea. I would urge all to bear that in mind before they cast their vote this afternoon.

The second thing I asked myself was: what have I and my party promised my electors in Wokingham and the wider electorate in the United Kingdom whom we serve? I and the national manifesto in 2017, which gave me my mandate, said that we would see Brexit through, that it would take two years after the formal notification had been received, that no deal was better than a bad deal, but that of course we would do our best to get a really good deal, which was our preference. The manifesto of the national Conservative party wisely said that the Government would negotiate both parts together—that any withdrawal issues would be negotiated in parallel with the future trading arrangement and future partnership.

How wise was that? At that point, the Government and our leader understood that compromises would be made and that, if they were to make concessions in the withdrawal bit, they would want the good news in the partnership bit to be nailed down at the same time. Unfortunately, the Government changed their mind about that shortly after the general election, and that has let the public down, because it means that we have not used the purchase of all the concessions they made in the withdrawal agreement to deal with what they thought was needed in the future partnership agreement. I feel very bad about that. I have to say to my electors that in order to get closer to what I and the Government promised, I have to say no to half the total agreement as it is so obviously weighted very strongly against the United Kingdom and our interests.

Then I come to the third thing. My electors elected me to exercise my judgment. They expect me to read all the documents, understand the background and study major matters for myself. On this happy occasion, their view and my view coincide. I have studied all the documents and closely followed the negotiations. I have offered a great deal of advice to the Prime Minister and her team—much of it, I am afraid, has not been taken, and thus we are where we are, as the Attorney General said. My study of the documents tells me that the withdrawal agreement is not leaving the EU. Were it to pass, it would be followed by an extremely bad piece of legislation recreating all the powers of the EU and applying them to the electorate in the United Kingdom for between two and four years—we will not even be told for how long because that is in the gift of the EU and the negotiations.

We might also have to accept lots of rules and trading arrangements in perpetuity because of the most unfortunate Irish backstop, which has been placed in the agreement. Since none of us wants to break up our country, the only way to fulfil the requirements of this solemn treaty would be for the whole United Kingdom to stay in all the arrangements the EU demanded. The agreement would mean that for at least two years, and maybe four years, the EU could negotiate in any way it saw fit over an extremely wide range of issues—not just relating to business and trade—and this House of Commons would have no voice, no vote and no right to do anything other than implement it faithfully and fully without our amending it or even complaining through a reputable mechanism.

I do not see how anyone could possibly inflict that upon a great country that has recently voted to be sovereign and take back control. I do not see how this House could possibly vote for this agreement when it has opened-ended financial commitments on an enormous scale. The Treasury has—optimistically, I think—priced them at a pretty big £39 billion, but there are no numbers in the agreement, no agreement about the bills that would be set. There is also a mechanism that allows the EU to send us bills under very broad headings and a referee system to deal with any disagreements that is heavily weighted in favour of the EU and under which any legal matters would be resolved by the European Court of Justice.

Who on earth would agree to pay unlimited unknown bills without genuinely independent arbitration over their purpose? When will the Government give us any purpose for offering to pay all this money? They are in this absurd position because of the way they have handled the negotiation, of having decided to pay the money without securing any goods or services in return. When I go shopping, I do not put £39 on the counter and say to the shop owner, “That is your money whatever happens next. Now can we for the next 21 months discuss whether you will let me have anything in return for my £39?”, but that unfortunately is what we are being asked to approve in this agreement this afternoon.

In conclusion, for me it turns out to be an easy decision. I am sorry that for a lot of my right hon. and hon. Friends it is not so easy. I never find it easy to vote against the Government I want to support—in this Parliament, I have very rarely done so—but on this issue I have voted against the Government before and will vote against them again this afternoon, because it is a dreadful agreement. It is a fully binding treaty with no exit clause. We would not be able to get out of it. There would be requirement after requirement. We will have subcontracted our legislation to someone we cannot control and would have to obey and we will have offered to pay them a lot of money for no obvious good reason.

11.36 am

Hilary Benn (Leeds Central) (Lab): I will be voting against the motion not because I do not believe we owe the money—I disagree with the right hon. Member for Wokingham (John Redwood)—or because I disagree that we need to protect EU and UK citizens, or that we need a long transition and an Irish backstop, but because the motion is a transparent attempt by the Government to avoid another meaningful vote, contrary to the terms of section 13(1) of the European Union (Withdrawal) Act 2018, for which the House fought long and hard in the summer of 2018.
The Attorney General: Will the right hon. Gentleman tell the House how, compliant with the Speaker’s ruling, he would have brought a vote that fulfilled the conditions he has just set out?

Hilary Benn: I will readily tell the House—although I will come to this very point later in my speech: the Government could choose, if they wished to, to seek to change the political declaration with the EU. It is because of the Government’s consistent failure to do that, because of its consistent failure to reach out across the House, that they find themselves in the difficulty they have created today. But I shall return to that point a little later.

We cannot separate the withdrawal agreement from the political declaration because both parts are essential to the process. It is like selling your house without having any idea where you are going to live afterwards. We would not have the withdrawal agreement without the political declaration. Article 50(2) refers to “setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.”

My hon. Friend the shadow Solicitor General in his brilliant speech quoted the Prime Minister’s the statement on 14 January. I will repeat one small bit of it. She said:

“One cannot be banked”—referring to the withdrawal agreement and the political declaration—without the commitments of the other.”—[Official Report, 14 January 2019; Vol. 652, c. 826.]

Yet the motion before the House today explicitly tries to bank the commitments of one without the commitments of the other. I do not see how that can in any way be consistent with what the Prime Minister told the House of Commons on 14 January.

The second reason why I shall vote against the motion is one of the consequences of passing this motion. The aim—the Attorney-General was frank about it—is to gain an extension to 22 May rather than 12 April by satisfying the requirement of article 1 of the European Council decision of 22 March, which stated:

“In the event that the withdrawal agreement is approved by the House of Commons by 29 March 2019 at the latest, the period provided for in article 50(3) of the Treaty of European Union is extended until 22 May 2019.”

The problem, and my intervention on the Attorney General was trying to address this, is that if we passed this motion and got that extension, by the time we got to the week beginning 20 May, if at that moment we have not yet resolved the question of our future political and economic relationship and the UK decided that it needed to apply for a further extension, the EU is almost certain to refuse any such extension on the grounds that we have failed to take part in the European elections. That is because paragraph 10 of the decision of the European Council, which said:

“If the United Kingdom is still a member state on the 23-26 May 2019”—which we would be if we asked for and were granted an extension beyond 22 May—

“it will be under the obligation to hold the elections to the European Parliament in accordance with Union law. It is to be noted that the United Kingdom would have to give notice of the poll by 12 April 2019 in order to hold such elections.”

Since it would be impossible on 20 May to give notice to hold elections on 23 May, it would be impossible to comply with this requirement. Therefore, what the motion before the House today means is that, if it were carried, it would in effect rule out any possibility of a further extension under article 50 beyond 22 May. So if, at that point, we have not reached agreement on the withdrawal agreement and the political declaration, this motion would mean the UK leaving without a deal on 22 May. The House voted this week by 400 votes to 160 to reject for the third time leaving with no deal. The only other way forward would be to revoke article 50 to buy ourselves a little bit more time, but the Prime Minister has repeatedly told the House that she would refuse to do so.

Mike Gapes: Does that not mean that the motion before us should be called not the Withdrawal Bill proposal but the Prevention of the Right of the British People to vote in a European Election Bill proposal?

Hilary Benn: That would indeed be the consequence if the motion were passed. I will be perfectly frank with the hon. Gentleman. If there were a way round the problem of participation in the European elections, I think many people in the House would seek to find it, but it is clear that the EU in the form of the Commission and the Council and the legal advice has said that that is not possible, and therefore, in effect this is a no-deal motion.

The Attorney General indicated dissent.

Hilary Benn: It is, and for that reason alone it deserves to be defeated.

The last point I want to make is that this Bill is displacement activity on the part of the Government. The Government should be turning their effort and attention to the real issue, which is our future relationship.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I have great respect for the right hon. Gentleman and the work that he does on the Select Committee, but he just described what we are voting on today as a no-deal motion. We are voting today on an agreement that has been agreed by the UK and the EU and that his Committee will recognise provides vital protections for citizens. I think he should reconsider that argument about a no-deal motion.

Hilary Benn: I reciprocate the respect for the Minister, who is doing a very good job, I have to say, in extremely difficult and trying circumstances. But this is half an agreement.

The Attorney General indicated dissent.

Hilary Benn: I reciprocate the respect for the Minister, who is doing a very good job, I have to say, in extremely difficult and trying circumstances. But this is half an agreement.

Mary Creagh: I thank my right hon. Friend for giving way. He is making a powerful and important speech. Does he agree that, if the withdrawal Bill ends up being
put through Parliament, it is likely to be highly contentious, not least because it will have to reverse the previous European Union (Withdrawal) Act 2018 in order to pass?

**Hilary Benn**: Indeed, and it has always been the case, because of the withdrawal agreement, that it would have to reverse the—

**Chris Bryant**: It cannot, because it is the same session.

**Hilary Benn**: That is an interesting question, but I am being diverted from the final point that I want to make.

I listened to the Attorney-General’s kind reference to the indicative votes process. I almost forgot that the Government voted against it happening this week. If they were taking it seriously, they would indicate a willingness to compromise if the House is able to find a way forward.

The deal has been defeated twice because it offers no clarity or certainty for our future. If businesses come to me in my constituency and say, “Hilary, I know how it works today. Export. Tell me how it will work with this political declaration in three, five or 10 years.” I have to look them in the eye and tell them the truth: I have absolutely no idea. So is it right to ask the House to take us out of the European Union on that basis, especially when a new Prime Minister may be coming?

On “Newsnight” last night, it was reported that a Cabinet Minister was asked why the Government were going ahead with this vote and they replied, expletive deleted:

“I’m past caring. It’s like the living dead in here.”

I will not comment on the language, but that is the problem and it has always been the problem.

**Richard Graham** (Gloucester) (Con): Will the right hon. Gentleman give way?

**Hilary Benn**: No. We have a divided Cabinet, a divided Parliament, a divided country and people are feeling very passionate out there, but this vote will not solve the problem. Monday’s votes might offer us a way forward, and I hope that the House will seize it.

11.47 am

**Mr Dominic Grieve** (Beaconsfield) (Con): There may be one thing that unites most of us on both sides—the utterly wearying quality of the debate on which we have engaged for so long. As a consequence, when we find ourselves presented with an opportunity that might bring that debate to a conclusion, there is always a temptation to look at it and think that it could be a way out. That is particularly the case, because for many of us, although I accept not all, the sword of Damocles of a no-deal Brexit hangs over us and that sword is a matter of huge anxiety. I happen to believe that it would be catastrophic for this country.

**Sir Christopher Chope** (Christchurch) (Con): Will my right hon. and learned Friend give way?

**Mr Grieve**: In a moment.

The issue that we have to consider today is whether the offer that the Attorney General and the Government have made to this House goes any way towards resolving the problem. In my view, it cannot and does not. The origin of the problem lies, as has been so rightly said—and here I find myself in agreement with my hon. Friend the Member for Stone (Sir William Cash) and my right hon. Friend the Member for Wokingham (John Redwood)—in the fact that the Government set out on an enterprise and said that at the end of it this House would be able to vote not only on a withdrawal agreement but on a future relationship. Indeed, page 36 of the Conservative party manifesto, which I sometimes accused of not following, said:

“We believe it is necessary to agree the terms of our future partnership alongside our withdrawal, reaching agreement on both within the two years allowed by Article 50 of the Treaty on European Union.”

The Government’s problems started to multiply when it became clear that that was not happening.

Whatever the motivation of different Members of this House in rejecting the Government’s deal, the truth is that at its kernel was the fact that we did not have any ability to make that assessment. That is why the Government lost twice on section 13 motions, and in truth I suspect that even if a section 13 motion could be brought back, it would again be rejected for the same reason.

Now, the Attorney General and the Government say to us that there is a way out of this, by which we can agree the withdrawal agreement, get a technical extension until 22 May—I will come back to that in a moment—and expect, in the intervening period, to resolve the outstanding issues to the satisfaction of this House.

In the past week this House, in its frustration, finally took control of the Order Paper, because it wanted to debate the alternatives that the Government did not want us to debate. One thing is clear from that debate: the alternatives need time to be agreed, time to be worked up, and time to be negotiated with our EU partners. How can that be done in the context of a technical extension that my right hon. Friend the Prime Minister stated at the Dispatch Box would be there if we reached an agreement merely to implement it?

At an earlier date, I explained to my right hon. Friend the Chief Whip that if this House reached an agreement, I would not, even if I did not like it, seek to use the passage of the withdrawal agreement Act for the purpose of wrecking it. That is a self-denying ordinance on my part. I am afraid, however, that it is perfectly obvious that some of my hon. Friends and other hon. Members intend to use the withdrawal agreement Act to wreck the passage of any agreement. I have to say, speaking personally, that if I cannot vote on a clean motion to approve a deal, I will be constrained on the passage of the EU withdrawal Act to be much freer in my opposition.

The truth is that it is most unlikely that between now and 22 May we have any possibility of reaching that sort of consensus. That is why I have been of the view for some time that we ought to seek to extend article 50 further if we cannot come to an agreement by 12 April, and I believe that our European Union partners have understood that and would be willing for us to do it.

**Mr Charles Walker** (Broxbourne) (Con): I do not say this with any sense of rancour; I say it out of frustration and concern for this country. It seems to me that the
losers do not know how to lose and the winners do not know how to win, and that is why we are at this juncture, which seems almost insurmountable for this House.

Mr Grieve: I greatly respect my hon. Friend; indeed, I respect the views of all my hon. Friends and others on this matter. Compromise is a very important part of the political process. Compromise happens when people come together to accept an outcome that they are prepared to endorse and respect, but it is manifestly obvious—I only had to listen to one or two of this morning’s speeches from this side of the House—that that is not what is going to happen. There is no compromise, and that is because there is nothing to compromise on in terms of a future relationship. There is no settled will. I share my hon. Friend’s desire to get this over with, but the siren song being sung to us will just take us further on to the rocks, and in mid-May we will end up scrambling around with the catastrophe of no-deal Brexit, without any ability to rectify it when currently we are in a position to do so.

Some of my hon. Friends showed great courage in supporting the indicative vote process and, in doing so, essentially rebelling against the Government’s position. I say gently to them that, having had the courage to do that, they are now abandoning it completely for something that cannot progress the debate on how we get out of our current impasse. It just will not happen.

For those reasons, however tempting it might be, and however much the calls of loyalty are made—and heaven knows, I feel them keenly—I am afraid that I cannot vote for something that, in my judgment, is not going to deliver the benefits that are claimed. Furthermore—and here I agree with my right hon. Friend. Friend the Member for Wokingham, not for the first and not for the last time—our constituents, whether they voted leave or remain, are being delivered something that is utterly, utterly different. The vote we take today will determine whether we end up in chaos or not.

Mr Seely: If we want to avoid chaos, can we not vote for the deal? My right hon. and learned Friend says that he is not willing to compromise and that other people are unwilling to compromise, and he bases his own lack of compromise on other people’s unwillingness to compromise. If he is willing to compromise, he will find that many people in the House are also willing to compromise. That compromise is the withdrawal deal.

Mr Grieve: I am always willing to consider compromise, but, as I said before, compromise has to come from a settled intention to respect an outcome. I have to say that there is no such settled intention, certainly among many Members on the Government side of the House. I listened to the speech of my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith). It was quite clear from what he said that his purpose will be to use the passage of the WAB to re-order entirely the future relationship in the way he wants. I do not disagree with that—it is his right—but it highlights why separating the two is plainly, in my judgment, impossible. Yet that is what we are being asked to do.

Mr Duncan Smith: I hope that my right hon. and learned Friend is not asserting that it is wrong to want to amend or debate the Bill. But getting to the Bill is of vital importance—there is nothing sinister about that, surely.

Mr Grieve: But the Bill was intended to implement the agreement for the future relationship on which we had voted. It has now been transformed into something entirely different: as I understand it, a free-for-all opportunity—although I suspect that the Government do not really intend that—for MPs to pile in their ideas as to not only the future relationship, but caveats in respect of Brexit which, in my view, are incompatible in many cases with the withdrawal obligations themselves.

We have to be clear about these things, and here I speak as an ex-Law Officer. Of course there will be differences of view in this House, but we have to be honest in our purposes. I do not intend to sell my constituents short, however tempting it might be for party political advantage. In any case, if we ultimately fail the country, we as a party are not worth existing. The national interest in this matter must come first.

Several hon. Members rose—

Mr Speaker: Order. After the right hon. Member for East Antrim (Sammy Wilson), the next hon. Member to speak in this debate, the time limit on Back-Bench speeches will be reduced to six minutes in an attempt to accommodate the maximum number of colleagues.

11.58 am

Sammy Wilson (East Antrim) (DUP): I do not intend to spend a long time referring to or looking at the political and parliamentary skulduggery and chicanery that we have had to go through to get this motion here today. Suffice it to say that we are breaking and ignoring the legislation that this House passed, to comply—on the day when we are meant to be leaving the European Union—with a deadline that has been imposed on us by the European Union. There is certain irony in that.

As far as the withdrawal agreement and motion before us are concerned, our position has not changed. Over the past number of weeks, we have sought to work with the Government, to try to find a way of getting either legal assurances or legislative changes that would enable us to move this process on. Of course, we want to see a deal because we want out of the European Union and we want a clear path to how we do that, but that has not been possible because the withdrawal agreement itself so ties the hands of the Government that it is impossible to find a way to secure the kind of assurances required to make sure, first, that the United Kingdom is not broken up and, secondly, that we have a clear way to ensure that the Brexit that many of us expected to see delivered will be delivered. It is our regret that that process has reached an end.

In the Alice in Wonderland world in which we now live, the Attorney General said today that this was not a meaningful vote. It is a meaningful vote to many people who want the delivery of our exit from the EU. It is meaningful to the people of Northern Ireland, because if this goes through, the people of Northern Ireland will find themselves stuck with a legally binding agreement that puts Northern Ireland outside the United Kingdom, and it could be there forever at the insistence of Brussels.

Lady Hermon rose—
Sammy Wilson: I know that the hon. Lady wants to intervene, but she has done so time and again. Despite what she has said, she tries to cover and dress up her pro-EU prejudices, with the justification that this agreement has no implications for the political consent—

Sir Hugo Swire (East Devon) (Con): Does the right hon. Gentleman accept that those of us who consider ourselves passionate Unionists believe passionately in Northern Ireland being a fully-fledged member of the United Kingdom? We do not like this deal at all, and do not like any part of it, but we feel on reflection that it is the best way to proceed in the best interests of the United Kingdom.

Sammy Wilson: I understand the dilemma that many of my hon. Friends on the other side of the Chamber face. The dilemma for me as a Unionist is that I cannot—and we as a party cannot—put our hand to an agreement that would have Northern Ireland treated differently, with the difference between Northern Ireland and the rest of the United Kingdom imposed on us forever by the EU, and that breaches the principle of consent in the Belfast agreement, because it would change irrevocably the constitutional position of Northern Ireland, as we would have our laws made in Brussels, instead of London.

Kate Hoey (Vauxhall) (Lab): Does the right hon. Gentleman agree that as a result of having absolutely nothing changed about the backstop since it was first introduced, the people of Northern Ireland—the pro-Union people of Northern Ireland—whichever way they voted, remain or leave, will see anyone who votes today for the agreement, whether they mean it or not, as not supporting the right of people in Northern Ireland to be part of the United Kingdom?

Sammy Wilson: That is the judgment that we have made. For us, having been through a terrorist campaign of 40 years, if people try to remove us from the United Kingdom, we are not prepared to see our constitutional position altered by Brussels in a fit of pique against the United Kingdom for daring to leave the EU.

Several hon. Members rose—

Sammy Wilson: Let me make another point. I oppose the agreement for a second reason, because I believe that it betrays the wishes of the vast majority of people who voted to leave the EU. The hon. and learned Member for Edinburgh South West (Joanna Cherry), who is not in the Chamber, has described those who voted to leave and who are standing outside today protesting as a mob. That is the kind of disinad that those who voted to leave—[Interruption.] They are being treated with disdain in this withdrawal agreement.

Mr John Baron (Basingdon and Billericay) (Con): Does the right hon. Gentleman agree that if we vote for this deal this afternoon, we will, for the first time in almost 300 years of our constitutional history, be drawing a line between Northern Ireland and the rest of the United Kingdom? It may only be a trade barrier, but that is how these things start, and that will be under the direct control, in many respects, of the EU.

Sammy Wilson: And, of course, whether or not it is just a line down the Irish sea, as described by some people, it will have serious implications for the economy of Northern Ireland. We are told that, even when the Bill goes through, we will still not know the nature of those barriers. Not until statutory instruments are presented to this House, or Ministers use their Henry VIII powers, will we know the kind of restrictions that would be damaging the—

Several hon. Members rose—

Sammy Wilson: No, I will not give way anymore. I have only a few minutes remaining.

The third reason why I will vote against the motion is that one of the fundamental reasons why we opposed this agreement was that it leaves us as part of the EU, but without having any say, subject to EU rules during the implementation period and any extension, subject to the European Court of Justice, and able to break out of it only if and when the EU decides it has screwed as much out of us in negotiations as it possibly can. That is not the kind of agreement that anyone should sign up to.

There is only one thing that has changed. This week, the Irish Government and the EU have let the cat out of the bag. The premise on which the withdrawal agreement is based was that there would be a hard border between Northern Ireland and the Irish Republic and that would somehow give terrorists targets to hit and would break the peace in Northern Ireland. We have been told—this is even in their written preparations and their legislation—that the Irish Government have said that no such thing will happen in the event of no deal. We have argued that all along. We have argued that this agreement is based on a con trick. Why would we vote today for a con trick that breaks up the United Kingdom, that ties us into an arrangement with the EU that we cannot get out of without its assent and that will be the basis for any future trade relationships we have with it? The EU has made it quite clear that the agreement will be the basis of any future relationship, so we will go handcuffed into any negotiations. I do not believe that that is an agreement worth voting for. We voted against it the first time; we voted against it the second time; and we will vote against it this time.

I do not know what the outcome of this vote will be, but I assure the House that, whatever means there are available to us, should this agreement go through, we will continue to oppose it, because we will not allow Northern Ireland’s position in the United Kingdom, Northern Ireland’s economy and the will of the people of the whole United Kingdom to become a plaything in the hands of bureaucrats from Brussels.

12.8 pm

Mr Andrew Mitchell (Sutton Coldfield) (Con): I draw the House’s attention to my entry in the Register of Members’ Financial Interests. It is a great pleasure to follow the right hon. Member for East Antrim (Sammy Wilson), whom I first met more than 25 years ago, when he was the mayor of Belfast.

I want to speak up today for compromise. I find myself very much drawn to the arguments put by my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) —it was of course his Whip more than a quarter of a century ago, during the Maastricht debates. Today, we are in absolute agreement, and I think he spoke extremely well in the cause of compromise.
I voted against the Prime Minister's deal in January because I thought there was time for the overall deal to be changed in the best interests of those I represent in the royal town of Sutton Coldfield. However, I voted for it earlier this month, because I thought the options and the opportunities had narrowed significantly, and I will be voting for it today.

I do not like the deal. I have concluded that it is the least worst option. I am particularly worried about the backstop, but above all the central point that I am worried about, which my right hon. Friend the Member for Wokingham (John Redwood) mentioned, is that the way that we have gone about this has breached the fundamental rule, which certainly applied when I used to go to ministerial meetings in Brussels, that nothing is agreed until everything is agreed. It is the failure to endorse that cardinal principle of negotiating with the EU that has let us down so badly.

The Government have found a way to keep themselves compliant with your directions from the Chair, Mr Speaker, but today we are essentially discussing and voting on the Government's deal. I will vote for it. If it goes down tonight and the Government fail, this House must accept that we are back, fair and square, in the process agreed until everything is agreed. It is the failure to endorse that cardinal principle of negotiating with the EU that has let us down so badly.

Matt Western (Warwick and Leamington) (Lab): The right hon. Gentleman is making an important point. Was he not also in some way inspired by the process a couple of days ago, in that on Monday we have an opportunity to vote for something for which there could be a majority? In fact, just two days ago, three options achieved more votes than the Prime Minister's withdrawal agreement did in two previous votes.

Mr Mitchell: The hon. Gentleman makes an interesting point in his own way, but my point is that on Monday the House will need to choose. If the Government cannot do it, the House must do it, and we must remember that in spite of some of the things that are said, including from the Government Front Bench, the Government are accountable to Parliament and not the other way round. No two colleagues agreed entirely in what they say in this House, but in my view there will be a result on Monday, and the Government must honour it.

Jim Shannon (Strangford) (DUP): I am so sorry; I do not have time to give way.

I hope very much that the Prime Minister will agree that members of the Cabinet—all Ministers—can vote freely on Monday. Otherwise, senior Members of Parliament will not recognise the vote that has taken place. There should not be a Whip. If we come to this on Monday, it will be a House of Commons occasion. The House of Commons must seek to sort it out.

I find myself in a minority in the House of Commons. I think the House overstates the dangers of no deal. I do not believe there is such a thing as no deal. I think that, were we to leave without agreement, there will be a whole series of smaller deals, some temporary and some more permanent, and some stops, so I do not worry as much as many of my colleagues do about the dangers of no deal.

Equally, I think that the House massively underestimates the dangers of advancing towards a second referendum. The anger, irritation and annoyance of our constituents will be palpable, and in my judgment, it would be very likely to solve nothing at all. Imagine the nightmare of the country reversing the earlier vote and voting 48:52 to remain. What would that mean for our democracy? What would that mean for the votes of the people in both those referendums? For this House to advance down the route of another referendum would in my view be a very serious mistake indeed. However, if the Government cannot do a deal that the House of Commons will accept, and if the House of Commons cannot come to an agreement in the way that I have described, the ineluctable logic of that position is that it will have to be referred again to the British people, and in my view that would be an absolute disaster.

I end on this point. This is an important negotiation. I think that we have been out-maneuved as a country by the European Commission and the 27 standing absolutely firm, as they said they would, which many of us did not believe. However, this is an important negotiation, and they have interests and we have interests. In my judgment, unless the European Union and the Commission can show a little bit more of a sense of compromise on what the Government have been saying, it will leave a profound legacy of bitterness across the channel between the European Union and this country. They are our friends and partners. We will trade with them, do business with them and work with them over the coming years and generations. We also have huge security interests that bind us together. I obviously hope that the Government are successful today, but if they are not and we move into those further processes—the unknown—the Commission will also bear in mind its interest in trying to reach a deal that is good for both parties and is not imposed on one of those parties.

Ian Murray (Edinburgh South) (Lab): I am grateful to be called to speak in this important debate. I say at the start that I will do this afternoon what is in the best interests of the country and my constituents by not supporting this deal. I have to say that I was disappointed by the contribution of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). We agree on 95% of everything in this particular EU debate. To attack the Labour party, rather than the Government for the deal in front of us, perhaps shows where SNP Members' thought processes are at the moment.

Let us not forget that the House voted for this process, against the Government's wishes. One thing we can all say with great certainty is that, since mid-November last year, nothing has changed, either in the withdrawal agreement or in the political declaration. The only thing that has changed is the Attorney General's legal advice. If you ask a lawyer for the conclusion that you want, and you pay them, you are likely to get what you are
looking for. There is no trust in the Government in this place. We tried to do everything we could as a Parliament, and we had to drag the Government through hedges, to get to a place whereby we could have even this proper debate.

**Jim Shannon:** Will the hon. Gentleman give way?

**Ian Murray:** I will not, because it would mean that my Back-Bench colleagues will not get a chance to speak.

Today is 29 March—the day we should have left the European Union—so it is a good day to look at the report cards for the Government and the leave campaign on where we should have been by today. Where is the £350 million Brexit bonanza for our NHS? It is not there. Where is the easiest trade deal in history? Not only is it not the easiest in history, but the Government have had to take it out of this particular debate to get their deal through. Where is taking back control? Indeed, we are ceding control. Where is the promise of no border on the island of Ireland? The solution cannot be found by the Government because of the red lines they set themselves. Where are the 40 bilateral trade deals that we should have just rolled over by midnight tonight? Where is the cap and the reduction in net migration? It cannot be met. Where is more money going into our public services, when £4.2 billion is being spent on no deal? Those are not just broken promises; they also broke the law. There are no sunny uplands in this process. Today we should all say loud and clear that we are slaying the unicorns once and for all.

This is not meaningful vote 3, it is meaningless vote 2 and a half. The Government are not complying with their own legislation, and they know it. My right hon. Friend the Member for Leeds Central (Hilary Benn) was absolutely right: there is nothing wrong with somebody selling their house, but they have to know where they will go next. The Government are asking us to sell the house without knowing where we go next. It is not only that we do not know where we will go next with the political declaration, but that we do not even know who will do that negotiation. This is a blind Brexit with a blind Prime Minister and a blind Government. My hon. Friend the hon. Member for Torfaen (Nick Thomas-Symonds) made a wonderful speech from the Front Bench, and he was absolutely correct: the entire debate has been articulated on why we have had to postpone our leaving by legislating through statutory instrument in this House.

The motion is yet another disappointment to everyone who voted to leave the EU. It follows a demand from the EU, made through the European Council decision of 22 March, to agree to extend the period under article 50. Under the provisions of that decision, the UK will be bound into staying in the EU until 22 May, if the motion is agreed to. Of course, agreeing to the motion also means accepting the withdrawal agreement in full and as drafted. Paragraph 11 of the preamble to that decision makes it clear that, by agreeing to the motion, the withdrawal agreement as drafted would be locked in, with no change possible. It binds the United Kingdom into accepting the withdrawal agreement, stating that it “excludes any re-opening of theWithdrawal Agreement. Any unilateral commitment, statement or other act by the United Kingdom should be compatible with the letter and the spirit of the Withdrawal Agreement.”

**Jim Shannon:** I thank the right hon. Lady for giving way and commend her for the stance she has taken so far. May I say very gently to her and to the House, and to the Government in particular, that my party has been consistent in its stance over the past two years? A legally binding, time-limited backstop is what we have always asked for; that has not changed and we have not deviated. My right hon. Friend the Member for East Antrim (Sammy Wilson) has referred to that. Does she too hold to that stance?

**Priti Patel:** I absolutely agree with my hon. Friend. Of course, the purpose of today’s motion—he and I have commented on this—is that once the withdrawal agreement is agreed, there is no turning back, because...
the UK will be bound into an international agreement with the EU. As right hon. and hon. Members will know, that means there will be no chance to change the withdrawal agreement, no chance to change the Northern Ireland backstop, no chance to put safeguards in place to protect our democracy from the harmful laws that will be imposed on us, no chance to freely negotiate new trade deals with the rest of the world, and no chance to change in any meaningful way the legislation coming forward to implement the withdrawal agreement, because seeking to amend the legislation would risk putting the UK being in breach of our international obligations.

Agreeing to the motion means facing a Brexit deal that is dreamed up, drafted and decided by the EU. Once the motion is passed, we will be forced to comply with the EU’s demands. That is not what the country voted for, when 17.4 million people voted to leave the EU in the greatest show of democracy this country has ever seen. However, once again we will see the EU’s will being imposed on the British people. Of course, the withdrawal agreement represents a legally binding treaty, which will deny the British people and our Parliament the sovereign right to choose our future and be in control of our destiny.

I was elected to the House of Commons with a mandate to deliver Brexit, and the withdrawal agreement does not give this country the freedoms, independence, democracy and control that people voted for. It is becoming increasingly clear that MPs elected on a mandate to take Britain out of the EU and the customs union are—we have to be honest—going back on those pledges and want to impose a customs union on this country. The withdrawal agreement already includes a single customs territory, which is a form of customs union, and we know that many MPs want to go further. That would prevent Britain from negotiating its own trade deals with the rest of the world and effectively keep us as a rule taker.

Mr Nigel Evans (Ribble Valley) (Con): Does my right hon. Friend agree that, since the referendum, we have had a general election, where the Labour party and the Conservative party both said in their manifestos that they would deliver on what the people voted for, and the customs union simply is not that?

Priti Patel: My hon. Friend is right.

Members now have to ask themselves whether they have faith in our democracy and our ability to govern ourselves. We should all be doing everything possible to respect the referendum mandate and stick to the fundamental commitments that brought every single Member of Parliament to this place. Those Members who are committed to keeping their promises to the people are now being forced to make a difficult choice between taking a risk with this motion or taking the risk of giving others in the House who simply do not want to deliver Brexit or the commitments we stood on to get us here in the first place the opportunity to sabotage Brexit. That is the problem we all face, and it is a difficult challenge.

I do not take the decision on how I vote today at all lightly. There is grave disappointment. Nothing upsets me more today than listening to Members of Parliament who want to renege on the very commitments that brought them here. Ultimately I will be judged on the choice I make, and rightly so, by the people of the Witham constituency—a constituency that voted overwhelmingly to leave the European Union.

Leave means leave. That is exactly what the British public voted for. They did not vote for motion after motion coming forward in this House. They did not vote for Members to say one thing to their electorate and do something else in this House. Members will have to make their own judgments today and not listen to the what ifs, buts and everything else. As many colleagues have said, it is a balance of risk and probabilities, but ultimately we should all be judged on how we vote by the very constituents who elected us. Is it any wonder that trust in British politics is broken given some of the extraordinary contributions today? The fact of the matter is that many of the pledges we have made to our electorate are now being moved away from.

Wera Hobhouse (Bath) (LD): Today is a sad day—not because we should have left the EU but have not, but because today signifies the pinnacle of a process in which a Government have for months refused to respect and listen to Parliament. We live in a parliamentary democracy. The sovereignty of our Parliament is a cornerstone of our democracy, but today MPs are being handcuffed, blindfolded and threatened to approve a deal that Parliament has overwhelmingly refused twice. If anything signifies the death of our parliamentary democracy, this is it.

This is the desperate last attempt of a Government and a Prime Minister who have lost control. For anybody who is a passionate supporter of democracy, Parliament and sovereignty, this is an outrage. For that reason alone, MPs should vote against today’s motion from an arrogant Government who have attempted to bamboozle, arm-twist and vilify the very representatives of the will of the people. The Government have lost not only trust but the last morsel of good will, and this is no way to get consent. Who buys the argument that voting for today’s motion will provide certainty? It will do nothing of the sort.

Sir John Hayes (South Holland and The Deepings) (Con): Will the hon. Lady make it absolutely clear whether she and the Liberal Democrats want to honour the result of the referendum and leave the European Union, or whether they want to frustrate the will of the people and keep us locked into it?

Wera Hobhouse: I thank the right hon. Gentleman for that contribution and for the opportunity to say this again. If it was 100% clear that 17.4 million people voted to leave without a deal, or if it was 100% clear that 17.4 million people voted for the Prime Minister’s deal—which is what he should discuss with his own Prime Minister—then I would agree. But we do not know that, which is exactly why we need to test the will of the people. It was not clear.

Anna Soubry: Does the hon. Lady find it somewhat ironic that there are those on the Government Benches who are changing their mind on how they are going to vote, and indeed have already changed their vote in relation to the EU (Withdrawal) Act, but, for some reason, they will not allow the British people the opportunity to change their mind and change their vote?
Wera Hobhouse: I could not agree more. It is ultimately the arrogance of individual Members who claim that they know exactly the will of the people. I do not know the will of the people in 2019. I am happy to ask them.

Mr Seely: I am grateful to the hon. Member for giving way. I understand that she is making the argument, eloquently, that people did not necessarily vote for a tick-box of what sort of leave they would want. But does she accept the basic principle that 17.4 million people voted to leave and that the best way we can leave in an orderly way is to vote for the deal?

Wera Hobhouse: I absolutely agree with the principle that 17.4 million people voted to leave the European Union, which is exactly why the most democratic way going forward is to ask the people in 2019 once we know what the choices are. To me, the real lie of the leave campaign was that it was not a clear choice. That was the betrayal of the people. Now, in 2019, if we had a referendum we would give people a clear choice between a Brexit deal—I do not mind which one it is—and staying in the European Union. That would be a much more honest referendum this time around.

There is a very easy way for the Government to get a deal through: to agree to put it to the people. The Government have, unfortunately, made their position clear. They do not support a people’s vote. However, the strength of the indicative vote process is that it can test the sentiment in the House and start the combining of choices. Combining choices is how the indicative vote process can move towards a majority view. Not all choices can be combined—we cannot combine leaving the EU with not leaving the EU—but we can combine leaving the EU with a people’s vote.

The indicative vote for motion (M) on Wednesday, for a people’s vote, achieved the highest number of votes. So the question for today is this: why does the Prime Minister not offer a people’s vote on her deal to get it over the line? I have a strong suspicion that if the House was to vote on a combined motion to vote for the Prime Minister’s deal subject to a people’s vote, the Prime Minister would vote against her own deal.

We keep coming back to the question of our democracy. I and many others in this House have pointed out that democracy did not end in 2016. It is now over two-and-a-half years since that date and it is increasingly absurd for Members to argue for implementing the will of the people in 2016, while simultaneously refusing to ask the people what they think in 2019. If we have the right to change our minds, why do we not give that democratic right to the people of this country? Prime Minister, you can get your deal over the line by combining it with a people’s vote. I hope very much that, moving on into the future, the Government will allow a referendum that gives the people a clear choice in 2019.

12.34 pm

Dominic Raab (Esher and Walton) (Con): It is a pleasure to follow the hon. Member for Bath (Wera Hobhouse), even though I take a fundamentally different view.

Last November, I resigned from the Cabinet because I could not support the Government’s Brexit deal, and I tell the House that I still believe it to be a bad deal. With the Government purporting to take no deal off the table and their acquiescence in the extension of article 50, I recognise that we potentially now face an even worse alternative that could reverse Brexit and betray our democracy. In extending article 50 and signalling that they were taking WTO exit off the table, the Government rather weakened their own negotiating position in Brussels, and I am afraid heartened some of those in Parliament who are seeking to frustrate Brexit. I believe that decision, which was a choice, was a mistake. As a direct result of that political choice, we now face a very real risk of the UK being forced to accept something akin to single market membership—losing control over our laws, our borders and an independent trade policy.

Meg Hillier: Will the right hon. Gentleman give way?

Dominic Raab: I will make a little progress.

The course the Government have taken gives rise to the very real concern that they would acquiesce in a further long extension, which on both sides of the channel would be used to try to exhaust the UK into revoking Brexit altogether. That is something that I believe we must not entertain or allow. In fairness to the Government, I also recognise that they have provided some additional assurances at the domestic level that Northern Ireland will not be forced, alone, to follow EU regulations. That is of some value, although I well appreciate the concerns of those—not just on the Opposition side of the House—who are concerned that those assurances are not contained in the withdrawal agreement and therefore are not binding at the international level. Until we see the Bill, it is impossible to assess the strength of those safeguards.

Beyond those assurances, the unilateral declaration and the joint instrument relating to the exit from the so-called backstop do not change our international obligations. Frankly, they offer scant political comfort either. In all this, however frustrating, I believe we need to proceed with some realism. The choice now is between the risk of being held in the backstop by the EU for a period without being able to control our exit and, on the other hand, a significant risk of losing Brexit altogether. Neither is palatable, and both could have been avoided if the Government had shown the requisite resolve and will.

I appreciate that, for many colleagues, this presents a very finely balanced judgment call. I share the deep frustrations many feel at being presented with two such unsavoury alternatives, but anger is not a political strategy, and in this fast-moving and fluid landscape, I believe we must assess the specific and tangible decision before us at this point in time. The motion today explicitly does not satisfy section 13 of the EU withdrawal Act so it is not, in practice or in law, a third meaningful vote. However—and the right hon. Member for Leeds Central (Hilary Benn) made this point rather well—the vote on its own terms does have significant legal and practical implications. First, it is necessary to satisfy the EU Council decision on 22 March to avoid and indeed prevent the Government returning to the EU to seek an even longer extension. I regard that as essential. The second implication of the motion, by virtue of that, is to avoid the UK holding European elections in May. I regard that as absolutely essential to avoid the very dangerous and corrosive effect on public trust in our democracy.
Mr Baron: May I urge my right hon. Friend to think again before deciding to change his mind and support what to all intents and purposes is a meaningful vote 3? We do not know what the future holds for sure, but we do know for sure that we can only decide on the facts that are before us, and we know this is a bad deal that could lock the UK indefinitely in a backstop for a very long time. When deciding to vote against Iraq, I, like many others in this place, could only judge it on the facts at the time, not on threats involving weapons of mass destruction. Will he please consider that before he finally makes up his mind?

Dominic Raab: I always listen attentively to my hon. Friend. He poses the dilemma correctly, and this is a finely balanced judgment of risk. My problem is that I cannot countenance an even longer extension, or holding European elections in May.

The third implication of the motion is that under section 12 of the European Union (Withdrawal) Act 2018, a duly constituted third meaningful vote will have to return to the House for a vote, presumably on Second Reading of the withdrawal and implementation Bill. That will buy the Government a little more time and room for manoeuvre, which in my view they should use to revert to the EU and seek an exchange of letters that can provide legally binding measures that give effect to the Brady amendment. [Interruption.] Some Opposition Members are looking on in disbelief, and I listened carefully to the hon. Member for Hackney South and Shoreditch (Meg Hillier) when she spoke. Why is the EU’s position treated as immutable and unmovable, but the UK is always expected to bend? The House is succumbing to that mindset, which is precisely what led us to this predicament in the first place.

Several hon. Members rose—

Dominic Raab: I will not give way because of the time.

The risk of a WTO departure is growing because of the position of the EU, as well as what we do in this House. I believe we should continue to collaborate with the EU—not just on aviation and lorries, where progress has been made—and seek to mitigate the risks to jobs, livelihoods and businesses that arise on both sides. That is the responsible thing for all sides to do, and I hope that the Government are engaged in that. Of course, if the EU rejects those offers and overtures, it must take responsibility for what follows and the consequences of its political intransigence.

On that basis, I will vote for the motion. I do so without prejudice to my position on the section 13 meaningful vote, and to achieve two essential outcomes: to stave off a longer extension, and to prevent European elections from being held in May. I hope that the Government can more vigorously pursue the reassurances that we need on the withdrawal agreement and political declaration to make them more acceptable to this House.

12.42 pm

Liz Kendall (Leicester West) (Lab): I will vote against the withdrawal agreement today. It is not what people were promised and it will lead to a worse deal than we have now. Far from sorting Brexit, the uncertainty facing our country will continue for years to come.

Many people, including those who aspire to be the next Prime Minister of this country, want to sweep the promises that they made during the referendum under the carpet. They say that those promises are not relevant, and they hope that people will forget. However, Labour Members remember that our constituents were promised that when we leave the European Union we will hold all the cards, that agreeing our entire future relationship with the EU would be the easiest deal in human history, and that we would have the exact same benefits as now. Mr Speaker, nothing could be further from the truth.

Despite that, I am acutely aware that many people just want Brexit to be sorted; they want it to be over. They are fed up with the incomprehensible twists and turns, with the arguments and anger, and they want us to get on with it. They want us to deal with the issues that matter in their daily lives. But we must speak the truth: this withdrawal agreement and political declaration, which cannot be separated, solve none of the fundamental questions that we face about our future relationship with the EU, and the huge consequences that that will have for jobs, businesses and public services. If we do not get those choices right, dealing with issues such as housing and the future of our public services will be even harder, if not impossible.

The grim truth is that if this withdrawal agreement gets through today, we will be taking a huge leap into the unknown. Worse still, none of the fundamental questions and choices will be made by Opposition Members—they will be made by the winner of the next Tory leadership election. I have looked on with what I can describe only as growing disgust as certain members of the Tory party, who for months have opposed the withdrawal agreement, are now flipping to support it. They do so not out of any principle, but purely for their own personal and political gain. We cannot allow the future of this country to be held to ransom by the never-ending internal Tory psychodrama and by people who want to put their own jobs and ambitions before the jobs and ambitions of people in this country.

I close on something that may not be the main focus of today’s debate but, just as with the financial crash, I fear that Brexit and the subsequent political crisis will have long-term consequences for both main political parties, for faith in our parliamentary democracy and political process, for our sense of nationhood and national identity, and for Britain’s standing in the eyes of countries throughout the world.

We will not deal with any of those problems and challenges by voting for the withdrawal agreement and just hoping they go away, or by putting the future of this country in the hands of a hard-line Tory Brexiteer who will never be satisfied until their ideological purity has been achieved at the expense of everyone in this country except themselves. We will deal with these issues and challenges only by facing them head on.

We need a longer extension so that we can build a lasting consensus on the best way forward, not just within this House but, crucially, with the British people. For that reason, I hope all Opposition Members will join me in voting against the withdrawal agreement today.
Sir Christopher Chope (Christchurch) (Con): I will be joining the hon. Member for Leicester West (Liz Kendall) in voting against this agreement. Despite the best interests of so many of my colleagues, I fear they are falling for the Government’s siren song that is threatening no Brexit or an even softer Brexit as the only alternatives to voting for the agreement today.

Do my hon. and right hon. Friends not realise that, if the agreement were to be approved today, they would be powerless to prevent the ensuing legislation from being amended to keep the United Kingdom in the single market and the customs union without our having the ability to control immigration? We will have given up £39 billion and our unilateral right to leave the European Union, and we will be held to ransom by those in this House who do not wish to honour the Conservative party manifesto or, for that matter, the Labour party manifesto, both of which committed to implementing the will of the people as enunciated by the referendum.

I associate myself absolutely with the words of wisdom of my right hon. Friends the Members for Wokingham (John Redwood) and for Witham (Priti Patel) and the right hon. Member for East Antrim (Sammy Wilson), who accurately sum up my mood. The Attorney General sought to make a virtue of the new legal right to stay in the European Union until 22 May, but I am more concerned about enforcing and delivering our existing legal right to leave on 12 April.

Leaving on WTO terms on 12 April, although two weeks later than we hoped, will bring certainty. Those two weeks can be used further to reduce the short-term problems. Let us also remember that, in the indicative votes, the overwhelming majority of the Conservative party in Parliament voted in favour of the no-deal option. Let us not forget that.

We also know, as my right hon. Friend the Member for Wokingham said, that there is very little support across the country for the Prime Minister’s deal. Indeed, there is growing support, and much greater support, for the no-deal WTO outcome. We should listen to those people and expect more support for the no-deal option, which of course remains the default option. If we vote against this agreement today, we will be leaving on 12 April, as we could have been leaving today had it not been for the way in which the Prime Minister unilaterally decided to stand against the will of the people.

Some of my hon. and right hon. Friends are holding their noses in voting for a withdrawal agreement they despise. Why would anyone want to hold their nose and vote for something so much against their own instincts and the interests of the British people?

We are having this debate on the basis of the European Council decision on 22 March to provide an extension of article 50 to 12 April, and to the 22 May if we approve the withdrawal agreement. I fear that our European colleagues were rather misled into thinking that the reference to the withdrawal agreement included the political declaration. In her letter to Donald Tusk on 20 March—not that long ago—the Prime Minister asserted: “The UK Government’s policy remains to leave the European Union on the basis of the Withdrawal Agreement and Political Declaration agreed in November”.

Yet the Front Bench are clearly indicating that they are minded to change the content of the political declaration through further negotiation.

In the same letter, the Prime Minister also said that “the House of Commons rejected the deal for a second time” and that she had intended to bring it back in the week to 20 March but that this had not been possible because of your rulings, Mr Speaker. In respect of those rulings, she said:

“Some Members of Parliament have interpreted that this means a further change to the deal”—distancing herself perhaps from that interpretation. She then said that “it remains my intention to bring the deal back to the House”—not “part of the” deal, but “the” deal—and that “I intend to put forward a motion as soon as possible under section 13...and make the argument for the orderly withdrawal”, and so on.

The Prime Minister has not come back with “the” deal, and she has not put forward a motion under section 13, so I suspect that our European friends might find, when they look at the detail, that they were gravely misled into their Council decision. We know they are angry at the way the Prime Minister negotiated a deal that she then sought to renege on by, for example, supporting the Brady amendment. We might find out more next week, once we have defeated this motion today, but I suspect that the Prime Minister now needs to deliver the will of the British people and allow no deal on 12 April to proceed.

Anna Soubry (Bromsgrove) (Ind): It is a pleasure to follow the hon. Member for Christchurch (Sir Christopher Chope). I do not agree with much of what he says, but I will say this in his favour: at least he is consistent with the arguments he has made repeatedly in this place for why this is a bad deal. He and I will be in the same Lobby tonight—for different reasons—and actually I agree with much of what he says about the deal.

Apparently, hon. Members now decry consistency. It is quite bizarre—forgive me, Mr Speaker, for repeating comments I made only a few days ago—that hon. Members think it entirely proper and honourable that they should be allowed to change their vote and their minds but that the British people should be denied exactly the same right on this matter. [Interruption.] The right hon. Member for South Holland and The Deepings (Sir John Hayes) is one such person. He voted against the Prime Minister’s deal, then he voted for it, and he will again vote for it today.

In all the shameful shenanigans that have embraced Brexit, we have sunk to real depths today, and I want to explain why. It is not good enough for people to stand up and say, as we have heard, that they will now vote for the deal, not because they think it might be good for our country or our constituents, but because it will stop an extension—even though the Government have made it clear that no further extensions would be allowed. It is perverse for hon. Members to say they will now vote for the deal because it prevents our taking part in European parliamentary elections. These are not good reasons.

Other Government Members have said they will vote for the Prime Minister’s deal on the basis that the Prime Minister will stand down. This is not acting with honour; that is not acting with principle. I will vote with the right hon. Member for Witham (Priti Patel)—she remains my friend and always will be. At least she has been true
to her principles. She stands and says that she will not vote for the deal and rightly says that she will be held to account by her constituents. I congratulate her on that. We do not always agree—we do not agree on this issue—but on many points we do agree about why this withdrawal agreement is bad for our country.

I pay tribute to the Democratic Unionist party. [Interruption.] The Minister of State, Ministry of Justice decries that. He has not even let me finish my sentence. As a grouping, I have grave difficulties with the DUP, as individuals I find most of them pleasant, but at least they have been consistent, and on this I absolutely agree with them. This withdrawal agreement is a genuine threat to the Union of the United Kingdom. I genuinely believe that. It is one of the reasons why I am in favour of this agreement. I believe that it is a threat to Northern Ireland and its relationship as part of our United Kingdom. I believe that the same is true of Scotland. I believe that Brexit will increase the desire of the Scottish people to break away from the Union and strike out by themselves, because they will see a future as a member of the European Union denied them as part of the United Kingdom. In Wales, too, we know that the number of remain voters continues to grow.

I agree with the comments made by the right hon. and learned Member for Beaconsfield (Mr Grieve), the hon. Member for Leicester West (Liz Kendall) and the right hon. Member for Leeds Central (Hilary Benn) that the division between the political declaration and the withdrawal agreement will make the certainty that British businesses are crying out for even less achievable. It is so regrettable, given that we have started finally on a process of indicative votes—something that, as you know, Mr Speaker, many of us were crying out for at the beginning of this process to bring unity; to bring the 48% and the 52% together to form a consensus. We have begun that process and we are making good progress in it, and I think that there will be some good and reasonable outcomes that will heal the divide and take us forward in the way that we need to go.

What sort of country have we become post the referendum? Are we a better country? Are we a happier country? Are we a more united country? Or is the absolute reality that we are not just as divided as we were in June 2016 but even more divided? Change will come because change has to come, because British politics is broken. We are seeing that change. I have left the Conservative party along with two others. I think politics is broken. We are seeing that change. I have left because change has to come, because the Commons as elected, will interpret that. They trusted us to deliver what they voted for. They will be bitterly disappointed. At 11 o’clock tonight, we should be leaving, and we will not be leaving, and that is a terrible blow to integrity and their trust in us. The Conservative manifesto was very clear that we would interpret leave to mean leaving the single market, leaving the customs union and leaving the European Court of Justice. The Labour party pretty well said the same thing. More than two thirds of Members of Parliament represent seats that said leave, and 444 and 498 Members voted for the Second and Third Readings of the Bill to trigger article 50. At that stage, perhaps Opposition Members were stunned by the effect of the referendum, but now I am amazed by the nature of these debates. There is a sense that that enormous vote—that enormous expression of popular demand—has faded into the past. It is seen as a bit embarrassing and bit like a bad smell at a dinner party.

Chris Bryant rose—

Mr Paterson: Other Members want to speak, so I must push on.

The issue is live. Those people are out there and they believe that it should happen and that we should deliver it. It is not going back. It cannot be put back in the bottle, with the top screwed on, and then hidden in a cupboard or put in the fridge. That huge vote will continue to dominate our politics. The issue is not going away.

It is extraordinary that the fifth largest economy in the world is proposing to have laws imposed on it by 27 other countries, many of which are competitors that have no incentive to pass laws in our interest. We will not be present when the law is made and we will not be able to amend or repeal it, and if we do not apply it to the satisfaction of the European Commission and, ultimately, the European Court of Justice, we will be subject, as we heard during last week’s urgent question, to unlimited fines—“disallowance”, in EU-speak.

We have the horror facing Northern Ireland. The whole basis of getting the Unionist population to vote for the Belfast agreement was the principle of consent. There was an extraordinarily successful campaign by Lord Trimble; it was an amazing effort to get Unionists to vote for it. The basis was trust that the status of Northern Ireland could not be changed, yet we are going to have something horrible called UKNI, which is actually in breach of the Acts of Union of 1801.

Lady Hermon rose—

Mr Paterson: I am sorry, but others want to speak. This is about trust and democracy.

Finally, the absolute key point is that what we are seeing today does not deliver. It does not deliver on the referendum, the manifesto commitments or the promises made throughout all the debates. When it comes to trust, I represent a leave constituency and I was clear to my constituents about what I was going to do. Given that I have voted twice against this agreement, they all think it would be perverse if I, under pressure, changed my mind today. Why on earth would I do that? I will
Ian C. Lucas (Wrexham) (Lab): It is a pleasure to follow the right hon. Member for North Shropshire (Mr Paterson), with whom, he will not be surprised to hear, I disagree. I did, however, vote with him to trigger article 50 two years ago. In my speech during that debate, I told the Prime Minister that she needed to reach out across the Chamber to create consensus on Brexit. I also told colleagues in the Labour party that they also needed to reach out to find consensus on Brexit. Since that day, the Prime Minister has achieved no consensus at all, which is why we are having this debate today, 29 March, the last day.

I commend the right hon. Member for West Dorset (Sir Oliver Letwin) for the procedure he started and that we managed to get through earlier this week. I think that it took us forward, for the first time in a long time, in trying to find a solution to this hugely difficult problem.

There are questions about democratic legitimacy and there are important issues that divide fundamentally all our constituents, and we know that Brexit means different things for different people. Parliamentarians on both sides of the Chamber must seek consensus. For me, that meant supporting, for the first time, the proposal suggested by the Beckett motion earlier this week, which is for a referendum. I had been very reluctant to do so because I had come around to the position adopted by the right hon. and learned Member for Rushcliffe (Mr Clarke)—on which he has been sensibly consistent for a very long time—that referendums are very bad things.

We do not have a solution before us today. What we have is something that, I must confess, I contemplated at one stage. In fact, I discussed it with our shadow spokesman for Brexit, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer). [Interruption.] Please do not interrupt me. I did consider this myself, but then I looked at the law. What the law says in the European Union (Withdrawal) Act is that these issues have to be considered together. Furthermore, the Prime Minister consistently said until she reached the last day that these issues must be considered together.

We have also seen a beauty parade of cynical individuals seeking personal advancement within the Conservative party, reversing their position today because their competitors have reversed position. The honest challenges that we are seeking as Members of Parliament are not being supported. What we need to do, and what I will do, is vote against the motion today. Then, on Monday, I will be looking for consensus, so that this Parliament can begin to take back control and act responsibly, as the Prime Minister has singularly failed to do. We could have achieved consensus across these Benches months—even years—ago. The Prime Minister has not sought it. Parliament needs to do it now.

1.6 pm

Rebecca Pow (Taunton Deane) (Con): I rise to support the motion. I have not spoken in many of these debates, but I have been driven to speak. We have heard time and again from all the same people, but not much from what I call the voices of reason. I am speaking because I am exasperated and fed up with the bickering that has gone on in this House. It creates the backstop of the men and women of this great place to come to a decision that puts the good of the nation first.

Every single day, obfuscation—I cannot say the word very well because I am so exasperated—causes more difficulties for the businesses of this country. We rely on those businesses to fuel our economy and give us jobs so that people can work and pay taxes and we have the public services that we need. A recent straw poll that I undertook of businesses clearly highlights that they want a decision, they want it now and they do not want it in a year’s time.

Many individuals confess that they do not understand half of what we are debating in this place and many wish they had never heard of it at all. I do not profess to be legal, but I do know that we have to make a decision. Some 52% of people in Taunton Deane voted out, while 48% voted to remain. I said that I would respect that decision. I have moved from supporting remain and I am putting the country first.

Rehman Chishti (Gillingham and Rainham) (Con): Others have said that there is a cynical reason for people moving their position. I resigned in November from all Government and party positions when I saw the legal risk of the backstop. However, now there is a bigger risk: not delivering Brexit at all. The country’s interests come first. Does my hon. Friend agree?

Rebecca Pow: I absolutely 100% agree. Yes, 17.4 million people voted to leave and yes there was a roar for change, but more than 16 million people gave a yell to be noticed as well. That indicates that we need compromise.

We have had nearly three years of debate in this place. I ask colleagues this: how many people have really changed their position? The polarisation is frankly disturbing.

Today, let us demonstrate that we can take one small step for Parliament and one giant step for the UK and the men and women of this nation by passing the withdrawal agreement—the legally binding agreement that sets out the UK’s departure from the EU bloc, that fits with EU rules and that involves the longer extension to 22 May. That is a legal right, as the Attorney General clearly outlined, and it takes us straight to the Bill, which was also touched on by my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith).

Let us not forget that both Labour and the Conservatives committed to honouring the results of the referendum. I ask right hon. and hon. Members on both sides: can we really countenance voting against Brexit on the day when Brexit was meant to happen? I find that extraordinary. By separating the agreement from the declaration, which sets out the framework for the future relationship, we can go on and continue to discuss what type of Brexit we really want, and it has to be something that we can all live with. I still firmly believe the PM’s deal was a good one. She has fought doggedly and determinedly—I do not think anyone can disagree with that—and I believe that she has come up with a very comprehensive deal, which fundamentally is good.

I voted in the indicative votes and did what people may think is a strange thing: I voted aye to two completely contrasting things—a closer relationship with the customs
union and a relationship with the European economic area and the European Free Trade Association—because I felt that I had to indicate that we needed to reach consensus in the House. Neither was my favourite, and neither was as good as the Prime Minister’s deal. Today, at least let us get this over the line. Let us discuss all the other permutations later. Let us demonstrate to the nation that we can all work together, at least today. Let us make it, step by step. I say this to my children and to my husband, who is not very well and who is watching this at home: step by step, all things are possible. As the sun shines on a glorious spring day in Taunton Deane, let us bring some of that sunshine to the rest of the nation and vote for this today.

1.11 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): It is an honour to follow the hon. Member for Taunton Deane (Rebecca Pow). Another day, another Brexit vote, which is not quite the Brexit vote that we need and does not quite have the numbers that it needs to win. It does not quite give constituents, companies or our four countries the certainty that they require, yet here we are again.

The British state is beset with a Tory Westminster Government behaving like Olympian gods, as if our constituents, many of whom have livelihoods that depend on our relationship with Europe, and we were mere pawns in their chess game. They insist on bringing forward meaningful vote after vote after vote, knowing that they produce absolutely nothing, but pretend that they are doing something. This is nothing more than deceit, duplicity and deception from a Government acting in desperation. Then the Prime Minister has the audacity to go on national television and blame us, Members of this House, for her failure as Head of State to govern.

We are ensnared in a morass of procedural minutiae, with twists and turns of byzantine complexity—a six-volume Gibbon’s “Decline and Fall of the British Empire”—played out in painfully tedious slow-motion in what used to be held in respect as the mother of Parliaments. We cannot discuss the failure of this House without turning to the Benches on this side. We were helpfully reminded this week—everyone was reminded—that Labour is “not a remain party”, and don’t we know it. If the Labour party had done its sole job and, as we see, many of its members are allowed to change their opinion. If only the people of the nations of the United Kingdom were allowed as much.

I would say to Labour that if Wales leaves Europe because of Labour Members, Labour fiefdom in Wales is at an end. If Labour abandons the interests of Wales, Wales will abandon Labour. This House, at the behest of both the Brexiteering Unionist parties has so far failed to make any decisions about our future relationship with the European Union. The blame is at their door. We have suggested ways forward to marshal decision making, with my hon. Friend the Member for Carmarthen East and Dinefwr (Jonathan Edwards) suggesting indicative votes using an alternative voting system to decide how we proceed. That was first raised weeks upon weeks ago, long before the Government lost their first meaningful vote. If the Prime Minister had pulled her fingers out of her ears and listened to anyone other than the privileged elite of the ERG and the DUP—the elite of the Brexiteers—we could have used the last two and a half months to make some progress, to decide what the House thinks is the best way forward and to simply get on with it.

It cannot be said often enough: how often is the Prime Minister going to game democracy for her own purposes? How many ERGers will switch their votes and their previous principles on the most spurious of thin reasons? Will they not open their eyes and see that representative parliamentary democracy in this place has stalled? If it is good enough for the Tories to have multiple shots, how do they have the nerve to argue that the people are somehow unworthy of a final-say referendum? Bring on a people’s vote—our salvation in public democracy.

To close, we are where we are because of this tin-eared, time-wasting and timorous British Government, who are hell bent on putting their own interests before the interests of farmers, factory workers and families across the UK. If this is the best the Commons can cobble together, we are in serious trouble. Britain is broken, and Westminster is simply not working. The people of Wales deserve better than this failed empire of a Union. The timbers of this ship of state are rotten, and we in Wales must look to Europe and to ourselves for salvation.

1.16 pm

Mr John Baron (Basildon and Billericay) (Con): I voted against meaningful votes 1 and 2, and I will be voting against meaningful vote 3 this afternoon. Let us be absolutely clear: no matter how it is dressed up by the Government, this is a vote on the Prime Minister’s withdrawal agreement. I think it is a very, very bad deal. Part of the reason why we have arrived at this point, where the House cannot support the deal, is that the negotiating team saw Brexit as a problem to be solved rather than an opportunity to be seized. Furthermore, they never convinced the EU that we were prepared to walk away. In any negotiation, if the other side really does not think that you are prepared to walk away, it makes for a worse deal.

I sympathise very much with my colleagues—particularly those who voted Brexit—because this is a very difficult decision. To choose between the devil and the deep blue sea is never easy, but I have decided again to vote against this meaningful vote, because this is such a disastrous deal. It is a disastrous deal on two fronts—

Mark Pawsey (Rugby) (Con): Will my hon. Friend give way?
Mr Baron: No, I am going to make progress. If I finish beforehand, I will take the intervention, but a lot of Members want to speak in the debate.

There are two central questions the Government have continued to fail to answer. The first was raised by our friends in the DUP, who made it clear that the meaningful vote would put in place an internal border within the United Kingdom. It is not just the DUP that believes that; it is all the Unionist parties in Northern Ireland, and we should not take that lightly. This would actually threaten our United Kingdom.

However, there is a further reason why we should be wary of this agreement, and that is that it is very possible—

The Minister of State, Ministry of Justice (Rory Stewart) rose—

Mr Baron: I am not going to take an intervention from the Front Bench, who have negotiated a disastrous deal for us. It is as simple as that—I am sorry.

Richard Graham: Will my hon. Friend take an intervention from me?

Mr Baron: I did promise my hon. Friend the Member for Rugby (Mark Pawsey).

Mark Pawsey: My hon. Friend says this is a bad deal. Why does he think that, at a time when business investment is at its lowest, all manufacturing industries believe this is a good deal that should be supported?

Mr Baron: Because my hon. Friend will remember, as I do, the dire predictions if we voted to leave in 2016, which never materialised. They were so poor that the Bank of England and many others had to publicly apologise, and since then we have seen record low unemployment, record high manufacturing output and record investment, and those decisions in recent years have been made on the basis that we could be leaving on no-deal, WTO terms.

Richard Graham rose—

Mr Baron: I am sorry, I will not give way. I am going to continue for a little bit.

The second reason why I will vote against the agreement this afternoon is the indefinite nature of the backstop. I fully agree with those who say that there is a need for compromise. I do not like the transition arrangement, but I can hold my nose to it, because in a sense it is no worse than being in the EU, but what I find very difficult to swallow is the indefinite nature of the backstop. I cannot imagine that there is anybody in this place who would enter into a serious legal arrangement—an agreement—that gave the key to exit only to the other party. We could be locked into the backstop indefinitely.

That is not delivering on the result of the EU referendum, the triggering of article 50 or the result of the general election, in which both parties committed to honouring the referendum result in their manifestos.

In conclusion, we triggered article 50. The legal default position of that triggering, which we passed by a majority of 384, is that we would leave with or without a deal. Monday’s motion will address the central issue of whether we leave on WTO terms if we cannot pass the Prime Minister’s deal today, and I would encourage the House to give it consideration.

1.21 pm

Sir Mark Hendrick (Preston) (Lab/Co-op): It is a pleasure to follow the hon. Member for Basildon and Billericay (Mr Baron), who I have jostled with on many an occasion in the Foreign Affairs Committee. As you would expect, Mr Speaker, my views are very different, although we draw the same conclusion on this deal today. I will be voting against the deal today because I believe it is a trap—a final attempt by the Prime Minister to leave us in a situation where it will be her deal or no deal. That is the situation that she wants to create on 22 May, should the deal pass today, but hopefully it will not.

During the last two years, 18 months has been wasted because the Prime Minister would not discuss with Parliament, nor with her Government, what was being discussed and negotiated with the EU. After 18 months, the Prime Minister produced the so-called Chequers plan, which was roundly rejected by many of her own MPs as well as other Members. That plan formed the basis for negotiations, leading to the resignations of Cabinet Ministers and deep divisions among Conservative Members. The stubbornness of the Prime Minister in running down the clock has left us in the embarrassing position that we are in today. Still we are debating this on the day that we were due to leave the European Union.

Let me discuss the separation of the withdrawal agreement from the political declaration. The way that this has been put forward today would appear to mean that if the motion is passed, it would give the new Conservative Prime Minister a blank cheque to put through what I would regard as a hard-right Brexit deal in the future. We can already see the leadership candidates trying to out-right each other in the run-up to a competition that I believe started from the moment that the Prime Minister issued her resignation at the 1922 committee.

What we will see, whatever is agreed by the Government and a new Prime Minister, is a hard-right version of Brexit, and possibly a Canada-style international trade agreement.

I am now a member of the Select Committee on International Trade, and I have seen the International Trade Secretary talk about roll-overs. The EU currently has something like 40 international trade agreements. At the moment, only eight look in any way, shape or form as though they could be rolled over, and they are with minor countries, none of which are of the size or mass of the European Union market. Even though we will leave, the European Union will still be our major trading partner, irrespective of what many Brexiteers and flat-earthers on the other side of the Chamber will say.

To consider this motion in isolation from the political declaration is to give the power to any new Conservative Prime Minister to make a mess of our trading relations with the rest of the world. In investment decisions, location is key, and this will upset a lot of businesses, irrespective of what the Attorney General said earlier. It is not just about when we leave, but about how. The deal is key, which is why the indicative process we have already started is important. What we do on Monday
will be key, so along with other colleagues, I will vote
down the deal today in the hope that we can get a good
agreement on Monday.

Mr Speaker: A three-minute time limit now applies.

1.25 pm

Mr David Jones  (Clwyd West) (Con): Today’s debate
is proceeding for one reason only. It is not being held, as
my right hon. and learned Friend the Attorney General
acknowledged, with a view to delivering a positive
meaningful vote for the purposes of the withdrawal
Act. Indeed, it is hard to see how another meaningful
vote could be held, since there has been no change
whatever to the withdrawal agreement, which was so
convincingly rejected by the House only two weeks ago.

The European Union has made it clear that the
withdrawal agreement cannot be reopened, and you
have made it absolutely clear, Mr Speaker, that you would
not countenance the rejected motion being put to the
House again. The motion before us does not fulfil the
statutory requirements of the Act. We are being asked
to approve it for one reason only: to keep the clock
ticking, to ensure that that can has been so repeatedly
kicked does not complete its progress down the road on
12 April but bumps along a bit until 22 May. To be fair
to the Government, they openly acknowledge that that
is the case. However, they also say, ostensibly and
illogically, that we are today considering the withdrawal
agreement separately from the political declaration.
That is not the case, and it is illogical to say that it is,
because the political declaration is incorporated by
reference into the body of the withdrawal agreement. It
is there in black and white, in article 184. In reality, we
are considering the political declaration today. In reality,
we are considering the whole package that we rejected
by 149 votes only a few days ago.

This was to be the day when we celebrated—or
lamented, depending on one’s point of view—the departure
of the United Kingdom from the European Union. It
could have been the moment when we put the travails of
the last three fractious years behind us, but it is not.
Humiliatingly, we are going through today’s exercise
because the Government have been told by the European
Union that we have until 22 May to sign up to the
withdrawal agreement, but only if it is approved by the
House by 11 pm tonight. If anything had changed, I
would possibly have been inclined to consider supporting
the motion today. If it had changed, like Keynes, I
might have been prepared to consider changing my own
mind, but nothing has changed, and therefore I will not.

The truth is that we are being asked to approve this
agreement to buy the Government another 40 days.
What a dreadful 40 days that would be—40 days of
increasing frustration for the British people, who wonder
why the steeple bells are not pealing out this evening. It
is time to bring this miserable business to an end. It is
time to deliver Brexit. I therefore urge all hon. Members
to oppose the motion.

1.28 pm

Deidre Brock  (Edinburgh North and Leith) (SNP):
There was a time when Brexit meant Brexit. These days
it seems to mean chaos. This grand plan to demonstrate
that the UK has been Gulliver imprisoned in Lilliput
for the last 46 years has fallen apart and is broken. To
deal with that bùrach we have a Government so
dysfunctional, so bereft of talent and so lacking in trust
that the Prime Minister has given up trying to appoint
Ministers. Their only saving grace is that they are opposed
by an official loyal Opposition who seem incapable of
doing anything that might actually help and who seem
completely at odds with themselves.

We have a Prime Minister who thinks that no will
turn to yes if only half the question is asked, served by a
Cabinet including one Minister who thought it appropriate
to tell a journalist:

“I’m past caring. It’s like the living dead in here.”

I suspect that might have been the Prime Minister
herself, but it is an insult to the living dead.

Worse is to come, though, if the Prime Minister ever
manages to muster enough support to resign, only to be
replaced by a more vicious version of the Bullingdon
club. Something worse than the current Government is
lying in wait and could be about to be ushered into
office by some useful idiots in the Labour party, who
have stood in this Chamber and preached about principle
and about how damaging the deal is, but who now
pretend to have found some substantive change that
makes it the best possible deal of all possible worlds.
They stand on the wrong side of history, and on the
wrong side of the interests of the people they were paid
to represent.

I represent a constituency that is opposed to Brexit,
and I am proud to say that I agree with my constituents.
We want to keep our links with the EU, because we
understand the benefits of our membership, especially
the benefits of freedom of movement. Some 10% of the
population of Edinburgh North and Leith are non-UK
citizens of the EU, which is more than twice the UK
average. We also have a higher than average numbers of
people from elsewhere in Europe, and from elsewhere
in the world. We also have a higher number of immigrants
from England than the Scottish average. Every one of
them is welcome. We understand the benefits of immigration
and the cultural and economic value that immigrants
bring. We understand just how damaging Brexit would be,
particularly a chaotic Brexit.

This deal—this pile of manure that we are being
offered as an appetiser for the slurry to come—would
harm my constituents. It is offered by a Prime Minister
who has run out of road and has no other ideas. That is
no basis on which to recommend anything to anyone,
far less a future to our country. It is time to go back to
the people and say, “This is what Brexit actually is, so
would you like to go through with it or would you
rather revoke article 50?” and let them have a choice
with at least some idea of what the choice actually is.

1.31 pm

Steve Brine  (Winchester) (Con): It is not that challenging
to follow that speech. It is a shame to be back on the
Back Benches after three years as a Minister. It might
have been on the Front Bench, but I have sat through a
lot of these debates, and it seems to me that the hon.
Member for Edinburgh North and Leith (Deidre Brock)
is about to prove my point: Members of this House
have spent far too much time listening in order to
respond, rather than listening in order to understand.
The entrenchment of positions, as my hon. Friend the
Member for Taunton Deane (Rebecca Pow) said, is part
of the problem.
Many of my constituents voted to remain—probably the majority—many voted to leave, and many were not old enough and decry the fact that they could not take part. However, their view is that if we must leave, we must do so with a withdrawal agreement. If that is one’s position—it has been mine since day one—one cannot wish away no deal. That is why I have supported the Prime Minister’s withdrawal agreement twice. However, I came to the conclusion that we cannot just keep hoping that the agreement gets over the line—from the speeches we have heard, I think it is unlikely to do so today.

We therefore needed to have a plan B and a parallel process, and earlier this week I left the Government in order to support that process. It was never going to produce a conclusive result; we never expected it to. If the withdrawal agreement falls today, Monday’s process will become more important than ever. If Members do not believe in leaving without a withdrawal agreement, as I do not—and I believe the Prime Minister does not, along with a big majority in this House—it is because they want to respect the result of the referendum, whether or not they regret it, in a safe way that produces a safe exit from the European Union. People write to me all the time to say that handing the matter back to the people will solve the situation. It might produce an outcome, but it will not be consequence-free. As with voting against the withdrawal agreement the second time and tonight, whatever the House decides this afternoon will have consequences.

I am clear that voting for the withdrawal agreement is the right thing to do. It would move us forward, out of the constitutional arrangement with the EU and into a treaty arrangement. My hon. Friend the Member for Winchester (Steve Brine) put it very well when he said that the key point is simplicity. It is about a financial settlement—because this is a country that honours our financial settlements—citizens’ rights, which matter greatly to me and to my constituents, and the implementation period, which business has been crystal clear it needs to deliver a safe exit.

1.34 pm

Chris Bryant (Rhondda) (Lab): I commend the hon. Member for Winchester (Steve Brine), and I very much hope that he will now join the all-party parliamentary group on acquired brain injury, since he has some spare time.

Round and round and round we go. It is not so much a stuck record as a record played at the wrong speed, and frankly it is about time we changed direction. I am going to vote against the motion—[Interruption.] The Minister of State, Ministry of Justice, the hon. Member for Penrith and The Border (Rory Stewart) looks depressed and upset as if I have let him down terribly.

The truth is that this is a ludicrous attempt at a body swerve by the Government. This House decided in this parliamentary Session the proper process for proceeding: first, a meaningful vote on the withdrawal agreement and the political declaration, all in one—that is what the House decided and enacted in this Session—and secondly, an Act of Parliament to implement them. I feel that the Government actually intend to use the withdrawal agreement and implementation Bill to repeal section 13 of the European Union (Withdrawal) Act 2018, and yet we have already made a decision about the proper process in this Session of Parliament. I do not think that they will be able to do so, which is why our passing the motion today does not provide more certainty, as the Attorney General argued. It provides more uncertainty, because we will still have to go through the process of a full meaningful vote.

Until this moment, the Prime Minister has always agreed that the political declaration and the withdrawal agreement must be taken together. Her party’s manifesto expressly says it; she is always preaching to us about manifestos, so I am preaching back to her. She also said repeatedly, “Nothing is agreed until everything is agreed.” I agree with the hon. Member for Stone (Sir William Cash) that we should never separate out the divorce settlement and the custody of the children. The whole thing has to go together. That is an intrinsic, fundamental principle.

There may be good reasons for voting for the motion, and I fully accept that many Ministers adopt those, but it worries me that so many have said that they loathe this deal but none the less intend to support it today. That is not a good reason. The European Research Group said of the agreement:

“We will become a ‘vassal state’ many of whose laws will have been created abroad and over which we have no influence.”

How can they possible vote for this?

This is a constitutional crisis. We need a settlement that will last for generations. There is a deep wound in the body politic, and a sticking plaster will not suffice. We need to stitch the nation back together, and we can only do that if we proceed in good order, with no more parliamentary shenanigans, no more partisan jiggery-pokery and behind-stairs work and no more subjugating the national interest to private ambition.

1.37 pm

Mrs Anne Main (St Albans) (Con): They say that in life there are only two certainties: death and taxes. Well, I would like to add one more to the list: the certainty that this is a remainder House and that it will resist, kick and scream every opportunity to take this country legally out of the European Union.

I have listened to every speech, so I am pleased to be called, and I have made a note of some of the comments made. The right hon. Member for Ross, Skye and Lochaber (Ian Blackford) said that “we will never accept Brexit”.

Those sorts of comments—I have heard other versions of them today—have changed the context for people like me who voted against the withdrawal deal on both occasions.

It is deeply undemocratic that the method put in place by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) means that we are expected to vote in a half-an-hour slot on eight or more options that we have not debated or tested in this House, that we have not had any legal information on, that we have not had the Attorney General’s view on and that we have not run past the European Union to see whether they are acceptable to it. We are supposed to say that this is a democracy and that that method will deliver a consensus,
but it will deliver a bogus consensus. On Monday, we may end up having preferential votes, as it is an amenable motion.

Despite having two years of debate about this particular withdrawal agreement and having examined the minutiae of its flaws, of which there are many, there is the potential that we will go to something far, far worse. So, for me, the context has changed and I know it has for some other hon. Members. This is a very, very difficult decision for many colleagues. There have been plenty of siren voices from the Opposition Benches. I have had hundreds of emails, as many do, on this topic alone. Most of those emails—all bar 80—are from the remain side of the argument, because they see that the withdrawal agreement, with all its flaws, is the one way that they can stop Brexit.

So today, I am changing my vote, because I am not going to be cowed into a process that means on Monday I am expected to make a choice on somebody else’s selection of what they think Brexit should mean. I am not going to choose, on behalf of my constituents and the country as a whole, based on something that has had no debate and no scrutiny, and because a remainder Parliament is hoping against hope that this deal, which is the best of the ugliest of sisters, will be struck out today in the fervent hope that they can bring something far softer or no deal. And for all those talking about a second referendum, I hope they can explain to the British people on the doorstep how, by the time they get one, it is current.

1.40 pm

Mr Pat McFadden (Wolverhampton South East) (Lab): This is the third time that we have considered this issue. The Government say that this is not meaningful vote 3 and they will not count it as meaningful vote 3 if they lose today, but they would certainly count it as meaningful vote 3 if they won today.

A number of right hon. and hon. Members have said that they have changed their minds between vote one, vote two and vote three. There will be many people in the country asking themselves why is it that MPs can vote two and vote three if they won today.

Mr McFadden said that he had had two years of debate about this particular withdrawal agreement, the second is the starting point of the process, if this goes down tonight.

If the Prime Minister wins tonight, I contend that the battering ram approach to parliamentary democracy will still not bring the country together. This has not been good enough as a process. If she loses, she will have a decision to make. This House has made clear its opposition to no deal, so the Prime Minister will have to decide on the future, a longer extension and a recasting of the process, if this goes down tonight.

1.43 pm

Gareth Johnson (Dartford) (Con): I was rather hoping tonight to be able to crack open some champagne and celebrate the United Kingdom leaving the European Union. Sadly, I am more likely to be reaching for the anti-depressants. We are not leaving the European Union because Brexit has been treated as a problem and choreographed by people who do not have their heart in it, rather than as an opportunity to be grasped. My vote on this issue has always been to implement Brexit and it will continue to be so.

We need to restore the sovereignty that we have lost to the European Union over last 40 years. That is why I voted against extending article 50 to keep no deal on the table and twice against this deal, which has so many fundamental flaws. We have all witnessed how this House has voted to take over control of the Order Paper. We have seen how it has wanted to extend article 50 and to rule out no deal, as well as to consider a customs union and even no Brexit. I believe that we will witness it implement the softest of soft Brexits, if it implements Brexit at all, if this deal falls today.

There are some who still believe that, if this deal falls, no deal can somehow happen—that instead of accepting £1 billion a month off us, the EU will refuse to accept an extension of article 50—but I simply cannot see that happening at all. On the contrary, I believe that if we vote against the Government today, the European Union will extend article 50 for a lengthy period of time. We therefore have a choice today: to accept this deal and all its faults, or to risk losing Brexit completely. There is no certainty in either direction; it is a balance of risks, as has often been said on both sides of the House. However, my fear—is my greatest fear—is that we will lose Brexit entirely if we vote this down today, and that is exactly what could happen.

I agree with many of the criticisms levelled against this deal, such as the impact it will have on Northern Ireland and the UK’s lack of ability to leave the backstop unilaterally. My decision to vote for this is in some ways harder than the decision I took to resign from the Whips Office. However, the circumstances have changed; I have not. We are now between a rock and a hard place. It is an unenviable situation in which we find ourselves, and we should not have been put in this position. It is this deal today, or we submit ourselves to a customs union and the potential of losing Brexit forever. I believe passionately that Britain’s best place is outside the European Union, and that is what I will be voting with the Government for.

1.46 pm

Vernon Coaker (Gedling) (Lab): On reflection, having sat here listening to the debate this morning and this afternoon, let me say what a catastrophic strategic
failure of leadership we have seen from the Government that has led us to reach this position—a position where we remain divided as a Parliament and where we remain divided as a country.

I was extremely disappointed by the reaction to the indicative votes that took place the other day. The Government could have looked at them and responded, “Does that offer us a way forward, and is there a way of bringing some together in a way that would actually command a majority of this House and command a major political judgment to be made today, because if we do not vote for the withdrawal agreement, we may never leave the European Union at all?”

Sir Geoffrey Clifton-Brown: My hon. Friend reads my mind, and I will come on to precisely that subject in a minute. Above all, the EU will require checks at the Northern Ireland border, so I say to my good friends in the DUP that a customs union will not solve the Northern Ireland problem. Crucially, if the customs union is accompanied by closer alignment with common market 2.0, or EEA, EFTA, or Norway+, we will have to honour EU competition laws, laws on state aid, and customs legislation. That means that Labour policies on nationalisation will be illegal under EU law, and they will be facing two ways at the same time.

If we vote for the withdrawal agreement today, we can come to full trade agreements with high-growth countries in the rest of the world, none of which, sadly, is in the European Union. All the withdrawal agreement does is take us to the next stage and the withdrawal and implementation Bill, which can then be fully scrutinised by the House and fully amended. My hon. Friend the Member for Stone (Sir William Cash) outlined the problems regarding the repeal of the European Communities Act 1972, but all those things could be rectified in that Bill. However, if we do not get as far as that, we will go back to the indicative process.

As my hon. Friend the Member for Bosworth (David Tredinnick) said, the alternative to not voting for this withdrawal agreement is to risk a long delay to implementing article 50 after 12 April. Crucially, that means that we will fight European elections, almost three years after the British people voted to leave the European Union. My prediction is that we will finally have a long extension to article 50, during which time everyone will say that we must revoke it. Our trust with the British people will be broken, democracy and faith in this Parliament will be severely damaged, and I urge all colleagues to vote for this agreement today.
does not. Even if we knew the Prime Minister’s choice, she is stepping down, so someone else will have to make the choice.

I understand the Prime Minister’s unwillingness to choose. Both options have severe downsides, which is why many of us opposed leaving the EU in the first place, but how can we sign off the deal without having some idea of where we will end up? All we know is the Prime Minister’s choice for the initial transition period, which is to stay close. We will gain control of migration from the EU, but we will lose our influence on the rules we have to adhere to on data privacy, financial services and product standards in a whole host of areas. Some who worry about migration from the EU may think that a reasonable exchange, but I cannot see that it is.

To illustrate the problem, we conscientiously implemented the general data protection regulation. The UK played a key role in drawing it up, and the Prime Minister rightly recognises that we will have to continue following those rules so we can carry on exchanging data easily with the EU. She announced that she wants to keep our place on the European Data Protection Board, which oversees GDPR, but she could not achieve that in her negotiation. Under the withdrawal agreement we will lose our place on the day we leave the EU, and we will no longer have any say on the rules we have to comply with them. Writ large, that is the position in which we will find ourselves across the board.

We need a longer extension. We need a consensus-building process, which will take time. I urge the House to reject the deal today.

1.56 pm

Sir Mike Penning (Hemel Hempstead) (Con): I have sat through today’s debate, and I will not take any interventions because I want other colleagues also to have the chance to speak.

We need to talk about trust. The British public are fed up with Brexit and are fed up with us. The vast majority of us in this Chamber stood on a manifesto to honour the referendum result. I respect those who did not stand on such a manifesto, but the majority of us did. This House, whether or not we like to admit it, is a remain House. The Labour party would like to bring down the Government, and it clearly sees this as an opportunity to do so. I understand that that is the Opposition’s job, and we were in opposition long enough, but it is fundamentally wrong for a party to stand on a manifesto saying it will honour the referendum result and then do everything it can in this House to delay, change or make it a soft Brexit, or whatever other language we might use.

Richard Graham: Will my right hon. Friend give way?

Sir Mike Penning: I have already said that I will not give way.

We can rebuild trust among the British public, but we can only do so if we compromise—not, as the Scottish National party suggests, by not leaving, and not by saying we want to be in the European Union—[Hon. Members: “Hear! Hear!”] Yet again, I am so popular.

I am pleased that the Prime Minister is here, because this is fundamental. Those running leadership campaigns to replace her should, for God’s sake, put it on the back burner until we get this through. We are not voting today on the Bill. We are voting to get on to the Bill so we can consider the amendments that so many colleagues wish to make, including my friends from Northern Ireland.

Colleagues stood for election on a piece of paper that said, “I will honour the referendum.” They have to go back to their constituencies and say, “I have honoured the referendum result, as I promised you.” I will have to go back and say I have compromised, because I do not like the agreement. Most of us do not like the agreement, but it is a damn sight better than sticking two fingers up to the British public and saying, “We are going to ignore you.”

That is basically what is happening. Our constituents voted to leave, and not with caveats or with bits and bobs attached, and leave is what we should do, but I am petrified that this House is going to block the will of the British people, which is why I will support the motion today.

1.59 pm

Jeremy Corbyn (Islington North) (Lab): The Government have run down the clock in an attempt to blackmail MPs at every turn. The Government are in chaos, the country is in chaos, and the responsibility is the Government’s, and the Government’s alone. The Prime Minister pulled the meaningful vote in December because she knew it would fail. Since then, in more than three months, nothing has changed—not one single word in the 600 pages of the withdrawal agreement, not one single word in the 26 pages of the political declaration.

Today, the Government are trying to bounce the House into voting for a damaging deal that we have twice rejected, but, as ever, the Prime Minister refuses to listen. Today’s vote—third time lucky, she hopes—is an affront to democracy and this country. She has separated the withdrawal agreement from the future relationship, despite having told us that the two were indivisible. On 14 January, she told the House that “the link between them means that the commitments of one cannot be banked without the commitments of the other.”—[Official Report, 14 January 2019; Vol. 652, c. 826.]

Today, she is asking us to take a punt on the withdrawal agreement and hope for the best for the political declaration. It is not good enough; the two are linked.

Nothing demonstrates that linkage better than the backstop. The political declaration is incredibly vague, containing as it does a spectrum of possible outcomes, and nothing is even close to being resolved. That makes it even more likely that the UK would fall into the backstop, which would create regulatory divergence between Northern Ireland and the rest of the UK, as the right hon. Member for East Antrim (Sammy Wilson) said. We also know that it endures indefinitely, thanks to this Parliament prizing the Attorney General’s legal advice out of a very reluctant Government. Labour will not vote for a blindfold Brexit, and passing the withdrawal agreement today without the political declaration would be just that.

The Prime Minister said at the end of November, when she signed off the deal, that “we won’t agree the leaving part, the withdrawal agreement, until we’ve got what we want in the future because these two go together”. 
As my hon. Friend the Member for Edinburgh South (Ian Murray) said, it would be like selling your house without knowing where you are moving to, although, unlike me, I am not sure he is old enough to have watched “Monty Python”.

**Lady Hermon:** The Leader of the Opposition should be enormously proud of the achievement of the Labour party in the Good Friday/Belfast agreement, and I am extremely upset and disappointed that the Labour party today will vote against the Prime Minister’s Brexit deal, which protects the Good Friday agreement and the consent principle.

**Jeremy Corbyn:** We in the Labour party are very proud of the Good Friday agreement and the peace achieved in Northern Ireland as a result, and nobody in the Labour party wants to do anything to undermine this great achievement.

As the shadow Solicitor General, my hon. Friend the Member for Torfaen (Nick Thomas-Symonds), said, article 184 of the withdrawal agreement commits the Government to negotiate expeditiously on the terms of the political declaration. That would be a deal based on a very wide range of potential outcomes for the country, and who would decide which direction we go in? Now that the Prime Minister has announced her own departure, we do not know if the future is to be chosen by the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), the hon. Member for North East Somerset (Mr Rees-Mogg), or maybe even the jobbing Prime Minister, the right hon. Member for West Dorset (Sir Oliver Letwin). The Labour party will not play roulette with this country’s future, especially when the roulette wheel is rigged by the Conservative party.

Labour respects the result of the referendum—we reiterated that in our manifesto and again in our party conference last year—but the Prime Minister’s approach to Brexit has been nothing short of a shambles. The choices facing our country post Brexit have been decided solely by what is in the interests of the Conservative party, not the country. The Prime Minister announced her red lines and went to negotiate without any consultation with the House, without any attempt to build consensus. Those red lines were opposed by the representative bodies of workers, businesses and industry, who are now tearing their hair out in exasperation at the Government’s incompetence and the uncertainty that they face.

The first Brexit Secretary said that he would get a deal that would deliver the exact same benefits as now. The current Brexit Secretary obviously felt that that was far too good for the country because, only two weeks ago, he went into the Lobby to back no deal and oppose an extension. That would leave the UK crashing out in just 10 days with no preparations and chaos at our ports and airports, leading to a crisis in factories, shops and hospitals.

What did the Government forecasts say about the Brexit Secretary’s preferred no-deal option? That it would make the economy not 4% worse off, but nearly 10% worse off. So it is no wonder that, faced with a choice between the Prime Minister’s bad deal and a disastrous no deal, this House has given a clear no to both, repeatedly. The Government suffered the largest defeat by any Government ever in parliamentary history in January. The Prime Minister said then: “It is clear that the House does not support this deal.”—[Official Report, 15 January 2019; Vol. 652, c. 1125.]

So what was the Government’s response? They tried begging, bullying and bribery, and still they were defeated by the fourth largest majority in parliamentary history.

The Prime Minister told us that we must leave on 29 March, and even wrote it into primary legislation. She herself then voted against leaving on 29 March. She then went to Brussels to negotiate an extension and, almost unbelievably, even turned that into another negotiating failure. This Government’s Brexit negotiations have been a litany of failure, culminating today with a Prime Minister who has been forced to announce her own departure tabling only half the deal she has negotiated. This really is a half-baked Brexit.

When she became Prime Minister two and a half years ago, she said that it was her mission to deliver Brexit. She has failed. She also stood on the steps of Downing Street and promised that her Government would tackle burning injustices. Since then, she has failed on every test. Homelessness is up. Life expectancy is falling. Infant mortality is rising. Crime is rising. Police numbers have fallen. This year, the NHS had its worst ever month—people waiting longer in A&E, for an operation and to start cancer treatment—and just yesterday, we learned that more children are in poverty and the scourge of pensioner poverty is increasing again.

The job of Government is to make people’s lives better, and this Government have failed. A botched and half-baked Brexit deal like the one before us today would compound that failure. On Wednesday, the House sought to find an alternative—a new negotiating deal for the Government. Labour’s plan, I believe, provides the best compromise for a deeply divided country and a deeply divided House. It is backed in large part by major organisations in industry and business and by trade unions. It is based around the certainty of a permanent customs union, close alignment with the single market and a dynamic alignment on rights and protections.

Labour urged support for four of the options tabled by members of different parties on different sides of the House. We did so not because we would be equally happy with each of those outcomes but because we recognise that we have to compromise to get this resolved. The whole House knows that the current uncertainty is damaging businesses, reducing investment and costing jobs now and in the future. The stress of people in work is palpable as we travel around the country and talk to people in all parts of the country.

I hope that on Monday, when the House retakes control, parties and Members on both sides will enter into those debates and votes in the spirit of trying to find an acceptable compromise. We need to get a better deal, the country deserves a better deal, and I am convinced that a better deal can be negotiated and, if Members decide, a chance for people to have a final say. If we cannot do that on Monday, I will say—and many others will agree with me—that ultimately there will be no alternative other than to have a general election to decide who rules this country in the future.
To enable the Prime Minister to have sufficient time to respond to the debate, I say this in conclusion. I urge Members to act in the best interests of their constituents and to vote down this unacceptable deal. There are many people who fear for their jobs, for their industry and for whether they and their friends have a future in this country. That is causing immense stress to many people. However they voted in the 2016 referendum, they are united in their stress and concern about their future and that of their communities.

We need to rebuild our country and invest in our communities, too many of which have been neglected, ignored and underfunded for years. A botched and half-baked Brexit deal such as the one before us today would only deepen those problems and divisions. This deal, even the half of it that we have before us today, is bad for our democracy, bad for our economy and bad for this country. I urge the House not to be cajoled by this “third time lucky” strategy and to vote it down today.

2.11 pm

The Prime Minister (Mrs Theresa May): This has been another impassioned debate on Brexit. I have stood here on many occasions over the past few months, answering questions and taking interventions from right hon. and hon. Members. What I want to do in the minutes remaining is to set out the serious choice that faces us.

Today should have been the day that the United Kingdom left the European Union. That is not leaving today is a matter of deep personal regret to me, but I remain committed to the United Kingdom leaving the European Union, and that is why I brought this motion to the House today.

There are those who will say, “The House has rejected every option so far. You’ll probably lose, so why bother?” I bother because this is the last opportunity to guarantee Brexit. I say to all those who campaigned to leave, who voted to leave, who represent constituencies who voted to leave and, indeed, to all of us who want to deliver on the vote to leave: if we do not vote for this motion today, people will ask, “Why did you not vote for Brexit?” By voting for this motion today, we can send a message to the public and to the European Union that Britain stands by its word and that we will leave the European Union on 22 May.

Pete Wishart (Perth and North Perthshire) (SNP): I listened very carefully to the Prime Minister’s message to all those who voted to leave. What has she said to the 48% who voted to remain?

The Prime Minister: The deal that we have agreed and the arrangements and proposals that we have put forward absolutely apply to the 48% who voted remain, because they recognise the necessary balance between delivering on the result of the referendum and doing so in a way that protects jobs, livelihoods and people’s security.

Last week the EU Council agreed that article 50 could be extended to 22 May if the House approved the withdrawal agreement this week. That would give us enough time to take the withdrawal agreement Bill through Parliament, we would not have to hold European parliamentary elections, and we would leave the European Union. It also agreed, however, that if we did not approve the withdrawal agreement by tonight, the extension would be only until 12 April, which is not long enough to ratify a deal. So anyone who wants to leave with a deal would have to support seeking a further extension. Any such extension would probably be a long one, and that would certainly mean holding European elections. So approving the withdrawal agreement today avoids a cliff edge in two weeks’ time; it avoids European elections; it avoids a long extension that would at least delay and could destroy Brexit.

To secure this extension and to give us a firm exit date, we do not need to agree the whole deal today—just the withdrawal agreement. I believe that there is an overwhelming majority in this House for the withdrawal agreement. Three quarters of Conservative MPs backed it in the last meaningful vote, and Opposition MPs I have spoken to tell me that their problem is not with the withdrawal agreement, but with the political declaration.

So I want to address the central argument put forward by the Leader of the Opposition again this afternoon: that voting for the motion will enable a blind Brexit. It will not, and for three reasons. First, if you want to leave with a deal, then, whatever future relationship you want, it needs to sit alongside this withdrawal agreement. The withdrawal agreement is fixed. It is part of any deal.

Second, agreeing this motion today is not ratifying the whole deal; that will only happen once the withdrawal agreement Bill has passed through all its stages, in this House and the other place, and has received Royal Assent. What this motion today does is give us the time we need to pass the necessary legislation and complete the current debate that the House is considering about our future relationship. The Government stand by the current political declaration, but we are not asking the House to approve it today. Nor does today’s vote pre-judge or pre-empt the outcome of the process run by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). In fact, for those options being considered, approval of this withdrawal agreement is a prerequisite.

Third, in the next phase of negotiations, we have committed to give Parliament a significant and ongoing role in the process. Mr Speaker, if you had selected the amendment in the name of the hon. Member for Stoke-on-Trent Central (Gareth Snell) and others, the Government would have accepted it. If this motion carries today, we will bring forward a withdrawal agreement Bill that will include commitments to implement that amendment and we will discuss the specific drafting of that with those who supported the amendment.

So by voting for this motion, Members are not closing any doors. They will still have the ability, through the withdrawal agreement Bill, to influence that future relationship. Today’s motion is not about a blind Brexit; it is about a guaranteed Brexit. Today we can give the public and businesses the certainty they need. Today we can show that we stand by our word. Today we can show that we can come together in the national interest.

[Interruption.]

Mr Speaker: Order. There is far too much noise in the Chamber. The Prime Minister is addressing the House and must be heard.

The Prime Minister: Today we can show that we can come together in the national interest. Today we can take a step forward together.
[The Prime Minister]

This is a difficult day for Members right across the House. I am asking Members to take a hard decision, and I know that.

Geraint Davies (Swansea West) (Lab/Co-op): In her heart of hearts, will the Prime Minister accept that this Brexit will make Britain poorer, weaker, more divided and more isolated? The door that she should not shut is the door of democracy. She should allow the people to have the final say on whether they want this shambles. The leavers in my area certainly do not.

The Prime Minister: Can I say to the hon. Gentleman, as I have said to the House before, that if he looks at the economic analysis and the different types of Brexit that could take place, he will see that the deal that delivers on the result of the referendum and has the best economic outcome for this country is the deal that the Government have put forward?

As I said, I know that this is a difficult day for Members right across the House. I am asking them to make a hard decision, and I know that. I am asking some hon. Members to vote for a Brexit that is less than they hoped for, which is not easy. I am asking other hon. Members on the Opposition Benches to help me deliver on the instruction of the British people, and that is not easy either. There are good Labour Members who are as determined as I am to deliver the Brexit that their constituents voted for, and as willing as I am to make a compromise to move our country forward. At this historic moment for our country it is right to put aside self and party; it is right to accept the responsibility given to us by the British people, and that is what I have done. I have said that I am prepared to leave this job earlier than I intended. [Interruption.]

Mr Speaker: Order. Our proceedings are being widely watched. Please let us treat one another with respect. The Prime Minister is winding up the debate and must be heard. The Prime Minister.

The Prime Minister: I have said that I am prepared to leave this job earlier than I intended to secure the right outcome for our country. When the Division bell rings in a few moments’ time, every one of us will have to look into our hearts and decide what is best for our constituents and our country.

Wes Streeting (Ilford North) (Lab): I am grateful to the Prime Minister for giving way. She is right to say that she has sacrificed her own position to try to get her deal through. Does she appreciate that in doing so she is asking us to place our trust in whoever follows her? Looking at the likely candidates, I have to say sincerely to her that she may have sacrificed her career to put the country first, but there are plenty of people who aim to follow her who have always put themselves first, above the country.

The Prime Minister: The numbers in the House will not change. The numbers across the House will be the same. The desire of the House to be able to have a greater role in future will not change. I have made the commitment that I have in relation to the legislation in the withdrawal agreement Bill, and in relation to the amendment tabled by the hon. Member for Stoke-on-Trent Central. In the next stage, it will be important for Parliament to have greater involvement, to be able to ensure that as we move forward together we get that right result for our country.

This is about our country. It is about our national interest. As I say, everyone will have to... [Interruption.]

I will give way one last time.

Yasmin Qureshi (Bolton South East) (Lab): I thank the Prime Minister for giving way. She says that this is about the country, but with respect, that is not how it is seen. Brexit—the withdrawal agreement and the referendum—has always been about the Conservative party.

The Prime Minister: This House, across all parties, voted for a referendum. This House, across all parties, voted to trigger article 50.

Several hon. Members rose—

The Prime Minister: I am sorry, I forget of course that the Scottish National party always has a different view on this, because it wants to stay in the EU, it wants to stay in the common agricultural policy, and it wants to stay in the common fisheries policy—no good for Scottish fishermen and Scottish farmers. I had said that I had given way one last time, but as I have just referenced the SNP I will give way to the hon. Member for Glasgow South (Stewart Malcolm McDonald).

Stewart Malcolm McDonald (Glasgow South) (SNP): Well, that is some way to build compromise, but why did the Prime Minister never come to the Scottish Government and the Scottish National party and offer wide, sweeping reforms and devolution on employment law and welfare, for example, to give Scotland the power it needs to protect itself from the measures in her deal that it does not like? Instead, she stuck her head in the sand, and that is why she has got nowhere with the Scottish Government or the Scottish National party.

The Prime Minister: The Government have given the Scottish Government extra powers, and they are not using them—except, of course, of course, the power to increase taxes in Scotland more than in the United Kingdom.

I say to Members this: if you want to deliver Brexit, this is the moment. If you are passionate about making sure that the United Kingdom leaves the European Union, back this motion. If you care about our Union and want a deal that protects it, back the motion. If you want to honour the referendum, but want Parliament to shape our future relationship, back this motion. It is the right thing for our country, it is the right thing for our constituents, and with all my heart I commend this motion to the House.

Question put.

The House divided: Ayes 286, Noes 344.

Division No. 395 [2.26 pm]

AYES

Adams, Nigel
Afolami, Bim
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward

Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baldwin, Harriett
Barclay, rh Stephen
Barron, rh Sir Kevin

A

Barron, rh Sir Kevin
United Kingdom’s Withdrawal from the European Union

Tellers for the Ayes:
Andrew Stephenson and Craig Whittaker

NOES
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena

Tellers for the Noes:
Rees-Mogg, Mr Jacob
Robinson, Mary
Ross, Douglas
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Rhys
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Strike, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohurist, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevellian, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

United Kingdom’s Withdrawal from the European Union
...has been rejected. When it was defeated the first time, this House has been clear that it will not permit leaving without a deal, so we will have to agree an alternative way forward.

The European Union has been clear that any further extension will need to have a clear purpose and will need to be agreed unanimously by the Heads of State of the other 27 member states ahead of 12 April. It is almost certain to involve the United Kingdom being required to hold European parliamentary elections.

On Monday this House will continue the process to see whether there is a stable majority for one of the options, such as a customs union or a confirmatory vote, which are compatible with the withdrawal agreement. If that is the case, will the Prime Minister be open to the handbrake to this process. Quite simply, the Prime Minister has failed to take this deal forward. She does not have the confidence of the House. She has to be found. If the Prime Minister cannot accept that, she must go—not at an indeterminate date in the future, but now—so that we can decide the future of this country through a general election.

Ian Blackford: On a point of order, Mr Speaker. We should all be aware—[Interruption.]

Mr Speaker: Order. The right hon. Gentleman must be heard.

Ian Blackford: Thank you, Mr Speaker. We should all be aware of our responsibilities in this House and the seriousness of the situation we are in. I say respectfully to the Prime Minister that she now has to accept that her deal has been defeated three times. I applaud the Members of Parliament on both sides who voted against the Government’s proposition. It is a bad deal, and we have to find a way out of the crisis that we are in; all our constituents would expect that. We must give ourselves time, and I suggest to the Prime Minister that we must now look seriously at the option of revocation. We need to apply the handbrake to this process. Quite simply, the Prime Minister has failed to take this deal forward. She does not have the confidence of the House. She has indicated her departure. She should now go, and we should have a general election.

Sir Vince Cable (Twickenham) (LD): On a point of order, Mr Speaker. On Monday, it is perfectly possible that the House may indicate a preference for one of the options, such as a customs union or a confirmatory vote, which are compatible with the withdrawal agreement. If that is the case, will the Prime Minister be open to listening to the view of the House and considering how we might have a longer extension to explore them?

Mr Speaker: I think that the question was to some degree a rhetorical inquiry. The right hon. Gentleman has made his point, but further debate on these important matters will follow next week.

Heidi Allen (South Cambridgeshire) (Ind): On a point of order, Mr Speaker. The Prime Minister must now recognise that this deal is over, and the House has a serious responsibility on Monday to find a solution to this impasse. Jobs and livelihoods across the country are at stake. There is a way out of this impasse, as many of us have been saying for months and months: we must have a people’s vote now.

Caroline Lucas (Brighton, Pavilion) (Green): On a point of order, Mr Speaker. It beggars belief that the Prime Minister still seems not to recognise a dead deal when it is right in front of her. It has now been defeated three times, in spite of the procedural games that have been played. Does she realise just how grotesque it looked to appear to be willing to sell out the country’s future for the price of some Tory MPs’ careers? The idea that it was sensible for Conservative MPs to suddenly

Question accordingly negatived.

The Prime Minister: On a point of order, Mr Speaker. I think that it should be a matter of profound regret to every Member of this House that once again we have been unable to support leaving the European Union in an orderly fashion. The implications of the House’s decision are grave. The legal default now is that the United Kingdom is due to leave the European Union on 12 April, in just 14 days’ time. That is not enough time to agree, legislate for and ratify a deal. Yet the House has been clear that it will not permit leaving without a deal, so we will have to agree an alternative way forward.

I think that it should be a matter of profound regret to all Members—the responsibility to find a majority for a better deal for all the people of this country. The House has been clear: this deal now has to change. An alternative will have to be found. If the Prime Minister cannot accept that, she must go—not at an indeterminate date in the future, but now—so that we can decide the future of this country through a general election.

Jeremy Corbyn: On a point of order, Mr Speaker. This is now the third time that the Prime Minister’s deal has been rejected. When it was defeated the first time, she said:

“It is clear that the House does not support this deal”.—[Official Report, 15 January 2019; Vol. 652, c. 1125.]
[Caroline Lucas]

change their minds about a deal they had been against for months because they thought they might have some career advantage from it is wrong, and it is contemptuous of this country.

Mr Speaker: There is a degree of latitude on these occasions, but the hon. Lady has stretched it excessively. If she had wanted to speak in the debate, she might well have caught my eye, but she did not seek to do so.

Nigel Dodds (Belfast North) (DUP): On a point of order, Mr Speaker. May I urge the Prime Minister now to look seriously at what the right hon. Member for Esher and Walton (Dominic Raab) said earlier about the backstop? She knows that that remains the problem. She knows that Michel Barnier and Leo Varadkar have said this week that in a no-deal scenario, there will be no hard border. Please, Prime Minister, even now, as the right hon. Gentleman said, use the time constructively to get that matter sorted out.

Mr Speaker: Thank you.

ADJOURNMENT

Resolved, That this House do now adjourn.—(Jeremy Quin.)

2.49 pm

House adjourned.
House of Commons

Monday 1 April 2019

The House met at half-past Two o’clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—
Leaving the EU: Recruitment

1. Tonia Antoniazzi (Gower) (Lab): What recent steps the Government have taken to ensure the effectiveness of the process for recruiting workers from EU and non-EU countries after the UK leaves the EU. [910125]

The Secretary of State for the Home Department (Sajid Javid): The Government published our immigration White Paper on 19 December 2018, which set out our principles of the future immigration system. The future system will ensure that the process for recruiting and sponsoring migrant workers is straightforward for businesses and employers. We are committed to reducing the time that it takes to hire skilled migrants and to processing the vast number of visa applications within two to three weeks.

Tonia Antoniazzi: I thank the Secretary of State for his response. Recruitment from abroad is essential to ensure that we can deliver an effective NHS in Wales and across the UK. Following the scenes of far-right thuggery outside this place last Friday, what steps is the Secretary of State taking to reassure both EU and non-EU workers that the United Kingdom is a safe place to be, where their rights will be protected?

Sajid Javid: I very much agree with the words of the hon. Lady, and like her, I believe that our country has benefited hugely from immigration over many, many years. We have benefited in so many ways—our economy and our culture—and it is very important that we maintain that welcome. I believe that the new immigration system does that. She also rightly mentioned harassment and intimidation, and there will be no place for that ever in our society.

James Gray (North Wiltshire) (Con): The national health service depends on nurses of course, and we must welcome the Government’s announcement of the removal of the £30,000 pay cap from nurses. That makes a great deal of sense, but does the Secretary of State also agree that the long-term care industry equally depends, to a very significant degree, on people from the European Union? Will he not consider, equally, removing the cap for long-term care workers?

Sajid Javid: I hope that my hon. Friend welcomes a change that we have already made to the tier 2 system for non-European economic area workers, when, last year, we exempted nurses and doctors from that cap. As far as the new system is concerned, he is right to raise this issue, and that is why, as we set out in the White Paper, there is a process of engagement over this year to make sure that we are listening, including to the care industry.

Rachael Maskell (York Central) (Lab/Co-op): York currently carries over 500 vacancies in our NHS and not just for nurses, so will the Home Secretary look at lifting the cap on tier 2 visas for all NHS professional staff?

Sajid Javid: As I just referred to, we have already made a significant change in this area. We also operate a shortage occupation list, which can benefit both the NHS and other sectors where a shortage is identified. I believe that as we set out the new immigration system and through the process of engagement with the White Paper, we can make sure that we get this right.

Huw Merriman (Bexhill and Battle) (Con): You and I are big Arsenal fans, Mr Speaker, and we will be following Arsenal tonight as they thrash Newcastle. We will remember watching a 16-year-old Cesc Fabregas. Will the Home Secretary ensure that under the rules after we leave the European Union, we can still make sure that we have the youngest talent from Europe playing in our premier league?

Mr Speaker: Marvellous.

Sajid Javid: I very much agree with my hon. Friend on the issue of talent. The heart of the new immigration system, as we set out in the White Paper, is all about making sure that we are open to talent from across the world in all sectors and all industries and doing our best to make sure that it wants to come to Britain.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): An effective system for the UK must mean immigration rules being tailored and differentiated for different parts of the UK. What plans does the Home Secretary have to put in place differentiated rules reflecting the particular needs and circumstances of Northern Ireland?

Sajid Javid: It is important that like the current system, the new immigration system is simple and straightforward for businesses and others to understand, so I want to avoid unnecessary complexity. The hon. Gentleman is right about making sure that it reflects the needs of different parts of the UK. That is why in the current system, we already have, for example, the shortage occupation list specifically for Scotland. I want to make sure that as we go forward, we keep looking at the needs of all the nations of the United Kingdom.

Andrew Bridgen (North West Leicestershire) (Con): Despite the doom-mongering from Opposition Members, is my right hon. Friend aware that since the referendum almost three years ago, the number of EU staff working in our NHS has increased by 4,000?
Sajid Javid: I would add to that—I think there are 5,200 on the latest figures, and I am sure that my hon. Friend would welcome that. What this shows is that the UK continues to attract the talent that we need from across the world, and we want to make sure that that happens with our new immigration system, when it is introduced.

Countering Extremist Views

2. Mary Robinson (Cheadle) (Con): What steps he is taking to support community organisations in countering extremist views.

The Secretary of State for the Home Department (Sajid Javid): The Government are committed to supporting community organisations to counter all forms of extremism. Through our £63 million Building a Stronger Britain Together programme, we are supporting over 230 civil society groups to stand up to extremism in all communities.

Mary Robinson: In the light of the recent terrorist atrocity in Christchurch, New Zealand, there is a renewed focus on the worrying increase in far-right-related terror in the UK. What role can community organisations play in identifying and potentially vulnerable individuals from being radicalised into supporting these far-right acts?

Sajid Javid: I am sure the thoughts of the whole House are still with the victims of the terrible terrorist attack in Christchurch. I would like to reassure my hon. Friend that our Prevent programme works with a range of organisations, including many community groups, to safeguard individuals from radicalisation. Last year, almost one quarter of Prevent referrals were related to far-right extremism. I want to reassure her and the whole House that we will continue to do all we can to fight extremism in all its forms.

Hilary Benn (Leeds Central) (Lab): As the Home Secretary will be only too well aware, access to EU databases is vital to protecting our country, yet we could be just 11 days from a no-deal Brexit, which the Commissioner of the Metropolitan police has described as potentially putting people at risk. Is she right?

Sajid Javid: If we leave the EU with no deal, of course there will be a change to the tools we use with our European friends. For over two years now, but especially in the last six months, we have been working with them both bilaterally and using other tools, such as Interpol and the Council of Europe, which together will still keep us safe.

Mr David Davis (Haltemprice and Howden) (Con): Extremist views take root more easily when the communities involved feel beleaguered or at odds with the rest of society—that is one reason I disagree with the Home Secretary on the Shamima Begum case. Has the Home Office researched the attitudes of the various communities in Britain to its own counter-terrorism policy, both legislative and operational?

Sajid Javid: My right hon. Friend raises an important issue. It is very important that the Home Office, in all its counter-extremism and counter-terrorism work, continues to engage with communities at all times and in various ways—I have met many community leaders; we have had recent roundtables with members of the Jewish community on antisemitism and with members of our Muslim community on anti-Muslim hate crime; and I have attended Prevent boards and panels to see the work they do—but we are always looking at what more we can do, because having the confidence of all these communities is essential.

Kate Green (Stretford and Urmston) (Lab): In the aftermath of the appalling Christchurch attack, I met leaders of five mosques in my constituency yesterday, and they are understandably very worried about the possibility of further radical attacks, particularly during the holy month of Ramadan, when the community will be especially visible. They are very appreciative of the announcement of additional funding for security at places of worship, but they say that, with Ramadan imminent, it is important that that comes forward very quickly. Can the Home Secretary say what the plan is for doing that?

Sajid Javid: Again, that is such an important issue, after the Christchurch massacre. The hon. Lady will know that we have already doubled the funding available under the places of worship programme. I have allocated £5 million for a three-year training programme, and I have also started a consultation. In addition, we are meeting many members of that community and hon. Members to see what more we can do.

Right-wing Extremism

3. Alex Sobel (Leeds North West) (Lab/Co-op): What discussions he has had with Cabinet colleagues on the increase in right-wing extremism.

The Secretary of State for the Home Department (Sajid Javid): As Home Secretary, I have been clear that far-right extremism has no place in Britain. The Government take this issue very seriously, and it is routinely discussed by Ministers. Earlier this month, the inter-ministerial group on safe and integrated communities, which I chair along with the Communities Secretary, discussed the threat we faced from extremism, including the far right.

Alex Sobel: On Friday, outside many of our offices, on a specially erected stage, Stephen Yaxley-Lennon addressed crowds, while many parliamentary staff were trying to get home. Staff were told to leave but at times that put them directly into that crowd. At the rally, there were Generation Identity activists and organisations that had received money from the Christchurch killer and a convicted leader of the Ulster Defence Association, and the media were physically attacked. Will the Home Secretary urgently investigate with the Met police how a convicted far-right leader and such groups were allowed to whip up hate right outside Parliament?

Sajid Javid: Sadly, as the hon. Gentleman points to, there have been many instances of abuse and intimidation of Members, especially in recent weeks. All Members should be able to go about their business with complete confidence—[HON. MEMBERS: “Staff.”] Of course, all staff as well—everyone who works in the cradle of our
democracy. It is important that the police, both the Met police and local police forces, and the House authorities work together, which they are doing. I had a meeting just last week with police, officials and others to see what more we could do.

Michael Fabricant (Lichfield) (Con): Extremism in all its forms is often whipped up by social media. To what extent can the Home Office engage with social media to try to counter that?

Sajid Javid: We are already engaging with social media companies, especially the US giants that dominate the sector. I have met their representatives both here and abroad to discuss, in particular, terrorists and terrorism-related extremist content. However, the Government recognise that more needs to be done, which is why we will shortly publish the online harms White Paper.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The Home Secretary will be aware of recent reports that right-wing extremists are gaining access to ISIS-related terrorist training materials. The House should be aware that just as there is a terrorist threat from supporters of grotesque organisations such as ISIS and al-Qaeda, there is also a growing threat from the far right, which includes the threat of acts of terrorism. It has been reported that senior Home Office officials, Scotland Yard and the security agencies have met senior representatives of both the Muslim and Jewish communities. Will the Home Secretary confirm that those meetings have taken place, and will he tell us what reassurances he was able to provide?

As my hon. Friends have said, there is grave concern in the Muslim community in the light of the Christchurch massacre and the subsequent attacks on mosques in Birmingham. Can the Home Secretary assure us that funds will be available for the security of mosques and other Muslim places of worship, in the same way as they are available through the Community Security Trust for the security of synagogues? Is he aware that there are many Muslim community centres like my own North London Muslim Community Centre, which is next door to the mosque and forms part of the same complex of buildings? The people there feel very threatened. Is the Home Secretary prepared to consider helping them with funds for their necessary security?

Sajid Javid: I share the concerns that the right hon. Lady has expressed. Everyone in the House will understand why there are heightened concerns in our British Muslim communities, and why we need to do more. Soon after the Christchurch massacre, I sent “Dear colleague” messages to all Members about the immediate action that we are taking in increasing the funding for places of worship.

The right hon. Lady rightly raised the issue of Muslim community centres. I want to work with Muslim community leaders and others and to listen to what they say about what needs to be done. I think that all Members are united in their wish to ensure that our Muslim community in Britain, whom we cherish, feel hugely valued and receive the protection that they deserve. No one should feel intimidated in any way whatsoever.

EU Settlement Scheme

4. Damien Moore (Southport) (Con): What support he is providing to EU citizens applying to the EU settlement scheme.

The Minister for Immigration (Caroline Nokes): The Government’s approach has been informed by extensive, regular engagement with external stakeholders representing the needs of a broad range of people, to ensure that the EU settlement scheme is accessible to all. The Home Office has introduced a range of support, including £9 million of grant funding for voluntary and community organisations, and support via the EU Settlement Scheme Resolution Centre.

Damien Moore: I welcome the Government’s honest and transparent approach, which I know gives EU citizens living in my constituency the reassurance that they need. What steps is the Minister taking to give EU citizens as much reassurance as possible throughout the whole process?

Caroline Nokes: The EU settlement scheme opened fully on Saturday, and we have worked with EU citizens to make it as simple and straightforward as possible. Last week, we launched a £3.75 million programme of communications that provides both information and the underlying message that EU citizens are our friends, our colleagues and our neighbours, and we want them to stay.

Jess Phillips (Birmingham, Yardley) (Lab): I have met the Minister to discuss this, but will she tell the House what assurances she can give those who are not citizens of the European economic area but are married to EEA citizens? Under the current system, they have to obtain the permission of those EEA citizens to secure their settled status, regardless of whether or not they are victims of domestic violence.

Caroline Nokes: I thank the hon. Lady for that question. It is not correct that people have to get the permission of somebody who may well be a perpetrator of domestic violence, but it is important that, through our £9 million of grant funding, we work with groups and support the most vulnerable in the community so that they can help evidence their time in the UK and be granted status through the channels that we have put in place.

Theresa Villiers (Chipping Barnet) (Con): In the light of contact I have had with a constituent who is undergoing cancer treatment, may I urge the Minister to state in the clearest terms that EU nationals living in this country will continue to be entitled to NHS treatment?

Caroline Nokes: That is absolutely correct. There will be no loss of entitlement to NHS services and treatment, and I thank my right hon. Friend for her assistance in conveying the message to her constituents that we want our EU friends and neighbours to be able to stay and access the services and benefits to which they are entitled. That is important.

Joanna Cherry (Edinburgh South West) (SNP): As the Minister says, the EU settled status scheme opened at the weekend, but the Government have not introduced
a right of appeal to a tribunal against a decision under it. So in the event of a dispute about whether a person qualifies, the only means of independent redress is judicial review, which can be expensive and time-consuming. Does the Minister agree that that is not satisfactory? Will she commit to introducing a proper right of appeal?

Caroline Nokes: Of course, the hon. and learned Lady will know that an entire package of citizens’ rights for EU citizens is planned as part of the withdrawal agreement. That will provide the route, and her party might consider voting for it.

Joanna Cherry: As always, the Minister does not answer the question. It seems to me that there is no intention of introducing an independent right of appeal. Perhaps she can answer this question: the Costa amendment required the Government to ring-fence what had already been agreed for EU citizens’ rights; what progress has been made on securing that ring-fencing? Will the Prime Minister raise the matter at the EU Council on 10 April?

Caroline Nokes: I thought my response was quite clear. I reiterate to the hon. and learned Lady that the best way to ring-fence citizens’ rights is to vote for the deal.

Afzal Khan (Manchester, Gorton) (Lab): As of 30 March, the EU settlement scheme is fully open. Efforts to promote the EU settled status scheme are too little, too late. No matter how well the Government advertise, there will be people who fail to apply before the deadline. Even if that is just a small percentage, hundreds of thousands of people will be stripped of their rights and subjected to the hostile environment. Will the Government accept proposals for a declaratory scheme—the only way to avoid a repeat of Windrush for EU citizens?

Caroline Nokes: I thank the hon. Gentleman for his question. He will of course know that the first three phases of the scheme were in testing mode, and it opened publicly for the first time on Saturday. That was designed to coincide with a widespread communications campaign, on which the Government are spending £3.75 million. He well knows that we debated the issues about a declaratory scheme in the Committee stage of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill. We are very conscious of the fact that we want people to have status that they can evidence. That is why we put the scheme in place. They will have digital status, which will provide them with the ability to share just the information that is required for landlords and employers. I encourage all hon. Members to ensure that EU citizens living in their constituencies take part in the scheme.

Air Weapons Regulations

5. Karin Smyth (Bristol South) (Lab): When his Department plans to publish a response to its review of air weapons regulations.

The Minister for Policing and the Fire Service (Mr Nick Hurd): The misuse of air weapons has led to too much tragic loss of life. That is why I commissioned the review. We intend to publish our conclusions alongside a consultation on firearms safety issues, to which we committed during the passage of the Offensive Weapons Bill.

Karin Smyth: I am grateful for that answer, but the review was announced in October 2017 after my Adjournment debate. It closed in February 2018 and last July, the Minister told me that it would be published as soon as possible after the summer recess. We had more assurances in the Public Bill Committee, when I tabled further amendments, but we still have no answers to give the victims of those lethal weapons. What do the Government have to say to the families of those who have been killed and to those who have been injured, such as people in my constituency and in that of my right hon. Friend the Member for Delyn (David Hanson)?

Mr Hurd: I am genuinely sorry that this is taking much longer than I would like, and I am more than happy to meet Mr and Mrs Studley and other victims. However, bearing in mind that we have some of the toughest regulation in the world, we have a range of issues to look at in relation to firearms safety—we have committed to consulting on them in the Offensive Weapons Bill—and we are determined to consider them in the round.

Will Quince (Colchester) (Con): Does the Minister share my concern about the easy availability of air and imitation firearms? Given that there were 1,300 offences relating to imitation firearms last year, does he agree that it puts our police officers in a particularly difficult position if they do not know whether a weapon is real or an imitation?

Mr Hurd: I understand my hon. Friend’s point, but the broader point is that it is absolutely right to look again at the regulations on air weapons. They are already tight in terms of ownership and possession, but we have undertaken to look again particularly at what we can do to tighten up the safety regime, and that is exactly what we intend to do.

Siobhain McDonagh (Mitcham and Morden) (Lab): May I ask the Minister for his help in encouraging Cash Exchange on London Road in Morden not to have firearms for sale right in its front window, which is encouraging the purchase of those weapons?

Mr Hurd: I am more than happy to sit down with the hon. Lady and to talk through the specifics of that. Based on what I have heard, I am sure that we will be happy to work together on that.

Violent Crime: Young People

6. David T. C. Davies (Monmouth) (Con): What steps he is taking to divert young people away from violent crime.

7. Maggie Throup (Erewash) (Con): What steps he is taking to divert young people away from violent crime.

16. Eddie Hughes (Walsall North) (Con): What steps he is taking to divert young people away from violent crime.
**The Secretary of State for the Home Department (Sajid Javid):** Diverting young people from crime is at the heart of my approach to tackling serious violence. Factors such as domestic abuse and substance abuse can make an individual vulnerable to becoming a victim or a perpetrator. I understand these communities: I was raised alongside kids like these and I will not leave them behind. That is why we are investing record amounts in early intervention schemes to steer even more children and young people away from serious violence.

**David T. C. Davies:** I thank my right hon. Friend for that answer. Will he also investigate changing the Police and Criminal Evidence Act 1984 to allow a recent conviction for carrying a knife or gun to be used as grounds by the police for carrying out a stop and search? Does he agree that this could divert larger numbers of people from crime?

**Sajid Javid:** I thank my hon. Friend for highlighting this issue, which has also been raised by the police. I have asked officials for further advice on the matter. He might also be interested to know that just yesterday we announced changes to stop and search that would make it easier for police to deploy “no suspicion” stop and search powers to combat serious violence.

**Maggie Throup:** How does my right hon. Friend expect the £100 million of funding, allocated in the spring statement for the purpose of keeping young people safe, to ease police pressures not only in large cities such as London but in towns and villages such as those in my constituency?

**Sajid Javid:** It will certainly help to ease pressures. The £100 million will help police with their immediate response to the rise in serious knife crime, and it will also help to support the violence reduction units. That £100 million is alongside the almost £1 billion increase in total police funding this year.

**Eddie Hughes:** Could more money be made available to excellent groups such as Youth of Walsall and its campaign Real Knives, Real Lives? The campaign seeks to educate those at risk of committing knife crime to understand the impact of their actions.

**Sajid Javid:** My hon. Friend is right to raise this, because the work of Real Knives, Real Lives and of other groups doing similar work is really helping young people to move away from involvement in what could become a life of crime. We have provided significant funding to similar organisations through the early intervention youth fund, and now the new youth endowment fund will also support similar community organisations.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): I welcome the public health approach and the knife crime summit, but the evidence presented to the Home Affairs Committee inquiry into serious violence suggests that the Home Secretary’s claim to be putting record amounts of funding into prevention is simply not credible. We were told by West Midlands police that they now have no police officers based in schools working on crime prevention because of the scale of the cuts. There has also been a one-third reduction in youth service funding over the past few years and, crucially, there are now 50,000 fewer people working on community safety and crime prevention. Children’s lives are being lost and it is crucial that investment in prevention should take place.

**Sajid Javid:** First, the right hon. Lady will be aware that we have had the biggest cash increase in police resources—almost £1 billion—since 2010. That is going to lead to the recruitment of more than 3,000 officers. I absolutely agree with her that early intervention should be a priority, and just last week we confirmed that a record £200 million is going into the youth endowment fund. That will help many community organisations to help young people to turn away from crime.

**Sajid Javid:** First, I am very sorry to hear about that incident, which must have been shocking for everyone involved. We need to ensure that the police are properly resourced, which is why this record increase in funding since 2010 is hugely welcome. However, when it comes to other types of crime that require more focus, the additional £100 million to tackle serious violence that the Chancellor announced in the spring statement will also help.

**Vernon Coaker** (Gedling) (Lab): For months, I have been raising the need for the Home Secretary to get a move on and get a grip on this national emergency. We welcome the measures that he has announced to tackle youth and violent crime, but will he commit today to let us know how everything is working, how it is reducing serious violence and whether it is having any impact at all? We will then start to believe him.

**Sajid Javid:** We absolutely should regularly update the House, whether by coming to the House, through “Dear colleague,” letters or by holding meetings with hon. Members who request them. However, it is important, on many of these measures, that we are united as a House. The public health approach, which seems to have united hon. Members, is an example of what we can do if we work together.

**Carolyn Harris** (Swansea East) (Lab): Right across the country, vulnerable children are being coerced and threatened into joining gangs that run drug operations. There are instances where vulnerable and isolated children are groomed, exploited and filmed while being sexually abused and subsequently blackmailed into selling drugs. What assurances can the Home Secretary offer the House about the specific action being taken to tackle the county lines operations properly to ensure that children are not caught up in violent gangs?

**Sajid Javid:** First, the new public health approach, the consultation on which was launched today, will certainly help to safeguard many more young people. Secondly, the work of the National County...
Mr Hurd: It is the first duty of a Government to keep the public safe and the Home Secretary and I could not have made it clearer that our priority going into the spending review is police funding. More money has gone into Bedfordshire police and we intend to take police funding as a priority into the next spending review.

David Hanson (Delyn) (Lab): The North Wales police precept has risen by 8% at a time when, over the past few years, the reduction in central Government funding has been £31 million. Will the Minister indicate how much the North Wales police precept would have to rise to compensate for central Government cuts?

Mr Hurd: I hope the right hon. Gentleman would welcome the additional public investment in North Wales police, as seems to be the case. That is part of a trend, which I hope he would welcome, of increased public investment in policing. If we want more to go into policing, we have to pay as taxpayers. Whether it comes from central Government or local government is not the point. He will know that most funding for local policing comes from the taxpayer through the centre. I will take no lectures on precepts from the Labour party, which doubled council tax when it was in power.

Serious Violent Crime: Police Investigation

Mr Hurd: I receive representations from colleagues across the House who represent rural seats pointing out the specific challenges of policing a rural area. They also point out, as the evidence shows, that satisfaction with local police forces is lower in rural areas than in other areas. We are increasing police funding, and the Home Secretary has made it clear that it will be a priority in the spending review. In that context, I have also undertaken to reconsider how resources are allocated across the system to ensure that no one feels left behind.

Mr Hurd: More money is going into policing, including in Cumbria, and more police officers are being recruited, including in Cumbria. Cumbria constabulary is rated good for efficiency, effectiveness and legitimacy, and I am sure that the hon. Gentleman will join me in congratulating its hard-working officers on achieving that.

Andrew Selous (South West Bedfordshire) (Con): While welcoming the increased officer numbers and police funding that were announced recently, does the Minister share my concern that towns such as Dunstable and Leighton Buzzard have far fewer officers than they had many years ago? This needs to be urgently addressed in the spending review, as it is the first duty of a Government to keep their citizens safe.

Mr Hurd: I have a great deal of sympathy for the hon. Lady and the situation in her constituency—I, too, have suffered a recent murder in my constituency—but it is a misrepresentation of the Government’s position to say that we have just embarked on a journey of underpinning our strategy through a public health approach. What we have announced today is the launch of a consultation on a statutory duty to co-operate.

Sandy Martin: In addition to our need for police officers, public interface, intelligence gathering, evidence processing and so on, depend on police staff. Does the
Mr Hurd: I have candidly recognised in the House that our police system has been under pressure, which is why we have increased public investment. As a result, police and crime commissioners across the country are recruiting, at the last count, around 3,000 officers, plus additional staff. I am mystified as to why the hon. Gentleman voted against it.

Mr Hurd: We are already acting, and all the issues the hon. Lady mentioned were part of the discussion that I took part in, alongside the Prime Minister and other Ministers, with a range of experts today, where all were agreeing about the approach the Government are taking, underpinned by a public health approach. The hon. Lady was dismissive of the statutory duty to co-operate, but that has been welcomed by both the Mayor of London and the commissioner of police.

Tom Pursglove (Corby) (Con): Collaboration across force boundaries is clearly crucial in helping the police not only to investigate but to tackle serious violent crime head on. What steps are being taken to help to promote that agenda?

Mr Hurd: I recently visited Kent police, who are an outstanding example of an excellent force that is using the additional resources from the public to increase its capacity, with an additional 450 officers in recent years, and to take a very tough approach to knife crime, which is bearing fruit. I congratulate Kent officers on their hard work.

Mr Speaker: If the hon. Member for Coventry North East (Colleen Fletcher) were standing, I would call her, but she is not and so I will not—but she now does, so I call Colleen Fletcher.

17. [910141] Colleen Fletcher (Coventry North East) (Lab): Thank you, Mr Speaker. A local officer recently told me that the police no longer have the resources available to provide the level of service most people rightfully expect and wanted me to tell the Government that without significant investment in policing this situation is unlikely to change. What does the Minister say to this dedicated officer, whose job is being made impossible due to savage budget cuts, and to the victims of crime, who are being let down so badly by this Government?

Mr Hurd: What I say to that officer is what I say to every officer who makes exactly the same point, which is a valid one: the Government understand that police officers are feeling very stretched and under pressure at the moment, which is exactly why we have increased investment in our police. It is exactly why we are investing more than £1 billion more in our police system. He may wonder why the hon. Lady voted against it.

Louise Haigh (Sheffield, Heeley) (Lab): It is unclear how the long delayed public health duty consultation announced today will make any difference, given that the agencies referenced already have those safeguarding responsibilities under crime and disorder partnerships. If today’s summit is to be anything more than another talking shop, we need to see urgent action on school exclusions, long-term police funding, mental health services, and youth services and diversion for young people. These systemic changes require a Government with the capability and the will to act. When can this House be assured that this Government have either?

Mr Hurd: A local officer recently told me that the police no longer have the resources available to provide the level of service most people rightly expect and wanted me to tell the Government a valid one: the Government understand that police officers are feeling very stretched and under pressure at the moment, which is exactly why we have increased investment in policing this situation. Without significant investment in policing this situation, we will not be able to continue to do both once we have left the EU.
Caroline Nokes: I thank my hon. Friend for that question. The answer is: absolutely. The proposals we have put forward in the White Paper will ensure that there is absolutely no discrimination in respect of those seeking to come here from EU countries and from non-EU countries.

Emma Little Pengelly (Belfast South) (DUP): In Northern Ireland, social care is fully integrated within the Department of Health. Many of the jobs that supply vital services to older people, both in care homes and across the community, are filled by EU mainland nationals. What conversations has the Department had with the Department of Health in Northern Ireland to ensure this vital flow of employment and workers can continue post Brexit?

Caroline Nokes: I thank the hon. Lady for that question. It is important to note that just last week I held a roundtable with representatives from the Scottish and Welsh Governments, and civil servants from Northern Ireland. It is important that we make sure we have a future immigration system that works for the whole of the UK, and we are determined to do so.

Fire Risk: Commercial and Residential Buildings

11. Emma Dent Coad (Kensington) (Lab): What recent assessment has made of the capacity of fire inspectors to assess the fire risk of commercial and residential buildings.

The Minister for Policing and the Fire Service (Mr Nick Hurd): As the hon. Lady knows, each fire and rescue authority is required to have an integrated risk-management plan and risk-based inspection programme, and the adequacy and effectiveness of those arrangements are now subject to independent inspection.

Emma Dent Coad: Following the Grenfell Tower fire, the London fire brigade implemented a more rigorous and detailed building inspection programme, which has brought up additional issues that need enforcement action. That inevitably takes up a great deal of time and limits the brigade’s ability to assess premises. Will the Minister agree to review funding, to improve the recruitment and retention of the suitably qualified officers we need to ensure that people are safe in their beds?

Mr Hurd: I understand the hon. Lady’s point. Core spending for the Greater London Authority has increased by 6.3% in 2019-20. We are reviewing the funding arrangements for the fire service as part of the spending review, and I will note the hon. Lady’s intervention in that context.

Karen Lee (Lincoln) (Lab): Not only are the Government failing to deal with dangerous cladding wrapped around buildings, but they are responsible for cutting one in four fire inspectors since 2010. They cannot cut red tape and fire inspectors and expect there to be no ticking time bombs like Grenfell. Cuts have consequences. The fire service must be funded to seek out risk, not just to respond to it. I add my voice to those asking the Minister whether he will undertake a serious review of fire service funding, with a view to implementing a robust national standard framework to set expectations of fire inspector numbers and competency.

Mr Hurd: I can certainly assure the hon. Lady, as I have before, that as it prepares for the spending review the Home Office is extremely serious about assessing the demand on the police and the fire service. In the latest forces reviews by the independent inspectorate, 10 out of the 14 forces were rated “good” for effectiveness. I hope the hon. Lady would join me in welcoming that.

Several hon. Members rose—

Mr Speaker: Order. I hope the whole House will want to join me in congratulating the hon. Member for South East Cornwall (Mrs Murray) on her wedding on Saturday. We wish her and her new husband a long, happy and healthy life together.

Counter-terrorism: Resources

12. Mrs Sheryll Murray (South East Cornwall) (Con): What steps he is taking to provide security and law enforcement organisations with adequate resources to counter terrorism.

And thank you very much, Mr Speaker.

The Minister for Security and Economic Crime (Mr Ben Wallace): I add my good wishes to my hon. Friend and wish her all the best for the future.

Our security and intelligence agencies are currently conducting more than 700 live investigations, so it is crucial that they have the resources needed to keep our citizens safe. In 2015, the Government increased counter-terrorism funding by 30%, from £11.7 billion to more than £15 billion, for the spending review period.

Mrs Murray: I thank my right hon. Friend for his reply. How does he respond to the concerns raised by the security and defence chiefs about the danger posed by the withdrawal agreement to our security relationships with the US, NATO and the Five Eyes alliance?

Mr Wallace: I read with interest the article and the letters sent by the former Chief of the Defence Staff and Secret Intelligence Service—in fact, I served with the former Chief of the Defence Staff. I regret to say to my hon. Friend that I think they are completely wrong. Nothing in the withdrawal agreement or the political declaration cuts across NATO, our defence and intelligence relationships with the EU or the US, or the Five Eyes alliance. The withdrawal agreement guarantees that it is the United Kingdom’s sovereign choice to co-operate with the EU on foreign policy and intelligence matters, while protecting the UK’s national security safeguards.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op) rose—

Mr Speaker: It would be a very odd and almost irregular parliamentary day if the hon. Member for Huddersfield (Mr Sheerman) did not leap to his feet to pose an inquiry to the Executive branch, and I am delighted that he has done so. In particular, I am pleased that he has not been unduly displeased by Huddersfield’s relegation.

Mr Sheerman: Thank you for your condolences, Mr Speaker. We live to fight another day.
There are some thoughtful people on the Government Front Bench, but listening to today’s questions I get the feeling that they live in a silo, where they are comfortable but do not join up with other Departments. I hear from senior police officers up and down the country, but particularly in West Yorkshire and Huddersfield, that there is inadequate supply of the special skills needed to combat terrorism on the internet.

Mr Wallace: I am afraid that is simply not the case. I speak regularly to all the leaders of the regional counter-terrorism response and the serious organised crime response. The part of policing that currently gets increased funding around that speciality is organised crime and counter-terrorism. I am happy to visit with the hon. Gentleman the counter-terrorist unit in his part of the country, which does a first-class job. The problem is not access to that speciality but making sure that we cut off the future demand and threats. I urge him to come with me to visit his local unit, and we can discuss the Prevent programme together.

Nick Thomas-Symonds (Torfaen) (Lab): May I add the congratulations of Members on the Opposition Benches to the hon. Member for South East Cornwall (Mrs Murray)?

The Minister has spoken about having more money for counter-terrorism, but when an appalling terrorist attack occurs it draws in officers and resources from mainstream policing as well as specialist counter-terror officers. Surely he must accept that cutting more than 21,000 police officers since 2010 has diminished the Government’s capacity to keep people safe.

Mr Wallace: The hon. Gentleman will know that when police forces come under pressure—such as when they respond to a terrorist incident, to an incident such as Salisbury or, indeed, as in my constituency, to a process such as fracking—there is an extra grant for those police forces. We have refunded extra money to police forces in Dorset, London and Manchester, and we will continue to do so. That is why we have this pot in the Home Office: to make sure that we can flex as something happens. Police respond, and they then get back the money that they need.

Local Authorities: Children of EU Nationals

14. Teresa Pearce (Erith and Thamesmead) (Lab): What steps is he taking to ensure that local authorities settle the status of the children of EU nationals in their care.

The Minister for Immigration (Caroline Nokes): The Home Office’s comprehensive vulnerability strategy ensures that the EU settlement scheme is accessible for all, including children in care. The Home Office is engaged with the Department for Education, the Local Government Association and the Association of Directors of Children’s Services to assess the needs of this group and ensure that they are met. I have welcomed their ongoing contribution to the development of the scheme.

Teresa Pearce: The Home Office’s testing of the EU settlement scheme has highlighted real challenges for this group of vulnerable children. Across five authorities, only 16 children have secured settled status. Does she agree that, as corporate parents to these vulnerable children, we should be giving automatic settled status, and that those eligible for citizenship should have their fee waived to avoid any risk of them becoming undocumented and causing a second Windrush scandal?

Caroline Nokes: As the hon. Lady knows, five local authorities took part in the private test phase, making applications on behalf of children for whom they had full parental responsibility. They reported that the process was quick and easy for them to use. As I have said previously, we have a comprehensive vulnerability strategy and are working hard to make sure that the scheme is accessible and handles all those who are marginalised or at risk with the sensitivity that is required.

Topical Questions

T1. Sir Edward Leigh (Gainsborough) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for the Home Department (Sajid Javid): My deepest sympathies go out to all those affected by the terrorist massacre in Christchurch, New Zealand. To help protect our faith institutions, we are increasing next year’s places of worship fund for protective security to £1.6 million, investing £5 million in security training and consulting communities in what more can be done. Tragically, we are still seeing an epidemic of knife crime on our streets, so today we have launched a consultation on a new legal duty to support our public health multi-agency approach.

Sir Edward Leigh: The Secretary of State will be aware of the case of the Iranian Christian whose asylum application was turned down by the Home Office because—I quote a Home Office official—“violent passages” in the Bible contradicted his claim that Christianity is a “peaceful” religion. Will my right hon. Friend acknowledge that some of his officials may be so worried about being accused of Islamophobia or antisemitism that they overcompensate by becoming Christian-critical and do not understand that Christianity is the cornerstone of all our freedoms?

Sajid Javid: I have seen the letter to which my right hon. Friend refers. I found it totally unacceptable, and it is not in any way in accordance with policies at the Home Office. I have ordered an urgent investigation and not ruled out any further action.

T2. Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Home Secretary talked about the epidemic in knife crime, which has tragically affected my own constituency with young people being killed and injured. We heard from senior police officers in the Home Affairs Committee last week about the £100 million that has been provided; they said that it simply was not enough to tackle the scourge. By comparison, 10 times that amount has been provided for Brexit. There have also been huge cuts in youth services across the country. What will he do to provide the resources that our police and all our services need to keep our young people safe?
Sajid Javid: Of course resources are very important in fighting knife crime. Alongside the £100 million that the Chancellor announced in his spring statement, which all the forces have told us will make a big difference, we should consider the almost £1 billion increase this year in the entire police system because of the financial settlement.

T3. [910152] Eddie Hughes (Walsall North) (Con): I am concerned that the Labour police and crime commissioner in the west midlands is maintaining large reserves to be spent in advance of the PCC elections next year. Is there anything the Government can do to stop this?

The Minister for Policing and the Fire Service (Mr Nick Hurd): The west midlands police and crime commissioner is one of many PCCs who were asking for more public money while, at the same time, putting public money aside to increase their reserves. We have increased the funding to west midlands police, and I hope my hon. Friend will welcome that. However, we also require police and crime commissioners to publish transparent strategies of how they intend to use their reserves. It is public money given by the public for investment in policing.

T7. [910156] Patricia Gibson (North Ayrshire and Arran) (SNP): Can the Secretary of State guarantee effective steps to encourage EU nationals to come to, and stay in, the UK to meet demand for NHS and care sector workers post Brexit? Does he accept that those sectors are facing a recruitment and retention crisis, with about 104,000 current health and social care workers who now feel unwelcome and undervalued?

The Minister for Immigration (Caroline Nokes): The hon. Lady will have heard me say earlier that we are working very hard with the social care sector and listening to organisations such as the Local Government Association. A couple of weeks ago, I met not just the LGA but the Convention of Scottish Local Authorities to talk about the importance of the social care sector and to make sure that our future immigration system is able to recruit people with the skills and the talents that we need to come to the whole of the United Kingdom.

T4. [910153] Charlie Elphicke (Dover) (Con): With more arrivals by small boats across the English channel, will the Minister update the House on progress with aerial surveillance and gaining the agreement of France for migrants to be returned, to most effectively deter the extremely perilous crossing. We deploy aerial surveillance, but the House will appreciate that I will not be able to discuss our covert assets in detail. He is right to emphasise that we are working with a number of member states, including France, to facilitate returns. About 20 individuals who have crossed via small boat have been returned to date, and further returns are in progress.

Caroline Nokes: My hon. Friend is right to emphasise that it absolutely is people traffickers and organised crime gangs who are encouraging people to make this extremely perilous crossing. We deploy aerial surveillance, but the House will appreciate that I will not be able to discuss our covert assets in detail. He is right to emphasise that we are working with a number of member states, including France, to facilitate returns. About 20 individuals who have crossed via small boat have been returned to date, and further returns are in progress.

T8. [910157] Mr Steve Reed (Croydon North) (Lab/Co-op): Local authorities are formally responsible for applying to the EU settlement scheme on behalf of looked-after children, but it is not clear what support is available for vulnerable adults such as elderly people with dementia.

With potentially just 11 days left until we leave the EU, will the Minister now confirm what support will be made available to help vulnerable adults secure their status before the UK leaves?

Caroline Nokes: The Government have made available £9 million of grant funding to charities and other organisations to support vulnerable people, including vulnerable adults in the care sector, through this process. We have already, through the test phase, been working closely with a number of local authorities, and there has been an extensive engagement process with the LGA and other local government bodies to make sure that we get this right.

T5. [910154] Fiona Bruce (Congleton) (Con): Does my right hon. Friend agree that while stop-and-search is a vital tool in the fight to tackle serious violence, to be truly effective, police need to be empowered to use it in an intelligence-led way?

Sajid Javid: Yes, I very much agree with my hon. Friend. The simple truth is that stop-and-search saves lives. Of course it should always be targeted and intelligence-led, with proper engagement with the community, but it saves lives. There are people alive today because of stop-and-search.

T10. [910159] Laura Smith (Crewe and Nantwich) (Lab): What does the Minister say to the victims and survivors of historical sexual abuse in my constituency who were horrified by the recent comments of the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) on spending by her Department on investigating such crimes?

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I share completely the views of, I think, most Members of this House that the victims of child sexual abuse, whether current or historical, deserve justice, deserve fairness, and deserve our support. Our use of language in this arena is vital, and the priority of this Government will always be to support those victims.

T6. [910155] Steve Double (St Austell and Newquay) (Con): I very much welcome the introduction of the pilot scheme for seasonal agricultural workers, but it is vital that it works for all parts of our agricultural sector. Will the Minister therefore look carefully at the scheme to ensure that it works for daffodil growers, whose picking season is different from that for other crops?

Sajid Javid: I am pleased that my hon. Friend welcomes the introduction of the pilot scheme. I listened carefully to what he said. The scheme will be evaluated very carefully—I can give him that assurance. We want to make sure that it works for all parts of our agricultural sector.

Wera Hobhouse (Bath) (LD): Over a third of my constituents do not earn enough to sponsor a visa for a family member from outside the EEA. Will the Minister consider revising the minimum income requirement, to provide a pathway for minimum wage employees to be reunited with family members?
Caroline Nokes: The minimum income threshold was set after consideration of advice from the independent Migration Advisory Committee. The Supreme Court has endorsed the lawfulness of that approach and agrees that the minimum income requirement strikes a fair balance between the interests of UK citizens wishing to sponsor a non-EEA spouse and of the community in general.

T9. [910158] Chris Green (Bolton West) (Con): I would like to thank my right hon. Friend on behalf of my constituent, Janine Aldridge, for his work in looking into concerns about the retention of human tissue. On behalf of Ms Aldridge, I wrote to the Mayor of Greater Manchester on 17 July 2017 to raise concerns about the retention of her daughter's tissue samples, which has led to the family holding three separate funerals. I was disappointed recently to receive a letter from the chief constable of Greater Manchester police, indicating that it has not undertaken a formal investigation into her complaint and was unaware that that was expected, despite Ms Aldridge meeting the Mayor and his deputy. Will my right hon. Friend urgently investigate this matter, so that the Aldridge family can have confidence that they have finally laid Leah to rest and to ensure that this never happens again?

Mr Speaker: The hon. Gentleman could not be accused of excluding any consideration that he might think in any way relevant, anywhere at any time.

Mr Hurd: Mr Speaker, my hon. Friend was raising the tragic case of a family who had to organise three separate funerals for a child. I understand that the deputy Mayor of Greater Manchester has written to Ms Aldridge informing her that Greater Manchester police will commence a formal investigation upon receipt of further details of the complaint. As promised, I have written to all chief constables in England and Wales requesting that their human tissue retention policy be submitted to my Department for scrutiny.

Stephen Timms (East Ham) (Lab): When the Home Secretary launched the immigration White Paper, I asked him about the overseas students falsely accused of cheating in the test of English for international communication. He said he was taking the matter very seriously. Can he update the House, and will he meet the officers of the new TOEIC all-party parliamentary group to discuss progress?

Sajid Javid: When I met the right hon. Gentleman, I took this issue very seriously. I have asked my officials to review it. We had a further meeting to make some final decisions just last week, and I will be in touch with him shortly.

Greg Hands (Chelsea and Fulham) (Con): Can we do more to help victims of car theft? My constituent Linford Haggie faced an extraordinary situation where his car was stolen, and the police told him he could retrieve it, but because the car had been kept to gather evidence and forensics, he had to pay a £150 release charge plus £20 a day for storage. Surely we should not be penalising victims of crime in that way.

Mr Hurd: I understand the point that my right hon. Friend makes. We are concerned about the increase in vehicle crime. That is why I have convened a taskforce to bring everyone together to look at it. There are costs that need to be recouped, but he raises a serious point, and we have agreed to look at that again.

Alex Norris (Nottingham North) (Lab/Co-op): The seasonal agricultural workers scheme presents a real risk of inadvertently creating slavery. What extra resources will the Gangmasters and Labour Abuse Authority get to ensure that that does not happen?

Victoria Atkins: I thank the hon. Gentleman. Gentleman for his question. He will know how vital the work of the GLAA is to tackling modern slavery. I am working with my ministerial colleague to ensure that the situation he describes does not occur.

Kevin Foster (Torbay) (Con): For many victims of domestic violence, the mental and psychological abuse they are subject to has the biggest impact on their lives. What steps is the Minister taking to ensure that that aspect of domestic abuse is tackled?

Victoria Atkins: I am grateful to my hon. Friend for raising that point; often, the emotional and mental effects of domestic abuse can be just as harmful as the physical effects. That is why we are including those forms of abuse in the statutory definition of domestic abuse in the draft Domestic Abuse Bill. In addition, we are ensuring that the coercive and controlling behaviour offence, which we introduced in 2015, is still appropriate in this day and age.

Sir Edward Davey (Kingston and Surbiton) (LD): Members of the British armed forces from foreign and Commonwealth countries are rightly allowed to settle here in the UK with their families after their service. Why must they pay £2,389 per person—nearly £10,000 for a family—to be able to exercise that right? Will the Home Secretary scrap those fees for veterans of the British Army?

Sajid Javid: The right hon. Gentleman raises a reasonable issue, and the Home Office has been working with the Ministry of Defence to see whether we can do more.
Points of Order

3.34 pm

Richard Drax (South Dorset) (Con): On a point of order, Mr Speaker. As I have advised you, I should be grateful if you would allow me to make a personal statement.

I do not feel that I have misled the House, but I do feel that I have not been true to myself. Although doing what I believed to be in the country’s best interest at that moment in time, I quickly realised that I should not have voted with the Government on Friday afternoon. We have to weigh up the balance of risk and make an almost impossible choice: it seemed to be either the Prime Minister’s deal or a long delay, European elections, a softer Brexit and more political uncertainty. What I should have done, and did not do, was to trust my instincts and those of the British people. I made the wrong call on Friday, and let me very briefly explain why. First—[Interruption.]

Mr Speaker: Order. /Interruption./ No. I signalled an acceptance of the hon. Gentleman’s wish to raise this matter, and he must be allowed to do so.

Richard Drax: Thank you, Mr Speaker. First, I have consistently voted against the withdrawal agreement because it is flawed. Secondly, I believe I have let down good friends here in the House, and my friends and colleagues in the Democratic Unionist party. I served on three operational tours in Northern Ireland, playing a small part in protecting the innocent and combating terrorism, so I say sorry to DUP Members and the hon. Member for Vauxhall (Kate Hoey) for voting for a deal that could risk the integrity of our country. For that reason, and for that reason alone, the withdrawal agreement, as it stands, must never ever see the light of day again.

Finally, if the Prime Minister cannot commit to taking us out of the EU on 12 April, she must resign immediately. This is no longer about leave or remain—that was decided in 2016—but about the future of our great country, and about faith and trust in our democracy. Spring is here: time for a new start for us all. Let us take our country back in 11 days’ time, and fulfil our honourable duty. /Interruption. /

Mr Speaker: Order. I do not need any advice from the hon. Member for Croydon South (Chris Philp). I have the highest regard for the hon. Gentleman, who is a very keen, committed and assiduous new Member, but I hope he will accept it when I say, on the strength of nearly 22 years in the House and nine and three quarter years as the occupant of the Chair, that I do not feel in immediate need of assistance from someone who entered the House in May 2015. The hon. Gentleman is entitled to his views, but it might be prudent if he had the good courtesy to keep them to himself on this occasion.

I thank the hon. Member for South Dorset (Richard Drax) for his point of order. I did not know what its content was to be, and I had not seen the text. The hon. Gentleman speaks for himself. I know him well enough to know that he speaks not merely from the head, but from the heart. He is a person of integrity and a man of principle. I respect what he said, and I think it stands for others to judge, but I appreciate his saying so candidly what he wanted to say.

Laura Pidcock (North West Durham) (Lab): On a point of order, Mr Speaker. This is not Brexit-related, but it is important to my constituents. On 31 January, I wrote to the Minister for Employment about an urgent matter involving a severely disabled constituent of mine who, through natural migration on to universal credit, has been made £98 a week worse off than when on working tax credit, after she was mis-advised by officials. I did receive a response—shockingly, eight weeks later—not with a solution, but asking for more information. My constituent has been in severe hardship the whole time. Given that the Secretary of State for Work and Pensions said earlier this month that people in this situation would be fully compensated and given the huge loss to this woman—this is no criticism of the workforce—what can we do in the face of such a dysfunctional Department and a Minister lackadaisical in the face of such distress?

Mr Speaker: I thank the hon. Lady for her point of order. I know that she was courteous enough to give me notice that she wished to raise the matter. I trust that she has also notified the Minister of her intention to do so.

Laura Pidcock indicated assent.

Mr Speaker: It is clearly important, colleagues, that Members receive timely responses from Ministers on important constituency matters. This is an observation I have had many times to make from the Chair. It should not be necessary to do so again, but, sadly, it has been. The hon. Lady has made her concern clear. It will have been noted by those on the Treasury Bench, including the Leader of the House, who I am sure, in common with her predecessors, takes very seriously the responsibility to chase Ministers to serve the House efficiently and in a timely fashion. We will leave it there for now.

Are there no further points of order? The right hon. Member for Haltemprice and Howden (Mr Davis) was thirsting a moment ago, but he appears to have lost his appetite.

Mr David Davis (Haltemprice and Howden) (Con) rose—

Mr Speaker: He has regained it. I call David Davis.

Mr Davis: Following the comments from my hon. Friend the Member for South Dorset (Richard Drax), my point of order is altogether too mundane to detain the House.

Mr Speaker: I do not think that “mundane” and the right hon. Gentleman ordinarily go together, so it would have been an exceptional state of affairs. Nevertheless, if he wishes to apply a self-denying ordinance on this occasion, who am I to prevent him?

BILL PRESENTED

PRIME MINISTER (CONFIDENCE)

Presentation and First Reading (Standing Order No. 57)

Tom Brake, supported by Jo Swinson, Sir Edward Davey, Layla Moran, Tim Farron, Wera Hobhouse and Christine Jardine, presented a Bill to require a Prime Minister to tender their resignation to Her Majesty if the House of Commons passes a motion of no confidence in them; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 370)
Business of the House

Mr Speaker: I inform the House that I have not selected any of the amendments.

Motion made, and Question proposed,

(1) That, at today's sitting —

(a) any proceedings governed by the order of the House of 27 March (Business of the House) or this order may be proceeded with until any hour, though opposed, and shall not be interrupted;

(b) the order of 27 March shall apply as if, at the end of paragraph 2(b), there were inserted “and then to motions in the name of a Minister of the Crown relating to statutory instruments”;

(c) notwithstanding the practice of the House, any motion on matters that have been the subject of a prior decision of the House in the current Session may be the subject of a decision;

(d) the Speaker shall announce his decision on which motions have been selected for decision by recorded vote before calling a Member to move a motion under paragraph 2(l) of the order of 27 March;

(e) the Speaker may not propose the question on any amendment to any motion subject to decision by recorded vote or on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(f) debate on the motions having precedence under paragraph 2(l) of the order of 27 March may continue until 8.00 pm at which time the House shall proceed as if the question had been put on each motion selected by the Speaker for decision by recorded vote and the opinion of the Speaker as to the decision on each such question had been challenged;

(g) in respect of those questions —

(i) Members may record their votes on each question under arrangements made by the Speaker;

(ii) votes may be recorded for half an hour after the Speaker declares the period open and the Speaker shall suspend the House for that period;

(iii) the Speaker shall announce the results in the course of the sitting;

(h) during the period between 8.00 pm and the announcement of the results on the questions subject to recorded vote —

(i) no motion for the adjournment may be made;

(ii) the Speaker may suspend the sitting if any other business, including proceedings provided for in paragraph 1(b) of this order and paragraph 2(g) of the order of 27 March, has been concluded.

(2) That, on Wednesday 3 April —

(a) notwithstanding Standing Order No. 14(1) (which provides that Government business shall have precedence at every sitting save as provided in that order), precedence shall first be given to a motion relating to the Business of the House in connection with the United Kingdom’s withdrawal from the European Union

(b) if more than one motion relating to the Business of the House is tabled, the Speaker shall decide which motion shall have such precedence;

(c) the Speaker shall interrupt proceedings on any business having precedence before the Business of the House motion at 2.00 pm and call a Member to move that motion;

(d) debate on that motion may continue until 5.00 pm at which time the Speaker shall put the questions necessary to dispose of proceedings on that motion including the questions on amendments selected by the Speaker which may then be moved;

(e) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.—(Sir Oliver Letwin.)

3.41 pm

Pete Wishart (Perth and North Perthshire) (SNP): I think we are all very much looking forward to today's proceedings, as they were such an overwhelming success last week. The whole House has to congratulate the right hon. Member for West Dorset (Sir Oliver Letwin). We have been looking forward to this as much as the general public have been looking forward to the last series of “Game of Thrones”, such is the excitement in this place.

We can see that this is very much a British parliamentary coup, one conducted with points of order and copies of “Erskine May” rather than through military means, so all power to the right hon. Gentleman. He has managed to achieve more in five days than the Government have in the past three years. We have made more progress in that short time than we have in the course of those three years. He has seen a Government defeat and a possible general election. More than anything else, he has demonstrated that when the House takes back control and speaks with authority, it can do something that no Government have done on this issue of Brexit.

I look forward to today's proceedings, as I am sure the rest of the House does.

3.42 pm

The Leader of the House of Commons (Andrea Leadsom): I will keep my remarks brief as today is another opportunity for hon. Members to set out their thoughts on the way forward. However, I wish to reiterate my concerns about this approach that I set out last week.

The Government have consistently said that we do not support the unprecedented removal of Government control of the Order Paper, no matter the circumstances. For many years, the convention has been that it is for the Government, as elected by the people and with the confidence of the House, to set out the business. It is for Parliament to scrutinise, amend and reject or approve. The Government will listen carefully to Parliament today, but, as I have explained, the approach to today’s business sets an extremely concerning precedent for our democracy, and we will therefore oppose the business motion.

Hilary Benn (Leeds Central) (Lab): The Leader of the House has just said that the Government will oppose the business motion. The Attorney General said on Friday:

“There is no desire on the part of this Government to interfere with the process that the House is currently undergoing”.—[Official Report, 29 March 2019; Vol. 657, c. 697.] Can she explain how that statement squares with the Government’s opposition to the business motion today?

Andrea Leadsom: The right hon. Gentleman quotes selectively from the Attorney General’s comments. All I can say is that the Government have concerns about the precedent that this sets, and they are legitimate concerns. Opposition Members may one day be in a position to be concerned about parliamentary conventions and dangerous precedents.

Mr Kenneth Clarke (Rushcliffe) (Con): When the Leader of the House last made this point, I pointed out that the Prime Minister promised that if her deal was
not passed, she would find time and make arrangements for the House to have indicative votes. Had the Government done that, the procedural point that the Leader of the House raises would never have arisen. Having got where we are, and given the situation the country is in, will the Leader of the House reconsider indicating that the Government still intend to resist anything that the House passes that they do not approve of? The whole thing could have been sorted out if the Government’s promise to put their own arrangements for indicative votes in place had been honoured.

Andrea Leadsom: My right hon. and learned Friend has a slightly different recollection from my own. Indeed, the Prime Minister did say that she would seek the views of this House, but my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) came forward with his motion prior to the Government being able to do so. The Government respect that, but are concerned about the precedent.

Last week, the House considered a variety of options as a way forward and will do so again today. What was clearly demonstrated last week is that there is no agreed way forward, but urgent action is needed. I continue to believe that the deal the Government have negotiated is a good compromise that delivers on the referendum, while protecting jobs and our security partnership with our EU friends and neighbours.

Sammy Wilson (East Antrim) (DUP): I disagree with the right hon. Lady on the withdrawal agreement being a good compromise, but does she agree, first, that any vote in this House today is indicative; and, secondly, that it would be totally unreasonable to expect any Government to negotiate an arrangement totally at odds with the programme they set out, the manifesto commitments they made, and the arrangements that the people of the United Kingdom would accept?

Andrea Leadsom: I think the right hon. Gentleman was reading my mind. I was literally just about to say that any alternative solution that the House votes for would need to be deliverable, would need to be negotiable with the European Union, and would need to deliver on the vote of the referendum.

Several hon. Members rose—

Andrea Leadsom: I do not want to give way any further, because this is a day for Parliament. I do apologise.

Members of Parliament should also be in no doubt that any alternative solution requiring a further extension would mean the UK participating in European Parliament elections. It is now nearly three years since the referendum, and I believe that position would be unacceptable to the people of the United Kingdom. The Government will continue to call for an agreement that delivers on the 2016 referendum, and maintains a deep and special partnership with the European Union. I look forward to hearing the contributions made in today’s debate, and to working with the House to agree a negotiable and deliverable way forward that respects the result of the referendum.

Ms Angela Eagle (Wallasey) (Lab): I had not intended to speak, but I think it is important, in the light of the comments the Leader of the House has made, that at least somebody gets up and points out that our debate today has come about simply because Parliament has tried to do something that the Prime Minister ought to have been doing three years ago when the referendum happened: namely, to try to make some sense of what was a completely undefined way of trying to leave the European Union, which had divided our country. What we should have been seeing, and what today’s business motion allows us to do—albeit at the very last minute—is to try to reach out and see if we can come together ourselves across Parliament and begin to think about ways that might be able to heal our deeply divided country. It has been divided by a Prime Minister who insisted on dealing solely with her own extreme right-wingers to try to define what Brexit should be, rather than reaching across the aisle in this House to try to bring about a compromise that could have taken more of the country with it.

I understand the points made by the Leader of the House about the constitutional novelty of the situation we are in, but I disagree with her hard-line view of Parliament’s role, especially since the 2017 general election deprived her party of a majority in this House, and taking into account this Government’s record in riding roughshod over constitutional understandings by ignoring Opposition votes, by refusing to vote on Opposition motions, and by defining the parliamentary Session in two years, thereby taking away the opportunity for Opposition days and halving their number.

Martin Whitfield (East Lothian) (Lab): It was announced over the weekend that none of last week’s indicative votes got anywhere near what the Prime Minister’s deal got. Given that the Government abstained on last week’s votes, is it not correct to say that the numbers were clearly going to be smaller because the payroll was not involved?

Ms Eagle: Yes, and although the payroll is in constant contention against itself, it has grown over time. If the payroll does not vote, by definition anything that this House votes on today will involve lesser numbers. I think we are close to reaching some conclusions, but it is almost as though the Leader of the House does not want the House to reach conclusions so that she can have another go in meaningful vote 4, 5, 6, 7, 8, 9 or, God forgive us, even 10.

Stephen Doughty (Cardiff South and Penarth) (Lab/Coe): My hon. Friend makes very strong points. I, too, am backing the business of the House motion, because I think Parliament made remarkable progress the other day in a few hours, compared with the Government, who have had two years to sort this out. Does she agree that it is important that we vote the motion through to give us not only the opportunity to make further progress tonight, but, if necessary, a small amount of time on Wednesday to get to where we need to be, so that Parliament can take control and we can move forward together as a House?

Ms Eagle: I agree with my hon. Friend. Indeed, listening to those who campaigned to leave in the referendum, I thought it was all about Parliament taking
back control. Right from the beginning, the Prime Minister attempted to exclude Parliament from any part in the decision-making process, and she had to be dragged kicking and screaming by the Supreme Court to give Parliament the role that is its right. It is about time we demonstrated to this dysfunctional Government that there is a way forward. I hope that in our deliberations we will do so.

Finally, I am concerned that the Government are going around saying that they will not listen to the results of indicative votes. That is why it is important, albeit very difficult, for Parliament to take even more time from the Government so that we can begin to legislate if there is a result tonight. Given that the Government have tried to keep power to themselves and to exclude Parliament completely from any say in the decisions made post referendum, we have to keep doing constitutionally novel things to try to save our country from the disaster of a catastrophic no-deal crash-out.

3.52 pm

Sir Edward Leigh (Gainsborough) (Con): In some ways, this business motion might be seen as the most interesting and important part of the day, because procedure is now everything. The fact that, on this historic day, the Government have lost control of the Order Paper is vital to the debate and how we proceed. Although we will have an interesting debate in the coming hours, I doubt whether a single vote will be changed by what anybody says, what blogs are written or what tweets are posted. Most people have made up their minds, and they have a settled view on what they want—whether it is the customs union, no deal or whatever.

My few remarks are almost by way of questions to the Leader of the House and to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). Like many people, I want to know what will happen under the current procedure. It seems to me that tonight we will probably whittle matters down to one option that has the most support in the House, and we all know that that is likely to be permanent membership of the customs union. On Wednesday, the alternative Government—not the Labour party, but my right hon. Friend—will take control of the agenda. As I understand it, he will then produce a Bill to implement what is decided, which will probably be permanent membership of the customs union.

I put it to the Government that we Conservative MPs will then have a choice: we will have to have permanent membership of the customs union because the Order Paper will have been taken over by Parliament; or we have a general election; or we prorogue Parliament. I say to my right hon. Friend that I think it would be a dereliction of duty on the part of the House if we were to abdicate our responsibility and have a general election.

The people asked us to make this choice and to do this job. If we cannot agree on what we do not want, we should agree on what we do want. Therefore, the Government have to move forward with their meaningful vote, if necessary in a run-off with this customs union, and if necessary in a vote tomorrow.

I do not believe that it is in the interests of the nation to have a general election, which would solve nothing: people do not vote on the issue—they vote on who the leader of the party is, who they like or who their local MP is. We all know that every single general election gets out of control. We ourselves have to decide this issue. We have to make the choice. We have to decide what we want, not what we do not want.

Helen Goodman (Bishop Auckland) (Lab): Will the right hon. Gentleman give way?

Sir Edward Leigh: No, I am going to finish in a moment. The other thing that we surely cannot do—I say this to my friends who, like me, voted for Brexit—is duck the issue by proroguing Parliament. We cannot act like Charles I. We voted leave because we wanted to give control back to Parliament; it would be like someone throwing the football out of the stadium because they are losing the football match.

There is a simple choice for my colleagues now. The Government are on the cusp of losing control and we are on the cusp of facing permanent membership of the customs union, which runs contrary to our manifesto. We have to get real, dear friends; we have to make that choice. My personal choice is that I would rather vote for the Prime Minister’s deal, which at least delivers some sort of Brexit.

Several hon. Members rose—

Mr Speaker: Order. I very gently say to colleagues that although there is time scheduled for this debate, some of the points being made could perfectly well be made in the debate itself, rather than in the debate on the business of the House motion. I would have thought that colleagues could speak extremely briefly, as will be brilliantly exemplified now by the hon. Member for Stoke-on-Trent Central (Gareth Snell).

3.56 pm

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I will do my best, Mr Speaker. I wish to touch on my amendment that was not selected. Of course, I pay ultimate deference to your decision, Mr Speaker, but I wonder whether, at some point before we vote on the motion, the right hon. Member for West Dorset (Sir Oliver Letwin) could help me. When we discussed the business of the House motion last week, I asked him about the daisy-chaining process that he was involved in—the process of attaching another day to the business of the day we were discussing. We now have a motion that we passed on the 25th to have a debate on the 27th. The motion on the 27th gave us the 1st and the motion on the 1st would give us the 3rd. I have no issue with the House doing what it sees as necessary to find a way through this Brexit impasse, but I wonder whether the right hon. Gentleman, if he has a plan, can tell us what that is going forward.

There is a rumour that on Wednesday we may be asked to legislate for the outcome of this evening. I presume that on Wednesday’s business of the House motion, there will be another paragraph (2) to commandeer a day of the week after. If that is the case, I wonder whether a plan—if it exists somewhere—of how many days and what the days are to be used for can be shared with the House. That is not because I wish to impede the House from doing this. However, on Friday I was asked to vote against the withdrawal agreement on the
basis of a blind Brexit, and I am now being asked to hand over days of parliamentary business with no idea of what will be tabled and discussed on those days.

[Interruption.] As much as I thank Government Members for their support, I do not really want it. [Interruption.] I will take it, but I do not want it.

I mean to try to be helpful to the right hon. Member for West Dorset. If he has a plan of how many days and what those days are to be used for, could he share it with us? If we as a House are going to be asked to hand over day after day after day, we should know what we will be asked to vote on during those days.

3.58 pm

Sir William Cash (Stone) (Con): A few days ago, I brought in the House of Commons (Precedence of Government Business) (European Union (Withdrawal) Act 2018) Bill, to which I gave a great deal of thought and that I discussed with many other Members. It is due to be debated on 5 April. The position is this. I did it because of my grave concern about the procedure being employed under this motion in particular, for the following reasons, which I will give briefly.

First, it is well said in our constitutional authorities that justice is to be found in the interstices of procedure. What that means is that through procedure we can ensure that things are done that should be done, based on conventions such as the reason for the rule, which is a fundamental basis of our constitutional arrangements.

Standing Order No. 14 is quite clear: it gives precedence to Government business. As a result of this procedure, we are impugning that rule and substituting for it a completely different arrangement—one that I have described as a constitutional revolution. It is not a novelty, as it was described just now, or, as the right hon. Member for Twickenham (Sir Vince Cable) said the other day, a technical innovation. The problem goes back to the reason for the rule and the Standing Order, Government business takes precedence for one simple reason: the Government are the Government of this country and are given that opportunity by virtue of the decisions taken by the public and the wishes of members of the public, as voters in general elections. That is the basis of our democracy. Likewise, decisions in referendums are taken by members of the public as voters.

It is utterly perverse for us to vote by such a significant majority—I will not go into that, because we know it is the case—and then overturn and invert the business of the House rules as we are doing under this business motion and as happened the other day. Government business takes precedence because of democracy. It is a fundamental question. Parliament decided in the European Union Referendum Act 2015 to give the decision to the British people, not to this House. I have said repeatedly—and it is true—that we operate on the basis of parliamentary government, not government by Parliament. If, by a sovereign Act of Parliament, we confer upon the British people the right to make that choice in a referendum, there is not, in terms of that Act, for which the House voted six to one, an opportunity then to take back control in this context.

It is a very simple question, and, to my knowledge, it has happened only once before. You mentioned the other day, Mr Speaker, or somebody raised with you, a precedent going back to 1604. As it happens, there is another precedent, from the 1650s, when the House became completely anarchic, and different factions started making decisions without reference to any Government policy—and look at the mess we are in now and the anarchy now prevailing, with these indicative votes and everybody making different decisions for no good purpose. Oliver Cromwell came down to this House and said, “You have been here too long for anything useful you may have done. Depart, I say, and in the name of God, go.” He then brought in the Barebone’s Parliament; that collapsed as well, and we ended up with a military dictatorship.

Members of Parliament voted for the referendum Act by six to one, for the European Union (Notification of Withdrawal) Act 2017 and then for the European Union (Withdrawal) Act 2018. As I say quite often, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) himself voted for the Third Reading of the withdrawal Act. These indicative votes are just a means of trying to unravel the decision taken—that is the bottom line. I believe that it is undemocratic and in defiance of our constitution, our procedures and the reason for the rule. As far as I am concerned, these indicative votes are like a parliamentary bag of liquorice allsorts—or rather humbugs.

4.4 pm

Tom Brake (Carshalton and Wallington) (LD): It is because the Government have lost the confidence of the House that this business motion is before us. After 1,012 days of trying to find a solution, they have completely failed to do so. This is day 2 of Parliament’s attempt to find a cross-party solution to the Brexit dilemma. I hope that we shall be successful on day 2, but if we are not, and if we pass the business motion—as I hope we will—we shall also have day 3 on which to resolve this matter, and I hope that we shall be successful then.

4.5 pm

Sir Bernard Jenkin (Harwich and North Essex) (Con): I agree with the right hon. Member for Carshalton and Wallington (Tom Brake) on one point: the present situation has obviously arisen because the Government have lost the confidence of the House on this issue. I shall return to that question later in my speech, but let me first return to the questions posed to my right hon. Friend, the Member for West Dorset (Sir Oliver Letwin), very courteously and politely, by the hon. Member for Mid Worcestershire (Mr Whittingdale). Gentleman was having some difficulty in holding my right hon. Friend accountable.

I am reminded of the words that we heard from my right hon. Friend on 14 February, when he said:

“The process of which we are now at the start will require the fundamental realignment of the relationship between the civil service, Government and Parliament... for a period, for this purpose, we will have to take on the government of our country.”—[Official Report, 14 February 2019, Vol. 654, c. 1110.]

But this “Government”—those sitting on my left, including my right hon. Friend—are not accountable to the hon. Gentleman who was asking the questions. It is not possible to table a question to this “Government”, and it is not possible to ask this “Government” to come and make a business statement, because, of course, they are not a Government; they are merely pretending to take over the role of a Government.
I do not wish to discuss Brexit in my speech. I want to place on record some concerns that I have and that I think many right hon. and hon. Members, on reflection, should have about the consequences of starting to run our country in this fashion. Passing the business motion will confirm that, for the first time in more than 100 years, the Government have lost explicit control over legislative business.

The Public Administration and Constitutional Affairs Committee, which I chair, held an evidence session that underlined what an extraordinary state of affairs this is. Conservative Members of Parliament who only two months ago voted for confidence in Her Majesty’s Government do not appear to have confidence in that Government’s legitimate authority over the control of the timetable of the House, and that raises profound problems with this new procedure. Some people seem to believe that it is a long overdue modernisation of an antiquated system of parliamentary government. In fact, it is turning our system on its head in a dramatic reversal of roles for Government and Parliament. The procedure may be well intentioned, and I do not doubt for a moment the sincerity of my right hon. Friend the Member for West Dorset, but it has been invented on the hoof, bypassing every means of reviewing the practices and procedures of the House. The Procedure Committee has not been consulted in any fashion.

Helen Goodman (Bishop Auckland) (Lab): Some of us who are members of the Procedure Committee have sought to have further discussions about how to deal with these problems and have met with some resistance. The hon. Gentleman seems to want to limit the role of Parliament to that of the legislature. I do not understand why he wants to import an American doctrine into our constitution, with a sharp division between the role of Parliament and the role of the Executive. That is just not the way in which the British Parliament is run, or has been run.

Sir Bernard Jenkin: It is a question of who imported whose model. Montesquieu actually thought that he was copying the British system when he created a United States constitution that gives the President a legislative veto and requires a two-thirds majority of Congress to overrule it.

Nick Boles (Grantham and Stamford) (Con): Would my hon. Friend feel the same way if my right hon. Friend the Member for West Dorset had it been invented on the hoof, bypassing every means of reviewing the practices and procedures of the House. The Procedure Committee has not been consulted in any fashion.

Sir Bernard Jenkin: Very droll. My hon. Friend rather misses the point of my opening remarks that I do not wish to discuss Brexit. I simply point out that he voted for the European Union (Withdrawal) Act 2018, which legislated for us to leave the EU with or without a withdrawal agreement. He put that on the statute book, so in that respect, parliamentary democracy has been served.

Mr Kenneth Clarke: My hon. Friend keeps referring to me, yet I voted for the Prime Minister’s withdrawal agreement three times. I accept that the House, by a large majority, is settled on a course, which I deeply regret, to leave the EU, and therefore I am trying to make some progress on what the House can agree about the form of that leaving. The Government are not prepared to give the House time to express an opinion or reach an agreement on that. As my hon. Friend the Member for Grantham and Stamford (Nick Boles) implied a moment ago, I strongly suspect that my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin) would take a different view if the Government were excluding no deal, which had, by some chance, the support of the majority of the House—though 400 people voted against it the last time it was raised.

Sir Bernard Jenkin: I say to my right hon. and learned Friend that the problem with the process of indicative votes is that MPs are free to pick and choose whatever policies they like, without any responsibility for what happens afterwards. There is an obvious flaw in that process—I look particularly at Opposition Members. Especially in a hung Parliament such as this, it is not unreasonable to suspect that individual Members might have ulterior motives for supporting or opposing particular measures, rather than voting just on their merits. After all, the House of Commons is a theatre, within which different political parties compete for power, either by trying to avoid a general election or trying to get one by collapsing the Government. Amid that chaos, who is to be held accountable for what is decided?

John Redwood (Wokingham) (Con): Is that not particularly the case when Parliament is trying to issue instructions to the Government about an international negotiation, but only the Government can negotiate on behalf of the United Kingdom? We cannot have little groups of MPs who fancy their chances turning up in Brussels, purporting to represent the UK. It makes it a difficult exercise when Members are trying to influence a negotiation that only the Government can handle.

Sir Bernard Jenkin: I agree with my right hon. Friend. I have some criticism of the way in which the Government have conducted their European policy, but they cannot be held responsible for decisions for which they did not vote or prove impossible to carry out.

Pete Wishart: Will the hon. Gentleman give way?

Sir Bernard Jenkin: I will give way to the hon. Gentleman.

Pete Wishart: I am intrigued by the hon. Gentleman’s last comments. He says that he wants the Government to be in charge of the process and negotiating Brexit, but how did he vote on the Government’s motion the last three times?

Sir Bernard Jenkin: I do not think that that is a secret. I am surprised that the hon. Gentleman has not looked it up. The problem is that last week’s indicative votes have already discredited Parliament because no single proposal was adopted by a majority. Sustained use of the procedure is already undermining trust, increasing alienation and destroying the credibility of institutions that have historically worked tolerably well. It is apparent that the long-term effects of this constitutional upheaval are not a consideration for those who are forcing it upon us. There is no electoral mandate for such a
Sir Bernard Jenkin: Ignored is the operative word. In what circumstances would this experiment be repeated in the future, perhaps when a majority Government did not have a majority on a particular issue? It is one thing for a minority of the governing party to help to vote down a Government proposal; it is something else, and quite extraordinary, to combine forces with Her Majesty’s official Opposition to impose an entirely Government different policy that the Government were not elected to implement.

Sir Edward Leigh: These constitutional perambulations are very interesting, and I accept everything that my hon. Friend says about the nature of these indicative votes, but if he and his Friends had voted with the Government on the past three occasions, we would have Brexit by now.

Sir Bernard Jenkin: I am deliberately not going to become involved in that argument, but my hon. Friend knows that I do not believe that the withdrawal agreement delivers Brexit.

What policy decisions would be eligible to be made through this procedure in the future? Why not decide taxation policy like this, or social security? I well remember my right hon. and learned Friend the Member for Rushcliffe, when he was Chancellor of the Exchequer, giving stinging rebukes to those who voted down his policy on increasing VAT on fuel. It is a bad thing for a Government to lose a vote on a taxation measure in a Budget, but just imagine handing over the entire Budget proposals to the House of Commons to be voted on in this way.

The vote to leave was in part to reverse the democratic deficit of the institutions of the European Union and to restore national democratic accountability. Whatever anyone’s view, that should be uncontroversial. The EU’s elected Parliament is blighted by low turnouts, and I doubt that anyone other than those who follow these issues most minutely could name with any certainty more than one or two of the candidates to be the next President of the European Commission, which is of course a legislative body. If we are to respond to the mandate expressed in the referendum, it cannot be right that we corrode our own system of parliamentary government by making it less accountable to voters in elections and rendering its process more inaccessible and confusing.

Margaret Beckett (Derby South) (Lab): Being something of a traditionalist in these matters, I have a good deal of sympathy with the points that the hon. Gentleman is making. I very much dislike the necessity, which has been forced on the House, to take control of the business from the Government because they are simply not doing their business. However, I would have much more sympathy for the complaint being made by him and some of his friends if they ever seemed to notice the constitutional innovation that has been practised many times by this Prime Minister when something has been voted on in this House and the result of that vote has simply been ignored.

Sir Bernard Jenkin: “Ignored” is the operative word that the right hon. Lady uses. Obviously, it is and should always be the practice of Governments to respect the will of the House as expressed in a motion. However, as Mr Speaker himself has confirmed, a motion is merely an expression of opinion, and it is up to the Government to decide how to respond to that opinion. This underlines how, in our system, a Government propose and Parliament disposes. Parliament does not take over the Government’s role, which is what is being proposed in this process.

Chris Bryant (Rhondda) (Lab): But the historical precedent is that when a Government lose their major policy—whether it is a financial policy, or in this case their most significant policy—they resign. They do not hang about for a vote of no confidence; they automatically resign. That is always been the historical precedent, and it is a bit of a surprise that they have not done it in this case.

Sir Bernard Jenkin: That takes me on to my next point, which is that it seems likely, so long as the Fixed-term Parliaments Act 2011 endures, that minority Governments will continue to be vulnerable to this usurpation of power—or this paralysis, as the hon. Gentleman sees it—which will bring some in this House more influence while never being held accountable or responsible for what happens as a consequence of any decisions made in that way.

The risk is that this process of disapplying Standing Orders, casting aside the processes of the House of Commons, seizing control from the Government, threatening to pass legislation against the Government’s wishes and bending the Executive to the legislature’s will is being used to remove a Government from power but not from office. It seems that the House will strike but not kill, and this new kind of instability is already having dire consequences for our voters’ rapidly diminishing confidence in our nation’s democracy.

Several hon. Members rose—

Mr Speaker: Has the hon. Member for Harwich and North Essex (Sir Bernard Jenkin) finished his oration?

Sir Bernard Jenkin indicated assent.

Mr Speaker: We are grateful to him. I call Mr Frank Field.

Frank Field (Birkenhead) (Ind): I did want to speak, but I think we can weave the 30 seconds into my speech later on, if you are mindful to call me.

Mr Speaker: Well, what impressive self-restraint. That may be a model that others should follow. Who knows? I say that more in hope than expectation. I call Jacob Rees-Mogg.

4.20 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am sorry not to be quite as brief as the right hon. Member for Birkenhead (Frank Field), but I want to speak to the specifics of the motion. I agree with my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin) that this constitutional innovation is deeply unsatisfactory. The right hon. Member for Carshalton and Wallington (Tom Brake) rightly said that it is an indication that the House no longer has confidence in Her Majesty’s Government. The whole point of the Government having control of the timetable is that that is an expression of confidence. I am even
quite sympathetic to the point made by the hon. Member for Rhondda (Chris Bryant). It is the Fixed-term Parliaments Act 2011 that has created an element of constitutional muddle, where we have a Government who obviously do not command official confidence but none the less carry on as if they did.

We need to get to a situation where the business of the House and the Government go together once more. This approach is deeply unsatisfactory because there is no means of holding anybody to account for it. The motions can be passed one way or another, and they then go off to Europe to be discussed—if they are to be discussed—by people who do not believe in or support them. Those people may come back having failed, and they may have done things in a way that the House might not have liked, but the people who proposed the motions do not go out to discuss them with Brussels because they are not the Government. Therefore, this approach leads ultimately to chaotic relationships between the legislature and the Executive.

This business of the House motion is itself unsatisfactory. Paragraph (1)(c) states that “notwithstanding the practice of the House, any motion on matters that have been the subject of a prior decision of the House in the current Session may be the subject of a decision”.

Mr Speaker, as you pointed out to us, that goes against the most ancient practice of the House dating back to 1604, but it is also a considerable discourtesy to you personally. On Thursday, you ruled that the Government could not bring forward a paving motion to allow them to bring forward their motion again—a decision that everybody in the House accepted and thought was reasonable. Therefore, to have slipped through under your nose in this motion something that allows a paving motion for motions that have already been determined is a discourtesy. If I had been as discourteous as that to you, I would not have the gall to move the motion standing in my name. Indeed, I would feel it necessary to make a public apology for such a shaming state of affairs.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): The hon. Gentleman’s real objection is not that Parliament is trying to balance control away from the Government, but that his power has been seriously weakened by Parliament asserting its own authority in trying to find a way forward.

Mr Rees-Mogg: The shame is not that Parliament is trying to wrestle power from the Government, but that Parliament is wrestling power from the 17.4 million people who voted to leave. The shame is that people who stood on manifestos saying that they would respect the result of the referendum did so with forked tongues.

Wes Streeting (Ilford North) (Lab): On the subject of shame and public apologies, I wonder whether the hon. Gentleman might seize this opportunity to apologise for quoting, apparently approvingly, the leader of Germany’s far-right AfD party this weekend.

Mr Rees-Mogg: I think it is reasonable to quote speeches made in the German Parliament. It is not as great a Parliament as this one or as noble a House as this House of Commons but, none the less, it is the Chamber of a House of an important ally and friend. What was said was extremely interesting. Just referring people to what has been said is not necessarily an endorsement. As the hon. Gentleman may have noticed, I just quoted from the motion before us, not because I endorse it but because it is interesting and important, so perhaps he should not jump to weird conclusions.

The other problem with this motion is the time it allows for debate. We will have quite a number of motions to consider, as we did yesterday.

Anna Soubry (Broxtowe) (Ind): Last week.

Mr Rees-Mogg: The right hon. Lady, quite correctly, corrects me that it was at the end of last week.

We have motions (A) to (H) to debate, and the format of this business of the House motion leaves between 6 o’clock plus a Division, so 6.15 pm, and 8 o’clock for that debate to take place, which seems a very rushed approach to debating these important issues. When the Government were in control of the Order Paper, they allowed more days for debate than this motion allows.

Chris Ruane (Vale of Clwyd) (Lab): If the hon. Gentleman were to conclude his speech, and if others were to resist having a debate at this point, we could get to the meat of the issue.

Mr Rees-Mogg: I congratulate the hon. Gentleman. Had he not decided to intervene, I might have finished my comments, but now he has given me inspiration to carry on against this appalling motion, which is fundamentally against the spirit of our constitution.

I appeal to those who support this type of motion to have the courage of their convictions. If they really have no confidence in Her Majesty’s Government, let them vote that way. Let them go to their constituents and see how far they get standing as independents. Let them see, as socialists, how many votes they get. Let them see, as independents, how many votes they get. They lack the courage of their convictions, and therefore they try to undermine the constitution by subterfuge.

Kevin Brennan (Cardiff West) (Lab): On the matter of the courage of our convictions, just a few months ago, the hon. Gentleman voted that he had no confidence in the Prime Minister as leader of his party. He subsequently voted that he has confidence in the Prime Minister, in whom he has no confidence to lead his party, to lead the country. What kind of courage of his convictions is that?

Mr Rees-Mogg: The hon. Gentleman misses the rather obvious point. I have much more confidence in my right hon. Friend the Prime Minister, or indeed any Conservative Member, to lead the country than I have in the Leader of the Opposition. It seems to me a very straightforward choice, and of course I back a Tory against a socialist.

Anna Soubry: The hon. Gentleman raises an interesting point in talking about the courage of our convictions. Would he like to tell the House why he voted against the Government’s withdrawal agreement a few weeks ago but voted for it on Friday? Why is he entitled to change his mind in a vote but the people of this country are not allowed to change their mind and have a people’s vote?

Mr Rees-Mogg: I am deeply grateful to the right hon. Lady for intervening, which is much appreciated because it allows me to point out to her that she is the foremost campaigner for a second referendum and she favours
votes at every opportunity except, having stood as a Conservative, she does not reoffer herself to her constituents to decide whether they wish to have somebody who has turned their coat as their Member of Parliament.

Anna Soubry rose—

Mr Rees-Mogg: If the right hon. Lady wishes to apply for the Chiltern hundreds, I will of course give way.

Mr Speaker: Order. We are in danger of straying somewhat from the narrow ambit of the business of the House motion, to which I hope we will return.

Anna Soubry: I think it is important to record that, of course, the majority of people in Broxtowe did not vote Conservative and, like all hon. and right hon. Members, I seek to represent all my constituents. As we all should, I put them and our country before narrow, sectarian party interest.

Mr Rees-Mogg: What was it the late Earl of Beaconsfield said of Mr Gladstone, “A prolix rhetorician inebriated by the exuberance of his own verbosity”? I would not dream of saying such a thing about the right hon. Lady.

Let me return to the motion in hand, which is discourteous to you, Mr Speaker, does not allow sufficient time for debate—

John Redwood rose—

Mr Rees-Mogg: I will not give way again, because others wish to speak—apologies. The motion is discourteous to you, Mr Speaker, limits time for debate and is fundamentally against the constitution.

Tom Brake: On a point of order, Mr Speaker. I wonder whether the hon. Member for North East Somerset (Mr Rees-Mogg) would like to correct the record, because it is clear from the tweet from the AfD that he retweeted that he was endorsing the statement that had been made by that member of a far-right party in the German Parliament.

Mr Speaker: The answer to that is that every Member is responsible for the truth of what he or she says in the Chamber. If a Member feels that he or she has inadvertently erred, it is incumbent on the Member to correct the record. The hon. Gentleman will have heard what the right hon. Gentleman has said and will make his own judgment as to its merit.

Kate Hoey (Vauxhall) (Lab): I have grave concerns about the way we are dealing now with our business in this motion. I accept that we voted last week to have further discussion and indicative votes today, but the amendment tabled by my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) would have given the House a chance to decide whether we wanted to continue this process, which the right hon. Member for West Dorset (Sir Oliver Letwin) continues to undertake. I do not think we can continue to have a business motion that puts another day in and then not have a chance to have that vote.

I am concerned about that, but I also have another concern. I know that all my Labour colleagues, particularly those on the Front Bench, aspire to be in government and they should just remember that this process may well be used when we are in government. Would we like to see that happening?

Sir William Cash: Will the hon. Lady give way?

Kate Hoey: I will give way to the Chair of my Select Committee—

Sir William Cash: Does the hon. Lady agree that one problem with these indicative votes is that when they are attached, as they are intended to be, by all accounts, to a Bill that will then follow and be put through the House of Commons in one day—[Interruption.] Perhaps it will have one day in the House of Lords as well, for all I know. The bottom line is: we do not know yet what any such Bill will contain. It is inconceivable, is it not, that we should be presented with Bills that will be rammed through the House of Commons on matters of such incredible importance without even seeing them?

Kate Hoey: That just further adds to my view that we should be able to vote on whether we want another day or not after today’s business. We have to remember here, as do people watching, that Parliament abrogated its responsibility to take this decision—we have to say that over and over again—and asked the people. It said, “We will listen to whatever you say.” I do not care what anyone says, the dictionary definition of what “leave” means is very simple. All these motions today, with the exception of the one tabled by the hon. Member for Basildon and Billericay (Mr Baron), are designed, in some way or another, to not allow us to leave in the way that people thought they were voting for when they voted on 23 June 2016. It was made very clear—I do not want to go into the details—and we all knew that leave meant leaving all the institutions of the European Union. So I would never question it, but I am disappointed that we will not have a vote on the amendment, as that would have been sensible. I hope that today people remember that the biggest majority in this House for anything to do with the European Union was when 498 votes said we would leave, with or without a deal.

4.33 pm

Greg Hands (Chelsea and Fulham) (Con): I need only 30 seconds, to make two points, Mr Speaker. First, it is extraordinary that we are going to have less than three and a half hours to debate incredibly important matters: whether we are going to enter into a customs union, be in the single market, have a second referendum or opt for revocation. I find this extremely unsatisfactory, but I will not eat further into the time that is left.

Secondly, I think people will be puzzled when they look at the Order Paper—notwithstanding the selection that you make, Mr Speaker—because, for example, motion (C) on a customs union, which is before us today, is precisely the same, word for word, as the previous motion (J), which was rejected by this House only three sitting days ago. Members of the public will be baffled as to how a 585-page Government agreement is unable to come back for a further vote, yet a word-for-word motion that was rejected only three days ago might be deemed suitable for debate today.
The House divided: Ayes 322, Noes 277.

Division No. 396

[4.37 pm]

AYES

Abbott, rh Ms Diane  Bryant, Chris  Creagh, Mary
Abrahams, Debbie  Buck, Ms Karen  Creasy, Stella
Ali, Rushanara  Burden, Richard  Cruddas, Jon
Allen, Heidi  Burdon, Richard  Cryer, John
Allin-Khan, Dr Rosena  Burt, rh Alistair  Cummins, Judith
Amesbury, Mike  Butler, Dawn  Cunningham, Alex
Antoniacci, Tonia  Byrne, rh Liam  Cunningham, Mr Jim
Ashworth, Jonathan  Cable, rh Sir Vince  Daby, Janet
Bailey, Mr Adrian  Cadbury, Ruth  Dakin, Nic
Ballard, Hannah  Cameron, Dr Lisa  Davey, rh Sir Edward
Bebb, Guto  Campbell, rh Sir Alan  David, Wayne
Beckett, rh Margaret  Carden, Dan  Davies, Geraint
Benn, rh Hilary  Carmichael, rh Mr Alistair  Day, Martyn
Benyon, rh Richard  Champion, Sarah  De Cordova, Marsha
Berger, Luciana  Chapman, Douglas  De Piero, Gloria
Berkeley, Alan  Chapman, Jenny  Dent Coad, Emma
Benn, rh Hilary  Charalambous, Bambos  Dhesi, Mr Tanmanjeet Singh
Bibby, Liz  Cherry, Joanna  Dinajogly, Mr Jonathan
Blackman-Woods, Dr Roberta  Clarke, rh Mr Kenneth  Docherty-Hughes, Martin
Blackman, Kirsty  Clegg, rh Tom  Dodds, Anneliese
Blackman, Tania  Clwyd, rh Ann  Dougherty, Stephen
Black, Mhairi  Clwyd, rh Ann  Dowd, Peter
Blomfield, Paul  Clay, rh Stephen  Drew, Dr David
Boleyn, Nick  Coaker, Vernon  Dromey, Jack
Brabazon, Trevor  Coates, Rt Hon Sir Mike  Page, Rhys
Brady, Anthony  Coad, Rhys  Page, Justin
Brady, Peter  Coffey, Ann  Page, Mark
Brady, Tom  Collins, Damian  Pain, Ms Jacqueline
Brennan, Kevin  Cooper, Julie  Pannick, Ms Rachel
Bridgeman, Andrew  Cooper, Rosie  Parris, Mr Michael
Brown, Nick  Cooper, rh Vytjie  Parlby, Ms Anne
Brown, Alan  Coyle, Neil  Parry, Rhun
Brown, Lyn  Creagh, Mary  Patel, Mr Sanjeev
Brown, rh Mr Nicholas  Creasy, Stella  Chuka, Mhairi

[4.35 pm]

Tommy Sheppard (Edinburgh East) (SNP): I had not intended to speak in this debate, but I wish to do so briefly because I am astonished and not a little outraged at what is happening. Members of the public who are watching our proceedings will be incredibly exasperated, not only at the fact that a hard-right faction in Parliament is using lengthy speeches about procedure to try to prevent us from getting on to the debate, but because the Government are acting with extreme bad faith towards Parliament.

Let us remind ourselves why we took control of the Standing Orders that give the Government the right to set the agenda: because the Government are incapable of using that right to move this process forward. They have done one of two things: they have either brought a proposition that has manifestly failed to get a majority back to the House completely unchanged, in the vain hope that the passage of time will allow them to browbeat their opponents into submission; or, even worse, they have filled our agenda with stuff that we do not need to discuss as a matter of urgency, leading to the embarrassing situation in which, in a moment of national crisis, this House has finished its business early and we have been sent home with nothing to discuss. That is an outrage and that is why Parliament is taking control of the agenda so that we can move the process forward. I believe we will do that if we get the chance to get at the matter today. I therefore hope we can take the vote, agree to take control into our own hands and then make better use of it than the Government are able to.

Question put.

The House divided: Ayes 322, Noes 277.
Austin, Ian
Atkins, Victoria
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Beresford, Sir Paul
Berry, Jake
Blunt, Crispin
Bone, Mr Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breton, Jack
Bridge, Andrew
Brookes, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, Mr Ronnie
Cartlidge, James
Cash, Sir William
Caufield, Maria
Chalk, Alex
Chishti, Reham
Chope, Sir Christopher
Clark, Colm
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crouch, Tracey
Davies, Chris
Davies, T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Double, Steve
Downen, Oliver
Doyle-Price, Jackie
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, sir Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Franceys, rh Mr Mark
Frazier, Lucy
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Hair, Kirtstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hand, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Hart, Simon
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollotope, rh Philip
Howell, John
Huddlestone, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jerrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Mr Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Mackinnell, Catherine
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mearns, Ian
Miliband, rh Edward
Mitchell, rh Mr Andrew
Moran, Layla
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Neill, Robert
Newlands, Gavin
Newton, Sarah
Norris, Alex
O’Hara, Brendan
O’Mara, Jared
Onn, Melanie
Onwurah, Chi
Osanor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast
by Vicky Foxcroft)
Slaughter, Andy
Sneath, Ruth
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spearer, rh John
Spelman, rh Dame Caroline
Stafford, rh Keir
Stephens, Chris
Stevens, Jo
Stevenson, John
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tam, rh Mark
Theobald, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Tigg, Derek
Tigg, Stephen
Twist, Liz
Urmunna, Chuka
Vaizzy, rh Mr Edward
Vaz, rh Kez
Vaz, Valerie
Wakefield, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wiseman, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammed
Zeichner, Daniel
Tellers for the Ayes:
Thangam Debbonaire and
Jeff Smith
NOES
Adams, Nigel
Afolami, Sim
Afriyie, Adam
Aldous, Peter
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Beresford, Sir Paul
Berry, Jake
Blackett, Bob
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Hair, Kirsten
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Hart, Simon
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, rh Philip
Howell, John
Huddlestone, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jerrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Mr Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Resolved,

Question accordingly agreed to.

Tellers for the Noes:

Wright, rh Jeremy
Wragg, Mr William
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Michelle Donelan and Jo Churchill
4.55 pm

Mr Speaker: We now come to the motions relating to the United Kingdom’s withdrawal from and future relationship with the European Union. I inform the House that I have selected the following motions for decision by recorded vote: motion (C), in the name of Mr Kenneth Clarke; motion (D), in the name of Mr Nick Boles; motion (E), in the name of Mr Peter Kyle; and motion (G) in the name of Joanna Cherry.

Mr Speaker: The short answer to the right hon. Gentleman is that the House has agreed to the process that has unfolded, and therefore it is entirely procedurally proper for the judgment I have made to be made, and that is the judgment that I have made. The right hon. Gentleman will have noted the view expressed in the debates last week, and let me say in terms that are very clear—he may not approve of them, but they are clear—that the purpose of this discrete exercise, as I think is understood by colleagues across the House, is to try to identify whether there is potential consensus among Members for an approach to the departure from and the future relationship with the European Union. It is in that spirit and in the knowledge that it is wholly impossible, colleagues, to satisfy everybody, that I have sought conscientiously to discharge my obligations to the House by making a judicious selection. That is what I have done, that I readily defend to the House and that I will continue to proclaim to be the right and prudent course in circumstances that were not of my choosing, but with which, as Chair, I am confronted.

Mr John Baron (Basildon and Billericay) (Con): On a point of order, Mr Speaker. You know me not to be one to play games in this place. With respect, may I ask you to reconsider when it comes to motions (A) and (B)? The reason why I ask—we live in unusual times, so I do not apologise for making this request—is that motion (A) is new, in the sense that it reflects the withdrawal agreement as amended by the backstop. I suggest to you that it is the one vote we have had in this place, on the back of the Brady amendment, that actually achieved a majority. It is a new motion that has previously achieved a majority, and with respect—and I mean that—I think it worthy for consideration. May I also suggest, if only for future reference, that motion (B) is actually the legal default position from our triggering article 50? I do think it is incumbent on us to consider that in this particular debate, when we are trying to find some sort of consensus.

Mr Speaker: I am extremely grateful to the hon. Gentleman for his point of order and for the very reasonable tones in which, as usual, he expresses it. He and I have known each other for a long time, and I have the highest regard for the integrity of the hon. Gentleman. I am happy, although not obliged, to provide an answer to each of his two points. I say I am not obliged not in my interests, but because the House has long understood and asserted the obligation of the Chair to make these judgments and expected that the Chair would not provide an explanation, but that the House—having vested in the Chair the responsibility—would accept the judgment. However, I am happy in this case to respond to his two points.

First, in relation to the hon. Gentleman’s motion appertaining to the backstop, he makes his own point in his own way. I have to make a judgment about what I think is reasonable going forward. In this debate, colleagues, we are not acting alone; we are acting in a negotiation with the European Union. The point that the hon. Gentleman feels strongly about is expressed in this motion for the first time, but it has been aired repeatedly—I do not say that critically, but as a matter of fact—since the publication in November of the withdrawal agreement. Repeated commitments have been made to seek a re-examination of that point by the Union, and it has become clear over a period of months that such re-examination is not offered by the Union. It may or may not feature in the future, but in terms of trying to broker progress now I did not think it would be the most sensible motion to choose at this time. I put it no more strongly than that.

Secondly, in relation to the so-called no-deal motion, if the hon. Gentleman will forgive me—and, frankly, even if he will not—I am going to replay to him his own point in my support rather than his. Somewhat exasperated—and, quizzical—that I had not selected his motion, he said, “But Mr Speaker, leaving without a deal on 12 April is the legal default.” He is right: it is precisely because it is the default position in law that having it on the Order Paper is, in my view, a rhetorical assertion. It is a statement of fact, and it does not in my judgment require debate. The second point on that motion is that in looking at it—[Interruption.] The hon. Member for Torbay (Kevin Foster) can chunter from a sedentary position in evident disapproval of the thrust of the argument that I am developing if he so wishes, but it does not detract from the fact that I am making the point I am making. He does not like it: I do, and we will have to leave it there.

The simple fact of the matter is that that motion, voted on last week, as the beady eye of the hon. Member for Basildon and Billericay (Mr Baron) testifies he realises, was rejected by 400 votes to 160. A significant number of Members did not vote, but even if every Member who did not vote on that motion last week were to vote in favour of it this week, it still would not pass. I see my duty as being to try to advance matters. Whatever people think about this issue and whatever side of the argument they sit, they all think, “Can we not make some progress?” It is in pursuit of progress that I have made the disinterested—I use that old-fashioned but valid term—judgment that I have made to try to serve the House.

I totally understand that it will not please everyone, but it happens to be my view, it is an honest one, and it is my best judgment.

Several hon. Members rose—

Mr Speaker: I will happily take points of order indefinitely. I have good knee muscles and plenty of energy,
I am not sure that it will greatly advance matters, but if hon. Members wish to raise points of order they are most welcome to do so.

Charlie Elphicke (Dover) (Con): Further to that point of order, Mr Speaker. I have always found you very patient in hearing the concerns of any colleague in the House, and always passionate about the rulings that you make.

If I may remind you, the other day you made a ruling on meaningful vote 3, and you said that you wanted to make it clear that you expected the test of change to be met and that the Government “should not seek to circumvent my ruling by means of tabling either a ‘notwithstanding’ motion or a paving motion. The Table Office has been instructed that no such motions will be accepted.”—[Official Report, 27 March 2019, Vol. 657, c. 370.]

What, then, is motion (C), which seems to be exactly that?

Mr Speaker: Forgive me if I was not sufficiently clear. I thought I had been. My apologies to the hon. Gentleman if my reply was too opaque. I thought I had indicated in an earlier reply that the House, in the motion that it had supported, had endorsed the approach to indicative votes that we are now taking. It is a discrete process separate from and different to the processes that have been adopted thus far.

All sorts of arguments and explanations have been given as to why we are in this process, with the House taking control of the process, and I do not need to revisit those, but I have answered that point already. I do not wish to be unkind to the hon. Gentleman, whom I like and respect very much as he knows, but I fear I have to say to him that it is not that I have not answered his point. I have answered his point already in response to an earlier point of order, but the simple fact is that the hon. Gentleman does not like my answer, and I am afraid I cannot do anything about that.

Mrs Anne Main (St Albans) (Con): On a point of order, Mr Speaker. Tonight, we will be debating motion (E) on a confirmatory public vote, but this House voted on a confirmatory public vote, and I believe it gathered only 85 votes at the time. I am just wondering, Mr Speaker, why that motion, which was so roundly rejected by this House—it was not even supported by those on the Labour Benches—is worthy of another debate. Perhaps it should be kicked out.

Mr Speaker: I hope the hon. Lady will forgive me. I may have misheard her, but I thought she said something about 85 votes. From memory—I do not have it in front of me, although I can easily find it; it would not be very difficult—I think I am right in saying that the vote for the confirmatory public vote, for a confirmatory referendum, received 268 votes and was defeated—

Mrs Main indicated dissent.

Mr Speaker: The hon. Lady is shaking her head, but I am trying to answer the point. I think it received 268 votes and was opposed by 295, so it was defeated. But again, if the hon. Lady will forgive me, and even if she won’t, I repeat the point that this is part of a process for which the House voted. Colleagues did so in the knowledge that a result might not be achieved on day one or even necessarily on day two, but the House wanted that process to take place. It may be—I have not looked at the Division list and it is absolutely her right—that the hon. Lady voted against this process altogether, and I completely respect her autonomy in making that judgment, but the House chose to adopt the process. What I have done and am doing is entirely in keeping with the spirit of that process.

Mrs Main rose—

Mr Speaker: Is it further to that point of order? I am not sure there is a further to.

Mrs Main: Further to that point of order, Mr Speaker. The 85 votes I am referring to relate to the motion brought before the House by the hon. Member for Totnes (Dr Wollaston).

Mr Speaker: I am sorry. I did not realise that was what the hon. Lady was saying. Okay, but my point about the discrete process we are undertaking and the level of support for that particular motion stands. What I have tried to do—I say this not least so that our proceedings are intelligible to those who are not Members of the House but are watching—is identify those propositions that appear to command substantial support, preferably of a cross-party nature. That is what I have done. It does seem to me, if I may say so, that although it cannot please everybody it is quite a reasonable approach, as opposed to, for example, identifying a series of propositions that have minimal support and thinking that it would be a frightfully good sport instead to submit them to a verdict of the House again. That would not seem to me a particularly constructive way in which to proceed. I am for a constructive approach and I hope most of the House will agree with me that that is how we should operate.

Can we now move to the main debate? I call the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), who owns motion (C) on the customs union, to address the House.

5.8 pm

Mr Kenneth Clarke (Rushcliffe) (Con): I beg to move motion (C),

That this House instructs the Government to:

(1) ensure that any Withdrawal Agreement and Political Declaration negotiated with the EU must include, as a minimum, a commitment to negotiate a permanent and comprehensive UK-wide customs union with the EU;

(2) enshrine this objective in primary legislation.

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

Motion (D)—Common Market 2.0—

That this House—

(1) directs Her Majesty’s Government to—

(i) renegotiate the framework for the future relationship laid before the House on Monday 11 March 2019 with the title ‘Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom’ to provide that, on the conclusion of the Implementation Period and no later than 31 December 2020, the United Kingdom shall—

(a) accede to the European Free Trade Association (Efta) having negotiated a derogation from Article 56(3) of the Efta Agreement to allow UK participation in a comprehensive customs arrangement with the European Union,
(b) enter the Efta Pillar of the European Economic Area (EEA) and thereby render operational the United Kingdom’s continuing status as a party to the EEA Agreement and continuing participation in the Single Market,

c) agree relevant protocols relating to frictionless agri-food trade across the UK/EU border,

(d) enter a comprehensive customs arrangement including a common external tariff, alignment with the Union Customs Code and an agreement on commercial policy, and which includes a UK say on future EU trade deals, at least until alternative arrangements that maintain frictionless trade with the European Union and no hard border on the island of Ireland have been agreed with the European Union,

(ii) negotiate with the EU a legally binding Joint Instrument that confirms that, in accordance with Article 2 of the Protocol on Ireland/Northern Ireland of the Withdrawal Agreement, the implementation of all the provisions of paragraph 1 (i) of this motion would cause the Protocol on Ireland/Northern Ireland to be superseded in full;

(2) resolves to make support for the forthcoming European Union (Withdrawal Agreement) Bill conditional upon the inclusion of provisions for a Political Declaration revised in accordance with the provisions of this motion to be the legally binding negotiating mandate for Her Majesty’s Government in the forthcoming negotiation of the future relationship between the United Kingdom and the European Union.

Motion (E)—Confirmatory public vote—

That this House will not allow in this Parliament the implementation and ratification of any withdrawal agreement and any framework for the future relationship unless and until they have been approved by the people of the United Kingdom in a confirmatory public vote.

Motion (G)—Parliamentary Supremacy—

That—

(1) If, at midday on the second last Day before exit day, the condition specified in section 13(1)(d) of the Act (the passing of legislation approving a withdrawal agreement) is not satisfied, Her Majesty’s Government must immediately seek the agreement of the European Council under Article 50(3) of the Treaty to extend the date upon which the Treaties shall cease to apply to the United Kingdom;

(2) If, at midday on the last Day before exit day, no agreement has been reached (pursuant to (1) above) to extend the date upon which the Treaties shall cease to apply to the United Kingdom, Her Majesty’s Government must immediately put a motion to the House of Commons asking it to approve ‘No Deal’;

(3) If the House does not approve the motion at (2) above, Her Majesty’s Government must immediately ensure that the notice given to the European Council under Article 50 of the United Kingdom’s intention to withdraw from the European Union is revoked in accordance with United Kingdom and European law;

(4) If the United Kingdom’s notice under Article 50 is revoked pursuant to (3) above a Minister of Her Majesty’s Government shall cause an inquiry to be held under the Inquiries Act 2005 into the question whether a model of a future relationship with the European Union likely to have majority support in the United Kingdom;

(5) If there is a referendum it shall be held on the question whether to trigger Article 50 and renegotiate that model;

(6) The Inquiry under paragraph (4) shall start within three months of the revocation; and

(7) References in this Motion to “Days” are to House of Commons sitting days; references to “exit day” are references to exit day as defined in the Act; references to the Act are to The European Union (Withdrawal) Act 2018; and references to the Treaty are to the Treaty on European Union.

Mr Clarke: May I first of all say that I hope, for the reputation of this House and the reputation of the political institutions of this country, that we will achieve a majority for at least a couple of these motions this afternoon in order to reassure the public that we do know what we are doing, or we are beginning to know what we are doing, and that we are capable of delivering responsible government and looking after the national interest in the present crisis? I think most right hon. and hon. Members must have appreciated at the weekend how little respect the public as a whole have for their political institutions at the moment, and how very low is the regard in which they hold what is going on in this House.

The House has blocked the Government’s policy. It will not vote for the withdrawal agreement, and last week in a rather curious mixture of votes it voted against the propositions before it. If we are to avoid ludicrous deadlock, today is the day when the House has to indicate that there is a majority and a consensus in favour of something positive that will give some guidance on where we are going.

Mr Nigel Evans (Ribble Valley) (Con): Will my right hon. and learned Friend give way?

Mr Clarke: I might do so when I have got going, but the filibustering on the business motion means that we have very little time for debate, so I am going to make an effort to keep my speech short. With respect to my hon. Friend, who is an old friend, I will not give way.

What happened last week was understandable. People plumped for what they wanted, and we spread so widely over eight motions that nothing actually got a majority. Today, I trust that people will vote for more than one motion if they can live with more than one, because if we just keep plumping for our one and only solution, we will find that we are broken up. That is what my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) had in mind when he introduced this process.

I voted for, I think, five of the motions last week, and, as I shall argue, I do not think that they are incompatible with each other. Some are larger than others, and they swallow one within the other. Some are on separate subsets of the problem. What we are all asking ourselves, in this deadlock, is, what compromise would each and every Member be prepared to accept in the national interest?

Sir Oliver Letwin (West Dorset) (Con): Will my right hon. and learned Friend give way?

Mr Clarke: With apologies to my hon. Friend the Member for Ribble Valley (Mr Evans), I will give way to my right hon. Friend the Member for West Dorset once, because this is his process.

Sir Oliver Letwin: I am enormously grateful to my right hon. and learned Friend, and I agree with every word he has spoken. Does he agree that the reason why we are holding this debate and following this unusual process is not that we are interested in some zany constitutional theory, but that our country faces the prospect, on Thursday week, of leaving without a deal if this House does not come together and find some way forward?
Mr Clarke: My right hon. Friend and I are in complete agreement. As he quite rightly says, we must avoid no deal occurring by default in a fortnight’s time simply because the House of Commons could not agree on anything. In fact, 400 Members of the House of Commons have voted against no deal, and it would be calamitous just to collapse into it because we cannot reach any compromise among ourselves about what we actually wish to put forward.

I am trying to illustrate that my motion, which is for a permanent customs union, is perfectly compatible with a wider look at the subject but sets a basic agenda. I think it will help to minimise what I regard as the damaging consequences of leaving the European Union, and enable us to reassure the business and other interests in this country—some of them are absolutely panic-stricken—who view the great unknown and the end of the common market with great concern. I hope that the public, who are as polarised as this House in their opinions, will begin to be reassured. I hope that people will be reconciled to a compromise of leaving the political European Union but staying in the common market, to use the language of Eurosceptics over the years.

Greg Hands: Will my right hon. and learned Friend give way?

Mr Clarke: No, I will not give way. As I have said, we have just had two hours of filibustering, and I do not want my speech to be spun out.

Let me illustrate why I think motion (C) does not conflict with the body of opinion in most of the political parties in this House, starting with the Conservative party. My motion does not conflict with the Prime Minister’s withdrawal agreement. Indeed, it slightly complements it, and it deals with a different subject. Motion (C) deals with the political arrangements—the non-binding political declaration and the nature of the later negotiations that will have to take place to determine our long-term future.

As I said last week, the motion answers the concerns of the Labour party, which has supported it. The Labour party says that it will not vote for the withdrawal agreement, not because of its contents, but because it represents a blind Brexit in which we have absolutely no idea what the Government are going to do. To approve the withdrawal agreement would be to give the Government a blank sheet of paper and allow them to carry on arguing inside the Cabinet about what objectives to seek in the negotiations that would follow. What this motion suggests is that the House mandates the Government—whatever shape they take and whatever the Government—to make a permanent customs union one of their foundations in the negotiations. I will come back to the only reason that they have ever given for being against the customs union, which is the only basis for voting against it.

Greg Hands: Will my right hon. and learned Friend give way?

Mr Clarke: No, I am not going to give way. It would be unfair to other Members who have had this whole debate crammed into three hours. In 1972, we used to have all-night sittings on much smaller issues than this. I do not recommend going back to that, but I object to listening to my colleagues having to speak on three-minute time limits because chaps want to get to dinner and will not sit after 7 o’clock in the evening in the middle of the week, which is where this rather pathetic Parliament has got itself recently. That is my last digression from my theme. [ Interruption. ]

Mr Speaker: Order.

Mr Clarke: As I have said, the motion does not conflict with the Government’s withdrawal agreement. If the motion is passed or if it is subsumed by common market 2.0, which I will also vote for—that motion would subsume this one if it is carried—the easiest way of proceeding is for the Government to proceed with their withdrawal agreement tomorrow and for the Labour party to abstain because it is no longer such a blind Brexit, and then we can get on to the serious negotiations, which this country has not even started yet, with its 27 partner nations.

Motion (C) does not conflict with the case that is being made by many Members for a further referendum—either a confirmatory referendum or a people’s vote. It is not on the same subject. The referendum is about whether the public have changed their mind and whether we are firmly committed to the EU now that we know what is happening. That is a process—a very important one—that we are arguing about. I have been abstaining on that; I am not very fond of referendums, but there we are.

Motion (C) is concerned with a quite different subject: the substance of the negotiations if we get beyond 12 April. It begins to set out what the Government have a majority for and what they are being given a mandate for when they start those negotiations. The separate issue of whether, at any relevant stage, a referendum is called for can be debated and voted on quite separately. Advocates of a people’s vote are not serving any particular interest if they vote for a people’s vote and somehow vote against this motion to make sure that that somehow gets a bigger majority. Both can be accommodated.

Mr Dominic Grieve (Beaconsfield) (Con): Will my right hon. and learned Friend give way?

Mr Clarke: I shall be accused of bias if I give way to my right hon. and learned Friend.

I urge the Liberals to proceed on that basis, and similarly, the Scottish nationalists. I agree with them—I would much prefer to stay in the European Union—but I am afraid that in trying to give this country good and stable governance by giving steers to the House of Commons, I have compromised on that, because a huge majority seems to me to have condemned us to leaving the European Union. I have tabled motions with the Scottish nationalists and have voted with them to revoke article 50 if the dread problem of no deal seems to be looming towards us by accident, and I will again. I cannot understand why the Scottish nationalists will not at least contemplate, if they cannot get their way and stay in the European Union, voting for a permanent customs union, which will benefit business and the economy in Scotland just as much as here and is not remotely incompatible with pursuing their wider aims.

Joanna Cherry (Edinburgh South West) (SNP): Will the right hon. and learned Gentleman give way?
Mr Clarke: As I have mentioned the Scottish nationalists, I will of course give the hon. and learned Lady the right to reply.

Joanna Cherry: I am very grateful to the right hon. and learned Gentleman for giving way. The reason that the Scottish National party cannot support his motion today is that freedom of movement is vital for the Scottish economy and we do not get freedom of movement without the single market—that is the reason we cannot support his motion.

Mr Clarke: I will vote for the single market, if it is presented in a proper way, and I would have voted for the motion in the name of my hon. Friend the Member for Yeovil (Mr Fysh) last week, had he not at the end added a gratuitous sentence ruling out a customs union. If we can get a majority for the single market, I will vote for it again.

I accept that if we pass a motion for the single market, or the motion for common market 2.0, which no doubt my hon. Friend the Member for Grantham and Stamford (Nick Boles) will move later, my motion will be subsumed, but I am not confident we will pass a motion for the single market, because although the Scots are attracted by freedom of movement, many of my right hon. and hon. Friends are provoked into voting against it for that very reason. Similarly, common market 2.0, which I would settle for, is probably too ambitious. Mine, then, is the fall-back position.

I hope that my hon. Friend votes for my motion, but I cannot understand the Scottish nationalists. Voting for my motion is no threat to their position; indeed, it is an insurance policy—this goes back to how I started—to make sure that we move forward and that the House of Commons gives the Government a mandate that it has been given by the 28 member states, certain of the bigger ones—such as Britain—remain a constant presence, given by the 28 member states, certain of the bigger ones—such as Britain—remain a constant presence, and it applies to the entire United Kingdom.

Sammy Wilson (East Antrim) (DUP) rose—

Mr Clarke: As I am referring to the DUP, I will give way to the right hon. Gentleman, but I am a Unionist. He thinks the Irish backstop is not a Unionist proposition. Motion (C) is a Unionist proposition and does no harm to the DUP’s position.

Sammy Wilson: I am glad to hear that the right hon. and learned Gentleman is a Unionist, though in supporting the withdrawal agreement three times he has shown that he does not respect the views of the people of Northern Ireland who believe it puts the Union in jeopardy.
process is going smoothly. So I have been involved in many attempts to secure trade deals, some successful and some not. Opening up the Chinese market is a very slow business: I could have told President Trump that.

Some of my right hon. and hon. Friends ascribe great weight to an American deal. TTIP failed. It was given that strange title—the Transatlantic Trade and Investment Partnership—because Obama’s officials said that it would not be possible to get anything called a free trade agreement past America, which is quite a protectionist country. Certainly Congress is protectionist, and that was under Obama. The problem with the Americans was, first of all, that we wanted to open up access to services. Tariffs do not matter much in European-American trade. They are vestigial. All the Europeans, including the British, are quite content to abandon tariffs in both directions, because they are fairly small. The auto industry, on both sides of the Atlantic, did not really want tariffs. It is regulatory differences, and getting regulatory equivalence, or convergence, that stand in the way.

We wanted the Americans to open up public procurement, which they would not do—and, anyway, it is a state-by-state process, which makes it more difficult—and to open up the service sector, particularly financial services. The lobbies in Congress are too strong for that to make much progress. The present President has given no indication that he would open up any market to us. The approach that he has taken to trade negotiations, when he talks about a trade agreement and takes on the Mexicans, the Canadians and the Chinese, is that he wants America to export more to them and wants them to export less to America. We have a large trade surplus with America, and that is what he has in mind. It is perfectly plain. His obsession is with food and agricultural products, and that means giving up our standards of animal welfare and food quality—which, owing to British lobbying, are very high in Europe—and accepting America’s lower standards involving hormone-treated beef and chicken.

If any Members think we can influence that—if they think that with such a trade agreement we can somehow start tightening up American food standards and animal welfare—I can only tell them that the agriculture lobby in Congress is extremely powerful, and would not take the slightest notice of British interests in such matters. The Australians would probably agree to a deal, but we would have to face the problem of hormone-treated beef, because that is what they want to export to us. The New Zealanders would want a deal as long as the quotas were lifted from their tariff-free exports of lamb. I am sure that they would be happy if we could think of anything that we wished to sell to New Zealand that we do not sell at the moment. But those negotiations will not compensate for the loss of our European markets if we stay outside the customs union and the single market and erect great barriers in our way.

I have made a modest case—it is modest compared with my own views; nobody in this House is a greater disciple of a disastrous Brexit outcome, but of falling so far in the popular esteem that we may never recover public trust.

The country is also bemused and demands that we chart a new course. After three years of assault and counter-attack, no position has emerged victorious. Instead, the politics of this House has been even more diminished and entrenched. Nothing will change if we are not prepared to move. A solution will emerge only if we make it so.

Chris Philp (Croydon South) (Con): I thank the hon. Gentleman for his thoughtful tone. I would like to ask for some clarification. What will be the question in the referendum that he proposes? Given that we have already voted to leave in 2016, I assume that the question in his referendum would be to leave with the Government’s deal or to leave with no deal.

Peter Kyle: The hon. Gentleman anticipates where I will get to in my speech. I will answer the question once I have addressed it, but I think I can predict that we will get there soon.

I believe that the solution is to work with what we have before us: to accept the world as it is, not the world as we would like it to be. After the referendum, I travelled to Norway and met negotiators and Ministers. I visited the European economic area headquarters in Brussels and I worked alongside colleagues to champion a soft Brexit, which I then voted for. So those who say that I and others like me have simply tried to scupper Brexit from the start are wrong.
[Peter Kyle]

I have also voted for every proposition from the Labour Front Bench and I encourage others to do the same as another way of achieving compromise and consensus. I congratulate the Leader of the Opposition and the shadow Brexit Secretary on their excellent work in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe that if they had done this from a position within Government, we would have been able to present a deal to Parliament that would have been accepted. That is why our motion relates to a deal, rather than specifically to the Government’s deal.

I know that many people on these Benches still long for a better proposition than the one on offer. We must be honest with each other, however. When the Prime Minister triggered the article 50 process, we all knew, whether we voted for it or against it, that it bestowed on the British people. That deal is now before us, and it was our responsibility to ensure that the country would have been accepted. That is why our motion relates to a deal, rather than specifically to Parliament that would have been accepted. That is why our motion relates to a deal, rather than specifically to the Government’s deal.

Mrs Main: I want to make a serious point about what the hon. Gentleman put before the British public. How long does he think it would take to craft a whole new deal? Does he anticipate fighting the European elections, because it would take a long time?

Peter Kyle: I am grateful to the hon. Lady—[Interruption.] I encourage everyone to look in this direction rather than in any other direction. I am not suggesting that we propose another deal. I am proposing that we accept the landscape that we are standing in, exactly in the manner that I have just suggested. The deal before us is one that defines Brexit, and as it stands, this sovereign Parliament has rejected it again and again and again. In fact, MPs have cast a staggering 1,167 votes against the deal—[Interruption.]

Mr Speaker: Order. I ask colleagues to show some respect for the Member who has the Floor. The hon. Gentleman has had his motion selected, and he is entitled—[Interruption.] Order. He is entitled to be heard.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Mr Speaker. This debate is obviously of extreme importance and it is vital that Members are able to hear the speeches, particularly those made by the proponents of the different motions. There is obviously a disturbance in the Gallery, and whatever the rights and wrongs of that protest, I am sure you would agree that we need to ensure that people can be heard in the debate and that the situation in the Gallery is appropriately handled so that we can proceed with our debate today.

Mr Speaker: Thank you. I suggest that we proceed.

Peter Kyle: Thank you, Mr Speaker.

As it stands, this sovereign Parliament has rejected the deal again and again and again. In fact, MPs have cast a staggering 1,167 votes against it. That is 50% more than the number of MPs who sit in this Chamber. However, although the majority here do not like it, the fact remains that it has been signed off by every EU country, by the EU itself and by the British Government. It is the only deal on the table. We have to accept that there is no majority for the Government’s deal, but neither is there a majority right now for an alternative. So we have a stark choice. Do we continue the war of positions in the hope that one side will capitulate, knowing the damage that it will do to our politics and to our country? Do we persist with the deadlock? Or do we choose to progress? If there is no outright majority for any of the motions, we must do what the country is desperate for: we must compromise by bringing together two minority positions to create a majority in order to move forward.

Anna Soubry (Bromley and Chislehurst) (Ind): I should like to intervene on the hon. Gentleman to enable him to collect his thoughts. I congratulate the Leader of the Opposition and the shadow Brexit Secretary on their excellent work in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future of our economy and workers first and foremost. I believe in crafting a set of Brexit policies that puts the future...
Justine Greening (Putney) (Con): The hon. Gentleman is fleshing out his arguments well. We cannot keep going around in circles. This Parliament has spent nearly three years debating the topic without finding a consensus, so we need to understand that we must break that deadlock, and he is right that the only way of doing so is through a public vote. Surely it makes more sense to have a public vote on the matter at hand, which is the route forward on Brexit, than a general election that may result in different MPs, but still a hung Parliament and no direction.

Peter Kyle: I am grateful to the right hon. Lady for her intervention. As she will see, I will reframe the way that she puts it, but I agree with the general direction.

Mr Nigel Evans: Will the hon. Gentleman give way?

Mr Edward Vaizey (Wantage) (Con): Will the hon. Gentleman give way?

Peter Kyle: I am going to make some progress. I promised Mr Speaker that I would take about six minutes, and I am trying hard to honour that promise.

Last week, 268 Members voted for the principle of a confirmatory ballot—the largest number of votes for any alternative Brexit proposition up to that point. The principle has effectively been used twice in the past 20 years to solve complex, divisive issues.

The first occasion was on the Belfast or Good Friday agreement. Many people, institutions and organisations were asked to give a lot to cement the deal, but they gained a lot together despite sections of Northern Irish society strongly rejecting it. The Good Friday agreement was put to a confirmatory ballot that confirmed the deal and led to a decisive end to the arduous process and a peace that has endured to this day. I do not want to risk undoing those gains, which is another reason why we need to unlock our politics.

Mr Evans: Will the hon. Gentleman give way?

Peter Kyle: I am going to make some progress, but I will allow the hon. Gentleman to intervene a bit later.

The second occasion was the alternative vote referendum in 2011. Electoral reform had been hotly contested and was a regular feature of public debate, and it was a divisive matter within the coalition Government. However, both Tory and Lib Dem parliamentarians were able to work together to legislate for it, because the matter would be subjected to a confirmatory public ballot. The innovation of a confirmatory ballot is important, because it is binding on Government. Once confirmed or rejected, the subject does not even need to return to Parliament. In the case of the Good Friday agreement, the matter was agreed. In the case of the AV referendum, it was rejected. However, the debate was settled instantly in both cases, as it would be in this case. There would be no return to Parliament, no more squabbling, no best of three, no “neverendum”, just a definitive end to the Brexit impasse—talking of which, I give way to the hon. Member for Ribble Valley (Mr Evans).

Mr Evans: The hon. Gentleman has kept his word, for which I am extremely grateful. His idea would have some merit were it not for the fact that we had a general election in 2017, which our parties both fought on manifestos saying that we would deliver Brexit. Some 80% of the people voted either Labour or Conservative. Does he not therefore believe that, as I have heard from constituents over the past few weeks, we should just get on with it?

Peter Kyle: The Labour manifesto was published two and a half weeks after I agreed to stand as a Labour candidate, and the deal we are now debating was reached a year and a half after the general election. We did not see the Chequers agreement, the Government’s negotiating stance or the deal until months after that general election. By standing on either manifesto, we did not give the Government a blank cheque to deliver any deal.

Mr Vaizey: The simple answer to the manifesto point is that the coalition Government worked out a completely different set of policies, literally behind closed doors, after the 2010 election, and the Conservative party lost the 2017 election. The reason why the Brexiteers cite the manifestos is that they are trying to stop Parliament having a say on Brexit.

Is the hon. Gentleman aware, as I read in The Times this morning, of a secret letter that was sent to the Prime Minister by 170 Conservative MPs, and which they refuse to publish, apparently advocating no deal, in direct contravention of a resolution passed in this House? That shows a complete lack of respect.

Peter Kyle: I am not aware of that letter, but it is something we have seen time and again. We have to ask ourselves a fundamental question: people going to Chequers to discuss stitch-up deals behind closed doors, and people writing letters to the Prime Minister that are not in the public domain—is that an elitist stitch-up? Alternatively, is getting Brexit out of Parliament, out of Westminster and into every community up and down our country an elitist stitch-up? One of those two is an elitist stitch-up, and I believe in my heart that I am on the right side of the argument so far.

Motion (E) offers two benefits that Members cannot afford to ignore. It breaks the deadlock in Parliament; I reassure Opposition Members that the motion makes it explicit that Parliament is withholding consent for the deal until it is confirmed by the public. It cannot be said that, by supporting the motion, Members are supporting the deal.

Secondly, the motion allows us to offer a definitive end to this nightmare. It is a sign of failure that we could not resolve Brexit alone, but it is at least honest to admit our failure. We owe the public an apology for the need to return to them one more time, but at least it will be only one more time.

Mike Gapes (Ilford South) (Ind): Is not the essence of the problem that the original referendum was not defined in terms of whether it was binding or, as the Government said at the time, advisory? As a result, it has led to lots of complications. The referendum proposed by motion (E) would clearly be a final say, and therefore there would be no ambiguity, which is what the people deserve.

Peter Kyle: I could not agree more. This time, voters would be making a decision based on facts not promises. They could compare the deal on offer with the deal we already have. The consent they give would be an informed consent. It is time to get Brexit out of Westminster, and we can do that only by backing a
compromise. If we do not back this compromise, we could be stuck here in Parliament debating this for weeks and months to come.

Brexit has to be returned to the people of the United Kingdom for them to issue their final instruction, and then together we can begin the reconciliation our country so desperately needs but which today seems so far away. Motion (E) makes that possible, and possibility is the very art of politics.

5.49 pm

Nick Boles (Grantham and Stamford) (Con): I congratulate the hon. Member for Hove (Peter Kyle) on managing to deliver a powerful speech despite a certain amount of distraction. He was responsible for my defeat in his constituency in 2005—not as the candidate but as the campaign manager—and I have always been slightly frightened of him since.

I find myself wondering whether it is a coincidence entirely that the people who normally sit around me on these Benches are not here, given that we all know that among them are counted noted naturists. It has long been a thoroughly British trait to be able to ignore pointless nakedness, and I trust that the House will now be able to return to the issue we are discussing.

In last Monday’s debate, my great friend and mentor, my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames), urged the House to take to heart the words that are recited every day during Prayers by the Speaker’s Chaplain: “never lead the nation wrongly through love of power, desire to please, or unworthy ideals but laying aside all private interests and prejudices keep in mind their responsibility to seek to improve the condition of all mankind”.

In the nine years since I arrived in this House, there has never been a day, or a debate, in which this injunction is more relevant. If by doing this a clear majority of right hon. and hon. Members are able to support one of the Brexit compromises on the Order Paper today, the vast majority of the people we represent will breathe a deep sigh of relief. We are sent here to make the most difficult decisions on behalf of our constituents. If we vote for a compromise version of Brexit this evening, they will see that we are up to the job.

Anna Soubry: As my hon. Friend knows—and he is my friend—I have made the case and voted for the single market and the customs union for almost the past two years. My difficulty with his motion is that paragraph 1(i) says that it seeks to “renegotiate the framework for the future relationship”.

I think that he would have won more support if, like motion (C), on the customs union, he had sought to change the withdrawal agreement as well as the future framework. The problem with his motion is that it is about only the future relationship, which any Government and any Prime Minister who succeeds the current one can change. In other words, it is non-binding.

Nick Boles: Thank you very much, my right hon. Friend for her point, but I do not agree with it. My motion specifically includes a provision that the political declaration, as renegotiated, should then be cemented into the withdrawal Act, as will come if this House votes for this, and therefore this will require a majority of this House to vote to amend statute if there is to be a change. So it will not simply be a matter of a future leader of the Conservative party being able to rip this up and renegotiate it. They will have to amend an Act of Parliament in this House, and currently there is no majority for amending it in the direction that she fears.

Mr Nigel Evans: I agree that the public would be relieved if we ever did come to a conclusion, but they would be angry if we came to the wrong conclusion. Does my hon. Friend accept that his common market 2.0 proposal would allow free movement of people, that it would cost us billions to access the single market, that we would be justiciable by the Court and so we would be law-takers, and that we would not be able to do free trade deals—and was that not the basic tenet of what we voted for in 2016?

Nick Boles: Unfortunately, my hon. Friend is right about only some of those things. It is true that in normal days we would be subject to free movement, because that is the price of single market membership, and that we would have to pay over some financial contributions, although they would be probably of the order of half of what we currently have to pay. He is not correct to say that we would be justiciable by the European Court of Justice. If we were within the European economic area, which is what common market 2.0 proposes, we would be subject to the European Free Trade Association court, and the key thing about the EFTA court is that there is no direct effect in its judgments; they all have to be implemented by sovereign Parliaments before they take hold. So this is a substantially different relationship, one in which we would have a great deal more control. Of course we would be outside all the areas other than the single market—all the political areas of the EU—and we would truly have taken back control.

Several hon. Members rose—

Nick Boles: I will not give way again.

Some commentators have criticised those of us who support common market 2.0 for adapting our proposal in response to suggestions from other colleagues or to statements by leading figures in the EU and the EFTA states. I make no apology for that; from the start we have wanted to bring forward a realistic and deliverable plan, and give as many people as possible reasons to support it. So since last Wednesday’s debate, in response to comments from Labour Members, we have added further detail to the definition of the comprehensive customs arrangement that would prevail at least until alternative arrangements underpinning frictionless trade have been agreed with the EU. We have also added a commitment to seek a protocol on agri-foods trade across the UK-EU border. I want to thank the right hon. Member for East Antrim ( Sammy Wilson) and the hon. Member for Belfast East (Gavin Robinson) for educating me about this matter, and for the tireless work of Diane Dodds MEP on behalf of Northern Ireland’s farmers. I am delighted that the hon. Member for Dundee East (Stewart Hosie) felt able to sign the motion. I understand that the Scottish National party plans to vote for common market 2.0 tonight, which shows that it is the Brexit compromise that would be best for all parts of the UK.
Tom Brake (Carshalton and Wallington) (LD): I hope the hon. Gentleman will be able to clarify one important point: if his proposal were to go through, would it require a long extension to article 50 or would we Brexit on 22 May?

Nick Boles: That is a good question and I am pleased the right hon. Gentleman has asked it. I truly believe that if this proposal were to achieve a majority tonight and if the Government were to accept it as Government policy tomorrow, which they should if this House has resolved on something by a majority, it would not be necessary to extend beyond 22 May. Last week, the EU said that it was ready to renegotiate the terms of the political declaration within hours, not weeks.

Robert Halfon (Harlow) (Con): I thank my hon. Friend for all the work he has done on common market 2.0. Does he agree that it is not just a strong Brexit, but a unity Brexit, because many Eurosceptics in the past have supported the idea of Britain joining EFTA and current Eurosceptics such as my hon. Friend the Member for Camborne and Redruth (George Eustice) are supporting common market 2.0 membership of EFTA. Does my hon. Friend the Member for Grantham and Stamford (Nick Boles) not also agree that it provides important brakes on freedom of movement?

Nick Boles: I thank my right hon. Friend for all the work he has done on common market 2.0. Does he agree that it is not just a strong Brexit, but a unity Brexit, because many Eurosceptics in the past have supported the idea of Britain joining EFTA and current Eurosceptics such as my hon. Friend the Member for Camborne and Redruth (George Eustice) are supporting common market 2.0 membership of EFTA. Does my hon. Friend the Member for Grantham and Stamford (Nick Boles) not also agree that it provides important brakes on freedom of movement?

Nick Boles: I thank my right hon. Friend for that. He has been an important ally in this cause.

Caroline Flint (Don Valley) (Lab): Will the hon. Gentleman give way?

Nick Boles: I am replying to another intervention, if the right hon. Lady would just give me one moment. My right hon. Friend is right; common market 2.0 has attracted the support of my hon. Friend the Member for Brigg and Goole (Andrew Percy), and no remainer is he. He has been one of the most long-standing and principled Brexiteers, but he nevertheless sees the merits in a proposal that offers something to the 48% who voted remain as well as to the 52% who voted leave. My right hon. Friend is also right to say that, although free movement would apply in normal times, by joining the common market 2.0, we would secure a new legal right to pull an emergency brake on free movement if there were major societal or economic impacts being felt by this country. That is significant. We do not have it as a member of the EU; it is a significant measure of additional control that we do not currently have.

Neil Gray (Airdrie and Shotts) (SNP): This is important, because we are all, or should be, compromising across this House. Does the hon. Gentleman acknowledge, on freedom of movement and immigration, that Scotland has a unique demographic situation and that we cannot compromise on freedom of movement because of its importance to the Scottish National party and to Scotland? Will he elaborate further on that point?

Nick Boles: I thank the hon. Gentleman for his intervention. In truth, I have been educated not only by the right hon. Member for East Antrim but by the hon. Member for Dundee East and the hon. Member for North East Fife (Stephen Gethins), and I now understand better the importance of immigration not only to the Scottish economy but to Scottish society. There is an important detail about the emergency brake in articles 112 and 113 of the EEA agreement, which is that it talks about regional impacts and the potential for a regional application of the emergency brake that might suspend free movement. Therefore, were there significant societal or economic problems in, say, the south-east or east of England but not in Scotland, a Government could bring forward a brake that applied only to the affected areas and not to Scotland. That is entirely within the scope of the emergency brake framework.

Several hon. Members rose—

Nick Boles: Mr Speaker is glaring at me, so I am not going to take any more interventions until I am much closer to the end of my speech.

We all in this House would much prefer to avoid the activation of the Irish backstop. One of the great advantages of common market 2.0 is that it keeps all parts of the UK in the single market and in a customs arrangement, with a common external tariff, until alternative arrangements have been agreed with the EU. It should be possible to agree with the EU a legally binding joint interpretative statement, enshrining the commitment that the backstop protocol will be superseded in full once the UK is safely inside the EEA and a customs arrangement. Common market 2.0 is the only Brexit compromise that can make the Irish backstop fall away altogether.

Dr Andrew Murrison (South West Wiltshire) (Con): My hon. Friend is making a compelling case, and I am almost convinced—almost, but not quite. Will he confirm that he would replace the Northern Ireland backstop, with its potential “forever” arrangements and handcuffs on the United Kingdom, with something that we could at least depart from upon having served sufficient notice?

Nick Boles: I simply say that we have to have an agreement with the EU about alternative arrangements. Thanks to the hard work of the right hon. Member for Loughborough (Nicky Morgan) and many others from across the House, we have secured in the agreement with the EU a commitment to develop those alternative arrangements. Although they may not exist now and may not exist in three years, I am absolutely confident that, with good will, we can secure arrangements. I do not believe that the EU wants any more than we do to keep us in a prehistoric situation when new technologies make the more sophisticated management of the border possible.

As we heard from the hon. Member for Hove, many in the House believe that there should be a referendum to secure the voters’ consent to any Brexit deal. I do not agree with them, but I have the greatest possible respect for the sincerity of their arguments, and I admire the passionate commitment of the supporters of their cause. I hope that, like the right hon. Member for North Norfolk (Norman Lamb), they will support common market 2.0. We have learned that were a referendum to happen, its result would be unpredictable; surely it would be better for the leave option to be one that retains membership of the single market and a customs arrangement that guarantees frictionless trade.

Tim Farron (Westmorland and Lonsdale) (LD): The hon. Gentleman is to be commended because, unlike Government Front Benchers, we are now looking at
compromises and working together in the interests of the people. Let me push him a little more on the idea of a referendum. We have already discussed no deal and the Prime Minister’s deal, and now potentially common market 2.0, and all of them are mutually exclusive and they cannot all represent all of the 52%. Does the hon. Gentleman not feel that in the interests of democracy and legitimacy, the only way to end this situation is to put his proposal, with all the benefits it brings with it, to the British people and allow them to choose either it or to remain?

Nick Boles: I thank the hon. Gentleman for taking the time to talk to me about the proposal and to understand it. We discovered much common ground. I am not persuaded of his argument, and in a sense I apologise that I am not able to be. I am sure the hon. Gentleman will be aware that if the House votes for common market 2.0 tonight, it will then need to come forward in a withdrawal implementation Bill. There will be opportunities for people from all parties to seek to amend that Bill to add the confirmatory referendum that they seek. This is not the last stage in this conversation; if anything, it is just the beginning. I hope that the hon. Gentleman can support the leave option that would do the least damage to the British economy, while he continues to make his argument for a referendum.

Several hon. Members rose—

Nick Boles: I am going to make some progress.

Some of my hon. Friends supported the motion tabled by my hon. Friend the Member for Camborne and Redruth (George Eustice), which also supported British membership of the EEA and EFTA. Although the journey proposed by the common market 2.0 motion might take a little longer, I hope that those colleagues will recognise that the destination is, to all intents and purposes, the same and that they will therefore join my hon. Friend the Member for Camborne and Redruth in supporting our motion today.

The construction of a compromise is not easy—nor is the realisation that we may not get everything that we want, that other people’s views and interests matter and that it is better to get half a loaf than to get nothing at all. Our constituents do not send us here for an easy ride or to duck difficult choices. This evening, let us live up to the words of the parliamentary prayer and, setting aside our private interests and prejudices, lead our country out of the Brexit morass.

Mr Nigel Evans: On a point of order, Mr Speaker. Briefly, may I thank you, Sir, and the House authorities for the way in which the disruption was handled? It was a distraction, but there was no disruption to our proceedings. May we, through you, thank everybody involved?

Mr Speaker: We want to thank those who look after us and protect us. I very much appreciate what the hon. Gentleman has said. We just press on with the debate. That is what we are here to do.

6.6 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure to follow the right hon. and learned Member for Rushcliffe (Mr Clarke), the hon. Member for Hove (Peter Kyle), who has become a good friend during the course of this debacle, and the hon. Member for Grantham and Stamford (Nick Boles).

Given the mess that the Government have got the United Kingdom into, each of us who has spoken so far today is, in our own way, trying to ensure that the Prime Minister does not go naked into the conference chamber—if I can use that phrase—when she goes to the EU Council on 10 April, which is a week on Wednesday. As the Father of the House said, we must not allow no deal to happen by accident on 12 April simply because this House has failed to find a deal that a majority can get behind. As the Government Chief Whip has himself admitted, the Prime Minister’s failure, from the beginning when she lost that general election two years ago, to try to build a consensus across the House and with the devolved Governments, means that we are highly unlikely to find a deal that the House can get behind before Friday 12 April. We therefore need some sort of backstop—some sort of insurance policy against a no deal.

We also need a way to make sure that the Prime Minister honours the promise that she gave this House at the beginning of last week: that unless this House agrees to it, no deal will not happen. That is what the Prime Minister said. As we know, and as has been said already this afternoon, one thing that definitely did happen in the indicative votes last week was that 400 Members rejected the idea of a no-deal Brexit. We know there is a majority against a no-deal Brexit.

Neil Gray: I commend my hon. and learned Friend for her efforts in respect of her motion. She will remember, as I do, that the Prime Minister pledged that, if Parliament voted to support no deal, that would become the Government’s policy. Does my hon. and learned Friend agree that, if Parliament votes for her motion tonight, that should be the Government’s policy and there should be a backstop to make sure that no deal cannot happen?

Joanna Cherry: Yes, I do. That is the purpose of the motion. It is not an SNP motion, although I am absolutely delighted that all my right hon. and hon. Friends are backing it; it is a cross-party motion. It has support from members of every single party in this House, apart from the DUP. If we cannot agree a deal by 10 April, which is the date of the EU Council—everyone must see as a matter of common sense that that is highly unlikely—my motion, if it is passed tonight, will mandate the Government to ask, first, for an extension of the article 50 period. If the EU did not agree to that, the UK Government would be required immediately to table a motion asking this House to approve no deal. My motion goes on to say that, assuming the House did not approve no deal, it would procede to find a deal that the House can get behind before the course of this debacle, and the hon. Member for Grantham and Stamford (Nick Boles).

Kevin Brennan (Cardiff West) (Lab): I am very sympathetic to the idea that we need a backstop in extremis to prevent no deal from happening, but can the hon. and learned Lady explain why, later in her motion, she goes on to introduce a level of complexity and a prescriptive route? Is she really wedded to that process, or is she more flexible about how that might work?
Joanna Cherry: I am keen to get this motion passed today. I was very disappointed that some hon. Members, particularly those in the official Opposition, did not feel able to support it last week but, in the spirit of cross-party working, I am trying to be respectful of the reasons why they did not feel able to support it. Coming from the city of Edinburgh, which voted 75% to remain, and the country of Scotland, which voted 62% to remain, and representing a constituency which voted 72% to remain, I understand that it is easy for me to cross this bridge, but it is more difficult for Members in English and Welsh constituencies with different mandates.

Equally, unlike the British Government, who have failed to recognise the fact that Scotland and Northern Ireland voted remain, I am trying to recognise that other parts of these islands voted leave and that, for some people to support this motion, the door cannot be closed on the Brexit process by a revocation to prevent no deal. That is why, with the assistance of lawyers—including Jo Maugham QC who was my fellow petitioner when we took the case to the Court of Justice in Luxembourg to establish that article 50 can be unilaterally revoked—I have crafted the motion in this way. In that connection, I declare my interest in relation to the support of the Good Law Project.

Mr Ben Bradshaw (Exeter) (Lab) rose—

Joanna Cherry: I will give way to my fellow sponsor.

Mr Bradshaw: Does the hon. and learned Lady agree that nobody in this House except those who positively want a crash-out, no-deal Brexit should have any problems voting for her motion?

Joanna Cherry: I do agree. I appeal to Members across this House. I know that 10 Conservative Members, including two junior Ministers, voted for this last week. I appeal to anyone who cares about the people who live on these islands and the economy of these islands to prevent a no deal from happening. It is no secret that I came to this House to secure an independent Scotland. That is still my primary aim, but it is not in the interests of Scotland for the Scottish economy to go down the way. Make no mistake about it: if we crash out with no deal, it will be the jobs of ordinary, decent working people that go first. They are the sort of people who vote for the SNP. They are the sort of people who vote for the Labour party and we must protect them.

Tom Brake: Does the hon. and learned Lady agree that what she is doing today is supported by the 6 million people who signed the revoke petition—a matter that is being debated in Westminster Hall at this very moment?

Joanna Cherry: It is indeed, but the difference is that many people who signed that petition would like to see us just revoke article 50 now—straightaway—and that would be an end of the matter. I would quite like to see that myself, but that is not what this motion seeks to do. The motion is about using revocation as an insurance policy. In respectful recognition of the fact that the issue of Brexit will not go away if we simply revoke to avoid no deal, the motion seeks to mandate the Government to set up a public inquiry, under the Inquiries Act 2005, within three months of revocation to establish whether a model of a future relationship with the European Union could be found that would command majority support in the United Kingdom. It also says that, if that could be done, all other referendums would be held on the question of whether to retrigger article 50 and renegotiate that model.

Richard Benyon (Newbury) (Con) rose—

Joanna Cherry: I will give way in a moment, but I just want to knock on the head at this stage a myth that has been peddled by some people that, if this motion were passed, the EU would object to our revoking article 50. That is not the case. It is a misunderstanding of the judgment of the Court of Justice in Luxembourg in the Scottish case, which did not say that, once we revoke article 50, we can never issue an article 50 notice ever again. It categorically did not say that. If Members cannot take that from me, then please read the judgment of the court, which I put on my Twitter feed this afternoon.

Richard Benyon rose—

Mrs Main rose—

Joanna Cherry: I will give way to the right hon. Gentleman.

Richard Benyon: I am very grateful to the hon. and learned Lady. Does she agree that one of the failures of this debate, in this House and beyond, is that we do not talk about exactly what no deal is all about—what it actually means for our constituencies? We talk about it too much of a conceptual way, and we let those who are in favour of leaving with no deal get away with not going into the real details—whether on agriculture, or the 83 trade deals of which we would no longer be part.

Joanna Cherry: I absolutely agree. That has been one of the many failures of this process—that this House has not been afforded sufficient time to knock on the head the sort of misinformation peddled about the consequences of no deal. Fortunately, we have much independent research on the consequences of no deal and Members will find that that independent research wholly tells us that no deal would be bad for the economies of these islands, for jobs and for the living standards of people who live here. It would be to shoot ourselves in the foot and to cut off our nose to spite our face.

Anna Soubry: I am proud to have signed the hon. and learned Lady’s motion and I shall be voting for it tonight. My only concern is not about the motion but, if it is passed, about the consequences. Many of us, right across this House, are concerned that, whatever votes we come to and whatever majority we find, the Government will simply ignore them.

Joanna Cherry: We have every reason to be concerned about that. As the right hon. Lady knows, the Government have repeatedly ignored votes in this House. However, if an instruction is clear and unequivocal, as this motion is, and it is ignored by the Government, there will be political consequences—we have seen that previously with a contempt motion in this House—and there could also be legal consequences. In any normal times, this Government would be long gone because of their incompetence and the multiple fluscos that we have had recently but, really, if this Government were to ignore
an instruction as clear as this and plunge the nations of these islands into the economic disaster of no deal, not only would they not survive it, but the Conservative and Unionist party would not survive it.

Mrs Main: I am looking closely at the hon. and learned Lady’s motion. Can she confirm that, with the timelines that it outlines, voting for her motion tonight will absolutely mean voting again for European elections and having to have MEPs?

Joanna Cherry: We all know that, if there is any sort of a lengthy extension, there will have to be European elections. I know that there is some learned opinion to the contrary, but the weight of opinion is that there will have to be European elections. I know that that will be difficult for some people to deal with, but if that is the consequence of preventing no deal and protecting our constituents’ livelihoods—the businesses of our constituents and the jobs of our constituents—then so be it and no responsible MP could fail to support this motion tonight. There are four motions before us. I will vote for two of the other ones as well but supporting this motion does not preclude hon. Members from supporting other motions. It is not a motion about the eventual outcome; it is a motion about process and about protecting us.

For Conservative Members of Parliament, this is an opportunity to make good on the promise that the Prime Minister has already made to this House that, unless the House agrees to it, no deal will not happen. For Labour MPs, it is the opportunity to make good on the promise in their 2017 manifesto, which of course I have read, as I always do Labour manifestos, and which says:

“Labour recognises that leaving the EU with ‘no deal’ is the worst possible deal for Britain and that it would do damage to our economy and trade. We will reject ‘no deal’ as a viable option”.

This is pretty much the last chance saloon. If Labour wants to reject no deal as a viable option and put in place the insurance policy of revocation, then it really needs to do that today.

Most of all, this motion should appeal to all of us as democrats, because this decision of such importance for the United Kingdom, between revocation and no deal, ought to be one for the representatives of the people in this Parliament and not for the Prime Minister in a minority Government. That is why I have called it the parliamentary supremacy motion. Of course, in Scotland, it is the people who are sovereign and supreme, not the Parliament, but I recognise that, for all intents and purposes, this Parliament is supreme. This motion is all about taking back control and making sure that we have an insurance policy against the danger that this rather confused Government could crash us into no deal without really meaning to do so.

Several hon. Members rose—

Mr Speaker: Order. Approximately 40 right hon. and hon. Members wish to speak, the large majority of whom, I am sorry to say, seem set to be disappointed, and three Front Benchers are due to speak, although I hope mercifully briefly. So in the interests of trying to accommodate colleagues, we will start with a time limit of six minutes, but it is not obligatory to absorb the full six. I call Mr Dominic Grieve.

6.21 pm

Mr Dominic Grieve (Beaconsfield) (Con): Thank you, Mr Speaker. I will try to be brief.

Of the four motions before us, two relate to substance and two relate to process, and they cannot be easily disaggregated. I have signed motion (E) and motion (G), motion (E) being that of the hon. Member for Hove (Peter Kyle). As I have said on many occasions, in view of the circumstances that have arisen, the idea that we can legitimately take the people of this country out of the European Union without consulting them as to whether the deal that we are offering them is one they want seems to me very odd indeed. The reality is that everything we have been talking about this evening, on the two substantive motions in particular, bears almost no relation to what was advanced by those advocating leave in the 2016 referendum campaign.

Equally, this House has said repeatedly that it does not believe in a no-deal Brexit. That is why I support the motion of the hon. and learned Member for Edinburgh South West (Joanna Cherry)—because we have to do everything to stop it, given that the evidence is overwhelming that leaving without a deal would be catastrophic. I realise that this is sometimes a very difficult issue. On Friday night, I found myself giving an audience the Government’s own figures on the administrative burden on business of leaving without a deal, which is £13 billion per annum. That may be too high or it might be too low, but it is a reasoned estimate. That group of people, some of whom say they support my party and therefore the Government, were shouting “Liar” at me. This, I am afraid, is the point where reasoned debate has wholly evaporated. The House is very clear that what we have here is a real risk to this country’s integrity in future, and that is why no deal must be prevented.

Let me now turn to the two substantive motions. Looked at straightforwardly, I think that both offer a better destination for this country than what the Prime Minister negotiated. That is first because they address the Northern Ireland issue, and do it in a way that covers the integrity of the whole United Kingdom and does not separate Northern Ireland out from it, which seems to me to be an advantage; and secondly, because the concessions they make to our participation or deeper integration with our EU partners even after we have left do not come at a cost that people will notice when we are out. I agree entirely with my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) that, in reality, the trade deals that we were told we would have, and which were celebrated, are going to be absolutely marginal compared with the effect on our wellbeing now and what we are going to lose.

For those reasons, I look with favour on both motions. They are both, as I said, very far removed from what was being trumpeted in 2016, which unfortunately was an utterly misleading vision that the United Kingdom could have its cake and eat it—could have the benefits of membership and all the freedoms that go with not being a member. That is the basic problem that this House is going to have to grapple with. I will not vote against the two motions of substance, which seem to me to be moving us probably in the right direction.
I am anxious about the risks of our concluding a political declaration and having a very limited timeframe—to 22 May, with probably no extension—to resolve the issues within it to the satisfaction of this House. I have a serious concern, first, that that can be done; and secondly, that it can be done to the satisfaction of the public. That is why there is a need for a linkage between the preferred option and consulting the public. I do not want to say any more about that now—I want to sit down and allow others to speak.

However, I do want to emphasise my willingness to work with Members of this House who have promoted both these motions, in my determination to try to bring this sorry saga to an end. But in saying that, I want to emphasise that the House has to be very careful about simply jumping on something that it thinks we can all agree on without thinking through the consequences of the process and making sure that the process ends up satisfying the House itself and the electorate, and leading to the right outcome.

6.26 pm

Margaret Beckett (Derby South) (Lab): I shall seek to be extremely brief, Mr Speaker, because I have been fortunate enough to catch your eye before on these matters.

One of the merits of last week’s indicative vote process was that the arguments for each option, and also the prime concerns, have become much clearer. Discussions on the proposal for a confirmatory ballot devised by my hon. Friends the Member for Hove (Peter Kyle) and for Sedgefield (Phil Wilson) revealed considerable reluctance to contemplate the longer extension, and hence the delay, that would be needed. I completely understand that reluctance, especially if, as may be, it would lead into the holding of Euro elections. But to me, that would be a price well worth paying for the sake of achieving the settlement that a confirmatory vote could produce, as it did with the Good Friday agreement. It may also be the price that we need to pay to allow enough scrutiny of the different options before us to provide the basis for a stable majority, not just a fleeting majority, in this House.

As it happens, I very seriously doubt that such a longer extension can be avoided in any event. The Government can only deliver either the Prime Minister’s deal or any other deal when the necessary legislation passes both Houses of this Parliament. That legislation is said to be ready, but, as the hon. Member for Stafford (Jeremy Lefroy) pointed out last week, the House has seen neither hide nor hair of it. I have heard that it is long, perhaps even 100 clauses, and that it is also complex—and it is obviously an extremely significant part of this process. But whenever it is mentioned, Ministers speak briefly and dismissively as if its passage is just a given thing that will be both brief and uncontroversial. Frankly, I rather doubt that. So as we are likely to need a long extension anyway, for a whole variety of other reasons, why not take advantage of that reality to hold a confirmatory vote on the likely outcome of Brexit, whatever option ultimately emerges from these deliberations?

Lucy Powell (Manchester Central) (Lab/Co-op): I agree with what my right hon. Friend is saying. Does she agree with me, though, that in order to get that long extension, the EU would need to be satisfied that this House has actually taken forward a view through a substantive, positive vote, and that otherwise—if we do not take that difficult step—we could just crash out with no deal?

Margaret Beckett: I agree that that would make it infinitely easier. The EU might be convinced of that on the basis of our wanting to hold such a vote, but I totally accept my hon. Friends’ point. This is all based on us trying, if humanly possible, to get such a deal.

Dr Murrison: Will the right hon. Lady give way?

Margaret Beckett: I am trying to be brief, but all right.

Dr Murrison: I am grateful to the right hon. Lady. This country has had half a dozen or so referendums in recent years, and we have honoured the outcome of those referendums on each occasion. She is suggesting that we do not honour the outcome of the June 2016 referendum. If we do not honour the outcome of that referendum, are the public not entitled to ask why we should honour the outcome of the referendum that she is advocating or any other?

Margaret Beckett: I am sorry, but I utterly reject the notion that what I am proposing does not honour the outcome of the 2016 referendum, and I will come to the reason why I do not accept that for one second. We should take the step of a confirmatory vote whatever the deal or option that is finally agreed, or even if none is agreed, because whatever the hon. Gentleman may say, not one of the options before the House tonight or over the last few weeks was on the ballot paper in 2016—not one of them, including the Prime Minister’s deal.

Stephen Kinnock (Aberavon) (Lab): My right hon. Friend is making an excellent speech, and I agree with her, but for a confirmatory referendum to take place, there needs to be a viable leave option on the ballot paper versus remain. Does she agree that those campaigning for a second referendum should support the other motions on the Order Paper that present a viable leave option—namely, a customs union and common market 2.0?

Margaret Beckett: I am happy to agree with my hon. Friend about that, but I hope it cuts both ways. I heard the hon. Member for Grantham and Stamford (Nick Boles) say, “Of course, those who want a second referendum should support the other motions on the Order Paper that present a viable leave option—namely, a customs union and common market 2.0?”

Margaret Beckett: I am duly grateful to the hon. Member for Stafford (Jeremy Lefroy) pointed out last week, the House has seen neither hide nor hair of it. I have heard that it is long, perhaps even 100 clauses, and that it is also complex—and it is obviously an extremely significant part of this process. But whenever it is mentioned, Ministers speak briefly and dismissively as if its passage is just a given thing that will be both brief and uncontroversial. Frankly, I rather doubt that. So as we are likely to need a long extension anyway, for a whole variety of other reasons, why not take advantage of that reality to hold a confirmatory vote on the likely outcome of Brexit, whatever option ultimately emerges from these deliberations?

Lucy Powell (Manchester Central) (Lab/Co-op): I agree with what my right hon. Friend is saying. Does she agree with me, though, that in order to get that long extension, the EU would need to be satisfied that this
that the hon. Member for South West Wiltshire (Dr Murrison) was trying to address. That argument is advanced both by those who believe that the view of the people has not changed and that they will still vote to leave—and, according to Mr Farage, by a bigger margin—and by those who fear that their view might have changed and who resist holding such a vote for that very reason. It seems to me that there is something mutually contradictory in those arguments.

We have heard a great deal about the resentment that would be felt by those who voted to leave, but I again ask Members to carefully consider the position in which this House would place itself if it is the case—I do not know one way or the other—that the British people do not now wish to leave the European Union. We are being invited to vote to take the UK out of the European Union even if it is now against the wishes of the British people, and to do so while refusing to give them the opportunity even to express such wishes. I fear we may find such a refusal difficult to defend, especially if the basis of our decision ends up being the Prime Minister’s proposal, which will itself have been presented to this Parliament for decision more than once.

There is another dangerous argument being advanced: that we should leave, and if we do not like it, we can always rejoin. This House knows that if we leave, we lose the special opt-outs on the euro and Schengen that successive Governments have negotiated. Rejoining would put us in a very different place from remaining with the concessions that we have now.

I accept that, in a variety of ways, the alternatives proposed on today’s Order Paper by the Father of the House and others offer advantages over the Prime Minister’s proposal. I could live with any of them apart from the option of no deal, but I repeat: none of them was before the British people three years ago, and for that reason, if for no other, they should be asked for their view on the reality that is before them, rather than the fantasies they were spun in 2016.

6.34 pm

Huw Merriman (Bexhill and Battle) (Con): It is a pleasure to follow the right hon. Member for Derby South (Margaret Beckett). Like her, I will be voting for motion (E), but I will be doing so for very different reasons, and I wish to explain those reasons in the time I have.

I have been on the wrong side of all the EU votes when it comes to the arithmetic, with the exception of the vote for the Prime Minister to trigger article 50, when I was one of almost 500 MPs who voted for that to occur. Since then, I have voted for the Prime Minister’s deal three times, I have voted for no deal as the fall-back twice and I have voted not to allow an extension of article 50—on each occasion, I have lost. That has brought me to this place.

Motion (E) provides the opportunity to get the Prime Minister’s deal through, as much as it provides the opportunity for those who did not vote for article 50 to be triggered to revoke article 50. I am willing to take my chances and put the matter to the people, because I have given up on Parliament delivering a majority for the deal that I want. I am left with two choices. One is to find myself in meaningful vote 3,029, and the other—I say this as a former transactional lawyer working on a trading floor—is to look ahead and try to find a solution that will deliver what I want, which is to honour the vote in 2016. That is incredibly important to me. I worry about the democratic deficit of that not being delivered.

Of course, people could ask us why we are going back to the people. I say this with a great degree of self-loathing, but I am supporting this purely because Parliament is unable to reach a majority and a decision—we are stuck. Every Member of this House needs to face up to the reality and ask themselves, “How long can this go on? How much uncertainty will we allow business and our constituents to bear before we finally reach the conclusion that we need to find another option?”

James Morris (Halesowen and Rowley Regis) (Con): My hon. Friend talks about uncertainty, but surely a second referendum, whatever way it is formulated, will just add to uncertainty ad infinitum. Why would people accept the result of a second referendum? It is an absurd position.

Huw Merriman: I do not believe it is absurd. With respect, it is more absurd us having debate after debate and vote after vote and achieving absolutely nothing. Alternatively, we can be realistic and say that Parliament is not delivering. I mean no disrespect to us, but that is the reality.

This motion gives certainty because unlike, for example, a customs union, which would then have to be negotiated, there are two options—one is revoke, which can be done, but I hope will not be, and the other is the Prime Minister’s deal, which has been agreed with the EU—and they both automatically deliver certainty. The other options do not deliver certainty, and Parliament is not delivering anything at all right now.

Mr Marcus Fysh (Yeovil) (Con): Will my hon. Friend confirm what he appeared to just say, which is that he would support there being two options on the ballot paper in a second referendum, one of which would be to revoke article 50? Is he representing the Chancellor when he says that?

Huw Merriman: I resent that point. No, I am not representing the Chancellor, otherwise I would be sat behind him on the Treasury Bench. I am representing my constituents and what I feel is right. I take umbrage at that.

Let us be reasonable. Let us look at compromise and at two differing views. It has been put to me that the options on the ballot paper should be no deal or deal. Of course that is what I would want, because those are the options I have voted for, but on the other side of the divide, if the options were customs union and single market membership or revoke, that would be no good for the 17.4 million. Let us choose options that might deliver something for both sides of the argument and then put it to the people and give certainty.

I do not say this because I have ever wanted a second referendum. As far as I was concerned, when we had the first vote, that was it. I said to my constituents that I would first support the deal, and if that did not work, no deal. My voting record shows that I have done just that, but it also shows that I have lost. Being a serial
loser, I can either carry on in that negative vein or face reality and tell my constituents that we have to find a way through this—they want that more than anyone I speak to—and look for another solution. That solution, to me, is a confirmatory vote.

Christine Jardine (Edinburgh West) (LD): Further to what the hon. Gentleman is saying, does he agree that a confirmatory vote is also the best way of healing the divisions, as it would give both sides the chance to have a view on the final deal, put it to bed once and for all, and move us forward?

Huw Merriman: It may well do so, although it would of course be fractious. I would certainly be embarrassed at the very fact that we had got there, but I support doing so on the basis of the reality in this place.

It has also been asked, would we not be better off having a general election? Again, however, I want certainty, and a general election would not deliver certainty. With all due respect to us all, it might deliver us back here again, and then we could carry on in the same vein as we have so far. I do not believe that that would be better, whereas the options I have laid before the House would provide legal certainty and that would be it. So far as I am concerned, I say with great reluctance that I will absolutely support a confirmatory vote because, to me, that is the only way we are going to deliver certainty. This place, I am afraid to say, has not done so.

6.40 pm

Norman Lamb (North Norfolk) (LD): It is a pleasure to follow the hon. Member for Bexhill and Battle (Huw Merriman), and I agree with the points that he made.

This is the first time I have contributed to any of these debates—I have managed to avoid doing so until now—but I have worked with right hon. and hon. Members across this House. Incidentally, I pay particular tribute to the right hon. Members for West Dorset (Sir Oliver Letwin), for Leeds Central (Hilary Benn) and for Normanton, Pontefract and Castleford (Yvette Cooper) and the hon. Members for Grantham and Stamford (Nick Boles), for Leeds Central (Hilary Benn) and for Normanton, Pontefract and Castleford (Yvette Cooper) and the hon. Member for Grantham and Stamford (Nick Boles). It has been a pleasure to work with people who have been united in a desire to find a way forward, and united also in recognising that there is an absolute need to avoid leaving the EU with no deal.

I believe it is essential now that we seek to build consensus, and I feel that for two reasons. First, we are in a perilous state: there is a real danger to this country. There is a high risk that, unintentionally, we could end up in just a few days’ time crashing out of the EU with no deal. The damage to the economy would be profound. The hon. Member for Birmingham, Erdington (Jack Dromey), with the right hon. Member for Meriden (Dame Caroline Spelman), has made very well the points about the absolute importance of protecting manufacturing industry, and the auto industry in particular. As Chair of the Science and Technology Committee, I should also say that the damage to our science community from crashing out with no deal would be profound, and it seems to me that we have to avoid that at all costs.

The second reason why I think it is important to build consensus is that we live now in a horribly divided country, with entrenched positions and intransigence on both sides. This is deeply damaging to our country, and we risk damaging the social contract. I think we play with fire if we do not recognise the danger, and I do not think enough people have been seeking to find ways of bringing this country together again, rather than maintaining the divisions. I approach this as someone who campaigned for and voted for remain. It may be odd to say this, but I respect the alternative point of view. I have my own criticisms of the EU, and I always have done. It is massively over-centralised, and I think it needs substantial reform—it needs to be more dynamic and more flexible—but I was clear in my mind that I should support and campaign for remain. However, I lost, and we now need to find a way forward out of this mess. No route is perfect and no route is risk-free; danger is everywhere.

It is vital that Parliament today actually supports a way forward, rather than rejecting everything yet again. Another day of everything being defeated risks inflicting further enormous damage on this institution and of leaving the country feeling that it is without leadership. The country is crying out for leadership. I want this Parliament to agree on a Brexit deal that, as far as possible, protects jobs, the economy and the funding of public services, and maintains the closest possible relationship with the European Union—and then I want that settlement to be put to the people of this country in a confirmatory referendum.

The Prime Minister opposes the single market and a customs union, and her red lines have stayed rigidly in place all the way through. She says she cannot support those because they were not in the manifesto, but in 2017 she failed to get a majority. Just as in the coalition the parties coming together had to make compromises—a party cannot get everything in its manifesto if it does not have a majority in Parliament—this necessitates compromise. The Government Chief Whip was absolutely right to say that the election changed everything, yet the Prime Minister has failed to recognise that. She has failed to reach out and has stuck rigidly to red lines that are inappropriate in a balanced Parliament.

I will vote to support a customs union, the argument for which was put very succinctly and effectively by the right hon. and learned Member for Rushcliffe (Mr Clarke). Manufacturing industry in our country demands that we remain part of the customs union, and that is why I will support it. It is not sufficient on its own, but it is a building block. I will also support common market 2.0. It is not perfect, but it seeks to ensure the closest possible economic relationship, protecting the economy and jobs.

I would say to the people who support a confirmatory referendum that motion (E) says that nothing in this House should be approved without a confirmatory referendum, but we have to agree what this House decides. They should please engage in that process, come together and support a deal that protects jobs and the economy—and then put it to the British people.

Dame Caroline Spelman (Meriden) (Con): It is a pleasure to follow the right hon. Member for North Norfolk (Norman Lamb), who was a very good Minister in the coalition Government.

I am very keen that the voice of the world of work should be heard in this debate today. Last week, with the hon. Member for Birmingham, Erdington (Jack Dromey), I co-chaired an industrial coalition. A huge range of industries and trade organisations evaluated
the options before us, and they are going to inform how I will vote this evening. The British brand has been badly damaged, they said. Brexit has changed international perceptions of our country.

The CBI and the TUC were very clear that they want Parliament to compromise to find a way forward. No deal or a Canada-style relationship with Europe would not, in their view, be workable. They warned us that the trade we do with our near neighbours is very different from how we trade with more distant partners. Trading with Canada, for example, could necessitate the completion of up to 12 pages of customs forms. They estimate that that could cost British business an extra £2.5 billion annually, and that would of course hit small and medium-sized enterprises hardest of all.

There are big problems, businesses said, with mini extensions of article 50, because they cannot properly function on such a short-term planning cycle. Car factories in our constituencies are shut down this month in anticipation of the disruption of Brexit, and the workers have been urged to take their annual leave this month. They cannot suddenly open the factories and shut the annual leave three weeks later. The Society of Motor Manufacturers and Traders would prefer an 18-month to two-year delay to article 50 just to give business a chance to adjust. It said that we cannot keep marching up to the top of the cliff.

The TUC and the CBI again made clear the threats of a no-deal brisket that would—[Laughter.] I had a go at cooking that yesterday, Mr Speaker. A no-deal Brexit would put thousands of jobs at risk. This is not just about jobs; I remind the House that it is about the thousands of Brits abroad who will not be able to fund their own healthcare in the event of a no deal and are receiving notice of that now. I appeal to the Government for contingency funding to help those vulnerable individuals, but again mini extensions do not help them much either.

I have consistently supported the Prime Minister’s deal. Business says that it is workable and would give clarity. I will continue to support that deal if it comes back for another vote, but without enough support in Parliament we have to consider the other options. I will vote in favour of two options. I will support the proposal for “a” customs union. There is a big difference between “a” and “the”. The withdrawal agreement already provides elements of a customs union and that is something that both main parties supported in different forms at the last election. While the Conservative manifesto stated we would

“no longer be members of the single market or customs union”

we did commit to seeking a

“deep and special partnership including a comprehensive free trade and customs agreement”.

I will also vote for the proposals setting out common market 2.0, which builds on the EFTA model put forward by my hon. Friend the Member for Camborne and Redruth (George Eustice). We helped to set up EFTA: it offers preferential trade with the EU, recourse to an EFTA court for trade disputes and the right to pull the handbrake on migration.

All the options have their critics. However, an agreement on customs with the EU would work for business and help to safeguard jobs—

Mr Fysh: Will my right hon. Friend give way?

Dame Caroline Spelman: I am afraid I do not have time to do so.

We must weigh up the pros and cons of all options before us. However, given the large manufacturing footprint in many of our constituencies, the impact on jobs must be a key factor. If jobs are lost—

Mr Fysh: Will my right hon. Friend give way?

Dame Caroline Spelman: No, I will not give way.

If jobs were lost so that we could have a more flexible trade policy in the future, I would find that way forward very difficult to support. The critical issue for business is the need for frictionless trade with our principal market.

Mr Fysh: Will my right hon. Friend give way on that point?

Dame Caroline Spelman: No, I have now said three times that I will not give way.

For the automotive industry, just-in-time manufacturing is critical. Some 1,100 lorries a day pass through Dover. Many firms do not have warehouses to store parts. The lorries are their warehouses. Any logistic disruption at the border is damaging. While I was out canvassing in my constituency, a small business owner explained how 15% of his trade is with the EU, and that is at risk. If he loses that trade, he has to make two of his people redundant.

I agree with my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) that a customs union alone provides 90% of a solution for a frictionless border. People have been understanding on the doorstep, but they expect Parliament to come together now across parties and find a compromise. Our children’s future will depend on the quality of the compromise we achieve, and we must not let them down.

The votes tonight will help to shape phase 2 of the Brexit process when we negotiate that future trading relationship. However, we cannot get to phase 2 without phase 1. That means accepting the treaty, which allows us to leave in an orderly fashion, and I urge more colleagues to do so.

6.52 pm

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I rise to speak with great pleasure, because this has been a good debate. Over the weekend, when I was thinking about speaking in the debate should I be lucky enough to be called, I decided that I wanted to be entirely positive. Indeed, I am a Labour and Co-operative Member of Parliament and have a penchant for co-operation in my DNA. The right hon. and learned Member for Rushcliffe (Mr Clarke) and I were both born during the blitz. I was born a week before him on 17 August, the day after the heaviest bombing by the Germans in the second world war. A week later, my neighbours—both parents and two little children—were killed by a German bomb.

When I got into Parliament, many of the generation here in 1979 had fought in that war. Denis Healey had two little children—were killed by a German bomb.

When I got into Parliament, many of the generation here in 1979 had fought in that war. Denis Healey and Ted Heath had also been in the war. They were great pro-Europeans because they had seen two world wars and knew what the killing and waste had done to Europe—to our economy and to our people. The European economy was set back for
many years and political progress seemed the only way forward. Those men and women built the United Nations and NATO, and started the European Coal and Steel Community, which was the beginning of Europe. We should honour them, and put this debate into context.

I often say that I have been sent here from Huddersfield to make sure that people from my town get a better deal. We all say that, and we all believe it, but we must put it in the broader context of the hallowed duty we have never to go back to that Europe that was so divided and bitter.

To hold out an olive branch to the Conservatives, over the weekend I did a lot of reading of the history of the Labour party on Europe. What a mess that was! One man who is almost canonised in the Labour party—

Chris Ruane (Vale of Clwyd) (Lab): Marx! [Laughter.]

Mr Sheerman: No, not Marx. I will give the House another clue: he was our first Prime Minister—

Frank Field (Birkenhead) (Ind): MacDonald?

Mr Sheerman: No, the first with a majority.

Frank Field: Attlee.

Mr Sheerman: Yes, Attlee. He is almost canonised, but anyone who wants to know about the confusion on Europe in the Labour party should read about Clement Attlee. He wanted to reject Europe and continue expanding trade with the colonies. The divisions on Europe in the Labour party were deep, mirroring in part what has happened more recently in the Conservative party. It was Harold Wilson, who came from Huddersfield but was never Member of Parliament for the town, who called the first referendum because of the deep division between left and right in the party, especially with Tony Benn. The result was the innovation, which I much regret, of referendums under our constitution.

I will support all four of the motions this evening, because this is the beginning of a process. We are in a bitter and toxic period. In my nearly 40 years in Parliament, I have never seen such nastiness in the streets, on social media and in the way we treat each other in the House, referring to each other as traitors. I hope tonight we can start the process, by voting for some of these positive motions. Of course, in the end I want to stay in the European Union, but I am willing to meet people halfway and to build bridges.

All the time I have the national interest at the back of my mind. Someone asked me at the weekend, “What is the national interest?” The Prime Minister keeps talking about it. The Conservative Prime Minister who first got us into this mess has disappeared and now another one is going to disappear.” The national interest is for this House to come together and replace the vacuum we have had from the present leadership in the major political parties. I say that reluctantly, but it is true. It is time we had that leadership, but until we get it again, the House must pick up the baton and run with it. I hope that tonight will start that process.

Mr Speaker: I will next take the Front-Bench speeches. I have asked the Secretary of State, the shadow Secretary of State and the spokesmen for the SNP to try not to exceed five minutes, and then the Back-Bench limit will have to be cut to four minutes to try to maximise participation.

The Secretary of State for Exiting the European Union (Stephen Barclay): I will obviously take note of your direction, Mr Speaker: the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) and I are not particularly short of opportunities to debate these issues at the Dispatch Box. I commend the hon. Member for Huddersfield (Mr Sheerman) on his honesty. He set out clearly that he wishes to stay in the European Union. It is the case, however, that the Government are committed to ensuring that we deliver on the referendum result.

The right hon. Member for North Norfolk (Norman Lamb) is no longer in his place but he spoke about respecting all views, which has very much been the tenor of the debate today. I take issue with one point that he made: when he criticised the Prime Minister for not compromising. Part of the criticism she has received from both wings of the debate is that her deal is seen as too much of a compromise, both for those who want purity on one aspect—a purity of Brexit beyond what 17.4 million people voted for—and those who do not want to leave at all. That is the pincer movement that has bedevilled the agreement she has reached.

Anna Soubry: Will the Secretary of State give way?

Stephen Barclay: I will give way, but I am mindful of Mr Speaker’s direction.

Anna Soubry: Does the right hon. Gentleman accept that there is a difference between those who wanted a pure Brexit and those who did not want us to leave in any event? I suggest to him that that is not any compromise that the Prime Minister has made. She has not compromised. The point is that she has not reached out to those of us who had accepted the result of the referendum and did want to form a way of delivering on it with the least amount of damage.

Stephen Barclay: With all due respect to the right hon. Lady, the passion and persistence with which she campaigns for her specific view is perhaps an indication of the lack of compromise that there sometimes is in the wider debate.

Mr Vaizey: Will the Secretary of State give way?

Stephen Barclay: I have just five minutes, but I will take one further intervention. Then, I think, Mr Speaker, your steer is that I should press on.

Mr Vaizey: I am sorry to intervene on the Secretary of State. I was going to raise this point in my speech with the hope that he would respond to it, but he is now speaking before me. Will he illuminate the House on the letter that has gone to the Prime Minister from 170 of our colleagues? Did he sign it? What is in it? Is it true, as the papers are being briefed, that it keeps no deal on the table, despite the resolution of this House?

Stephen Barclay: All of us, as politicians, are often accused of not answering questions, so let me be very specific. I have not signed any letter of the sort. I have the opportunity to meet the Prime Minister most days and if I have a point to raise with her I do so.

Robert Halfon: Will my right hon. Friend give way?
Stephen Barclay: No. I am conscious that I have only five minutes, and I wish to press on.

It is worth reminding the House that it was only last Friday that Members—[Interruption.] I do not know why the right hon. Member for Broxtowe (Anna Soubry) is chuntering. I have been given a steer from the Chair to give time for other Members and she wants to come in a second time. I have taken her intervention.

On Friday, the House voted against the withdrawal agreement. It is worth pointing out that a number of the motions before the House require the withdrawal agreement as part of the package, including motions (C) and (D). Likewise, the motions on a public vote are proposals that include the same withdrawal agreement that the Members who signed them opposed. The fourth motion before the House includes a vast number of signatories who stood on manifestos contrary to what they have signed. So, again, that points to the contradictions inherent in the approach that many have taken throughout this debate. People are taking positions one week and then signing motions that are contrary to them the following week.

I have used four minutes of my five, so I will press on very quickly. Many of these points were raised in the debate last Wednesday, including on the permanent customs union. The concern relates to giving control of our trade policy, in particular our trade defences, to EU countries over which we would have no say. It is questionable why we would want to give MEPs in other countries control over our trade defences, whether in ceramics or steel, or on many of the issues debated in this House.

My right hon. Friend the Member for Chelsea and Fulham (Greg Hands) has quite often drawn the attention of the House—I am pleased to see him in his place—to some of the issues I do not have time to expand on today. Likewise, the right hon. Member for East Antrim (Sammy Wilson) reminded the House, when he intervened on the Father of the House, that regulatory alignments often drive friction at the border—much more so than the tariffs on which the debate tends to centre.

Motion (D) was debated last Wednesday, so we do not need to rehearse the arguments about financial contributions, the acceptance of freedom of movement or alignment with EU rules—all the issues that cause concern. Indeed, the Governor of the Bank of England, no ardent Brexiteer he, talked about the damage and how highly undesirable this option is, because of the rule-taking element strangulating a part of our economy that paid £72 billion of tax in 2016-17. We should be cautious about the rule-taking implications. In his remarks, my hon. Friend the Member for Grantham and Stamford (Nick Boles) talked about an extension to 22 May. I simply remind my very good friend that—I am sure he is aware of this point—the conclusions from the Council do not give an automatic right to an extension to 22 May, given that we have passed the 29 March deadline.

We debated motion (E) last week. It was defeated by 27 votes, so the arguments were rehearsed. Likewise, we debated motion (D), which was defeated by 109 votes. What we have is a rehearsing of a number of arguments that did not curry favour last week. Again, many of the issues remain. Motion (G) does not specify how long the public inquiry should be. On average, they last for three years. Are we going to subject our businesses to a further three years of uncertainty, followed by a further vote?

What we need to do is give certainty to our business community and to safeguard the rights of EU citizens. That is what the House rejected by rejecting the deal. What we see today is a number of motions signed by people who, just last Friday, rejected the withdrawal agreement. They stood on manifestos that contradict the motion before the House and, in essence, are asking colleagues across the House to vote for a package that includes a part that they themselves rejected just a matter of days ago.

7.6 pm

Keir Starmer (Holborn and St Pancras) (Lab): I am glad that we are resuming this indicative vote exercise. It has been a good debate today. There has been a good tone, with good contributions from around the House. I recognise that no majority was found last week for any option, but I equally recognise that Parliament is trying, at some speed, to complete a process that the Prime Minister should have carried out two years ago.

May I begin by saying a few words to all Members across the House, but particularly to colleagues sitting on the Labour Benches behind me? I recognise that many Members have a single preferred option and understandably want to push that option as hard and as far as possible. No one wants to stand in the way of that, but I do urge colleagues to enter into the spirit of the exercise we are now engaged in. That means supporting options other than their own preferred option in order to break the deadlock. It is important that we find a majority if we can this evening—if that is possible. I do recognise how difficult that can be for individual Members and how they have grappled with the positions they have tried to take, but I ask them to enter into the process in that spirit. I thank them for the approach they have taken so far.

As far as the Labour position is concerned, it will again be to support amendments that are consistent with the two credible options we have been advancing time and again: a close economic relationship with the EU based on a customs union and close single market alignment; and a public vote to prevent no deal or a damaging Brexit.

Greg Hands: Will the right hon. and learned Gentleman give way?

Keir Starmer: I am going to come to the customs union in a minute, and I will take an intervention then.

On that basis, we will whip support for motion (C), the customs union as a minimum, in the name of the Father of the House; for motion (D), common market 2.0, in the name of the hon. Member for Grantham and Stamford (Nick Boles); and for motion (E), on a confirmatory public vote, in the name of my hon. Friend the Member for Hove (Peter Kyle), assisted by my hon. Friend the Member for Sedgefield (Phil Wilson). I will come to motion (G) in one moment.

On motion (C), Labour has long supported a customs union. It is a vital component of any deal which will genuinely protect manufacturing, and it is necessary to protect against a hard border in Northern Ireland. As I said last week, it must be a minimum, and that is written into the motion in terms. That is the position of the Labour party.
Keir Starmer: That is a serious point. Before the Labour party surfaced its proposition for a customs union, we had long and hard discussions with the EU about the sort of customs union that we were considering—not the customs union, but a customs union—and we looked at the influence that now exists for EU members, and how one could devise a pillar that gave influence to a very close third party. I have stood at the Dispatch Box many times and said that that would not be easy, but that is why we have always said that we should have a customs union with a say. We have sought to discuss that with the EU, and it is telling that when we put our proposal to the Prime Minister, the EU was very warm about the possibility of negotiating it. I take the right hon. Gentleman’s point, but we have, I hope, addressed it in our approach to the customs union.

On motion (D), Labour’s preference remains the approach that we set out in the letter to the Prime Minister in January this year—that is, a customs union and single market alignment. However, we recognise that motion (D) has a number of similarities and could deliver a close economic relationship with the EU. The motion has been revised since the first phase of indicative votes and now includes further detail about the form of the envisaged customs arrangements, which have similarities with the approach that the Labour party has set out.

The motion does not specify that those arrangements should be permanent—that is our preferred option—but it does say that they should be in place at least until alternative arrangements can be found. There remain differences between our policy position and motion (D), but the motion would allow for close economic partnership with the EU. It is a credible proposition, and on that basis we will support it this evening.

Caroline Lucas (Brighton, Pavilion) (Green): Will the right hon. and learned Gentleman give way?

Keir Starmer: I will not, because I am trying to make some progress. We will support motion (E), because at this late stage it is clear that any Brexit deal agreed in this Parliament will need further democratic approval, and that is what the motion will provide. It will put a lock around any deal that can be found. There remains a referendum lock. In other words, it upholds the principle that any such deal must be confirmed by the public if we are to proceed.

I want to finish by dealing briefly with motion (G). I understand why it has been tabled, and I have had the opportunity to discuss it with the hon. and learned Member for Edinburgh South West (Joanna Cherry). Our focus today is on the way forward, and that is why we are supporting the three motions that I have mentioned. Motion (G) is, in a sense, a fall-back for if that exercise fails, so I understand why it has been tabled. We will not be voting in favour of it tonight, but we accept that it deals with an issue that the House will have to confront in due course.

Joanna Cherry: I am extremely puzzled by the right hon. and learned Gentleman’s position. We all have to compromise today. I am going to vote for motion (D), and I am on the record as having concerns about it and saying that it did not go far enough. What does he think will be the reaction of working-class voters if the Labour Front Benchers’ failure to support motion (G) means that we crash out with no deal a week on Friday?

Keir Starmer: As we try to find a way forward, I think it is important that we all adopt the right tone, rather than throwing around, “What will people think of this, that and the other?” We have always said that we will take whatever measures are necessary to stop no deal. The exercise that we are involved in is an attempt to break the impasse and find a way through, using the indicative process. I accept that if that fails, there will have to be an insurance exercise, but we are not at that stage yet.

Joanna Cherry rose—

Keir Starmer: I am not going to take another intervention. I am not rejecting the principle, but I am not going to stand at this Dispatch Box and listen to Members from across the House throwing around allegations that we are not interested in this, that and the other. We are trying to have a different debate, with a grown-up tone, to find a way forward. I am prepared to engage in that, and I am prepared to accept that we will have to confront the principle, but at the moment our focus is on how we break the deadlock. If we can do that, we will be able to move on to how we progress. If we cannot do that, we will have to look at other options. That is a genuine and sincere position from someone who cares a great deal about whether we crash out without a deal.

7.13 pm

Mr Edward Vaizey (Wantage) (Con): I want to start with my usual mantra. I have voted for Brexit three times, and I have backed the Prime Minister’s withdrawal agreement, but I will be supporting the customs union and common market 2.0 tonight. I want to make it absolutely clear to anyone who is thinking of not doing so that supporting those options will not preclude them from supporting the withdrawal agreement, should it come back as MV4.

It is clear that we need a plan B. The House needs to show what it is in favour of if we cannot get the withdrawal agreement through. The reason for that is that, sadly, certain elements in my party are hellbent on shovving through a no-deal Brexit. I apologise to the Secretary of State for putting him in the same category, but I read on the cover of The Times this morning that 170 Conservatives had signed a letter to the Prime Minister—they kept it secret from all their other colleagues, by the way, so keen are they on debate—calling for no deal, despite Parliament’s resolution. Parliament has to vote tonight in support of these measures to show that
it remains in favour of a reasoned exit from the EU, and it must not be taken in by some of the absurd arguments that we are hearing.

I am confused about how, three years after the referendum, we have got to a place in which no deal turns out to be allegedly what people voted for. I look aghast at some colleagues who I have long admired, who have spent the last three years attacking the judges for daring to suggest that Parliament might have a vote on article 50; praying in aid the manifesto which we lost on, despite having supported for five years a coalition Government who governed on a manifesto that had not existed in 2010; and berating remainers for treating with foreign powers and then merrily going off to the Polish and Hungarian Governments and asking them to force a no-deal Brexit on the United Kingdom.

The fact is that too many of our colleagues have decided that they are the self-appointed interpreters of Brexit, and that anything that gets in their way has to be stopped. When those of us in this House—I count in this almost everyone in the Chamber this evening—want to make reasonable progress and deliver Brexit in a reasonable way, the constitutional experts from the hard Brexit wing emerge to tell us that what we are doing represents the biggest constitutional outrage, oblivious to the fact that one of their colleagues has called for the prorogation of Parliament to get through a hard Brexit, and for a no-confidence vote in the Government from which he still takes the Whip.

The fact is that we seek a compromise. I voted for the withdrawal agreement. It has been supported by Gove, Leadsom, Fox, Grayling and Leigh—all people whose Brexit credentials cannot be second-guessed. For those who worry about the manifesto, it accords with the manifesto. If we cannot have the withdrawal agreement, we need a reasonable way to leave the European Union and deliver on Brexit. According to what the Brexiteers said during the leave campaign, Norway was on the table, Switzerland on Brexit. According to what the Brexiteers said during the leave campaign, Norway was on the table, Switzerland on the table and EFTA was on the table. The House wants to leave with a deal, but if we do not show tonight that we are in favour of a deal, I guarantee that my colleagues will do their level best in the next two weeks to drive through a hard, no-deal Brexit.

7.17 pm

**Hywel Williams** (Arfon) (PC): My remarks will be brief. I will explain why Plaid Cymru will be supporting only one option, and two procedures, as a potential solution to the Brexit deadlock. The Prime Minister insists on bringing forward the same votes on her botched deal, only for the House to reject it again, as has happened twice already. We believe it is essential to hold a people’s vote on the final deal. Ultimately, it must be a question of deciding between the arrangements that we know, and that have worked well, although not perfectly, for several decades, and what those who advocate change can devise. It is clear that there is no agreement on what that alternative might be, so what was started by a vote of the people must, I think, be ended by a vote of the people. We will be supporting the motion in the name of the hon. Member for Hove (Peter Kyle) tonight.

The best option for Wales is undoubtedly to remain within the European Union. As our economy is heavily dependent on the ability to export tariff-free to the European Union, leaving the Union would be damaging for the Welsh economy. It is our responsibility as Plaid Cymru, the party of Wales, to mitigate that as much as possible. Therefore, we will also be supporting the motion in the name of the hon. Member for Grantham and Stamford (Nick Boles), which would continue to ensure membership of the single market and a form of customs union, protecting jobs, protecting workers rights and protecting our economy. It is indeed strikingly similar to the proposals entitled “Securing Wales’ Future” that we brought forward some two years ago and which were largely the fine work of our late friend Steffan Lewis AM, whose untimely death this year deprived us of a great future prospect for our politics. If this is the final position adopted, it is imperative that this too is put to a people’s vote.

It is essential that we have a means of protection against crashing out of the European Union with no deal at all. The first step to protect against this must be a meaningful extension of article 50. This has to be obtained from the European Union, but were it to be refused—although I think that is unlikely—it must be up to this House to choose between a no-deal Brexit, which we have already rejected, and revoking article 50 and stopping this careering train in its tracks. Therefore, we will be supporting motion (G) in the name of my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry).

**Mr Speaker**: Last speech at four minutes—I call Greg Hands.

7.20 pm

**Greg Hands** (Chelsea and Fulham) (Con): I will begin by answering my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), who said that he had not heard a single argument against a customs union. I credit him for staying for the whole debate, because I am going to give him plenty. He also said that I had been involved in a filibuster, but my contribution to the business of the House motion lasted for one minute and 13 seconds. That must be the shortest filibuster that there has ever been. I did once speak for one hour and 43 minutes on beer duty, but I do not think that one minute and 13 seconds really counts.

Why is a customs union a very bad idea? Broadly speaking, it would mean a huge loss of control over our economic policy, a decline in our foreign policy influence and a huge democratic deficit. Trade policy is not just about trade deals. It is about much more, which we would be handing over to the European Union without a seat at the table. There are tariffs, remedies and preferences as well as trade agreements, and these would all be given over. The House of Commons would abrogate its responsibility in relation to the UK’s trade policy. This is not Andorra or San Marino, which are currently in customs unions with the European Union. This is the world’s fifth largest economy.

My right hon. and learned Friend the Member for Rushcliffe and I were on the same side in the referendum in 2016, so I am approaching this debate not as some kind of Brexiteer, but from the position of what makes sense for the UK’s trade policy. It makes no sense in our democracy for the House of Commons to vote tonight to hand over control of UK trade policy to Brussels. It would mean that a Maltese Commissioner, a Portuguese Commissioner and a Slovene MEP...
would all have more say over UK trade policy than any elected politician, including the UK Prime Minister. That is not democratically sustainable, nor is it sustainable for our foreign policy.

My right hon. and learned Friend and I served in the Government together. At that time, I went into various rooms in foreign countries to speak to foreign Governments, so I know that trade is one of the aspects of leverage that we have. As a member of the European Union, the UK has influence on EU trade policy. That will obviously be gone when we are no longer a member, but under a customs union we would also have no influence over our own trade policy. We would be unable to have those conversations with the Government of the United States when we can say, “Well, if we can do this on some other area, we will have a word in Brussels on this particular trade issue.” All of that would be gone.

Mr Kenneth Clarke: I am grateful to my right hon. Friend for giving way because I did not have time to give way to him in the end. I think he would acknowledge that it is a slight exaggeration to say that the British Government would have as little influence over deals being negotiated by the EU as a Latvian MEP if we moved into a customs union. As the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) just said, a big economy such as ours would add to the attractions of the EU market for a negotiating partner, so surely we should put in place a structure giving us far more consultation and involvement in the negotiations than my right hon. Friend is describing—not as good as now, but perfectly adequate.

Greg Hands: I think that is wishful thinking. The European Union is highly likely to prioritise the interests of its members versus the interests of non-members. That has always been the case. There are also serious arguments as to whether European Union rules would even allow a non-member to have an influence on EU trade policy. I am afraid that that is just a fact.

Entering into a customs union would be democratically unsustainable. Tariffs would be set by people who are not accountable to this House or to our constituents. That could be damaging for goods coming into the country, if those people were to set high tariffs on goods that our consumers would quite like access to. It could also happen the other way around with things such as trade remedies, as has been briefly mentioned. All these incredibly important aspects, including trade defences, would be handed over to Brussels. Now, Brussels might look after our trade remedies, but it would not give them priority. It would give the defence of its own industries—the fee-paying members of the European Union—priority over countries such as ours. This would mean that those all-important WTO investigations into, say, the ceramics industry, would be relegated below investigations to protect, for example, the German or Dutch steel industries.

On trade deals, the Turkey trap has been mentioned; this is about the asymmetry. The EU would offer access to our 65 million consumers without necessarily being able to achieve anything in return. I can guarantee that the UK asks would be the ones that would be dropped first, and that non-UK items would be the ones that the EU would concede first. It is inevitable because we would not be a fee-paying member of the European Union, so we would not be a priority.

Steve Brine: I am listening very carefully to my right hon. Friend. I have a lot of respect for him, I have read his article and I have listened to every speech so far during today’s debate, so I understand what he does not want, which is a customs union. But bearing in mind that Parliament has yet to decide what it does want—and has rejected all other options, and the Prime Minister’s withdrawal agreement and political declaration—what is he arguing for?

Greg Hands: I continue to argue for the Prime Minister’s agreement, and that is where I think we should head. People talk about a compromise; that is the best compromise, and it is the one that my hon. Friend and I have both voted for.

I am astonished that the Labour Front Benchers are supporting the idea of handing over our trade policy. They were the people most passionately against TTIP, and other trade agreements, due to the access that it would supposedly have given foreign companies to the NHS. As it happens, I do not buy into that idea, but the idea that it will now be fine because we are handing over trade policy to the EU without having a seat at the table is for the birds. I think it was Senator Elizabeth Warren who said,

“If you don’t have a seat at the table, you’re probably on the menu.”

That is exactly what I fear will happen in an EU customs union if motion (C) is passed this evening.

7.27 pm

Stephen Gethins (North East Fife) (SNP): This has been a good debate. I pay tribute to the right hon. Member for West Dorset (Sir Oliver Letwin) for his innovation, and to other hon. Members for the way in which they have engaged in the process.

Let me be clear: every day I am more and more pleased that Scots voted overwhelmingly to remain in the EU. We could have walked away from all this, washed our hands of it and said that it was nothing to do with us, but we must engage and we have done so at every single step of this sad, sorry process. There are no winners in this tragedy of epic proportions. It is a horror show, and this process is all about us making things less bad, rather than better. However, there is one thing that has come out of this situation; this Government seem to be uniquely bad at minority government and at reaching out to other parties, and this process is forcing us to talk to one another in a more meaningful way.

The Scottish National party did not vote for an EU referendum and we did not vote to trigger article 50, and we can see why. I am pro-European. The EU is a force for good that has made us wealthier, safer, greener and fairer. I have benefited from our membership—from freedom of movement, Erasmus, and the privileges and rights that we have as European citizens. But we have to engage in what you, Mr Speaker, were right to call “part of a process”, so let me turn to the motions before us.

I congratulate my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) on her proposal. It is a responsible proposal and frankly, anybody who is opposing it tonight is being irresponsible. No deal is the UK’s worst nightmare, and to those who call it a clean Brexit, I say this: it is the messiest Brexit possible. My hon. and learned Friend’s proposal is also the best option, and that is the reason we will back it.
The motion would revoke article 50 as a reset clause and, frankly, I am astonished that the Labour party has not been able to support it tonight—I have to say, disappointed is the least I can say on that.

We are also in favour of a people’s vote, and I support the motion from the hon. Member for Hove (Peter Kyle). As somebody who wants to campaign to remain in the EU, I would look forward to doing so.

Let me make reference to the motion from the hon. Member for Grantham and Stamford (Nick Boles) and pay tribute to the way that he has engaged with us in this process. I hope that he does not mind me saying that I want to remain in the EU and he wants to leave, and that we disagree profoundly on many issues, but I am very grateful for the way in which he has tried to engage with us, and I know that my hon. Friends are very grateful for the way in which he has conducted this process. We would like a referendum. I also think that a pay tribute to the way that he has engaged with us in the name of my hon. Friend the Member for Grantham and Stamford (Nick Boles). As somebody who wants to campaign to remain in the EU, I would look forward to doing so.

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We can no longer be held hostage by a small band of Tory extremists on this. It is not the end of the line today. I appeal for Members to support the motion in the name of my hon. and learned Friend the Member for Edinburgh South West. We must find a way forward. The motion would revoke article 50 as a reset clause and, frankly, I am astonished that the Labour party has not been able to support it tonight—I have to say, disappointed is the least I can say on that.

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is by bringing in something like the withdrawal agreement and implementation Bill, which would give his party the opportunity to seek to amend it, no doubt with much support around the House, to prevent the eventualities that he is talking about.

Mr Bradshaw: I very much hope the right hon. Gentleman is right, and I take his point on that. I also want absolutely to agree with my right hon. Friend the Member for Derby South (Margaret Beckett). If we get progress today and a majority on one or more of these options, my view is that basing the future of our country on a majority that has been agreed in Parliament among Members of Parliament, for whom it might have been not their first preference but their second or third, will lack not only long-term legitimacy but sustainability. It will be impossible for us as a House or for any Government to take this forward without it being ratified by the British public. That is why, whatever happens tonight, I think we are going to have to accept the principle that the Brexit that is now on offer is so different from the Brexit that was offered in 2016 that it would be undemocratic and illegitimate not to give the people a final say on it.

I want to say one last thing about the motion in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry). I will support that motion and, as I said earlier, I cannot see any reason for anybody—unless they actively want a no-deal Brexit—not to support it tonight. I hope that Labour Front Benchers might support it tonight and that they will support it on Wednesday, if it comes to that, because we have to have a majority of Members of Parliament, for whom it might have been not their first preference but their second or third, will lack not only long-term legitimacy but sustainability. It will be impossible for us as a House or for any Government to take this forward without it being ratified by the British public. That is why, whatever happens tonight, I think we are going to have to accept the principle that the Brexit that is now on offer is so different from the Brexit that was offered in 2016 that it would be undemocratic and illegitimate not to give the people a final say on it.

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7.38 pm

John Stevenson (Carlisle) (Con): I will be short and to the point. Let us go back to first principles. What was the referendum question about? It was about our membership of the EU. This country decided to revoke that membership, and therefore we must implement that decision. By doing so, we effectively become a sovereign, independent nation. Any sovereign, independent nation gets involved in international relations. We do so through our membership of NATO, which has obligations and benefits. We are also a member of the United Nations, which has responsibilities and clear benefits, and interestingly, we also make a financial contribution.

As an independent, sovereign nation, we will clearly want to enter into free trade agreements. Logic would dictate that we should start with the 30 closest countries, which are in Europe. They are our main trading partners, making up 55% of our trade. In any agreement, we would want no tariffs, regulatory alignment and access to a market of 500 million people, including some of the richest in the world. We would like agriculture and fisheries to be excluded. We would want to make sure that there was a fair competition policy, and we would not want state aid rules to be fair to all participants. What a wonderful opportunity for our businesses, what benefits for our country.

7.41 pm

Sammy Wilson (East Antrim) (DUP): Many have lauded today’s exercise, but this is a hurried discussion about a wide range of possible solutions, and yet the House once claimed that the five days, and all of the Committee scrutiny, questions and statements, needed to put in place the Government’s proposal were not enough. Of course, people say, “It’s not our fault. It’s the Government’s fault”, but let us not pretend that we will reach a conclusion on these issues after any significant debate or scrutiny.

The DUP judge all the options on two grounds. First, do they deal with the toxic issue of the backstop? Secondly, will they deliver on what people voted for in the referendum? The customs union option, which we have already debated, would not deal with the EU’s objections—in the terms in which it laid them out in the withdrawal agreement—to the problems along the Irish border. Equally, the proposal in the name of the hon. Member for Grantham and Stamford (Nick Boles) would not deal with the issue, because the EU has made it clear that there is uncertainty about the future relationship—whether we stay fully in the single market or whatever—it would require the backstop to be in place. Indeed, the withdrawal agreement makes it clear that even if the backstop were to be removed, it could be applied in whole or in part depending on how it judged the settlement.

Mr Fysh: Does the right hon. Gentleman also recall that being in a customs union is not a frictionless state but would require physical movements, certificates on
every consignment, export declarations, import VAT, up to 200 million transactions per annum, and so on, which is not frictionless trade?

Sammy Wilson: For those reasons, the solutions before us do not deal with the backstop.

Some people would say, “Well, of course, there is no solution, other than staying in the EU, that deals with the backstop”. I do not accept that, first, because of current practice, and secondly, because of what the EU has itself said about what would happen in the case of a no deal: it has argued that it would not need barriers along the border between Northern Ireland and the Irish Republic.

Mr Kenneth Clarke: I agree that in addition to a customs union we would probably need some modest regulatory alignment to ensure an open border in Ireland and at Dover, but the regulatory alignment would be the same for the whole of the United Kingdom. I thought the DUP’s objection to the backstop was that it would put in place different arrangements for Northern Ireland from the rest of the UK and therefore place a barrier down the Irish sea. Motion (C) avoids that.

Sammy Wilson: I said there were two criteria: first, would it deal with the issue of difference between Northern Ireland and the rest of the United Kingdom, and, secondly, would it deliver what people voted for when they voted to leave the EU? Of course, if we stayed in the customs union, or a customs union arrangement, with the degree of regulatory alignment required, that would not deliver what people voted for.

On the motion for a confirmatory public vote, the option emerging today is for the people to be given a choice between a deal based on whatever compromise solution comes from this remain Parliament and remaining, but that is not a choice as far as the vast majority of people who voted to leave the EU are concerned: remain or half remain. People voted the first time to leave, and the idea that we give people such a choice is not acceptable. On the SNP motion, its Members have made no secret of where they stand. They want to stay in the EU and to provide for that situation. For those reasons, we would not vote for the SNP motion either. We will not support any of these arrangements tonight because they would not safeguard the Union and they would not deliver Brexit.

7.46 pm

Robert Halfon (Harlow) (Con): Common market 2.0 is a strong Brexit, a workers’ Brexit, a no-backstop Brexit and a Euro sceptic Brexit. We would be out of the political union—out of the common fisheries policy, the farming policy, home affairs policy, taxation—and we would leave the jurisdiction of the ECJ. We would regain our sovereignty and take back control. We would not be rule takers either. Sitting on the EEA Joint Committee, we could delay, adapt or seek a derogation from any single market law or directive. EFTA states have secured over 1,100 derogations and adaptations. Between them, Norway and Iceland alone have obtained a derogation from EU law on more than 400 occasions. We would also have much greater involvement in the law-making process, with a right to be consulted on any new EU single market law.
Mr Adrian Yalland, that we would not leave the EEA automatically, but would do so by giving an article 127 notice, was in fact correct. The Government’s legal submission states “for the avoidance of doubt, the Secretary does not rely on Article 126 as giving rise to the termination of the EEA Agreement.”

Common market 2.0 is a Brexit that can unite the Conservative party, unite the country and unite Parliament. It is a Brexit that is for everyone.

Several hon. Members rose—

Mr Speaker: Order. There will now be a two-minute speaking limit.

7.51 pm

Lucy Powell (Manchester Central) (Lab/Co-op): It is a pleasure to follow the right hon. Member for Harlow (Robert Halfon). He and I have very different perspectives on this issue—I represent a constituency that voted remain, and I campaigned for remain—but we have reached some of the same conclusions. I think today’s debate is about that spirit of compromise, trade-off and working out what each of us can live with, rather than being about our preferred option.

I will vote for all the options on the table, although I am sceptical about some of them; my biggest fear at this stage is that we will be heading for a no-deal Brexit on 12 April unless the House can reach a view about what it is in favour of—ideally more than one thing, but at least something. I think it highly unlikely that the EU will give us a longer extension, or will even contemplate that, if we are still locked into the indecision vortex that we have been locked into for so long.

Everything has its trade-offs, not least when it comes to a complex compromise such as the one put together so carefully by the hon. Member for Grantham and Stamford (Nick Boles) and others. It is easy to target different points and to say, “I am against this little bit and that little bit and therefore I will not vote for it”, but nothing is perfect. Let me say to colleagues, as I did last week, that we should all hold our noses when it comes to a number of points that might cause us concern. We must break this deadlock before we crash out a week on Thursday with no deal.

7.53 pm

Mrs Anne Main (St Albans) (Con): Tonight we are being urged to seek compromise, but it is not surprising to note that—I think—only five members of the Labour party voted for the Prime Minister’s withdrawal agreement. I changed my vote, because I could see this coming down the road towards me. The agreement is a very imperfect beast and I have received a great many criticisms, but tonight’s votes will make the position clear. I do not wish to vote for any options that are on the table, but I am being asked to choose one. Well, I chose the Prime Minister’s withdrawal agreement.

Interestingly, two of the motions on which we will have a vote tonight require a withdrawal agreement, as was mentioned earlier. Motions (C) and (D) would not give us control over our immigration. I was surprised to hear the two Members who advocated it talking about brakes—those were weasel words, in my view. I am sorry to have to say that, but trying to reassure Scottish National party Members about the number of people who will come over as a result of freedom of movement and to reassure Labour Members that there are brakes is playing both ends against the middle. The reality is that we are very unlikely to have control over our migration policy. If that is what Members want, fine, but I do not think that it is what has emerged from the debates.

I am absolutely opposed to a second referendum. I do not believe that we would ask the same question. To all intents and purposes, it would be a completely different referendum this time around. I do not know how anyone could explain on the doorstep why they had chosen to ignore the too-difficult question of implementing the referendum result. Let me read these words to the House, because I agree with every one of them:

“Over 33.5 million people cast a vote…72% of the electorate. Turnout at this level has not been seen since the 1992 General Election...No matter which side of the argument won, it was inevitable that there would be people left disappointed. That is the nature of debate, elections and referendums. It is fundamentally undemocratic to argue that the process should be re-run because the outcome was not what some people wanted...arguments over turnout, the majority, or the accuracy or otherwise of statements made throughout the course of the campaign do not invalidate the result.”

Those were your words, Mr Speaker, and I agree with every single one of them.

7.55 pm

Chris Ruane (Vale of Clwyd) (Lab): As politicians, we practise the art of politics, and the art of politics is the art of compromise. I have sat here for four and a half hours, and during that time, “compromise” is the word that has been used most often. It is through compromise that we will make progress, and we have made no progress for nearly three years. I think that one of the main reasons for that is the hubris—the arrogance and over-confidence—of the Prime Minister, the former Prime Minister, and leading Conservatives.

When David Cameron decided to call a referendum, Jean-Claude Juncker asked him, “Why have you done this?” David Cameron replied, “Don’t worry—I can deliver a 66% ‘yes’ vote.” Juncker said, “I could not get that in Luxembourg.” There was also hubris on the Prime Minister’s part when she called for an election in 2017. I am not criticising her for that, because by calling for the election she allowed me to get in through the back door. However, she thought that she would secure a majority of 160, and she lost her majority. The Chief Whip said today that she should have recognised the result of that election. I congratulate him on saying that: I think that he is a very wise man, and a very brave man. The same hubris was practised by the Prime Minister’s Ministers. Who remembers these quotations? “The Brexit negotiations will take 10 minutes,” said Peter Lilley. The free trade agreement with the EU would be “one of the easiest in human history”, according to the right hon. Member for North Somerset (Dr Fox).

The election result was very close. The Prime Minister could have reached out across the Chamber and across the country, but she failed to do so, and that is why we are here tonight. I urge all Members to vote for compromise tonight. I will be voting for all four of the options that have been put before us, and I ask other Members to do the same.
7.57 pm

Vicky Ford (Chelmsford) (Con): There are huge divisions in our country. Although I voted remain, I do not support a second referendum or revoking previous decisions because I do not believe that that would heal our divisions. However, having no deal with our largest trading partner is unacceptable. It poses huge risks to our economy and creates uncertainty on the Irish border.

I voted three times for the Prime Minister’s deal. It is a bespoke deal and to me it is the best option, but it has failed three times. Saying no to everything does not work. We need a compromise and I will support a customs union this evening. That is not the same as the customs union that we are in today. We can be in a customs union, but out of the common fisheries policy, the common agricultural policy and free movement. All those were big issues in the referendum. Yes, we would have the same tariffs on goods, but we would not have to follow the same regulation on goods. On services—the key part of our economy—we would be free to make our own regulations, and our own trade deals with other parts of the world. A customs union does not involve handing over our trade policy to Brussels because a country Britain’s size would influence Brussels policy. Even Turkey retains its own say on trade sanctions.

The fundamental issue is deliverability. We could be in a customs union, combined with the withdrawal agreement, and deal with everything with the future framework. That could all be done by 22 May and we would not need ever longer extensions or another European election.

7.59 pm

Anna Soubry (Broxtowe) (Ind): It is a pleasure to follow the hon. Member for Chelmsford (Vicky Ford). I suggest that there is the real rub of what is going on, or the danger we face tonight if we do not look at what is behind what seems like a lot of sensible compromise. My real fear is that unless we vote for motions (E) and (G), which I will vote for, the Government will, as the right hon. Member for Exeter (Mr Bradshaw) phrased it, put it in the bag and table yet again, for another vote, the Prime Minister’s withdrawal agreement and slip into the political declaration either the customs union or the so-called common market 2.0. I will not vote for the customs union because it does not deliver the frictionless trade that our manufacturing sector desperately needs. My concern about motion (D) is exactly that.

Ian C. Lucas (Wrexham) (Lab): Compromise!

Anna Soubry: The hon. Gentleman says “Compromise”, and I hear exactly what he says, but it would not be in the withdrawal—
EU: Withdrawal and Future Relationship (Votes)

10.4 pm

Mr Speaker: I can now announce the outcome of the Divisions on motions relating to the United Kingdom’s withdrawal from and future relationship with the European Union.

In respect of Mr Kenneth Clarke’s motion (C)—customs union—the Ayes were 273 and the Noes were 276, so the Noes have it.

In respect of Mr Nicholas Boles’s motion (D)—common market 2.0—the Ayes were 261 and the Noes were 282, so the Noes have it.

In respect of Mr Peter Kyle’s motion (E)—confirmatory public vote—the Ayes were 280 and the Noes were 292, so the Noes have it.

In respect of Joanna Cherry’s motion (G)—parliamentary supremacy—the Ayes were 191 and the Noes were 292, so the Noes have it.

The lists showing how hon. Members voted will be published in the usual way on the CommonsVotes app and website, and in Hansard.

The Secretary of State for Exiting the European Union (Stephen Barclay): On a point of order, Mr Speaker. This is now the second time the House has considered a wide variety of options for a way forward. It has once again failed to find a clear majority for any of the options, yet the result of the House’s decision on Friday not to endorse the withdrawal agreement means that the default legal position is that the UK will leave the EU in just 11 days’ time. To secure any further extension, the Government will have to put forward a credible proposition to the EU as to what we will do with that extra time. This House has continuously rejected leaving without a deal, just as it has rejected not leaving at all. Therefore, the only option is to find a way through that allows the UK to leave with a deal. The Government continue to believe that the best course of action is to do so as soon as possible. If the House were to agree a deal this week, it may still be possible to avoid holding European parliamentary elections. Cabinet will meet in the morning to consider the results of tonight’s vote and how we should proceed.

Mr Speaker: Thank you, Secretary of State.

Jeremy Corbyn (Islington North) (Lab): On a point of order, Mr Speaker. It is disappointing that no solution has won a majority this evening, but I remind the House that the Prime Minister’s unacceptable deal has been overwhelmingly rejected three times. The margin of defeat for one of the options tonight was very narrow indeed, and the Prime Minister’s deal has been rejected by very large majorities on three occasions. If it is good enough for the Prime Minister to have three chances at her deal, I suggest that possibly the House should have a chance to consider again the options that we had before us today in a debate on Wednesday, so that the House can succeed where the Prime Minister has failed, in presenting a credible economic relationship with Europe for the future that prevents us from crashing out with no deal.

Mr Speaker: I thank the Leader of the Opposition.

Ian Blackford (Ross, Skye and Lochaber) (SNP): On a point of order, Mr Speaker. It would indeed be an outrage if the Government sought to bring back their deal. It really is about time they accepted reality: the deal they have put forward has been defeated three times, with the largest defeat in parliamentary history—[Interruption.]

Mr Speaker: Order. No, the right hon. Gentleman is entitled to be heard and, believe me, notwithstanding the shouting from a sedentary position, he will be heard. That is the be all and end all of it. It is as simple as that: the right hon. Gentleman will be heard.

Ian Blackford: Thank you, Mr Speaker. I acknowledge that I am disappointed that we have not won tonight in respect of revoking article 50, having a people’s vote or having a single market and customs union, but the reality is that two of the votes were won by a very small number. We need to try to see where we can find consensus and work together.

Fundamentally for those of us who represent seats in Scotland, we voted to remain in the European Union. Tonight, a vast majority of Scottish MPs voted to revoke article 50. A vast majority of Scottish MPs voted for a people’s vote. A vast majority of Scottish MPs voted to stay in the single market and customs union. It is crystal clear to us from Scotland that our votes in this House are disrespected, and it is becoming increasingly clear to the people of Scotland that, if we want to secure our future as a European nation, we are going to have to take our own responsibilities. The case is this: sovereignty rests with the people of Scotland, not with this House. The day is coming when we will determine our own future, and it will be as an independent country.

Mr Speaker: Thank you.

Nick Boles (Grantham and Stamford) (Con): On a point of order, Mr Speaker. I have given everything to an attempt to find a compromise that can take this country out of the European Union while maintaining our economic strength and our political cohesion. I accept that I have failed. I have failed chiefly because my party refuses to compromise. I regret, therefore, to announce that I can no longer sit for this party.

Mr Speaker: I thank the hon. Gentleman for what he has told the House.

Several hon. Members rose—

Mr Speaker: Of course I shall come to other Members. I call Sir Vince Cable.

Sir Vince Cable (Twickenham) (LD): On a point of order, Mr Speaker. It is even clearer than it was the last time we had indicative votes that one compromise option has substantial support. There is the largest number of votes in the House for a people’s vote—larger than last time. Is it not possible to combine the two and therefore find a way forward through consensus?

Mr Speaker: The right hon. Gentleman’s question is of course of a rhetorical character. It invites no response from me, but he has registered his view, upon which I am sure colleagues will reflect.
Nigel Dodds (Belfast North) (DUP): On a point of order, Mr Speaker. Just to remind the House, is it not the case that the only proposition that has ever had a majority in this House is the Brady amendment? That is a fact. Whatever Members may think or say, that is the proposition that has had a majority in this House and that could allow the withdrawal agreement to go through. With Chancellor Merkel due to visit the Irish Prime Minister this Thursday, there is still an opportunity for the Prime Minister and the Government to prosecute the issue that has bedevilled her withdrawal agreement throughout: the backstop. That issue still needs to be addressed. If it is addressed, we can be in business.

Caroline Lucas (Brighton, Pavilion) (Green): On a point of order, Mr Speaker. Having looked at the figures, I reinforce the comments from the right hon. Member for Twickenham (Sir Vince Cable). I regret what the hon. Member for Grantham and Stamford (Nick Boles) has had to do, but were he to link to his proposal the opportunity to have a public vote, we would have a huge majority in this House. The idea that we would avoid doing that for fear of the democratic moment of the European elections is frankly absurd. Why would we be afraid of one democratic event and for fear of that avoid a further one? That makes no sense. The Prime Minister’s deal is dead. We should look at where the majorities in this House lie, and they lie with a softer Brexit going against a people’s vote to the country.

Mr Speaker: Thank you.

Mr Kenneth Clarke (Rushcliffe) (Con): On a point of order, Mr Speaker. With the help of the people who work with me, I have got a damn sight nearer to a majority in this House than anybody else has so far, apart from the rather curious and now historic Malthouse compromise, which I fear is dead. Three votes is quite near.

We cannot go on with everybody voting against every proposition. The difficulty is that there are people who want a people’s vote who would not vote for my motion because they thought they were going to get a people’s vote. There were people—the Scottish nationalists—who wanted common market 2.0, so would not vote for my motion. All of them had nothing against mine. If they continue to carry on like that, they will fail. I say to the hon. Member for Brighton, Pavilion (Caroline Lucas) that if we added the people’s vote to a motion such as mine, we would lose votes from all over the place, and from the Labour party. We would lose more than we would gain. Those Members should accept that they do not have a majority yet for the people’s vote and vote for something that they have no objection to as a fall-back position. That is politics. I sometimes think that this particular Parliament in which I find myself sitting is not very political at the moment, and it is confounding the general public.

Mr Speaker: Thank you.

Anna Soubry (Broxtowe) (Ind): On a point of order, Mr Speaker. What you do not know is that a week ago an effort was made to put forward composite motions. Unfortunately, despite the efforts of a number of us, that was resisted. However, as the Father of the House rightly identifies, there is undoubtedly a way of getting this together—that is why this is a three-stage process. [ Interruption. ] Hon. Members should just let me explain this. As the Father of the House knows, the reason why many of us could not support the customs union was that it did not have the regulatory alignment that the Labour party had put forward, which unfortunately it did not get round to tabling anything today. If we put the customs union, regulatory alignment and the people’s vote together—[ Interruption. ] Hon. Members could then vote against it. If we look at the figures—[ Interruption. ] If Members could stop yelling in my ear, I would say that there is every chance on Wednesday that we will find a compromise.

Mr Speaker, another thing needs to be said. I am very upset, as I am sure many others are, that the hon. Member for Grantham and Stamford (Nick Boles), who is a fine champion for his community, has made the decision that he has. He is wrong, because he has been right in what he has tried to achieve. The reason his motion failed was that it did not have the longevity of being in the withdrawal agreement, and on that basis, again, a compromise does exist that can get a majority.

Mr Speaker: Thank you.

Dr Julian Lewis (New Forest East) (Con): On a point of order, Mr Speaker. May I, within the rules of order, just point out that a clear majority of Conservative MPs—no fewer than 159 including tellers—voted a week ago that we should leave the European Union without a deal? I find it very strange that everybody assumes that, because of the House’s position as a whole, that cannot be a way forward. If it was always going to be left to the House of Commons, dominated as it is by remainers, to have the final say, there was never any hope for a referendum to achieve anything whatsoever.

Mr Speaker: The right hon. Gentleman has made his own point in his own inimitable way, and he gives every indication of being well satisfied with his prodigious efforts this evening.

Hilary Benn (Leeds Central) (Lab): On a point of order, Mr Speaker. The consequence of tonight’s votes is that the House has voted in favour of nothing. As a result, in 11 days’ time, the United Kingdom will leave the European Union without an agreement unless the Prime Minister, who has just left the Chamber, acts. One thing that we have now voted three times to tell the Prime Minister is that we will not accept leaving the European Union without an agreement—the last time it was by 400 votes to 160. The Prime Minister indicated a week ago that she would respect the will of the House. Mr Speaker, has she given you any indication that she intends to make a statement from the Dispatch Box to the effect that she will now be writing to the European Council to seek a further extension to article 50?

Mr Speaker: The short answer to the right hon. Gentleman is that the Prime Minister has given me no such indication and I have received no such indication from any other Minister. Indeed, we have just had the results of the votes—I announced them only a matter of minutes ago—and there has been no communication to me from Government Ministers, but if that were to change I would of course notify the House, or it would become apparent to the House, ere long.
Vicky Ford (Chelmsford) (Con): On a point of order, Mr Speaker. It is probably worth recalling that last Friday the withdrawal agreement negotiated by our Prime Minister achieved more votes than any of the options we voted on tonight.

Mr Speaker: That requires no response, but I am grateful to the hon. Lady.

Peter Kyle (Hove) (Lab): On a point of order, Mr Speaker. I think that now is the time for a little reflection and humility. I would have expected a little more humility from the Brexit Secretary in his statement, because when it comes to the need for a majority, we are all in this together, and that includes Government, too.

The bottom line is that in the last two sessions of these indicative votes, the proposition that my hon. Friend the Member for Sedgefield (Phil Wilson) and I have offered has come top, and tonight came within eight votes of the Secretary of State’s own proposition—the proposition put forward by Government. Is it not now the case that if there is not a majority for anything outright, we have to start looking to see how minorities in this House can be brought together in order to get the blockage within the House of Commons sorted, so that we can move forward, our politics can move forward, and our country can get the resolution it needs? Mr Speaker, can you help guide us as to how Government can start acting with humility, reaching out and working with those of us with propositions rather than sticking to their guns?

Mr Speaker: I fear that the hon. Gentleman invests me with powers that I do not claim to possess. It is late at night. I think we have to await, as Macmillan used to say, events, and see what transpires tomorrow. God willing, I shall be in my place, and I will always seek to facilitate the House, which is it is the responsibility of the Speaker to do, but I cannot say with any confidence what will happen, and in that respect I think I am, frankly, not in a minority. I think that most colleagues would say with confidence that they do not know what is to follow.

Sir Peter Bottomley (Worthing West) (Con): On a point of order, Mr Speaker. In the light of the word “blockage” that was just used, and the suggestion that somehow or other there is something wrong with our democratic system, may I simply say this? I recall the fact that section 1 of the European Union (Withdrawal) Act 2018 quite clearly states, as a matter of law, that the European Communities Act 1972 is repealed on exit day, and if that exit day happens to be 12 April, so be it. That is the law of the land. That is something that we ought to hang on to, because it is the anchor of the referendum in which the British people voted.

Mr Speaker: I thank the hon. Gentleman. He has represented his own position correctly, and I know that because I have heard him make that point with comparable eloquence on several occasions. Whether he has entirely eloquently represented the position of the hon. Member for Hove (Peter Kyle), I do not know, but the hon. Gentleman will doubtless study the Official Report and make his own assessment.

Helen Goodman (Bishop Auckland) (Lab): On a point of order, Mr Speaker. This is obviously a very disquieting evening for all of us. Unlike some other Members who have made points of order, I am not going to promote the merits, great though they are, of the motion put forward by the Father of the House. I just want to point out that the Government have an opportunity tomorrow to bring something forward to resolve this. The House has another day on Wednesday, and we might consider how we best use that, perhaps by looking at some different way of addressing these problems. We have got the time booked, so although this is desperate and last-minute, it is not the end.

Mr Speaker: Thank you. I am grateful to the hon. Lady.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): On a point of order, Mr Speaker. This point of order may involve you. The motion that had the greatest number of votes was motion (E), on a confirmatory public vote. Although, as my hon. Friend the Member for Chelmsford (Vicky Ford) pointed out, that was fewer than the number of votes for the Prime Minister’s deal on Friday, may I invite you to get party leaders together to see whether there could be a run-off between those two, with a free vote across the House?

Mr Speaker: I always reflect on points that colleagues make to me, but I am not anticipating what might happen in days to come. The hon. Gentleman has made his own point in his own way. I do not mean it in any unkind or discourteous sense, but it is a point I have heard floated in parts of the popular prints in recent days; that does not invest it with the validity that it might otherwise lack.

Mr Speaker: I am grateful to the hon. Gentleman. The only early indication I can give him is that I think it is reasonable, on the basis of what was passed earlier today in the business of the House motion, to suppose that the right hon. Member for West Dorset (Sir Oliver Letwin) will be carefully contemplating the intended procedure for Wednesday. Specifically, I think it is reasonable to expect that he will be looking to table a business of the House motion and, from that, the hon. Gentleman will gather what the right hon. Member for West Dorset has in mind.

Mr Speaker: Colleagues will be able to take a view about that. Moreover, just as colleagues have spoken to each other in recent days to bid for support for particular options, it is open to colleagues to communicate with each other about these matters before Wednesday, and I rather imagine that they will do so. Precisely what procedure is
envisaged. I cannot say, nor is it self-evident that there can be only one procedure proposed. There may well be a number of alternative ideas circulating in colleagues' minds, and I cannot say more than that. We will have to see. [Interruption.] There is nothing very significant about that. I hear a knowing grunt from someone on the Treasury Bench as though something remarkably significant or suspicious has been said, but neither of those things is so.

Graham P. Jones (Hyndburn) (Lab): On a point of order, Mr Speaker. To follow on from what my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) said about the influence that you may have on the business of the House motion on Wednesday, we need now to be brutal about this. The Prime Minister's deal was last defeated by 58 votes—that is the worst option, so that should get taken off the table. Are we going to have an eliminatory process? Common market 2.0 lost by 21 votes. A confirmatory ballot lost by 12 votes. Revocation lost by 11 votes. Clearly top of the table was the Father of the House's motion on the customs union. Are we going to have a brutal process whereby we get to one outcome on Wednesday, and can you influence that? It needs to happen.

Mr Speaker: I do not cavil at the hon. Gentleman's point, and I do not want him to think I am being pedantic, but I dislike the use of the word “brutal”. I am not in favour of brutality. I am in favour of clarity, of decisiveness and of resolution.

Graham P. Jones: I apologise for that.

Mr Speaker: The hon. Gentleman does not need to apologise. In so far as that requires some concentrated thinking, I agree. Some colleagues will be pleased with the outcome of tonight's votes. [Interruption.] The hon. Member for Shipley (Philip Davies) is noisily yelling his approval of that observation, beaming as he stands by me. Other colleagues are disappointed. We are where we are. Nothing has won tonight.

In what do I take comfort? Well, Roger Federer put on a majestic masterclass in Miami last night. I am happy about that, and of course I am happy that, although nothing won tonight here in this Chamber, at the Emirates Arsenal won 2-0. I just have to content myself with that for tonight—I appreciate that Newcastle Members will not be so pleased—and we shall have to see what happens tomorrow. I am sorry that I cannot add to that, but I feel that colleagues have ventilated their points, and it is right that they should do so. I do not think we can advance matters further this evening, so I suggest that we look to get a decent night's rest, recharge our batteries and try to do our duty with resolution but good humour tomorrow.

Blaydon Quarry Landfill Site

Motion made, and Question proposed, That this House do now adjourn.—[Rebecca Harris.]

Mr Speaker: If colleagues who are toddling out of the Chamber, including past the hon. Lady who has the Adjournment debate, could do so quickly and quietly, that would be greatly appreciated.

10.29 pm

Liz Twist (Blaydon) (Lab): I am very pleased to have secured this Adjournment debate on the Blaydon Quarry landfill site. It is a matter of great concern to my constituents in the communities surrounding the site.

My constituency has had more than its fair share of landfill sites, both in the past and more recently; there are landfill sites on either side of the main road from the town of Blaydon out to the west, so complaints about them are a constant. In 2016, there was a major incident at one of them, Path Head, when for months a heavy, sulphurous smell hung over large parts of Ryton, causing intense concern about the impact on health and seriously affecting residents' ability to enjoy a normal life. Thankfully, that site has now closed and is being restored, but it has left an enduring concern about the effect that landfill sites have on our communities. In particular, it has had an effect on the established former mining community of Stargate and Crookhill, within just a few hundred yards of the site, which have had to endure odours and other problems throughout its life, but it also affects the Stella area. It is in that context that this debate and the concern of my constituents must be understood.

I turn to the subject of tonight's debate. Blaydon Quarry is a landfill site in the west of my constituency. It is located in the village of Greenside, but is surrounded by the communities of Greenside, Winlaton, Barlow, Stargate, Ryton, Blaydon Burn and Blaydon itself. It is very close to each of those communities, and each has felt the impact of the site over many years. Over the years, there have been a number of different site operators—Premier Waste, Niramax, Octagon Green Solutions—each bringing its own problems. The site is now owned by a company called Recyclical, but following the refusal of a transfer of the environmental permit to it last year, Octagon Green Solutions remains as the permit holder and site operator—an issue to which I intend to return later.

Over the period that my predecessor, Dave Anderson, was the Member of Parliament for Blaydon, and while I was a local councillor, residents have consistently—perhaps I should say, persistently—complained about the Blaydon Quarry landfill site, so this is by no means a new issue, but it is a very current one.

Jim Shannon (Strangford) (DUP): I spoke to the hon. Lady beforehand to seek her permission to intervene. As her case is very similar to ones I have had in my constituency of Strangford, I wanted to make a short intervention. Does the hon. Lady agree that it is essential that quarry landfill sites are held to the highest standards when it comes to neighbourhood issues? A little common sense and perhaps a little money as well from quarries in due season would go a long way in ensuring good neighbour relations and, subsequently, result in fewer complaints. In the council I served on, Ards Borough Council—it is now Ards and North Down Borough
Council—there were some issues, and we were able to have those issues addressed. Does the hon. Lady agree that people have a right to live in peace at night and without offensive smells, no matter what their postcode is? **Liz Twist:** I agree, of course, with the hon. Gentleman’s last statement, but I disagree with some of his earlier comments, because I think the time is now ripe for us to go beyond monitoring, controlling or whatever. We need a totally different approach to landfill for the benefit of our communities.

As I was saying, over the period that my predecessor was in post and I was councillor, there were persistent complaints about the site, so it is by no means a new issue, but it is a very current one. Most recently, about two months ago, as they have done on many previous occasions, many residents contacted me about a bad smell in the air. I call it a smell, because calling it an odour, as the official documents do, is far too polite. In fact, residents did not need to contact me about it, as I could most definitely smell it myself when I was at home. The smell was persistent and very unpleasant. Some people reported the smell to the Environment Agency’s incident hotline, and many more complained to me, to councillors and to neighbours.

I raised the issue with the Environment Agency team, who were responsive, as always. Residents were very pleased to hear in mid-February that the site had been stopped from receiving waste for a period of up to two weeks while the operators fixed the problem of the smells from uncovered waste that were affecting our communities. The required action was taken and the tip reopened for waste, but problems continue.

That was just one of the latest incidents at the site that have blighted our communities over several years and, frankly, our communities have had enough. They have had enough of bad smells, enough of heavy vehicles on our country lanes, enough of litter from the site and trucks being scattered in our fields, and enough of dust from the site. They have had enough of the site and want to see it closed, and so do I. That will come as no surprise to the site owner or operator as I have made my comments, because I think the time is now ripe for us to do something.

In December 2014, an enforcement notice was served under regulation 36 of the environmental permitting regulations requiring actions following an escape of litter from the site. That ensured that any escaped litter was collected and that the site-specific litter management plan was revised. In March 2015, another enforcement notice was served under regulation 36 requiring actions following a further escape of litter from the site. That ensured that the further escaped litter was collected and that the site-specific litter management plan was again revised. Additional control measures were installed on the site.

In February 2016, a regulation 36 enforcement notice was served requiring the progression of engineering works to manage landfill gas. This notice ensured additional gas extraction wells were installed within a recently completed area on the site. In July 2017, a regulation 36 enforcement notice was served requiring improvements to the leachate management system on site. This notice ensured that more leachate was removed from the site, rather than just being recirculated around the site. In January and February 2018, two further regulation 36 enforcement notices were served, requiring the implementation of additional engineering works to manage landfill gas. These notices were served following odour issues identified from landfill gas emissions. The notices required the installation of additional gas extraction and further areas of capping.

In February 2019, a regulation 37 suspension notice was served, preventing waste inputs while remedial works were carried out. The notice was served following complaints of odour from the site. The odour complaints were linked to an area of waste not properly tipped or covered. The notice required that this area of waste be re-profiled and covered appropriately. The notice was served on 19 February. The work was completed and the notice lifted on 26 February. As we can see, there is a whole series of issues concerning smells, leachate and litter, on top of the day-to-day concerns residents have raised and continue to raise through liaison meetings and meetings with the Environment Agency.
Of course, it is not just the Environment Agency that is concerned with regulating the site. Gateshead Council also has a part to play through planning enforcement. There is quite a catalogue here, too. In May 2018, there was a report to the planning committee which summarised the outstanding issues, including: restoration of some completed areas; ecological provisions, including nesting for sand martins; and, perhaps most importantly, proposals for the drainage scheme on site. As late as last week, the council issued the company with a letter refusing to discharge all but one of the planning issues that had been raised. All that came after a stop notice was issued by the council in April 2018 requiring the removal of caravans from the site. The caravans were removed, but really they should never have been there in the first place.

On top of that, we have a very real concern that the split between the operator holding the environmental permit and the land owner, who appears to be actually working the site, represents a real danger for the effective running of the site. There have now been three applications for the transfer of the environmental permit and none has been granted. That has to raise real questions about the sustainability of the current arrangements and people are quite understandably concerned that this exposes our communities to further risks, as clearly the current operator, having sold the site itself, wishes to give up the permit.

My constituents and I are well and truly fed up with the impact the landfill site is having on our environment and our lives. We just cannot understand why repeated breaches on planning and environmental grounds cannot lead to the landfill site being closed, safely, once and for all, and the site restored. I should say that in my experience, staff at both the Environment Agency and Gateshead Council have been very good and helpful in pursuing the issues we raise, but we have had enough and believe that the site should be closed forthwith.

So what am I asking the Minister for? First, to strengthen the law covering landfill and waste sites to ensure that, where there are recurring problems, communities do not have to continue to endure the problems arising from landfill sites. We need much stronger powers for the Environment Agency to act to really protect our environment and to deal with landfill operators that fail to meet their duties as good neighbours.

Secondly, I ask the Minister to work with her colleagues in the Ministry of Housing, Communities and Local Government to strengthen planning enforcement, but moreover to ensure that no landfill sites should be allowed so very near to where people live, as is the case in Blaydon. There are families living immediately around the perimeter of the site who, over the years, have suffered from incidents directly affecting their properties, as have the villages and the people who live in communities just that little bit further out. Living next to a landfill site is never going to be pleasant and we must tighten up planning to ensure that this can never happen again.

Thirdly, I ask the Minister to take practical and legislative steps to end the use of landfill sites by strengthening environmental legislation and reducing waste to landfill. Fourthly, and perhaps most importantly for my community, I ask her to work with me, my constituents and statutory bodies to see that the Blaydon quarry landfill site, like the neighbouring Path Head quarry site, is closed safely and restored, to bring an end to the years of misery my constituents have had to endure.

10.45 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I congratulate the hon. Member for Blaydon (Liz Twist) on securing this debate. She has spoken with eloquence and passion in representing her constituents here today. She referred to some of the work that was undertaken by her predecessor, Dave Anderson, who was also very proactive on the subject. She is right to ask why it is taking years to sort the situation out. If she does not mind, I will set out a few ways in which action has been taken and is still proactively under way, as I think she is aware.

It is important to ensure we have clear and strong environmental regulation and planning controls that work for the environment, for people and for business. Twice in her four questions, the hon. Lady asked about practical and legislative steps, including stronger powers for the Environment Agency. I am pleased to say that, during the next Session of Parliament, in the Environment Bill, we hope to introduce powers to tackle some of the issues that she raised. An ongoing policy, and a success of both the former Labour Government and this Government, is the gradual and significant reduction in the amount of waste that goes to landfill. That has largely been driven by the success of the landfill tax. We will continue to do more to try to increase recycling.

A well-functioning and regulated waste industry is essential for us. It enables us to maximise the efficient use of our resources and to minimise the impacts of waste on the environment. The Environment Agency is the regulator for the sector in England. The hon. Member for Strangford (Jim Shannon) referred to an issue in his constituency, and he is right that neighbourhood relations are important for any waste operator. He will be aware that a different regulator applies. He mentioned strong community relations, which were made possible by the council on which he used to serve.

The Environment Agency issues environmental permits for waste operators and regulates against them. It particularly targets operators that do not comply with the regulatory framework and that, in turn, cause suffering to nearby communities. Environmental permits are issued for regulated activities carried out at sites. In the case of a permitted landfill facility, such as that located at Blaydon quarry, the permit will cover hazards and risks arising from the activities on the site of the landfill. The current permit has been in place since landfill activity recommenced in 2004. The permit allows for the deposit of up to 329,000 tonnes of non-hazardous waste within engineered cells on the site.

Environmental permits do not cover wider planning controls, and nor should they if we are to avoid unnecessary regulatory duplication. The site has planning permission to allow landfilling, and that was issued and is governed by Gateshead Council. I am conscious of the hon. Lady’s request to the Ministry of Housing, Communities and Local Government about enforcement and location. We believe that councils already have the opportunity to do both those things. I recognise the challenges on historic sites where relocation is no longer necessarily possible.
In May 2012 the permit was transferred from the initial operator to Niramax Group Ltd. It was transferred again in May 2013 to Octagon Green Solutions Ltd, which continues to operate the site today. In 2017, two applications were made to transfer the permit, first to the landowner, Recyclogical Ltd, and secondly to a company called Midwest Solutions Ltd. A third transfer application was received in September 2018, again in relation to Midwest Solutions Ltd. All those applications have been refused, most recently just last week, because the Environment Agency has not been satisfied that the companies had sufficient competence to comply with the permit.

It is right that only properly competent people can hold a waste permit. In this instance, the Environment Agency was concerned that the applicants lacked the ability to comply with permits and to run a waste site effectively. That is in line with our work to tighten up the waste permitting and exemptions regime by raising the bar for people to operate in the sector.

Understandably, the hon. Lady read out a litany of non-compliance, which resulted in notices being served. Between 2014 and 2018, the Environment Agency served a series of enforcement notices for the identified issues on the Blaydon site. Those breaches included litter escaping from the site, for which additional control measures were installed, including the improved management of landfill gas and leachate. There were also additional engineering works following odour issues.

In February 2019, it was found that odour issues were coming from an area of waste that was not properly tipped or covered, and a regulation 37 suspension notice was served to prevent waste input while remedial works were carried out. As the hon. Lady pointed out, that notice was served on 19 February, and the work was completed and the notice lifted on 26 February.

The hon. Lady is right to point out that there have been a number of breaches. By and large, the company—perhaps cleverly—has responded quite quickly to those breaches. However, we would of course rather that the breaches did not happen in the first place. A number of planning contraventions on the site are also being investigated by Gateshead Council. The Environment Agency and Gateshead Council work closely together on the site and have ongoing engagement with the local community, including through attending regular meetings. I encourage Gateshead Council to do more on planning enforcement in this regard.

The Environment Agency is concerned about the level of non-compliance with the permit. Following the issues that led it to serve a suspension notice in February, it is now investigating fully whether the operator is fit to continue to run the site, and is exploring its options regarding further sanctions. In addition to prosecution, further sanctions could include serving a permit revocation notice, which would prevent any further landfilling from taking place.

Let me turn to the wider policy context. After our consultation last year, from 7 April, all permitted waste sites will need to demonstrate technical competence through a scheme approved by the Government. This change will provide the regulator with the flexibility to use its full range of enforcement powers, such as enforcement or suspension notices, on all waste operation permits to ensure that the operators are technically competent. The Government recently announced a tougher approach to the regulation of environmental permits, including tightening up technical competence requirements and allowing the Environment Agency to take a wider range of criminal convictions—beyond environmental offences—into account when considering permit applications and variations.

Our resources and waste strategy commits us to the recommendations of the review into serious and organised criminality in the waste sector, which was completed last autumn by Lizzie Noel. We will continue to bear down on criminal activity in the waste sector and drive out of the sector the organisations that undercut legitimate businesses and make communities’ lives miserable. Let me be clear to the hon. Lady and the House that the Government and the Environment Agency take the regulation of the waste sector very seriously.

I thank the hon. Lady for raising this issue. I am very much alive to the challenges faced by residents in her constituency and beyond, as is the Environment Agency, and I will continue to work proactively with her and to bear down on those operating in a manner that causes pollution, ugliness and misery in the affected communities.

Question put and agreed to.

10.53 pm

House adjourned.
EU: Withdrawal and Future Relationship (Votes)

MOTION (C) CUSTOMS UNION—That this House instructs the Government to (1) ensure that any Withdrawal Agreement and Political Declaration negotiated with the EU must include, as a minimum, a commitment to negotiate a permanent and comprehensive UK-wide customs union with the EU; (2) enshrine this objective in primary legislation.—(Mr Kenneth Clarke.)

The House divided: Ayes 273, Noes 276.

Division No. 397]

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonya
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benin, rh Hilary
Bennyon, rh Richard
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brine, Steve
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Buckland, Robert
Burden, Richard
Burgon, Richard
Burt, rh Alistair
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Carden, Dan
Chalk, Alex
Champion, Jenny
Charalamous, Bambo
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Costa, Alberto
Coyle, Neil
Crausby, Sir David
Creeagh, Mary
Creasy, Stella
Cravdus, Jon
Crewe, John
David, Wayne
Davies, Geraint
Hayman, Sue
Heald, rh Sir Oliver
Healey, rh John
Hendrick, Sir Mark
Herbert, rh Nick
Hill, Mike
Hillier, Meg
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
James, Margot
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kiloen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lamb, rh Norman
Lavery, Ian
Lee, Karen
Lefroy, Jeremy
Lettwin, rh Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, rh Mr Ivan
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
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Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
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Martin, Sandy
Maskell, Rachael
Masterton, Paul
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McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
Mearns, Ian
Milliband, rh Edward
Milton, rh Anne
Mitchell, rh Mr Andrew
Moon, Mrs Madeleine
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Neill, Robert
Newton, Sarah
Norris, Alex
O'Mara, Jared
Onn, Melanie
Onwurah, Chi
Opperman, Guy
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Owen, Albert
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Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Prentis, Victoria
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Sandbach, Antoinette
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Cat
Smith, Chris
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smyth, Karin
Snell, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Spellar, rh John
Spelman, rh Dame Caroline
Stamer, rh Keir
Stewart, Rory
Sweeney, Mr Paul
Tami, rh Mark
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
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Twigg, Derek
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Question accordingly negatived.

Motion (D) Common Market 2.0—That this House (1) directs Her Majesty’s Government to (i) renegotiate the framework for the future relationship laid before the House on Monday 11 March 2019 with the title ‘Political Declaration setting out the future relationship between the European Union and the United Kingdom’ to provide that, on the conclusion of the Implementation Period and no later than 31 December 2020, the United Kingdom shall (a) accede to the European Free Trade Association (Efta) having negotiated a derogation from Article 56(3) of the Efta Agreement to allow UK participation in a comprehensive customs arrangement with the European Union, (b) enter the Efta Pillar of the European Economic Area (Eea) and thereby render operational the United Kingdom’s continuing status as a party to the EEA Agreement and continuing participation in the Single Market, (c) agree relevant protocols relating to frictionless agri-food trade across the UK/EU border, (d) enter a comprehensive customs arrangement with the European Union, and no hard border on the island of Ireland have been agreed with the European Union, (ii) negotiate with the EU a legally binding Joint Instrument that confirms that, in accordance with Article 2 of the Protocol on Ireland/Northern Ireland of the Withdrawal Agreement, the implementation of all of the provisions of paragraph (ii) of this motion would cause the Protocol on Ireland/Northern Ireland to be superseded in full; (2) resolves to make support for the forthcoming European Union (Withdrawal Agreement) Bill conditional upon the inclusion of provisions for a Political Declaration revised in accordance with the provisions of this motion to be the legally binding negotiating mandate for Her Majesty’s Government in the forthcoming negotiation of the future relationship between the United Kingdom and the European Union.—(Nick Boles.)

The House divided: Ayes 261, Noes 282.

Division No. 398]

AYES

Abbott, rh Ms Diane
Afzali, Rim
Ali, Rushanara
Allin-Khan, Dr Rosena
Amess, Mike
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Benyon, rh Richard
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brine, Steve
Brock, Derek
Brown, Alan
Brown, Lyn

Cruddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Djanogly, Mr Jonathan
Docherty-Hughes, Martin
Dodds, Anneliese
Dowd, Peter
Drew, Dr David
Dromey, Jack
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Ellard, Clive
Elmore, Chris
Euston, Bill
Eustice, George
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fletcher, Colleen
Foxcroft, Vicky
Fris, James
Furniss, Gill
Gaffney, Hugh
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Goddif, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Bill
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hafon, rh Robert
Harriot, Fabian
Hammond, Stephen
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard
Harris, Carolyn
Hart, Simon
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Herbert, rh Nick
Hodgson, Mrs Sharon
Hollern, Kate
Hollinrake, Kevin
Howarth, rh Mr George

Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Helen
Jones, Sarah
Kane, Mike
Keeler, Barbara
Kerr, Stephen
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lavery, Ian
Law, Chris
Lee, Karen
Lefroy, Jeremy
Letwin, rh Sir Oliver
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Masterton, Paul
Matheson, Christian
Mc Nally, John
McCabe, Steve
McDonald, Andy
McDonald, Steward Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGlinn, Conor
McGovern, Alison
McHne, Liz
McMahon, Jim
Meams, Ian
Miliband, rh Edward
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Newton, Sarah
Norris, Alex
O’Hara, Brendan
O’Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Pennycoc, Matthew
Penrose, John
Percy, Andrew
EU: Withdrawal and Future Relationship (Votes)

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Antoniuzzi, Tonia
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Beresford, Sir Paul
Bergen, Luca
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Brake, rh Tom
Braverman, Suella
Brereton, Jack
Bridgen, Andrew
Bruce, Fiona
Buckland, Robert
Burghart, Alice
Burns, Conor
Campbell, Mr Gregory
Smyth, Karin
Soames, rh Sir Nicholas
Sobel, Alex
Sperman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevenson, John
Sweeney, Mr Paul
Tami, rh Mark
Thewlis, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Tredinnick, David
Trickett, Jon
Turner, Karl
Twigg, Stephen
Twist, Liz
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Watson, Tom
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Wilson, Phil
Wishart, Pete
Yasin, Mohammad
Duguid, David
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Evans, Mr Nigel
Evetts, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fovargue, Yvonne
Francis, rh Mr Mark
Framer, Lucy
Freer, Mike
Fysh, rh Marcus
Gale, rh Sir Roger
Gapes, Mike
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Graham, Luke
Graham, Richard
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Hall, Luke
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepburn, Mr Stephen
Heron, Lady
Hill, Mike
Hobhouse, Wera
Hoey, Kate
Hollingbery, George
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Hughes, Eddie
Jack, Mr Alistair
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Knight, rh Sir Greg

Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Lee, Dr Philip
Leigh, rh Sir Edward
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewer, Andrew
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Lucas, Caroline
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malhoushe, Kit
Mann, John
Mann, Scott
Maynard, Paul
McDonagh, Siobhain
McLoughlin, rh Sir Patrick
McMorris, Anna
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
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Morris, David
Morris, Grahame
Morris, James
Morton, Wendy
Murray, Mrs Sherry
Murrison, Dr Andrew
Norman, Jesse
O’Brien, Neil
O’fford, Dr Matthew
Opperman, Guy
Paisley, Ian
Patel, rh Priti
Patterson, rh Mr Owen
Penning, rh Sir Mike
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pritchard, Mark
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Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rutley, David
Ryan, rh Joann
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Shuker, Mr Gavin
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smeeth, Ruth
Smeth, Angela
Smeth, Chloé
Smith, Henry
Smith, Laura
Smith, Owen
Smith, Royston
Snell, Gareth
Soubry, rh Anna
Snell, Gareth
Bradshaw, rh Mr Ben
Brake, rh Tom

Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creeagh, Mary
Creasy, Stella
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
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Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
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Elmore, Chris
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Farron, Tim
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Gapes, Mike
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Gibson, Patricia
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Godsiff, Mr Roger
Goodman, Helen
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Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Grogan, John
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Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard

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Hayman, Sue
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Hendry, Drew
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Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollem, Kate
Howarth, rh Mr George
Huq, Dr Rupa
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Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
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Linden, David
Lloyd, Tony
Long Bailey, Rebecca
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Lucas, Ian C.
Lynch, Holly
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Mahmood, Shabana
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McCarthy, Kerry
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McDonald, Stewar Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMorrin, Anna
Merriman, Huw
Miliband, rh Edward
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Murray, Ian

Question accordingly negatived.

MOTION (E) CONFIRMATORY public vote—That this House will not allow in this Parliament the implementation and ratification of any withdrawal agreement and any framework for the future relationship unless and until they have been approved by the people of the United Kingdom in a confirmatory public vote.—[Peter Kyle.]

The House divided: Ayes 280, Noes 292.

Division No. 399]
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<td>Zeichner, Daniel</td>
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| Slaughter, Andy | Courts, Robert |
|                | Crab, rh Stephen |
|                | Crouch, Tracey  |
|                | Cruddas, Jon    |
|                | Davies, Chris   |
|                | Davies, David T. C. |
|                | Davies, Glyn    |
|                | Davies, Mims    |
|                | Davies, Philip  |
|                | Davis, rh Mr David|
|                | Dinenage, Caroline|
|                | Djangoly, Mr Jonathan|
|                | Docherty, Leo   |
|                | Dodds, rh Nigel |
|                | Donaldson, rh Sir Jeffrey M.|
|                | Donelan, Michelle|
|                | Dorries, Ms Nadine|
|                | Double, Steve   |
|                | Dowden, Oliver  |
|                | Doyle-Price, Jackie |
|                | Drax, Richard   |
|                | Duddridge, James|
|                | Duguid, David   |
|                | Duncan, rh Sir Alan|
|                | Duncan Smith, rh Mr Iain|
|                | Dunne, rh Mr Philip|
|                | Ellis, Michael  |
|                | Ellwood, rh Mr Tobias |
|                | Elphicke, Charlie|
|                | Eustice, George |
|                | Evans, Mr Nigel |
|                | Evennett, rh Sir David|
|                | Fabricant, Michael|
|                | Fallon, rh Mr Michael|
|                | Field, Frank    |
|                | Flint, rh Caroline|
|                | Ford, Vicky     |
|                | Foster, Kevin   |
|                | Fovargue, Yvonne|
|                | Francois, rh Mr Mark|
|                | Fraser, Lucy    |
|                | Fysh, Mr Marcus |
|                | Gale, rh Sir Roger|
|                | Ghani, Ms Nusrat|
|                | Gibb, rh Nick   |
|                | Gillan, rh Dame Cheryl|
|                | Girvan, Paul   |
|                | Glen, John     |
|                | Glindon, Mary   |
|                | Goldsmith, Zac  |
|                | Goodwill, rh Mr Robert|
|                | Graham, Luke   |
|                | Graham, Richard|
|                | Grant, Bill    |
|                | Grant, Mrs Helen|
|                | Gray, James    |
|                | Green, Chris   |
|                | Green, rh Damian|
|                | Griffiths, Andrew|
|                | Hair, Kirstene  |
|                | Hafon, rh Robert|
|                | Hall, Luke     |
|                | Hands, rh Greg  |
|                | Harper, rh Mr Mark|
|                | Harris, Rebecca|
|                | Harrison, Trudy|
|                | Hart, Simon    |
|                | Heald, rh Sir Oliver|
|                | Heappey, James  |
|                | Heaton-Harris, Chris|
|                | Heaton-Jones, Peter|
|                | Henderson, Gordon|

| Hepburn, Mr Stephen | Herbert, rh Nick |
|                    | Hill, Mike |
|                    | Hoey, Kate |
|                    | Hollingbery, George |
|                    | Hollinrake, Kevin|
|                    | Hollobone, Mr Philip|
|                    | Holloway, Adam |
|                    | Hopkins, Kelvin |
|                    | Howell, John |
|                    | Huddleston, Nigel |
|                    | Hughes, Eddie |
|                    | Jack, Mr Alister|
|                    | Jarvis, Dan |
|                    | Jayawardena, Mr Ranil|
|                    | Jenkin, Sir Bernard|
|                    | Jenkyns, Andrea |
|                    | Jennick, Robert |
|                    | Johnson, rh Boris |
|                    | Johnson, Dr Caroline|
|                    | Johnson, Gareth |
|                    | Jones, Andrew |
|                    | Jones, rh Mr David|
|                    | Jones, Helen |
|                    | Jones, Mr Kevan |
|                    | Jones, Mr Marcus|
|                    | Kawczyński, Daniel |
|                    | Keegan, Gillian |
|                    | Kennedy, Seema |
|                    | Kerr, Stephen |
|                    | Knight, rh Sir Greg |
|                    | Knight, Julian |
|                    | Kwarteng, Kwasi |
|                    | Lamont, John |
|                    | Lancaster, rh Mark|
|                    | Latham, Mrs Pauline|
|                    | Lefroy, Jeremy |
|                    | Leigh, rh Sir Edward|
|                    | Lewell-Buck, Mrs Emma |
|                    | Lewer, Andrew |
|                    | Lewis, Mr Ivan |
|                    | Lewis, rh Dr Julian|
|                    | Liddell-Granger, Mr Ian|
|                    | Little Pengelly, Emma |
|                    | Lopez, Julia |
|                    | Lopresti, Jack |
|                    | Lord, Mr Jonathan |
|                    | Loughton, Tim |
|                    | Mackinlay, Craig |
|                    | Maclean, Rachel |
|                    | Main, Mrs Anne |
|                    | Mak, Alan |
|                    | Malthouse, Kit |
|                    | Mann, John |
|                    | Mann, Scott |
|                    | Masterton, Paul |
|                    | Maynard, Paul |
|                    | McLoughlin, rh Sir Patrick|
|                    | McPartland, Stephen|
|                    | McVey, rh Ms Esther |
|                    | Menzies, Mark |
|                    | Mercer, Johnny |
|                    | Metcalfe, Stephen|
|                    | Miller, rh Mrs Maria |
|                    | Milling, Amanda |
|                    | Mills, Nigel |
|                    | Mitchell, rh Mr Andrew|
|                    | Moore, Damien |
|                    | Morgan, rh Nicky |
|                    | Morris, Anne Marie|
|                    | Morris, David |
|                    | Morris, Grahame |
be acceptable to the European Union is likely to have majority support in the United Kingdom; (5) If there is a referendum it shall be held on the question whether to trigger Article 50 and renegotiate that model; (6) The Inquiry under paragraph (4) shall start within three months of the revocation; and (7) References in this Motion to “Days” are to House of Commons sitting days; references to “exit day” are references to exit day as defined in the Act; references to the Act are to The European Union (Withdrawal) Act 2018; and references to the Treaty are to the Treaty on European Union.—(Joanna Cherry.)

The House divided: Ayes 191, Noes 292.

Division No. 400]

**AYES**

Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Antoniazzi, Tonia
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Chwyd, rh Ann
Coffey, Ann
Cowen, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Daby, Janet
Davey, rh Sir Edward
Davies, Geraint
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dent Coad, Emma
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Drew, Dr David
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Farrell, Paul
Farron, Tim
Fellows, Marion
Field, rh Mark
Fitzpatrick, Jim
Foxcroft, Vicky
Frith, James
Gaffney, Hugh
Gapes, Mike
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Grieve, rh Mr Dominic
Grogan, John
Hamilton, Fabian
Harman, rh Ms Harriet
Harrington, Richard
Hayes, Helen
Hendrick, Sir Mark
Hendry, Drew
Heron, Lady
Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Jones, Sarah
Jones, Susan Elan
Kendall, Liz
Killen, Ged
Kyle, Peter
Laird, Lesley
Lake, Ben
Lammy, rh Mr David
Law, Chris
Lee, Dr Phillip
Leslie, Mr Chris
Lewis, Clive
Linden, David
Lucas, Caroline
Lynch, Holly
Mahmood, Shabana
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
EU: Withdrawal and Future Relationship (Votes)

DATE: 1 APRIL 2019

McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McGinn, Conor
McGovern, Alison
Mckinnell, Catherine
McMorris, Anna
Mearns, Ian
Moon, Mrs Madeleine
Moran, Layla
Morgan, Stephen
Murray, Ian
Nandy, Lisa
Newlands, Gavin
O’Hara, Brendan
Onurah, Chi
Osamor, Kate
Owen, Albert
Pearce, Theresa
Pennycook, Matthew
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Pound, Stephen
Rashid, Faisal
Rees, Mr Steve
Rees, Ellie
Reeves, Rachel
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Boyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy

Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Slaugher, Andy
Smith, Angela
Smith, Jeff
Smith, Owen
Smolin, Kevin
Sobol, Alex
Soubry, rh Anna
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Thewliss, Alison
Thomas, Gareth
Timms, rh Stephen
Turley, Anna
Twigg, Stephen
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Walker, Thelma
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fovargue, Yvonne
Francois, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fysh, rh Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Ghani, Mrs Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Dame Cheryl
Griffiths, Andrew
Hair, Kirstene
Hafton, rh Robert
Hall, Luke
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepburn, Mr Stephen
Herbert, rh Nick
Hoey, Kate, Jon
Hollingbery, George
Hollinrake, Kevin
Hollowbone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howarth, rh Mr George
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hurd, rh Mr Nick
Jack, Mr Alister
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jennick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Helen
Jones, Mr Marcus
Kawczynski, Daniel
Keeghan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leffroy, Jeremy
Leigh, rh Sir Edward
Lewell-Buck, Mrs Emma
Lewer, Andrew
Lewis, Mr Ivan
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, John
Mann, Scott
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Moore, Damien
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Murray, Mrs Sheryl
Murison, Dr Andrew
Neill, Robert
Norman, Jesse

NOES

Adams, Nigel
Afzal, Bid
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, rh Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradshaw, Sir Graham
Braverman, Suella
Breer, Jackie
Brereton, Jackie

Bridgen, Andrew
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartidge, James
Cash, Sir William
Caulfield, Maria
Champion, Sarah
Chishtie, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Cooper, Rosie
Costa, Alberto
Courts, Robert
Crabb, rh Stephen
Crouch, Tracey
Crucifix, Jon
Davies, Chris
Davies, David T. C.
Stephenson, Andrew
Stephenson, John
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Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Tugendhat, Tom
Twigg, Derek
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wood, Mike
Wragg, Mr William
Zahawi, Nadhim

Question accordingly negatived.
House of Commons

Tuesday 2 April 2019

The House met at half-past Eleven o’clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

FOREIGN AND COMMONWEALTH OFFICE

The Secretary of State was asked—

Cameroon

1. Tonia Antoniazzi (Gower) (Lab): What discussions he has had with his French counterpart on the reported increase in violence in Cameroon. [910160]

The Minister for Africa (Harriett Baldwin): The UK regularly discusses the violence in Cameroon with international partners, including France and the United States, and I welcome French support for the recent UK-Austria joint UN Human Rights Council statement about the deteriorating situation in Cameroon.

Harriett Baldwin: As I often find myself saying during questions, I am happy to be accountable for what the UK Government have been doing, and I can confirm that we have extensive discussions with the Government of Cameroon, who, as my right hon. Friend will know, are a partner with the international community in the fight against Boko Haram and the Islamic State in West Africa in the north of the country. We also have discussions with international partners to find a way forward on the views expressed with increasing violence by those of a separatist tendency in the south-west and north-west provinces.

Alison Thewliss (Glasgow Central) (SNP): One of my constituents is a member of the South Cameroonian diaspora and is deeply concerned about what is going on. A recent Amnesty report noted the presence of arbitrary arrest, torture in detention and the existence of secret and illegal detention facilities in Cameroon. Does the Minister agree that such activities are in stark violation of the Commonwealth Charter, and if so what efforts has she made to engage with Cameroon through the Commonwealth?

Harriett Baldwin: The hon. Lady is absolutely right to raise the range of different human rights violations and abuses noted in the statement which we were pleased to see 39 countries sign at the most recent UN Human Rights Council. Specifically on the Commonwealth, I can tell the House that Lord Ahmad, the Minister for Commonwealth, wrote to the Commonwealth Secretary-General recently to share UK concerns about Cameroon and press for further Commonwealth engagement on the matter.

Mr Philip Hollobone (Kettering) (Con): The UK’s aim is to be the largest G7 investor in Africa by 2022. Will any of that investment be going to Cameroon?

Harriett Baldwin: My hon. Friend states the UK’s policy aim to be an ambitious investor in African economies, and I can confirm that there are UK companies that invest in Cameroon; businesses are absolutely free to choose to do so. In terms of the political track, though, we are trying to engage with the Government of Cameroon—I spoke to the Prime Minister there recently—to encourage them to find a way forward in a political and inclusive dialogue that can address some of the concerns being raised.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I spent time in Cameroon in 2013 as a political volunteer with Voluntary Service Overseas, and it breaks my heart to see what is happening to that beautiful country today. It seems to me that there is a potent mix of contemporary challenges and the long tail of our own and, indeed, French colonial history. Can we take a two-pronged approach? Will our colleagues in the Department for International Development tackle the urgent crises involving displaced peoples and conflict, and will the Minister’s own office make a proper effort to secure a diplomatic solution?

Harriett Baldwin: As the right hon. Gentleman says, there is an ongoing humanitarian crisis. Earlier this year I authorised work by us, through UNICEF, to provide immediate humanitarian assistance. More than
400,000 people have been displaced in the crisis, and more than 30,000 have fled to Nigeria. DFID is doing programming work, and we are urging the Cameroon Government to allow humanitarian actors access to all parts of the country.

Liz McInnes (Heywood and Middleton) (Lab): Last week, Human Rights Watch said:

“Government forces in Cameroon’s Anglophone regions have killed scores of civilians...and torched hundreds of homes over the past six months.”

How many more innocent victims need to be slaughtered for Cameroon to be suspended by the Commonwealth?

Harriett Baldwin: The hon. Lady is right: there have been human rights abuses and human rights violations on all sides in the conflict. Hospitals have been burnt and villages torched. We drew attention to a range of issues in a statement at the United Nations Human Rights Council, which the UK sponsored. Obviously the UK is a member of the Commonwealth, and our Commonwealth Minister has written to the Commonwealth Secretariat suggesting that it encourage discussions on this topic in future meetings.

Mr Speaker: Before we move to Question 2 and I call the hon. Member for Cleethorpes (Martin Vickers), I hope that the whole House will want to join me in extending a warm welcome to Gareth Evans, QC, who served with great distinction as a Cabinet Minister in Australia from 1983 until 1996 under—if memory serves me—the Hawke and Keating Governments. As we have just been talking about human rights, let us not forget that he was a key architect of the United Nations’ responsibility to protect. We celebrate that achievement, and many people around the world, sir, will be thankful to you for your leadership on that front.

Persecution of Christians Overseas

2. Martin Vickers (Cleethorpes) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas.

4. Victoria Prentis (Banbury) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas.

17. Alex Chalk (Cheltenham) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas.

22. Paul Masterton (East Renfrewshire) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): It is a pleasure to interrupt a mammoth Cabinet meeting to enjoy the harmony and consensus for which the House is famous. [Laughter.]

The United Kingdom has long championed freedom of religion, but I think we should do more for the estimated 240 million Christians who face persecution for their faith around the world. I have therefore asked the Bishop of Truro to conduct a review, which I hope he will deliver in the summer.

Martin Vickers: The Secretary of State will no doubt be aware of an Open Doors report which predicts a 14% increase in the persecution of Christians this year. It also says that North Korea is the most dangerous place in which to practise Christianity, where it is seen as a threat to the Communist regime. What work are the Government doing with such non-democratic countries to try to ease the persecution of the Christian community?

Mr Hunt: I thank my hon. Friend for mentioning the Open Doors report, which contains some stark statistics. It states, for example, that 80% of the people who suffer persecution for their religious belief are Christians. The most striking statement is that the vast majority are in the very poorest countries: this is not, on the whole, a problem affecting people who live in affluent countries.

My hon. Friend is right to mention that countries such as North Korea have been singled out. The purpose of the review is to ensure that we use all the UK’s diplomatic leverage to highlight these issues and put pressure on those regimes to change.

Victoria Prentis: The Open Doors report says that about 245 million Christians are suffering high levels of persecution in 73 countries. Where is the UK focusing our help?

Mr Hunt: I want to ensure that we exercise maximum influence where we have that influence. The striking thing about that report is that, notwithstanding the comments that my hon. Friend the Member for Cleethorpes (Martin Vickers) made about North Korea, some of the worst offenders are in the middle east, notably Afghanistan, Libya, Sudan and Somalia, where the population of Christians has fallen from 20% to around 5%. In many of those countries, we have big aid budgets and a lot of influence.

Alex Chalk: The UK has a proud history of standing up for the rights of minority faith groups, both in the United Kingdom and overseas. As the Secretary of State says, we have a budget of over £2 billion, which is being allocated to the middle east and Syria, where the situation is particularly appalling. How can we use that budget to protect Christians from the appalling persecution they are facing?

Mr Hunt: I pay tribute to the Department for International Development, which has allocated £12 million recently specifically to promote freedom of religious belief. The gist of my hon. Friend’s question is right—where we have a large aid budget, with countries such as Afghanistan, it is absolutely essential that we make it clear to the Government in those countries that we are expecting progress on freedom of religious belief. We need to remember that many of the worst conflicts in the world have happened because people of different religions have clashed, so promoting harmony between religions is one of the best long-term ways of promoting peace.

Paul Masterton: Does the Foreign Secretary share my concern that often the persecution of Christians does not get the attention that it deserves—almost as though there was a bizarre hierarchy of victims, whereby they are not deserving of the same degree of attention as others? If we are serious about tackling freedom of
Mr Hunt: My hon. Friend is right. I think it is fair to say that there has been some hesitancy in the past in our embracing the issue of persecution of Christians—whether from a misguided concern about our history and the role of missionaries, I do not know—but now is the time when we have to put all that behind us and say that freedom of religious belief is an essential and indivisible part of freedom, full stop. The UK should always be on the right side of that issue.

Derek Twigg (Halton) (Lab): Christians are among the most persecuted believers in the world, and clearly we have to do more to help. I welcome what the Foreign Secretary has said about the work that he has commissioned. Are Christian women not often doubly persecuted, for both their religion and their gender? That needs looking at very closely as well; there needs to be more work around the world with Governments to tackle that problem.

Mr Hunt: The hon. Gentleman is absolutely right. I would widen the point even further, and say that women from all religions, not just Christian religions, are double victims. Where there is persecution of any religion, often women come off worst. I think the most inspiring example of courage in the face of that persecution is Nadia Murad, the recent Nobel peace prize winner, a Yazidi campaigner who suffered absolutely horrifically but is an inspiration to persecuted women all over the world.

Helen Jones (Warrington North) (Lab): Could the Government go one step further in contesting the persecution of Christians around the world by making it clear that Asia Bibi, who has been persecuted for many years for her faith, will be offered asylum in this country for herself and her family, should she wish to accept it?

Mr Hunt: I thank the hon. Lady for her interest in the Asia Bibi case, which I know is shared in all parts of this House. I reassure the hon. Lady that making sure that she is safe, and has somewhere safe to go, is a top priority for this Government. We have had numerous private discussions with the Pakistani Government about how to progress this issue. I do not want to go into the details of those discussions, but we are making progress and I am very hopeful that this will have a positive outcome.

Chris Evans (Islwyn) (Lab/Co-op): Riscia in my constituency has a large Egyptian Coptic church, to which many people travel every weekend to worship. Many of their family members and friends are subject to terrible persecution in Egypt and have been, as the Secretary of State knows, subject to terrorist acts. What reassurance can he give my constituents and those who travel to the Coptic church that everything is being done to stamp that out?

Mr Hunt: The atrocities suffered by the Copts are some of the very worst suffered by Christians anywhere, and there have been several examples of those in Egypt. However, the Egyptians are trying very hard to address these issues. They recently opened a brand-new cathedral, and that is a big step forward for any country in the middle east. We obviously want to encourage them on the journey.

Helen Goodman (Bishop Auckland) (Lab): It is good that the Foreign Secretary has come to the peace zone—this Chamber—this morning.

China continues to be one of the most dangerous places in the world to be a Christian. Non-approved churches are being closed down and pastors are being jailed. How does he intend to strike the balance between valuing China as a post-Brexit trade partner and standing up for those people in China whose human rights are being abused because of their religion?

Mr Hunt: I thank the hon. Lady for asking that question. Of course China is an important country with which we have critical relations in the world, but having those relations means that we have to be able to raise issues of concern when we meet our Chinese counterparts. That is what I did when I visited China in August last year and raised concerns about freedom of religion in Xinjiang province. We had the universal periodic review in November last year, and concerns were also raised at the 40th session of the United Nations Human Rights Council. We will continue to raise those concerns with China at every opportunity.

Rules-based International Order

3. John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): What steps he is taking to strengthen the rules-based international order.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): The rules-based international system has made the world collectively massively safer and more prosperous than it has ever been before. This country played a major role in setting it up and we will always defend it, as we did when we held Russia to account after the terrible attack in Salisbury.

John Lamont: It has now been five years since the annexation of Crimea by Russia and since then Putin has repeatedly proved to be one of the greatest threats to the rules-based international order. The UK has led international efforts to try to make Russia see sense, and this has very much taken place online and in the media. With this in mind, will the Foreign Secretary join me in urging Members of Parliament to think twice about appearing on Russia Today, which remains a propaganda tool of the Russian state?

Mr Hunt: I absolutely agree with my hon. Friend’s comments; he could not be more right. It is incredibly important that when Russia does things such as invading neighbouring countries, as it did in Crimea, no one in this House should say things such as the Leader of the Opposition said, which is that Russia has more right on its side than Ukraine. That is quite wrong, and it is giving people permission to do that kind of thing again.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): Climate change is the biggest challenge facing the world today. Will the Foreign Secretary tell us what the Government are doing to maintain an international
focus on this and, in particular, what representations he has made to the Trump Administration in the United States on this crucial question?

Mr Hunt: We have been investing a huge amount in our global leadership on climate change, and we are the G20 country that has the biggest drop in emissions per unit of GDP. We are also bidding to host COP 26, which will be the next big climate change conference on the fifth anniversary of the Paris conference. We have a different view from that of the Trump Administration, and we are very open about that with them. It is all the more important that the countries that do not share their view and that think we have a responsibility to future generations should stand proud in our support for this vital agenda.

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend has made powerful comments about the role of the United Kingdom as a network player in the international rules-based system. Will he tell the House a little bit about the work he has been doing with our European partners, especially after the Foreign Affairs Committee published its report about a year ago on how to look forward to working with our European partners, on supporting the international order and the international rules-based system that Britain played such an important part in building?

Mr Hunt: I thank my hon. Friend for raising that issue. In all the debates we have about Brexit—I have now met my counterparts in every EU country—the one thing that comes across loud and clear is that the part of the world that has suffered the most from not having adherence to a rules-based international order is Europe. That is why European countries say to us constantly that they want to continue to have their vital strategic and military relations with the United Kingdom, whatever the outcome of Brexit, and that they want Britain to play a strong and influential role in upholding the rules-based order across the world. That is what we will do.

Gareth Thomas (Harrow West) (Lab/Co-op): The rules-based international order would be strengthened if countries were seen to be held accountable for adhering to the conclusions of the United Nations Human Rights Council. What steps are Ministers taking to hold Sri Lanka to account for its failure to bring to justice those who are guilty of perpetuating major human rights abuses?

Mr Hunt: This is something on which my right hon. Friend the Minister for Asia and the Pacific did a great deal in her career, to the concept of the rules-based world order? On that subject, we must note that it is six months to the day since Jamal Khashoggi was brutally murdered by Saudi agents in their embassy in Istanbul. The greatest tribute that we can pay to him today is not to look back at his death but to look at the murder of innocent children in Yemen whose lives he tried to save with his journalism and which matter just as much as his did.

I realise that I have not asked a question, so let me say this. In that light, what possible justification can the Foreign Secretary offer for the Saudi air strike last week on the Save the Children-supported hospital in Kifaf, which was clearly marked on the Saudi no-strike list? The strike killed three adults and four children, including an innocent child aged just eight years?

Mr Hunt: Let me tell my opposite number that that is exactly why we are doing everything that we possibly can to try to create peace in Yemen. It is why I am the first western Foreign Minister to meet the Houthi side, even though they were the ones that were the cause of the conflict when it began four years ago. I am the first
promote freedom and democracy and offer support to surrounding countries that are dealing with the refugee crisis as a direct result of this abhorrent regime?

Sir Alan Duncan: I can give assurance to my hon. Friend on all those things. We are working closely with all international partners to find a resolution to the fact that the Maduro regime has completely bankrupted his country and made it destitute to the point where 3.6 million people have fled to neighbouring countries.

Mark Menzies: Throughout my visits to the region, it has become abundantly clear that the humanitarian situation in Venezuela is having a huge impact across Latin America. What steps is my right hon. Friend taking to address the consequences of the continued political humanitarian abuse?

Sir Alan Duncan: May I first congratulate my hon. Friend on all his work in the region as an effective trade envoy? He has built up some very good relationships to our benefit.

We are, of course, working with the Department for International Development to deliver a humanitarian aid package of over £6.5 million, on top of the multilateral activity to which we always contribute in such a significant way.

Conor McGinn (St Helens North) (Lab): In its declaration last month, the Lima Group called on the UN high commissioner for human rights to publish a report on human rights abuses in Venezuela. Can the Minister tell us what discussions he has had with the United Nations about this? Although the UN has been vociferous about the impact of sanctions on the regime, it has been strangely silent on the curtailment of the freedom of the press and other human rights abuses in Venezuela.

Sir Alan Duncan: I am delighted to hear an Opposition Member raise the topics of the abuse of human rights and freedom, on which we have been speaking very loudly and on which we are working very deeply with the Lima Group. The fundamental issue is Venezuela’s poverty. People cannot get basic goods, and the fact that President Maduro is blocking aid from getting into his own country is so contemptible that, on both sides of the House, we should all speak with one voice in condemning it.

Mr Gregory Campbell (East Londonderry) (DUP): Given the continuing humanitarian and political crisis in Venezuela, does the Minister agree that we need to ensure that both the Lima Group and other Government agencies in both North America and South America additionally press President Maduro to ensure that food supplies are delivered to the people of Venezuela?

Sir Alan Duncan: Yes, indeed. All countries across the world have to do their bit. Canada and the European Union international contact group are doing a lot. We all have to work together, and one of the most concerning developments at the moment is that President Maduro is trying to strip Juan Guaidó of the immunity he enjoys as a member of the National Assembly. We in this House should send out a very clear message today that that would be utterly unacceptable and that Juan Guaidó is the interim President we recognise.

western Foreign Minister to visit Yemen to see where we could progress the Stockholm accords. I am not prepared to let Labour pose as the great humanitarians, as their foreign policy is to support an evil regime in Venezuela that stops its own people accessing food and medicine—it just does not work.

Several hon. Members rose—

Mr Speaker: We need to speed up, because progress is slow.

Emily Thornberry: Does the Foreign Secretary understand the frustration we feel in this House when time and again over the last four years, including on Jamal Khashoggi, we get the same response from the Government? They regret what happened, they want a proper investigation by the Saudis, they promise real consequences and nothing ever happens. There is no investigation, there are no consequences and bin Salman carries on with complete impunity.

I ask the Foreign Secretary yet again what it will take for this Government finally to tell bin Salman that he cannot keep getting away with murder.

Mr Hunt: The right hon. Lady just is not reflecting what has happened. Thanks to action by this Government and other Governments, a judicial process started in Saudi Arabia on 3 January and we are sending observers. We have a UN special rapporteur, Agnes Callamard, who is responsible for looking at extrajudicial, summary or arbitrary executions, and she is leading an independent international inquiry.

When I became Foreign Secretary—the right hon. Lady was shadow Foreign Secretary then, too—we did not have a peace process in Yemen, and now we do, which is thanks to the UK and the huge diplomatic effort we have been making.

Venezuela

5. Alec Shelbrooke (Elmet and Rothwell) (Con): What discussions has he had with the Lima Group on the political and security situation in Venezuela. [910165]

18. Mark Menzies (Fylde) (Con): What discussions he has had with the Lima Group on the political and security situation in Venezuela. [910178]

The Minister for Europe and the Americas (Sir Alan Duncan): On 4 February, I attended a Lima Group meeting in Ottawa at the invitation of the Canadian Foreign Minister. At the meeting I spoke to the Foreign Ministers of Colombia and Brazil about the crisis in Venezuela. I have also spoken recently to Chilean Foreign Minister Ampuero and Peruvian Vice-Foreign Minister de Zela. We continue to work closely with the Lima Group, the Organisation of American States, the United States and like-minded European and international partners to find a peaceful solution to the crisis in Venezuela.

Alec Shelbrooke: The Labour party and its leadership have an unforgivable record of defending the Maduro regime, which is so toxic that people have started leaving the party. Can my right hon. Friend assure the House that this Government condemn the human rights abuses and the regression of democracy, and will continue to
Colombia Peace Process

6. Christian Matheson (City of Chester) (Lab): What assessment he has made of the progress on the Colombia peace process. [910166]

The Minister for Europe and the Americas (Sir Alan Duncan): Since 2016, Colombia has made significant progress in its peace process; the FARC is now a political party and the last elections were the safest in decades. I reaffirmed our full support for the peace process with the Colombian Foreign Minister on 4 February in Ottawa. The UK has expressed concern to the Colombian Government over delays in the transitional justice system, which is a critical part of the peace process. We continue to support the process through the conflict stability and security fund.

Christian Matheson: I understand that there were a couple more paramilitary killings last week. Did the Minister read the report by Michel Forst, the UN special rapporteur, who has said that the national landscape continues to be plagued by violence, particularly gender-based violence? Will the Minister put the problem of the continuing structural gender-based violence in Colombia on the agenda for the November conference on the preventing sexual violence initiative?

Sir Alan Duncan: Yes, I certainly will, because preventing sexual violence against women is one of the UK’s human rights priorities in Colombia. Indeed, Foreign Office officials recently met the hon. Member for Bishop Auckland (Helen Goodman) to discuss that. I hope that illustrates once again the extent to which we are really working together across the House to tackle these vexed problems at all levels, in every way we can.

Diplomatic Relations: Saudi Arabia

7. Mrs Emma Lewell-Buck (South Shields) (Lab): What recent assessment he has made of the strength of the UK’s diplomatic relations with Saudi Arabia. [910167]

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): I visited Saudi Arabia most recently on 2 March. We have a long history of close co-operation in support of regional stability, alongside frank conversations on areas of concern, including human rights.

Mrs Lewell-Buck: I thank the Foreign Secretary for that answer. A UN human rights expert has said that the court proceedings relating to the murder of Jamal Khashoggi have been secret and fall short of international standards, and it was reported only today that Saudi Arabia is paying his family so that they continue to show restraint in their public statements. Can the Foreign Secretary update us on any conclusions that he has reached from the promised credible investigation into the murder?

Mr Hunt: I can assure the hon. Lady that we have been clear from the outset that what happened to Khashoggi was fundamentally against our values, and that there has to be full accountability and a transparent judicial process that meets international standards. That process has started and we continue to monitor it; we are sending observers to see what happens in the trial process. We continue to exercise our strong views on the issue, in private and in public.

13. Dr Paul Williams (Stockton South) (Lab): Leaked medical reports published in The Guardian last weekend showed that Saudi political prisoners have been subjected to torture, some are malnourished and others have been denied access to medical care. Are the Government silent on this?

Mr Hunt: Absolutely not. I raised the issue of detained women campaigners when I was recently in Saudi Arabia, and the Prime Minister has raised the case of Raif Badawi, the blogger who was sentenced to 1,000 lashes. The interesting thing about the report, if it is true, is that it was commissioned by the King, who wants to understand what is going on in the prisons, to ensure that they meet international standards of humanitarian justice.

Ann Clwyd (Cynon Valley) (Lab): Can the Foreign Secretary confirm that in the past week three women human rights activists have been released conditionally on bail in Saudi Arabia? What are the Government doing to press for the release and discharge of other women in prison?

Mr Hunt: I had not heard that report, but it would be excellent news. I can reassure the right hon. Lady that I raised the issue when I met the Saudi Foreign Minister on my recent visit. We have asked to have access to the trials, but that has been denied. We continue to follow the case very carefully and press it at every opportunity.

Middle East

8. Guto Bebb (Aberconwy) (Con): What assessment he has made of the diplomatic implications of rocket fire from Gaza towards Tel Aviv. [910168]

The Minister for Asia and the Pacific (Mark Field): We are concerned by the recent violence in Israel and Gaza, and we welcome the Egyptian efforts to de-escalate the situation. At the UN Security Council on 26 March, the UK condemned the rocket attacks, which injured two British-Israeli citizens. We regret the loss of life, including the death of four children in protests over the weekend—mercifully, fears of major violence were not realised. Our diplomats in the region urge all parties to continue to demonstrate restraint in the tense days that lie ahead.

Guto Bebb: I thank the Minister for his response and associate myself with his comments. Last month, more than 60 rockets were fired from Gaza towards Israel. Two were intercepted above Tel Aviv, while another destroyed a residence in central Israel that was occupied by a British-Israeli family, resulting in injuries, including to a six-month-old baby. What steps are the Government taking to support our ally, Israel, as it fights this terrorist attack on the country?

Mark Field: I think we all recognise that Israel is an important strategic partner for the United Kingdom and that we need to collaborate actively on issues of
defence, security and intelligence. In October 2018, the Government launched the UK-Israel counter-terrorism dialogue to share best practice and insights on a wide range of capabilities. We are now committed to holding such a dialogue annually, which will help to complement the already strong operational relationship between our countries.

21. [901081] Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Two weeks ago at the United Nations Human Rights Council, the UK abstained on a motion to support accountability for violations of international law in the occupied Palestinian territories. Since then, another Palestinian health worker, Sajid Muzher, has been shot and killed by Israeli forces—the fourth in just this year. Does the Minister agree that the killing of Palestinian medics is fuelled by the impunity that results this year? Does the Minister agree that the killing of Palestinian medics is fuelled by the impunity that results from countries not voting at the UNHRC? Will we use our vote in future?

Mark Field: There are two issues at stake, so I shall go into some detail, if I may. We abstained on that UNHRC resolution calling for an inquiry on the basis that the substance of such a resolution must be impartial and balanced. We could not support such an investigation when the resolution refused explicitly to call for an investigation into non-state actors such as Hamas. I should also say—this relates to the hon. Gentleman’s Question 21—that we have stressed and will continue to stress the importance of protecting and delivering medical services, particularly in Gaza. As recently as 28 March, the Department for International Development announced a new £2 million package for the International Committee of the Red Cross, which will contribute to the delivery of urgently needed supplies.

Bob Blackman (Harrow East) (Con): What action has my right hon. Friend taken, given that Hamas is organising for women and children to go to the border between Gaza and Israel and therefore provoking violent confrontations?

Mark Field: Clearly, we want to try to avoid violent confrontation at all costs. As I said in my earlier answer, mercifully the major concerns about violence at the protests this weekend, which we felt could have been a lot more serious than they were, were not realised. My hon. Friend will recognise that we do all we can on the ground to try to defuse some of the tensions. That is an important part of our diplomatic work, which we do with other countries as well, of course.

Joan Ryan (Enfield North) (Ind): I utterly condemn the latest rocket attacks that the hon. Member for Aberconwy (Guto Bebb) raised. We know that Hamas is given tens of millions of dollars a year by Iran to fund these terrorist acts. What steps are the Government taking to stop the Iranian regime funding barbaric middle east terror groups such as Hamas?

Mark Field: The right hon. Lady is absolutely right. She will recognise that Hamas is one of a number of Iranian proxies in the region. Our position is that Hamas must renounce violence, recognise Israel and accept previously agreed and signed agreements. We condemn Hamas and other terrorist groups for firing rockets into Israel from not only Gaza but elsewhere, in the way described by my hon. Friend the Member for Aberconwy. Those groups must permanently end such attacks against both civilians and defence forces.

Overseas Soft Power

9. Alan Mak (Havant) (Con): What steps he is taking to enhance UK soft power overseas.

15. Craig Mackinlay (South Thanet) (Con): What steps he is taking to enhance UK soft power overseas.

The Minister for Asia and the Pacific (Mark Field): We regard the UK as a soft power superpower, and this is widely recognised in independent international surveys and reports. A few more tongue twisters and I will be anyone’s! This is the sort of thing you want to do at 11 in the morning, not 11 o’clock at night. The FCO vigorously continues to support the UK’s soft power through the funding of, among others, Chevening scholarships, the British Council and the BBC World Service.

Alan Mak: The Commonwealth is one of the driving forces of UK soft power around the world. What plans does my right hon. Friend have in place to capitalise on these relationships to improve our power and security?

Mark Field: My hon. Friend is absolutely right that the UK has an unbreakable connection to the Commonwealth and the democratic, inclusive values that it upholds—we discussed earlier the importance of maintaining a rules-based international order, particularly in these uncertain times. The Commonwealth also proudly represents some of the fastest-growing economies and accounts for one fifth of global trade. We shall of course continue to work closely with all members of the Commonwealth to ensure that it realises its full potential in that regard, and to ensure a more sustainable, prosperous and secure future.

Craig Mackinlay: Royal Yacht Britannia played a key role in promoting UK trade around the globe during her years of active service. More than 50 Members of this House believe that such a role would be enhanced post Brexit and that a new national yacht would help to promote our international humanitarian role. Will the Government support our campaign in this brave endeavour?

Mark Field: I fear that I may have to disappoint my hon. Friend, who represents a coastal constituency. As a regular visitor to Broadstairs in his constituency, I know what a wonderful part of the country it is, but I have to inform him that there are no plans to commission a new royal yacht for the royal family.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Can we include in soft power the work of the Commonwealth Parliamentary Association and the Inter-Parliamentary Union? Will the Minister help us to breathe life into those organisations so that we can get meaningful dialogue on the issues that really worry us, such as the rights of
Christians, including the persecution of Christians in Pakistan? Why are we not having that sort of debate here?

Mark Field: I say to the hon. Gentleman that, with regard to the CPA and the IPU, we do. I appreciate that, for many Members who wish to get more engaged, travelling is obviously difficult because of the nature of the electoral arithmetic at the moment. May I also point out the incredibly hard work that goes on at the Westminster Foundation for Democracy, particularly with regard to getting constitutional change in many parts of the world? Many of those programmes are done on a cross-party basis, which provides a very positive stance for UK democracy abroad and will, hopefully, enhance aspects of the soft power to which he refers.

Stephen Gethins (North East Fife) (SNP): Can the Minister tell us what impact Brexit has had on the UK’s reputation, and whether a no-deal Brexit will be better or worse for that reputation?

Mark Field: Ironically, a recent UN report showed the UK rising up the happiness league, but I appreciate that some of these surveys cannot be relied on too much. On a serious note, the hon. Gentleman makes a fair point, and it is a concern for all of us as Foreign Office Ministers who work abroad. It is very easy for us in this country to be a little bit self-deprecating about Britain and its brand abroad, but I am always very struck—certainly in Asia and the Pacific, and, with my new responsibilities, in the middle east—by just how respected the UK and its brand are. Those countries recognise that there are some uncertainties at the moment, but that view will continue.

Stephen Gethins: I am glad that the Minister recognises the challenges, but as he might have said in “Jaws”, “You’re going to need a bigger yacht.” We have heard Pascal Lamy talk about the UK’s reputation being much diminished and Jürgen Maier from Siemens talk about the country’s tremendous reputation as an economic powerhouse being wrecked. We need to address that, as it is not good for any of us. Will the Minister recognise that there are some uncertainties at the moment, but that view will continue.

Mark Field: It is incumbent on all of us not to talk the country down in what we appreciate are difficult times. We want to see progress—significant progress—in this regard. I am struck by the fact that we are experiencing slightly hyperbolic, frenzied activity in this House and, dare I say it, among some commentators. As I have said, what I see on the ground is that we have been respected for many, many decades and that a huge amount of work goes on, not least in the soft power area. I am sure that that will go from strength to strength in the years to come.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): Lord Ricketts, the former head of the Foreign Office and an expert in soft power, said last month: “The Foreign Secretary is making a big mistake if he thinks this blame game over Brexit is going to change any minds in Europe.” Does the Government accept that Lord Ricketts is right, and that the only ones responsible for this Brexit mess are this Government alone?

Mark Field: I had a chance to speak directly with Lord Ricketts in a radio studio a week ago. He recognises, I think, the difficulties that we face in dealing with the Brexit negotiations. I have been out not just to Brussels, but to the OECD in Paris recently. Again, I was very struck, as I worked with counterparts, by the fact that there is an important agenda, and that many European countries recognise the importance of the UK. We need to have the strongest of relationships. Clearly there are uncertainties about the precise nature of our departure from the European Union, but that is a part of it.

Sir Hugo Swire (East Devon) (Con): Will my right hon. Friend commit to speaking with his other partners in the Government to try to obtain more funding for the GREAT campaign, which plays an extraordinarily important role in promoting the UK—and our products and companies—globally?

Mark Field: The GREAT campaign is a fantastic success. Part of my role is to deal with communications, representing the Foreign Office on a cross-departmental basis. We recognise the importance of this particular campaign and work strongly on it, particularly with the Department for International Trade.

Several hon. Members rose—

Mr Speaker: We are late, but if colleagues were in a caring, sharing mood, and were prepared to consider each other, we could get through a little more.

Catalonia

10. Marion Fellows (Motherwell and Wishaw) (SNP): If he will take steps to promote human rights and self-determination for Catalonia in Spain.

The Minister for Europe and the Americas (Sir Alan Duncan): Thank you so much, Mr Speaker; I am ever grateful.

As I have previously made clear to the House, the situation in Catalonia is a matter for Spain. We remain clear that questions related to the issue of Catalan independence should be resolved within the proper constitutional and legal channels of Spain.

Marion Fellows: It is everyone’s responsibility—including this Government’s—to uphold human rights. Far from becoming the major global player that Brexiteers imagine, the UK appears more and more irrelevant on the world stage. Is it the case that the UK Government are not seeking to uphold self-determination for Catalonia because they need Spain’s help in further Brexit negotiations?

Sir Alan Duncan: No, it is because we uphold the rule of law, as we have discussed earlier in questions. We uphold the rule of law here with Scotland and we uphold it in Spain with regards to Catalonia. Certain accusations that Spain somehow has political prisoners are absurd. It does not house political prisoners; it has prisoners who happen to be political.

Richard Graham (Gloucester) (Con) rose—

Mr Speaker: A sentence, Mr Graham.
Richard Graham: Tolerance of people of different faiths and sexualities is incredibly important for the promotion of human rights. Does my right hon. Friend therefore share the disappointment of many that tomorrow, the kingdom of Brunei—a key Commonwealth partner and long-term ally of the UK—is introducing the death penalty for homosexuality?

Mr Speaker: No, no, no—sit down. The question is about Catalonia. [Interruption] Well, I have been advised, and I am afraid that the question did not strike me as in order. We must move on. The hon. Gentleman can try again later.

Lebanon

11. Bob Stewart (Beckenham) (Con): What recent diplomatic steps has he taken to help ensure a secure and stable Government in Lebanon.

The Minister for Asia and the Pacific (Mark Field): The UK remains fully committed to helping to promote Lebanon’s security and stability. The Prime Minister conveyed that message to Prime Minister Hariri as recently as 24 February. We provide direct support to Lebanon of over $200 million a year. These funds help to secure borders, to provide the opportunity of education and to strengthen service delivery.

Bob Stewart: What specific security assistance are Her Majesty’s Government providing on the borders of Lebanon?

Mark Field: I thank my hon. Friend for his question, as I know he takes these matters extremely seriously. We have invested more than £60 million in Lebanese security since 2012. By 2020, we shall have trained over 11,000 soldiers in specialist and essential infantry skills and techniques for urban and rural security operations across the board. This assistance includes significant support for the land border regiments, and has helped to secure Lebanon’s border with Syria for the first time in its history.

Jim Shannon (Strangford) (DUP): Some 1.25 million Christians have fled Syria to go to Lebanon. Will the Minister confirm what help he has been able to give to those Christian refugees?

Mark Field: I know that the hon. Gentleman takes these matters extremely seriously, and the House greatly respects him for that. Many of those refugees, and some Palestinian Christians, have been in Lebanon in waves going back 20 or 30 years. Obviously, a huge amount of Department for International Development work goes on in the area. We recognise that many people have been there for quite some time and will be there for quite some time to come, and we therefore try to enhance their economic opportunities. The UK has played a leading part in trying to ensure tariff-free access to EU markets for many of those individuals.

Lesotho

12. Ian C. Lucas (Wrexham) (Lab): If he will make an assessment of the level of democratic governance in Lesotho.

The Minister for Africa (Harriett Baldwin): Lesotho continues to experience political fragility and democratic and development challenges. Together with the Southern African Development Community, we are working to support the implementation of governance reforms.

Ian C. Lucas: Prime Minister Tom Thabane and Minister John Maseribane both admitted to Channel 4 News that they had received payments into their personal bank accounts from Mr Arron Banks. Will the Minister meet me to discuss governance in Lesotho, its current position in the Commonwealth and the advice that she is giving to British companies operating in Lesotho about the Bribery Act 2010?

Harriett Baldwin: I welcome the hon. Gentleman’s question, and the strong links that exist between people in Wales and people in Lesotho. Of course, I am always delighted to meet the hon. Gentleman. Regarding the allegations made on Channel 4, we urge anyone with evidence to give it to the appropriate authorities.

Topical Questions

T1. 910185 Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): I start by paying tribute to my right hon. Friend the Member for North East Bedfordshire (Alistair Burt), who stepped down last week. He served twice as Minister for the Middle East and was immensely respected and liked both in the Foreign Office, which does not happen with all Ministers, and in this House for his integrity, wisdom and kindness.

Tomorrow marks the third anniversary of the detention of Nazanin Zaghari-Ratcliffe in Iran. I know that I speak for the whole House in hoping that the Iranian authorities will see beyond the differences between our two countries and allow this innocent woman to come home and join her family.

Lloyd Russell-Moyle: Today is the 107th day of Imam Sis’s hunger strike. My hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) and I visited him in Newport East this weekend. He is one of 1,000 Kurds on hunger strike around the world, demanding that Abdullah Öcalan is allowed access to his lawyer and removed from solitary confinement. Turkey is a NATO member and has the highest number of MPs and journalists in prison in the world, following—

Mr Speaker: Order. I am sorry, but this is an abuse of the House. What we want is a one-sentence question with a question mark at the end of it. Lots of other colleagues want to take part. One question, Mr Russell-Moyle.

Lloyd Russell-Moyle: Has the Foreign Secretary raised the matter with Turkey, and will he send representations to the Council of Europe following the Welsh Assembly’s resolution?

Mr Speaker: Excellent. Thank you.
Mr Hunt: I am very happy to look into the case in detail for the hon. Gentleman. Turkey may be a NATO ally and an important friend of the United Kingdom, but that does not prevent us from raising important human rights issues.

T2. [910186] James Cleverly (Brayintree) (Con): What assessment has the Department made of the validity or otherwise of accusations of vote rigging in the recent Nigerian elections? Further to that, what support will be given to ensure the integrity and independence of the judiciary in Nigeria and the upholding of the rule of law?

The Minister for Africa (Harriett Baldwin): The UK was one of the funders of what is known as a parallel voter tabulation exercise, which is like an extensive BBC exit poll. It gave a result that was consistent with the officially declared results, and our Prime Minister called President Buhari to congratulate him on his re-election. However, we are aware of various reports from both our observers and others, and a strong stance against election-related violence was taken yesterday in my meetings with Nigerian opposition leaders, where I emphasised that concerns must be taken through the judicial process and that the independence of the judiciary in Nigeria is incredibly important.

Fabian Hamilton (Leeds North East) (Lab): As my hon. Friend the Member for Gower (Tonia Antoniazzi) said in respect of Cameroon, if Brunei does not abandon its barbaric proposals to whip or stone LGBT+ individuals to death, will the Minister of State guarantee that the Government will ask their counterparts on the Commonwealth Ministerial Action Group to consider Brunei’s immediate suspension?

The Minister for Asia and the Pacific (Mark Field): I raised with the Bruneian Government my concerns over the introduction of the hudud punishment most recently in a letter to the deputy Foreign Minister on Friday 29 March, and I discussed the imminent introduction of the Sharia penal code when I was in Brunei last August. Our high commissioner Richard Lindsay in Bandar Seri Begawan has also received assurances that both common law and the sharia penal code will operate in parallel for all nationals and residents, including British citizens, and be the primary means of administering justice in Brunei. We will continue to lobby to ensure that any British citizens in Brunei will be subject to common law rather than the penal code.

T3. [910187]R Theresa Villiers (Chipping Barnet) (Con): I thank the Government for securing United Nations Human Rights Council resolution 34/1 on Sri Lanka, but do Ministers share my grave disappointment that, 10 years after the horrors of Mullivaikkal, no one has been brought to justice for war crimes in the Sri Lankan conflict?

Mark Field: I reiterate the earlier comments of my right hon. Friend the Foreign Secretary. We welcome Sri Lanka’s co-sponsorship of a new resolution of the UNHRC in March, which continues its reconciliation and accountability commitments. However, I understand that my right hon. Friend speaks for many of her constituents who come from the Tamil part of Sri Lanka. As a penholder, the UK has played a leading role in trying to bring the parties together, but while we accept that positive steps have been taken, much faster progress is needed. We shall continue to urge Sri Lanka to implement fully its commitments under UNHRC resolutions 30/1 and 34/1.

T5. [910191] Toby Perkins (Chesterfield) (Lab): I draw the House’s attention to my entry in the Register of Members’ Financial Interests. The Foreign Secretary has spoken about the pernicious role of the Iranian Government in various disputes around the middle east, not least in support of the Houthis in Yemen. What more can he tell us about what Britain is doing alongside his counterparts around the world to put serious pressure on the Iranians, not only on human rights abuses in their own country but on the appalling role they play right across the middle east?

Mark Field: The hon. Gentleman is right; Iran’s human rights record remains a matter of serious concern. On 17 December, the UK co-sponsored a UN resolution on human rights in Iran, highlighting its failure to meet a whole range of international obligations in that area.

T4. [910189] Neil Parish (Tiverton and Honiton) (Con): Newly elected President Mnangagwa of Zimbabwe is not restoring good governance and human rights or rooting out corruption in the country. What more can we do as a soft power superpower to ensure that the Zimbabwean Government root out corruption, recognise human rights and bring in inward investment, to return prosperity to that great country?

Harriett Baldwin: I welcome my hon. Friend’s question and reassure him that we are doing everything we can. We summoned the Zimbabwean ambassador to the UK to register our concerns about the human rights violations and abuses that were noted in the January fuel protests. I travelled to southern Africa and met a range of neighbours to encourage them to send the same message as Commonwealth countries to the Government of Zimbabwe. If the Government of Zimbabwe would only follow through with the things they have said they will do, we would not be in this situation.

T7. [910193] Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the Secretary of State consider hosting a major conference on the rights of women? Is he not disturbed by the reports of rape being used worldwide against women as a punitive measure? It is scandalous, and the lion woman’s brave avenging of the rape of her daughter should be celebrated—cautiously, of course. Can we have an international conference on the rights of women?

Mr Hunt: Yes we can, and indeed we will. This November, we will host a major conference on the prevention of sexual violence as a tool of conflict. I have met Nadia Murad and Dr Denis Mukwege, the Nobel peace prize winners who have campaigned on this issue. Whether it is Colombia, the Democratic Republic of the Congo, Iraq or Burma, we are clear that this has to become an international taboo.

T6. [910192] Mr Philip Dunne (Ludlow) (Con): What advice would my right hon. Friend give to those on the Opposition Benches, and particularly on the Opposition
Front Bench, who regard the regime in Venezuela as a leading exemplar of government, despite its sending 2 million refugees into Colombia, putting up roadblocks to prevent aid from coming into the country and inviting in Russian troops to keep the peace?

**Mr Hunt:** I would say to them that the shadow Chancellor was absolutely right when he said that Venezuela was "socialism in action".

T8. [910194] Mr Jim Cunningham (Coventry South) (Lab): This year marks the 10th anniversary of the end of the civil war in Sri Lanka. What is the Minister doing to promote the civil rights of Tamils in Sri Lanka?

**Mark Field:** If I may, I refer the hon. Gentleman to the answer I gave my right hon. Friend the Member for Chipping Barnet (Theresa Villiers). We are doing a lot, as a penholder, and playing a leading role in trying to bring parties together. We are pleased to see that Sri Lanka is co-sponsoring a new resolution at the Human Rights Council in March in Geneva, but I appreciate that we need to see some genuine progress, and I very much hope that the international community can come together and bring that about.

Greg Hands (Chelsea and Fulham) (Con): I know that the Foreign Secretary and I will both welcome the House’s decision last night to reject an EU customs union. What assessment has he made of the foreign policy implications of such an arrangement, were it ever entered into?

**Mr Hunt:** I think people would see it as very curious that a country that voted to take back control was choosing to cede control in a number of areas of vital national interest. I think they would also be concerned that it would not resolve the national debate on Brexit, because many of the people who voted for Brexit would not see this as delivering a true Brexit.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Will the Secretary of State recognise the incredible involvement of young people across our country in striking for action on climate change? Will he not only recognise that we are facing a global emergency on climate change, but declare a national emergency on climate change, just as the Labour party has done?

**Mr Hunt:** I very much welcome young people being involved in climate change issues; I do not welcome quite so much their missing school to do so. I would say that we are making a lot of progress in this country—in fact, I think we have done more than anyone else in the G20 on climate change—but it is not enough. As a global community, we still need to do more, which is why we want to host COP 26 and galvanise the world to take more action.

Mr John Whittingdale (Maldon) (Con): Is my right hon. Friend aware that, already, another seven journalists have been killed in the course of their work this year, coming on top of the 80 who died last year? Two of those were in Mexico, which is one of the deadliest countries in the world for journalism. Will he say what more can be done to press the Mexican Government to take action?

**Mr Hunt:** I thank my right hon. Friend for raising this issue, and indeed for raising it consistently. He is absolutely right: Mexico is the most dangerous country in the world in which to be a journalist. The Mexican Government have taken action, and we are in touch with them closely about what they are doing. However, we need to draw the world’s attention to this issue. According to the latest figures I have seen, 348 journalists were arrested or detained last year for doing their job. That is why this summer, jointly with Canada, we will be hosting the first ever international conference on media freedom at ministerial level.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): What steps is the Foreign Office taking to guarantee the human rights of people in Sudan, especially since the President declared a year-long crisis in Sudan?

**Harriett Baldwin:** I am very glad the hon. Gentleman has had a chance to raise this, because it is a very serious situation, and we are engaging strongly with the Government of Sudan on the issues he raises. Most recently, I had a phone call with the Foreign Minister of Sudan in which I particularly drew attention to the women who were due to be flogged. I am very pleased to hear that they have subsequently been released.

**Crispin Blunt** (Reigate) (Con): Tomorrow, Brunei introduces a penal code that includes death for apostasy, death for adultery and stoning to death for homosexuality. I suppose at this point I should declare my interest on just how much this is a total violation of the standards we should share?

**Mark Field:** We have made and will continue to make representations. Obviously there are grave concerns about the nature of the sharia penal code, if it were brought into play. As I mentioned earlier, we are raising concerns about the introduction of the hudud punishment. We have a strong bilateral relationship—underpinned by our military presence in Brunei, as my hon. Friend will be aware—and we hope that will mitigate the potential impact of the sharia penal code on UK forces, associated civilians and their dependants.

**Emma Reynolds** (Wolverhampton North East) (Lab): What pressure can the Foreign Secretary bring to bear on the Indian Government to ensure that UK nationals in prison there have their human right to a fair trial respected? The hon. Member for West Dunbartonshire (Martin Docherty-Hughes) has been a powerful advocate for Jagtar Singh Johal. I have a similar case of an elderly constituent who has been in prison since 2015, and his family are seriously concerned about his health.

**Mark Field:** I accept that the time for which the legal process drags on in many Indian consular cases is hugely frustrating. I am obviously very happy to meet the hon. Lady in relation to this particular case.

If I may, in relation to the Jagtar Singh Johal case, let me say that I know it has been an incredibly distressing one for Mr Johal and his family. I very much respect the hard work of the constituency Member of Parliament. As the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) knows, we have met the family on
three occasions since Mr Johal was imprisoned at the beginning of 2018. The hon. Gentleman is going to meet the Foreign Secretary on 24 April.

Mr Andrew Mitchell (Sutton Coldfield) (Con): This Sunday is the 25th anniversary of the terrible genocide that took place in Rwanda, a country my right hon. Friend the Foreign Secretary knows well. The hon. Member for Wirral South (Alison McGovern), the noble Lord Popat and I will be at the ceremonies on Sunday in Kigali, representing our Parliament. Does my right hon. Friend think that the UN doctrine of the responsibility to protect—R2P—which has been so well developed by Gareth Evans, is yet sufficient to ensure that such terrible events could never take place again?

Mr Speaker: I hope the greatness of Gareth can be properly celebrated in the Chamber today.

Harriett Baldwin: I am grateful to my right hon. Friend for raising this issue. I hope to join him in Kigali this Sunday as the UK Government representative. The world can never forget the events in Rwanda 25 years ago. The world has made progress in vowing to say never again to genocide, but we must remain alert and engaged in order to prevent such incidents from happening ever again.

Patrick Grady (Glasgow North) (SNP): How does ignoring or dismissing the International Court of Justice ruling on the Chagos islands enhance the United Kingdom’s reputation as a soft power superpower or uphold the international rules-based order?

The Minister for Europe and the Americas (Sir Alan Duncan): First, it was not a ruling; it was an intermediate decision and non-binding. We are of course in discussions with Mauritius, but we fully uphold our right to take the position we have taken over many years.

Fiona Bruce (Congleton) (Con): The UK has a duty to prevent under the genocide convention. Mass atrocities are invariably preceded by red flags. Early warning signs, such as the persecution of minorities, happened in Burma against the Rohingya and, indeed, in Rwanda. What is the FCO doing to help identify and act on such red flags?

Mr Hunt: We are doing lots, but the most important thing that we have to do is make sure that when there has been genocide or alleged genocide, there is accountability. Burma is a case in point, and we hosted a major meeting on that very issue at the UN General Assembly. If there is no accountability, people think they have a chance to get away with doing it again, and that must not happen.

Jo Swinson (East Dunbartonshire) (LD): Further to the earlier answers on Brunei, we are talking about people being stoned to death for being gay—having rocks thrown at their heads again and again to draw out the process of death by blunt trauma. Surely the Minister agrees that that is barbaric, inhumane and contrary to Commonwealth values. How can the Government reverse this appalling state of affairs?

Mark Field: As I have pointed out, the Sultan of Brunei has become more religious as he has grown older, and that is one of the reasons why he wanted to bring in the sharia penal code. I was out there last August and it was very clear to me, from speaking to him and his advisers, that they envisaged that the common law stream would continue as well. I appreciate that the headlines cause concern. I have written to their representative here in the UK and made it very clear to them that this was going to cause massive parliamentary and media concern, which obviously has come to pass over the past couple of days. Our excellent high commissioner to Brunei, Richard Lindsay, is, on a day-to-day basis, making clear those grave concerns, which have also been expressed during the course of this morning’s questions.

Robert Courts (Witney) (Con): The 70th anniversary of NATO falls on Thursday. What message does my right hon. Friend the Secretary of State have for member states with regard to strengthening this alliance, which has done so much to keep peace over so many years?

Mr Hunt: NATO has, I think, been the most successful military alliance ever, and it is the foundation of our rules-based international order. My message is very simple: we must not be complacent for the future, and there is a fundamental imbalance when one half of the alliance is spending 4% of its GDP on defence and the other half—the European side—is spending between 1% and 2%.

Several hon. Members rose—

Mr Speaker: Order. Thank you, colleagues. I am grateful to all who took part, but we must move on. Demand, as usual, massively exceeds supply.
Points of Order

12.43 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): On a point of order, Mr Speaker. I gave you advance notice that I wished to raise this matter. I had a smear perpetrated against me when a snapshot of frozen film footage was printed in a tabloid paper, The Scottish Sun, suggesting that I was asleep during proceedings in this House. I contacted the journalist concerned, who had not shown the courtesy of contacting me before publishing this piece, to inform him that the film of the proceedings demonstrated categorically that I was not asleep but had for a second or two thrown my head back, appealing to the heavens in despair at chuntering in the Chamber while one of my colleagues was speaking.

As a result of this misleading article, I faced an outpouring of personal abuse against me over the weekend—and it continues—with words like “whore”, “bitch” and “lazy cow” being liberally sprinkled through messages, particularly on The Scottish Sun Facebook page. Those remarks are still online; they have not been removed, as far as I am aware.

Comments on a site in my own constituency—

[Interruption.] Mr Speaker, this is a matter of great importance.

Mr Speaker: Order. I absolutely accept the importance of the matter, and it is for that reason that I am very happy to hear the hon. Lady’s point of order. But, with the very greatest of respect, I will be the judge of how long a point of order lasts. Everything said in this Chamber is important. It is not for her to presume that she has as long as she wants. There are a lot of other colleagues who wish to speak and a lot of other matters to be debated. I am extremely sympathetic to her, and I already have in mind a very sympathetic response, but please do not say to me, “It is important,” meaning that you can go on for as long as you like. The answer to that, I am afraid, is no.

Patricia Gibson: The point I wish to make, Mr Speaker, is that this story—if it can be called that—was printed in an atmosphere of febrile political tension, when MPs’ security is a matter of great concern. It has been reposted, and the comments online continue to sit. This House should not be allowed to gain traction. It affects us all and the reputation of the House if such allegations are not robustly refuted. To be fair, she has just robustly refuted the allegation. Her concern would be serious at any time, but it is a particular concern in what I think she described as the current febrile political atmosphere. She has put her view on the matter very clearly on the record. If she considers that the allegations made against her might conceivably constitute a contempt of the House, she should write to me setting out the facts, and I will adjudicate upon that. That is the first answer.

The second answer to the hon. Lady is that, if she wishes to stage an Adjournment debate on such abuse, of which this is an example, but there are many others, she might find that a friendly Chair will facilitate an Adjournment debate for her, possibly of up to an hour and a half, in which other colleagues could take part and in which she would have a full opportunity to make such speech as she judged necessary. Thirdly, my advice to the hon. Lady in the short term is that she should get her hands on a copy of the Official Report of today’s proceedings without delay—I am sure she will do so—and ensure that it is circulated to all the outlets responsible for propagating this slur upon her good name.

Fourthly, I say to the hon. Lady in terms that leave no scope for misunderstanding that I have a good vantage point in the Chair—I say that to all Members and those observing our proceedings—and I have never in my time in the Chair observed her seen her fall asleep.

She is a veritable parliamentary Zebedee—she is constantly jumping up and down—and that, as she knows, is a compliment, not an insult. She is one of the most alert Members of Parliament. She is one of the most assiduous Chamber attendees and participants. She is without blemish, in so far as her parliamentary commitment is concerned.

I will let her into a secret. I was once—not in this Chamber—watching a tennis match at Wimbledon. It was one of the most exciting matches that I have ever watched. Momentarily, I closed my eyes, not because I had fallen asleep or had drunk alcohol, because neither of those things was true—I had momentarily closed my eyes in sheer suspense. The camera caught me and the next day it was suggested in a newspaper that perhaps I had fallen asleep. As the hon. Lady knows, the notion that I would fall asleep watching a tennis match is just inherently absurd.

I do not treat this with levity. It is extremely serious, but as far as I am concerned, it is monstrous and ridiculous, and she should circulate the Official Report, which testifies to the Chair’s view of the matter. I have a better idea than those other commentators for the very simple reason that I observe Members every day from the Chair, and she would not fall asleep—amen, end of subject, period.
On a point of order, Mr Speaker. Last week, the Minister for Asia and the Pacific said that he wanted to correct me with regard to my question, saying that the UK did not have RAF personnel in Saudi control centres. Last year, the MOD responded to other Members saying that it did and it responded to me saying that it had squadron leaders andlieutenants. It even listed the names of personnel. How do I get the Minister, who has not responded to my letter asking him to correct the record, to come here and correct the record, and state that we do have RAF personnel in Saudi control centres?

Mr Speaker: As to whether the Minister corrects the record, it is incumbent upon a Minister who thinks that he or she has erred to do so, but it is not incumbent upon me to act as arbiter of whether a correction is required. I am afraid that that must remain a matter for the Minister. Meanwhile, the hon. Gentleman, by the sedulous use of a bogus point of order, has taken the opportunity to put his own interpretation of matters clearly on the record. If I may say so, he looks mightily relieved to have done so.

Susan Elan Jones (Clwyd South) (Lab): On a point of order, Mr Speaker. At yesterday’s hearing of the Welsh Affairs Committee, I asked the Secretary of State for Wales why he had voted differently to some of his Cabinet colleagues on the extension of article 50. He informed me at that hearing that he had abstained because he had been elsewhere and had not been around at the time of the votes. It subsequently transpires that the right hon. Gentleman cast his vote by voting in both Lobbies, thereby abstaining. I ask you, Mr Speaker, whether the Secretary of State has declared any intention to you that he will come to make a personal statement on this matter. If he has not done so, can you offer me any advice on how to proceed and deal with this rather unusual discrepancy?

Mr Speaker: I have not received any indication from the Secretary of State for Wales that he intends to come to the House to make a statement on that matter. I was not entirely clear whether the hon. Lady was suggesting that the explanation that he had given from the Minister was outside the Chamber or inside it.

Susan Elan Jones: In the Select Committee, Sir.

Mr Speaker: Oh, it was in the Select Committee. Well, it was in the course of a parliamentary proceeding. I suppose the Secretary of State may think he was elsewhere than being in one Division Lobby, because he was in two Division Lobbies.

Susan Elan Jones: He said he was outside the House.

Mr Speaker: Oh, very well. If the Minister feels a responsibility to correct the record, he will do so. If not, knowing the eager beaver that the hon. Lady is, I have a feeling that she will be penning a letter and ensuring that it wings its way to the Secretary of State before very long. Whether he will await that letter with enormous enthusiasm is open to doubt.

Sir William Cash (Stone) (Con): On a point of order, Mr Speaker. May I seek your guidance? The next business is the presentation of Bills, and it is to do with the European Union (Withdrawal) (No. 5) Bill, which the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) will be presenting. Would it be appropriate for me to raise a point of order on it now or after she has presented the Bill?

Mr Speaker: After. Thank you.

**BILL PRESENTED**

**EUROPEAN UNION (WITHDRAWAL) (NO. 5) BILL**

Presentation and First Reading (Standing Order No. 57)

Yvette Cooper, supported by Sir Oliver Letwin, Hilary Benn, Dame Caroline Spelman, Jack Dromey, Alison McGovern, Mr Dominic Grieve, Clive Efford, Stephen Doughty, Norman Lamb, Ben Lake and Stewart Hosie, presented a Bill to make provision in connection with the period for negotiations for withdrawing from the European Union.

Bill read the First time; to be read a Second time tomorrow; and to be printed (Bill 371).

Sir William Cash: On a point of order, Mr Speaker. I seek your guidance on something that I raised yesterday in relation to the business motion and my very grave concern, I think shared by many people throughout the country—let alone in the House—about the idea of a Bill that is of such importance as this effectively being rammed through in one day. It is a Bill “to make provision in connection with the period for negotiations for withdrawing from the European Union.”

In short, this is a reprehensible procedure in the context of the vitally important issue of our leaving the European Union. It is unconstitutional, and it is inconceivable that we should be presented with a Bill that could be rammed through in one day. In making this point of order, I want to ask you whether you have observations on the point that I just made.

Mr Speaker: My observation is threefold. First, that the hon. Gentleman is of this view was made very clear to me by his oration yesterday. Indeed, I say in no spirit of discourtesy to him that I rather imagine that anybody within a 50-mile radius of this place would be aware of his views on this important matter, given the force and frequency with which he has expressed them. Secondly, the House voted yesterday to give precedence tomorrow to a business of the House motion, which has not yet been tabled, so we await that. Thirdly, although this is of course an unusual state of affairs, it is not unknown for a Bill to be pushed through the House in one day. For a Bill brought forward by a Back-Bench Member, it is very unusual, but it is consequent upon a decision of the House. Bills being brought forward and taken through their various stages in one day in Government time are not particularly unusual at all. For example, Northern Ireland legislation has often been taken through the House on that basis. I know that the hon. Gentleman would not object to that in the way that he objects to this, but I do not think it is as unprecedented as he supposes. It is unusual and it is a bit different from those other examples, and it grates immensely with the hon. Gentleman, but that does not of itself render it disorderly. Upsetting the hon. Gentleman is displeasing but not disorderly. I think we will have to leave it there.
Banknote Diversity

Motion for leave to bring in a Bill (Standing Order No. 23)

12.57 pm

Mrs Helen Grant (Maidstone and The Weald) (Con): I beg to move,

That leave be given to bring in a Bill to require the Bank of England to meet standards for the representation of ethnic minority persons on banknotes; and for connected purposes.

I present this Bill because I believe that the Governor of the Bank of England now has a unique opportunity to address an archaic stereotype—one that completely undermines the credible efforts towards diversity and inclusion that are indeed taking place the Old Lady of Threadneedle Street.

I must first pay tribute to the inspirational Zehra Zaidi and Dr Patrick Vernon OBE for their excellent “Banknotes of Colour” campaign, and I am glad to say that they are sitting in the Gallery today. Their campaign aims to secure the first ever ethnic minority person on a British banknote, and their efforts have already won very broad support both inside and outside the House. The Bill seeks to persuade the Governor of the Bank of England to designate a black, Asian or minority ethnic person to feature on the new £50 note, a decision that he is due to announce this summer. There have been 24 banknotes featuring a notable person on the reverse since the first was issued in July 1970. Of these, all but three have been historic white men, the notable exceptions being three women: Florence Nightingale, Elizabeth Fry and Jane Austen.

As you will know, Mr Speaker, the 2011 UK census showed that 14% of the UK population were from black, Asian or minority ethnic backgrounds. Like everywhere else around the globe, the UK population will become ever more diverse in the coming decades. We talk so much of cohesion and integration and of active, engaged citizens, but for this to be achieved people and communities need to see that their stake in Britain—in its past, present and future—is universally recognised. To include a person of diversity on our banknotes would show a fundamental shift from a national stereotype to a modern, socially inclusive attitude in one of our oldest and most traditional institutions.

Such positive action would underline the pride we have in this country’s great multi-culture and help to defeat the despicable influence of the hatred and division that seeks to destroy our libertarian way of life. The Bank of England has a duty to support and promote integration and diversity. Indeed, its own guidance states that its banknote characters should reflect the diversity of UK society. It is therefore surprising and disappointing that the Bank has so far failed to recognise the ethnic diversity of our population on our national currency. The Bill would change that.

Over the last century, our diverse communities in the UK have undoubtedly made a seismic contribution to the making of modern Britain—in business, in public services, in the NHS and even in politics. There are so many examples: Mary Seacole, the Jamaican-British nurse who supported British troops during the Crimean war and whose contribution has been recognised as equal to that of Florence Nightingale; Noor Inayat Khan, a Muslim of Indian origin, who was the first female radio operator to infiltrate enemy occupied France in world war two; Sophia Duleep Singh, the prominent Indian suffragette and member of the Women’s Social and Political Union; and not forgetting Sir Charles Kao, the British-Chinese scientist who won the Nobel prize for physics and pioneered the use of fibre optics in telecommunications. There are, of course, many other examples, but all these individuals represent the very best of Britain.

The choice of the face of the new £50 note is a wonderful opportunity for the Bank of England. It would send a message from one of the greatest institutions in the land that the contribution of diverse communities to the building of Britain really does matter and is truly valued. In doing so, it would also ensure that the UK’s currency is reflective of the diverse, inclusive and tolerant modern Britain that I know and love.

Question put and agreed to.

Ordered,

That Mrs Helen Grant, Mrs Maria Miller, Janet Daby, Dame Caroline Spelman, Caroline Lucas, Eddie Hughes, Kate Green, Clive Lewis, Jeremy Lefroy, Preet Kaur Gill, Helen Whately and Rachel Maclean present the Bill.

Mrs Helen Grant accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 372).
Privileges

[Relevant Document: Third Special Report of the Digital, Culture, Media and Sport Committee, Failure of a witness to answer an Order of the Committee: conduct of Mr Dominic Cummings, HC 115.]

Mr Speaker: The Leader of the House has tabled a motion on a matter of privilege that I have agreed should take precedence today. To move the motion, I call Mr Paul Maynard.

1.5 pm

The Lord Commissioner of Her Majesty’s Treasury (Paul Maynard): I beg to move,

That this House—

(i) approves the First Report from the Committee of Privileges (HC 1490); and

(ii) endorses the conclusions of the Committee in respect of the conduct of Mr Dominic Cummings that the evidence sought by the Digital, Culture, Media and Sport Committee from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with the work of that Committee; concludes that Mr Cummings committed a contempt both by his refusal to obey the Committee’s order to attend it and by his subsequent refusal to obey the House’s Order of 7 June 2018; and therefore formally admonishes him for his conduct.

In a week of constitutional innovation, we have one more, whereby I am standing in for the Leader of the House, who sends her apologies. I understand that she has been in touch with the Chairs of the Committee of Privileges and the Digital, Culture, Media and Sport Select Committee to explain the reason for her absence.

The House deeply respects the work of Select Committees across the House. They do incredibly important work on behalf of all the peoples of the United Kingdom, and the Government remains a strong supporter of the Select Committee system. In accordance with traditional practice, the Leader of the House brought forward motions on Thursday 7 June and Thursday 28 June 2018 to raise the activities of Dominic Cummings as a matter of privilege following his refusal to obey the DCMS Committee’s order to attend and his subsequent refusal to obey the House’s order of 7 June 2018.

It is vital to the work of Select Committees that they can obtain full and accurate evidence from witnesses as part of their inquiries. I thank the members of the Committee of Privileges for undertaking the report and the members of the DCMS Committee for their work on behalf of Parliament. The report from the Privileges Committee concluded that it accepted the DCMS Committee’s view that the evidence it sought from Mr Cummings was relevant to its inquiry and that his refusal to appear constituted a significant interference with its work. The report states that Mr Cummings committed a contempt both by his initial refusal to obey the DCMS Committee’s order to attend and by his subsequent refusal to obey the House’s order. The Committee recommended that the House admonish Mr Cummings for his contempt, and it is for the House to determine whether to endorse these conclusions.

Mr Cummings has raised questions about the enforceability of the House’s powers and those of its Committees to secure evidence. I know that the Committee of Privileges intends to consider this matter further, and we await its conclusions, but today’s debate underlines the right of Select Committees to undertake their duties as assigned to them by the House. The Government have full respect for the privileges of the House of Commons and will continue to uphold them. They are crucial to the independence of Parliament and the strength of our democracy. I therefore commend the motion to the House.

Mr Speaker: Before the debate gets under way, I want to say one thing. From experience, I am clear in my own mind—and I am reinforced in my view by the specialist advice of the Clerks—that the focus of this motion is narrow. This is not an occasion—I repeat not an occasion—for airing all the arguments about the conduct of the referendum campaign, Vote Leave, tactics used, fake news, and so on. That is not for today—I repeat not for today. This is about the rights of this House and the appearance and non-appearance of witnesses, the issue of compliance with the express wishes of the House and the issue of consequences for violation of our rights. If people have got speeches prepared in which they want to rehearse again all the arguments about the referendum campaign, I suggest the speedy and liberal application of the blue pencil. It is not required; indeed, it is required not to happen. We must not play games with the House’s procedures. I am extremely grateful to the Minister who moved the motion.

1.9 pm

Valerie Vaz (Walsall South) (Lab): I thank the Deputy Leader of the House for presenting the motion, and note that the Leader of the House is occupied with important matters elsewhere. I also thank the Committee of Privileges, chaired by my hon. Friend the Member for Stretford and Urmston (Kate Green), for all its work in producing the report.

This is not the first Committee report on the conduct of Mr Dominic Cummings. On 5 June 2018, the Digital, Culture, Media and Sport Committee published a special report stating that it had first invited, then ordered Mr Cummings to give oral evidence as part of its inquiry into fake news, and that he had failed to comply with that order. On 7 June 2018, the House resolved that Mr Cummings should “give an undertaking to the Committee, no later than 6pm on 11 June 2018, to appear before that Committee at a time on or before 20 June 2018.”—[Official Report, 7 June 2018; Vol. 642, c. 492.]

However, on 20 June 2018 the Chair of the DCMS Committee, the hon. Member for Folkestone and Hythe (Damian Collins), reported to the House that Mr Cummings had failed to comply with the order of 7 June. The Leader of the House tabled a motion on 28 June that the matter be referred to the Committee of Privileges, and the House supported it.

In the annex to the report, on page 11, the Committee of Privileges helpfully set out the procedure that it would follow in inviting Mr Cummings to provide the DCMS Committee with oral and written evidence, so he has benefited from due process. It made a number of recommendations, and accepted the view of the DCMS Committee that the evidence that it sought from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with its work. The Committee of Privileges...
rejected Mr Cummings’s argument as to why he did not appear before the DCMS Committee. He had been offered a series of dates for a hearing, and had not supplied any evidence that suggested he was at significant risk of prosecution. The report states:

“The fact that a prospective witness takes a different view on policy or political issues from a select committee does not constitute grounds to refuse to appear before that committee.”

Many of us who are members of Select Committees often hear evidence from all sides. It is the right of a Select Committee to do that, and to form a view based on the evidence.

The Committee of Privileges accepted the DCMS Committee’s view that in not giving it the evidence that it sought, Mr Cummings had committed a contempt both by his refusal to obey its order to attend and by his subsequent refusal to obey the House’s order of 7 June 2018. The report states:

“Attesting the hearing and defending his position when called upon to do so would have been the right thing to do.”

The Committee recommends that the House should admonish Mr Cummings for his contempt, and that the admonishment should take the form of a resolution of the House. The resolution, if agreed to, should be communicated to Mr Cummings by the Clerk of the House.

I thank the Committee again for its work, and I support the motion.

1.13 pm

Damian Collins (Folkestone and Hythe) (Con): I thank the Deputy Leader of the House for his statement. I also thank the Leader of the House for giving me notice that she would be unable to attend the Chamber today, and for the words that the Deputy Leader of the House read out on behalf of the Government. I thank my fellow members of the DCMS Committee, and I thank the Chair of the Privileges Committee and her colleagues for their investigation.

We are not here today as a consequence of a rush of blood to the head and the “at whim” decision of a parliamentary Committee to order a private citizen to give evidence in front of us. Today we are at the end of a process that has run for the best part of 10 months, from the Committee’s first attempts to invite a witness to attend to the process of its ordering that witness to attend, to that being reported to the House and the House also ordering him to attend, and then to the matter being referred to the Committee of Privileges for it to investigate.

I am pleased that that Committee has agreed with the statement in our report that we were within our rights to call the witness, and that the witness should have attended. The witness himself, Mr Cummings, was critical of our Committee’s inquiry, of other witnesses who had attended, and of the evidence that they had given. Our main reason for wishing him to attend was so that he could respond to the allegations made by other witnesses. That is an important part of the inquiry, and also demonstrates the Committee’s desire to hear all sides of the story. We are frustrated in that process when witnesses refuse to confirm dates, put up spurious reasons why they cannot attend, and then, in correspondence with the Committee, seek to behave in a way that is contemptuous of its work and, therefore, of the work of the House.

Julian Knight (Solihull) (Con): This is the heart of the matter. The report states that many of Mr Cummings’s communications were highly inappropriate, including some outside the House. He did not do himself any favours in that respect. I personally wanted to hear what he had to say, and I honestly believe that many members of the Committee had open minds and wanted their questions to be answered. Is it not also true that we asked very probing questions when it came to the other side of the debate? We questioned Christopher Wylie very closely about his desire to haw information to Vote Leave.

Damian Collins: Indeed. The questions that we wished to put to Mr Cummings were highly relevant to our inquiry. They were also highly relevant to evidence presented by other people, including representatives of organisations that had worked with him in his capacity as director of Vote Leave. I think that we should have had an opportunity to put those questions, as a relevant part of our inquiry and the work of the Committee. As the Committee of Privileges says in its report, it cannot be for individuals to seek to interfere with the work of a parliamentary Committee. We should regard that as a very serious matter.

George Eustice (Camborne and Redruth) (Con): I understand the point that my hon. Friend is making, but is there not also an issue of consistency? I am told that Mark Zuckerberg also declined to give evidence to the Committee during the same inquiry. Moreover, it is quite common for Ministers to decline to give evidence to inquiries, including Ministers in some of the devolved Administrations and Assemblies. I think that the point my hon. Friend is making should be applied consistently and across the board to all potential witnesses, and that we should not fall into the trap of singling out one individual.

Damian Collins: I do not believe that we are singling out one individual in this case. It is highly unusual for anyone to behave in the way in which Dominic Cummings behaved towards the Committee. My right hon. Friend is right in saying that we issued an invitation to Mark Zuckerberg, but that is all that we could do. We did not issue a summons or an order for him to appear, because we do not have the jurisdictional powers to do so. He is not a UK national, and is not resident in the UK. We can only issue summonses of that sort to foreign nationals if they happen to be in this country. We said that we would do that, but obviously we do not have an opportunity to do it. So the circumstances in that case are very different.

On the day that we issued the order for Dominic Cummings to appear before the Committee, we also issued an order to Alexander Nix, the chief executive of Cambridge Analytica, and he chose to accept. The personal circumstances of Mr Nix at the time, in terms of the investigations of him and his former company, gave far greater reason for him not to attend than Dominic Cummings, who was not under personal investigation at all at that stage. There were no reasons in law why he should not appear. The normal sub judice
rules that protect witnesses from incriminating themselves did not apply in his case. The Committee sought legal advice in that regard. I think that, when we have gone through a thorough process and there are no particular grounds for a witness not to appear, if the Committee and the House believe that it is important for that witness to appear, he should do so.

I agree with what my hon. Friend said about the privileges of Ministers, but the rules of the House in that regard are very different from those applying to private citizens.

George Eustice: Will my hon. Friend confirm, then, that it is his view that it is illegitimate for Ministers ever to claim that they cannot give evidence to a Committee because legal proceedings on a particular issue are under way?

Damian Collins: The House does have rules relating to matters that are before UK courts and may prevent witnesses from giving evidence, but I agree with the principle that my hon. Friend has cited. I do not believe that Ministers should claim special privileges in order not to give evidence to a Committee, but they do have a different status. I do not think that that different status should give any individual in the country an opportunity to ignore an order from a Committee or a summons to appear before Parliament simply because they happen to take exception to the idea that Ministers have special privileges that they do not have—as, indeed, do Members of the House of Lords.

Mrs Maria Miller (Basingstoke) (Con): I want to pick up the point about consistency. It is not just my hon. Friend’s Select Committee that may have problems with calling witnesses—important witnesses—to take part in inquiries. The Women and Equalities Committee is currently going through a similar process, but we are only one month into requesting an individual to appear before us. Does my hon. Friend agree that it might be helpful if there were more explicit guidelines on the process to be followed, so that it could take place more speedily? I certainly would not want my inquiry on non-disclosure agreements to drag on for a further 10 months.

Damian Collins: My right hon. Friend is absolutely right. There needs to be more clarity about the process—clarity within the rules as they stand, and more clarity on what the powers of the House are. We have ancient powers, which in modern law cannot be enforced, and they have not been replaced with anything more suitable.

Dr Andrew Murrison (South West Wiltshire) (Con): As Chair of a Select Committee, I am sure that my hon. Friend will have shared my experience that the difficulty in getting witnesses to appear is not necessarily around private citizens, who are usually very willing to appear before a Select Committee; it is around encouraging ministerial colleagues, on occasion, and public officials to come before Select Committees. That is where the resistance is. Does my hon. Friend agree that there should be at least an equivalence of rules regarding the appearance of private citizens and elected individuals and publicly accountable individuals before Select Committees? We have not got that balance right yet.

Damian Collins: As I said to my hon. Friend earlier, I think there is a basic principle and a presumption that witnesses, be they a Minister or not, should attend. Committees conducting inquiries. Select Committees conduct such inquiries on behalf of the House, with powers delegated to them by the House. I also believe that if a Member of the House of Lords chose to use their special privileges as a parliamentarian not to be summoned in front of a Committee, that would not be appropriate if that Member of the House of Lords held an important public position, as many Members of the House of Lords do.

Other options are available to question Members of Parliament and Ministers that are not available to question a private citizen. The only forum we have to question a private citizen as part of a parliamentary inquiry is to invite them to appear before a Select Committee. That power is incredibly important, because the role of a Select Committee is not just to scrutinise the work of a Government Department or a public body, but to scrutinise other matters of public interest, where a Committee believes there is a case for Government intervention, new rules or new laws on something important. It is for the Committees to determine the scope of their inquiries, and witnesses should attend when required. It is very rare that witnesses choose not to attend.

John Redwood (Wokingham) (Con): Of course, Mr Cummings cannot be with us today—and did not want to be with us on another occasion. Did he give any indication that he thought there was some legal reason why it would be better if he did not attend?

Damian Collins: The correspondence between me as Chair of the Committee and Mr Cummings is published in full in the Committee’s report, so any Member can read that and make their own judgment as to the case
that Mr Cummings made. Obviously, the matter was also reviewed by the Privileges Committee, which also invited Mr Cummings to speak to it as part of its inquiry, which he declined. Mr Cummings stated that other cases were involved, and that he had been guided by the people he had spoken to not to appear; but there was no reason in law for that. He was not under personal investigation; he was not likely to be charged with an offence. He may have all sorts of private grounds for not wanting to do it, but unless there is a particular legal reason why witnesses should not appear, I do not believe it is good enough for them to create reasons why they would rather not give evidence; that would undermine the whole process. If a witness declines to give evidence simply because it is unsatisfactory to him to do so, I do not think we should accept it.

George Eustice: Does my hon. Friend not have at least some sympathy for the argument that Vote Leave was under investigation by the Electoral Commission—a full-scale legal investigation? Given that that was an ongoing investigation, a request to give evidence after that had concluded was not at all unreasonable.

Damian Collins: We had a similar issue with other witnesses during the inquiry. When Arron Banks gave evidence to the Committee, some aspects of Leave.EU’s work that were relevant to the Committee investigation were under investigation by the Electoral Commission at that time. My hon. Friend may check the official record of the evidence session. We told Mr Banks at that session that we would not question him about matters that were under investigation by the Electoral Commission, as it would not be proper to do so, but there were a large number of other topics on which we wanted to pursue relevant lines of inquiry.

It was exactly the same with Dominic Cummings. We could have reached an accommodation, but he was not prepared, in principle, to attend. During the course of our correspondence we set out why we thought he should attend, and it became quite clear that once he was aware that we were determined to issue an order requesting that he appear on a certain day, he would refuse point-blank to appear at all. He then requested all sorts of other conditions—that he would not appear before the DCMS Committee but he might appear before a specially constructed ad hoc Committee of the House, and that members of the Committee should swear an oath before questioning him, in addition to his swearing an oath. This is nonsense. We either respect our rules and the powers that we have, or we do not.

Not just my Committee found this. I am sure that the Chair of the Privileges Committee will speak for herself about her inquiry. During the Treasury Committee’s inquiry before the referendum, different parties were invited to give evidence, and it too is scathing about the experience of dealing with Mr Cummings and the general contempt that he showed. We have to accept that if we do not really take our own powers seriously, other people will behave in a similar way. Other people will look at this case and say, “Actually, you can just ignore the Committees’ requests. There is nothing they can do.”

There are often important reasons why Committees wish to call in private citizens to account for their work. Mr Cummings is not just a private citizen going about his business in a quiet part of the country. He has held a series of important offices, he is a former Government special adviser and he was director of an incredibly important national political campaign. The work of that campaign had been referenced already in a parliamentary inquiry, and we wished to ask him about the evidence that had been given, of which he himself was critical and to which he felt there should have been some right to reply.

Sir Hugo Swire (East Devon) (Con): Over the past few years, the likes of Rupert Murdoch have appeared before Committees, and we have seen Sir Philip Green appearing—not wholly successfully—before Committees. Surely, if people of that stature are prepared to face a Committee, others of lesser stature should do so too.

Damian Collins: That is absolutely right. I was a member of the Committee when Rupert Murdoch came to give evidence, in response to a summons of the House. That was right in the middle of the phone-hacking scandal, with legal cases left, right and centre—massive challenges for that business—and yet he considered that it was his responsibility and the proper thing to respond, give evidence in person and answer all the Committee’s questions. If it is good enough for someone of the stature of Rupert Murdoch, surely Dominic Cummings could find time in his busy schedule as well. There was no reason why he should not have done so.

There have been other times when my Committee has struggled to get witnesses to attend and they have attended at the last minute. We are going through that process now with some companies. We may wish to call other organisations as well. We saw during our inquiry that other political campaigns, such as the shadowy Mainstream Network, which was advertising last year on Facebook, were seeking to get members of the public to lobby their MP on what they should or should not do on the Brexit withdrawal agreement. Other organisations, such as We are the 52% and Britain’s Future, are doing that right now. We might want to call in such organisations in future as part of investigations, but they could look at the behaviour of Dominic Cummings and say, “We are disinclined to come, and there is not much you can do about it.”

People often cite the ancient powers of the House to lock people up in a prison under Big Ben or in the House, and those powers technically still exist, but they would rightly be considered to be unenforceable. The House must therefore debate and decide what we want to do when witnesses decline to attend. There should be a proper process; it should not just be down to the arbitrary summons of 11 Members of Parliament. There should be a proper process to check—as the Privileges Committee has done—that the Committee was following due process, that it had good grounds, and that there was a public interest in the witness attending. Then, when they fail to attend, there should be some clear sanction. In other Parliaments in the world, there are rules in such cases—a referral to court or some other body that makes the final decision and imposes a sanction. I believe we now need clearly codified rules, on both summoning witnesses and ordering papers.

John Redwood: I am interested in this point. What kind of sanction does my hon. Friend think would be appropriate and might make a difference?
Damian Collins: That is ultimately a matter for the House to determine. Let us look at other jurisdictions. I believe that the United States Congress, for example, can impose a fine or a custodial sentence of up to three months, and I believe that the Scottish Parliament has something similar, but Members will correct me if that is not the case. Other legislatures have processes that include clear sanctions in law that can be applied if a reasonable request for a witness to appear or for documents to be served has not been met. I do not believe that politicians should sit in judgment over private citizens and start ordering those penalties, however. It is probably right that some independent outside body should do that, as happens in other areas of public life. We should determine what our role should be, and if we believe that a reasonable request has been made for a witness to appear or for papers to be issued to a Committee, that should be done. It is reasonable to expect someone who has been asked to give evidence to a Committee to do so honestly and truthfully. If it is proved that they are lying to or misleading the Committee, there should be some sanction for that as well. There is then a separate debate about who should enforce that sanction and what the penalty should be, but if we use these powers responsibly and we expect people to comply with them, there has to be some sanction if they do not do so, as in the case of Mr Cummings.

Michael Fabricant (Lichfield) (Con): I am following this argument with great interest. Given the nature of Dominic Cummings—incidentally, I do not think the way he has behaved towards the Select Committee is any different from the way he behaves generally—does my hon. Friend agree that there is a real danger that he would regard an admonishment from the House of Commons as a badge of honour? Does he also agree that we need some form of alternative measure so that future witnesses will not think that an admonishment is the only thing they might have to face?

Damian Collins: My hon. Friend is right; that is an important point. There has to be some penalty. For some people, that would involve damage to their reputation. Someone who is running a public body or a regulated industry, for example, might find that their reputation was damaged because they had behaved in a way that was inconsistent with upholding the high standards of their office. Clearly, Dominic Cummings does not seem to care about those things. We need to ask whether someone who has been found in contempt of Parliament and admonished by Parliament would be an appropriate candidate to hold a public position such as a Government adviser or a member of a public body in the future. Should there be a bar on that?

Julian Knight: Does my hon. Friend envisage a similar bar on someone for being a bankrupt, for example?

Damian Collins: Absolutely; my hon. Friend and fellow member of the Committee makes an excellent point. That is a good example of people finding themselves in a situation of which they are the cause, and of clear penalties being in place that can restrict their future actions and activities, although not necessarily their liberty. Someone who has been found in contempt of the House should face some sort of real-world sanction that takes into account their appropriateness to be a fit and proper person to hold certain positions and roles, and certainly to be appointed to public office. For example, if Mr Cummings were ever again asked to be a Government adviser or special adviser, these sorts of things should be taken into account, and I am sure that they would be.

There needs to be a further sanction in law as well, including a range of penalties depending on the severity of the offence, with someone in authority to adjudicate and enforce those sanctions. As the Chair of the Women and Equalities Committee, my right hon. Friend the Member for Basingstoke (Mrs Miller) has said, there should be a clear process so that we can understand how long it should take and, ideally, a witness could be compelled to come within the scope of an inquiry, rather than doing as I believe Dominic Cummings intended to do, which was to offer to come here at some point in the future, knowing full well that that could be one or two years later. Indeed, I do not believe that the conditions he set out in his initial email have yet been met, so he probably would not come before the Committee, more than a year later. We have to consider whether that is in any way acceptable, because it massively impedes the work of parliamentary Committees if they cannot summon witnesses who are relevant to their inquiries. In his case, we were asking him to come here in direct response to evidence that the Committee had received that was relevant to him and to our inquiry. We had very strong grounds for asking him to come.

Michael Fabricant: I am slightly concerned about one more thing, which was touched on earlier when my right hon. Friend the Member for East Devon (Sir Hugo Swire) mentioned Rupert Murdoch. There was a serious criminal inquiry into Vote Leave going on at the time that my hon. Friend is talking about. Surely he would have some sympathy if there was a danger that someone appearing before the Committee might prejudice their own defence, should a criminal investigation then occur.

Damian Collins: Those conditions certainly applied in the case of Rupert Murdoch, because he was asked expressly what he knew about the practice of phone hacking at his newspapers. As was Rebekah Brooks, who gave evidence on the same day. That was a major part of the hearing. Those people could have used that excuse. There are different questions involved here. The right to non-incrimination for someone who is likely to face court proceedings and be charged with a particular offence, or who has already been charged, is already covered by the House’s sub judice rules. There are already clear rules in place for that. In this case, however, Mr Cummings had not been directly charged with an offence, although there were other ongoing investigations. As I have said, we agreed with other witnesses that there were certain things that we would not discuss as being on topic, so as not to interfere with other ongoing inquiries. Nevertheless, we managed to conduct a proper hearing with those witnesses and gain valuable evidence from them. There was no reason why that could not have been done in Mr Cummings’s case.

George Eustice: The argument that my hon. Friend is making is a curious one, because Dominic Cummings was the director of Vote Leave, and the investigation into Vote Leave was ongoing. As the former director of
that organisation, it was obviously legitimate for him to be concerned that the investigation might be prejudiced, in much the same way as a Minister, while not being directly charged with anything, might nevertheless have concern for proceedings being made against the Government.

**Damian Collins**: Well, it sort of depends on what Mr Cummings thought he was going to say and whether he thought he was likely to be in that position. As I have said, the Committee wished to discuss a range of issues and topics with him that were not at the time being expressly investigated by the Electoral Commission. Its investigation was largely to do with funding issues and the co-ordination between Vote Leave and other campaigns involved in the referendum. We had lots of questions about Vote Leave's work with AggregateIQ and about its involvement in data analytics and the way data was being gathered, stored and used during the campaign that were highly relevant to our inquiry. He could have come in to discuss those issues. If there were no grounds for him not to appear, and he just did not want to appear, I do not believe that the House should accept that as an excuse.

**Sir Hugo Swire**: Does my hon. Friend concede that there would be a difference if the gentleman in question had not wished to appear on account of prejudicing an ongoing inquiry with which he was associated, as against his not recognising the legitimacy of Parliament to summon him to appear? I suspect that in this case the latter applied, not the former, and that there might be a difference.

**Damian Collins**: There is a difference. I do not believe that Mr Cummings ever accepted the legitimacy of Parliament to ask him to appear, which is a matter that we should take seriously in its own right. From the very start, it seemed clear that he thought he should give evidence on his own terms, in his own way, on his own dates—

**Sir Hugo Swire**: And to his own Committee.

**Damian Collins**: And even to his own Committee, yes. He thought it was no business of ours to set parameters for the special ad hoc Committee of the House that should be assembled just to question Dominic Cummings. That is a ridiculous way for someone to behave when they have been asked to give evidence. If he had said at the beginning that he was willing to give evidence even though he did not want to discuss certain topics because of other investigations he was associated with, and that he would discuss other things, that would have been a very different matter. The Committee of Privileges might have taken a different view if that had been the case. It is interesting that he declined to give evidence to that investigation as well, even though it took place sometime after the event. This just shows his general contempt for our inquiries. He could have come in to discuss those issues. If there were no grounds for him not to appear, and he just did not want to appear, I do not believe that the House should accept that as an excuse.

1.38 pm

**Tommy Sheppard** (Edinburgh East) (SNP): I rise on behalf of the Scottish National Party to support the resolution and to urge the House to vote for it, although sadly without any great hope or expectation that doing so will have a great deal of effect. Mr Speaker cautioned us at the beginning of this discussion to try to restrict our comments to the narrow business under consideration. I had wanted to put this question into the wider context of the debate on Brexit and to consider the wider political questions, but I will not do that. I have taken Mr Speaker's advice and, in my imagination, I have applied a blue pen to much of what I was going to say.

It is appropriate for us to note why the Digital, Culture, Media and Sport Committee wanted to hear from Mr Cummings in the first place. It was because many of the concerns expressed about the Vote Leave campaign exemplified the concerns about fake news that it was holding an inquiry into. As I said, I shall not go into great detail about this, but we have to say as a matter of record that the Vote Leave campaign stands accused of engaging in lies, propaganda and wilful distortion of the facts. It is a fact that it has been found guilty by the Information Commissioner of breaking the regulations on the gathering of personal data. It is a fact that it broke the law and has been fined by the Electoral Commission on expenses. It would be legitimate for Mr Cummings to engage with the Committee to discuss those things, and his refusal to do so or to appear before the Committee—that is the reason why the motion has been tabled—suggests that he has something to hide or that he cannot mount a defence against the accusations that have been made, which should concern the House.

Hon. Members have said, and I think it is true, that we should be concerned about what admonishment actually means. What sort of sanction or leverage is it at the end of the day? I fear that it is not a very great one, and this instance and others should lead us to reflect on whether our procedures are adequate for House of Commons inquiries into matters of public concern, and whether we need additional powers, as many other countries have, to compel people to give evidence when that is in the public interest. I make no suggestion about how that might happen, but I want to put on the table a recommendation that it should happen.

Finally, we are entitled, without going into detailed political debate, to form opinions and draw conclusions about the intentions and attitude of Mr Cummings as described in the motion. Many colleagues and I watched the recent TV drama “Brexit: The Uncivil War” which, to my mind, offered a generous and sympathetic portrayal of Dominic Cummings, suggesting that he was something of a tortured genius—a radical, a free thinker and iconoclast; someone who is devoted to enshrining notions of sovereignty and democracy, and who would not debase himself for a moment in gutter politics. I am not sure that that is entirely the case.
George Eustice: Does the hon. Gentleman not accept that the direction that Mr Speaker gave at the beginning of the debate was for an important reason? This is a serious discussion of an admonishment for someone’s failure to appear before a Committee. It should be about the facts of that decision not to appear or otherwise—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I, too, know what was said, and I will be the judge of whether something stretches beyond or remains within the advice that Mr Speaker gave. I can assure the hon. Gentleman that I am listening carefully. At the moment, we have not stepped outside the limits, and the hon. Member for Edinburgh East (Tommy Sheppard) is coming towards the end of his speech. We all know that there are limits that we should not go beyond. To mention someone in passing is one thing, but I do not want to get into an argument about the weakness of examples. It is purely about privilege, and we certainly have not stepped outside those limits.

Tommy Sheppard: Thank you, Mr Deputy Speaker. I have been keeping an eye on you carefully to make sure that I do not stray beyond the bounds or limitations that were set. I shall conclude simply by saying that I have drawn my own opinions from what has happened in this case as to the character of Mr Cummings.

Perhaps the truth is rather more mundane. Perhaps he is, after all, just a posh boy from a privileged background who has a sense of entitlement that means he does not think he has to account to his peers for his actions. I fear that the hon. Member for Lichfield (Michael Fabricant) is correct. If we agree the motion, we need to be even clearer about what are the legitimate legal grounds. That brings me to my next point. When people do something that is contentious for the wider public and for Members of Parliament and which splits opinion in the country, there is a danger of too many inquiries. Suddenly, they are all across the media, and are on the front pages of the newspapers. Everyone is talking about them, and people chase the ambulance—they want to chase the excitement. When people do something that is contentious for the wider public and for Members of Parliament and which splits opinion in the country, there is a danger of too many inquiries. Suddenly, they are all across the media, and are on the front pages of the newspapers. Everyone is talking about them, and people chase the ambulance—they want to chase the excitement. There is a danger that there will be several Committees in this House wanting to conduct an inquiry into largely the same thing from different departmental perspectives. They may want to home in on the same key witnesses, and get in the way of conducting a fair inquiry that can add to our understanding, rather than just adding to glamorous media reports of our involvement.

Damian Collins: I know that my right hon. Friend is talking in general terms about a future case, but for the record, in this particular case involving Mr Cummings, Select Committees were not competing to ask him to come and give evidence. We were the only Committee that sought to invite him to appear, and we took advice from the House authorities on whether or not the concerns raised about other cases were relevant to our request.

John Redwood: I understand that, and I explicitly said that I was not talking about Mr Cummings in that part of my speech. This is about how we enforce in general, as well as being about the sanction that the House wishes to confirm in the motion against a particular individual. Certainly, Mr Cummings, Vote Leave and all the rest of it might have been subject to other inquiries, because there has been huge political interest in that both outside and inside the House, and it is a
contentious matter. It is the kind of thing where there could be inquiry overload, with more heat but not a lot of light. We need a period of calm reflection, as I know the Committee Chairman and others are undertaking, to think about a range of possibilities.

There are two issues to deal with before we think of intensifying our sanction regime. First, can a witness give a really good reason, because of some kind of legal advice or legal inquiry? We do not want to get in the way of proper inquiries into possibly serious crimes. Secondly, can we make sure that we do not contribute to chasing excitement, and often false allegations, because an individual is in the media spotlight? Where there is a serious interest, perhaps a lead Committee should take it up and handle that particular person.

It is also important to be fair between the different possible categories of witnesses. We have to bear in mind that an individual will not have the back-up, support and cover for legal and other costs that may be involved in being on the wrong end of an inquiry, whereas a representative of a great company will have enormous support and will have people writing parts of their evidence and drawing on the back data that is needed, and they will obviously have cover for legal expenses.

Michael Fabricant: I am grateful to my right hon. Friend for mentioning the types of witnesses who appear before Select Committees. I simply want to put the record straight. Is he aware that Dominic Cummings’s father was an oil rig project manager, his mother was a special needs teacher and he went to Durham School? To categorise him, as the hon. Member for Edinburgh East (Tommy Sheppard) did, as some sort of “posh boy” is completely wrong.

John Redwood: It is always better to deal in facts than in general allegations or misdescriptions, so I thank my hon. Friend for his intervention.

The point I am making is that Committees should understand that an individual who does not work for a great corporation, who does not have a well-paid job or who is no longer part of an organisation does not have the same back-up and support as someone who is still the chief executive of a mighty company.

Damian Collins: My right hon. Friend is making an important point. The chief executive of a big company will have a team of people to help them prepare their evidence, but that is not required. Committees well understand that a submission from a company might be different from a submission from a private individual. There are many private individuals who submit written evidence and who freely come to give evidence to Committees without any of that support. All we ask them to do is to come and talk about themselves. In fact, when they seek to give evidence, they have the same legal immunity and protection as members of the Committee do, so they do not have to worry about potentially incriminating themselves or taking legal advice before speaking out.

John Redwood: I was not going to conclude that we should stop asking people who do not have a well backed up job, but we need to understand, as I am sure my hon. Friend does, that if we are asking an individual who was once in an important position, with all that back-up, to come and talk about events of a year or two years ago, and if they do not wish to mislead the Committee and they wish to be factually accurate, they will need somehow to get access to the records of their past institution and they will need to go through a lot of preparation, and they will have to do it all for themselves or spend their own money on getting advice and legal support.

George Eustice: Does my right hon. Friend agree that we need to be mindful of the unintended consequences if we were to introduce a stronger sanction on witnesses for failing to appear? What if, for instance, the Digital, Culture, Media and Sport Committee were holding an inquiry into phone hacking and decided it would be newsworthy to force the parents of a murdered schoolchild to appear before the Committee? That would clearly be inappropriate, and it would clearly be inappropriate to use such a sanction in that situation.

John Redwood: That is another hard case I had not thought of, and it needs to be taken into account as we pursue this general issue of what would be a relevant sanction.

The third category of people is senior officials and Ministers who receive salaries from the public via the Government. I think they should be more answerable than anybody else, because they are, by definition, primarily remunerated by and spend much of their lives working for the Government and the public. I would have difficulties if we found that Committees could not get access to senior officials who work full time for the Government and the wider public or if, in certain cases, as my hon. Friend the Member for Folkestone and Hythe (Damian Collins) mentioned earlier, Ministers did not think they should be answerable to elected Assemblies because they thought it might be inconvenient to give more background or detail on the policies they have been pursuing or the decisions they have taken.

I would want to weight things a bit more heavily in favour of this House having extremely strong powers to demand the presence of senior officials and Ministers, who should not be able to refuse to answer, unless it is a state secret or a matter of national defence, just because it is embarrassing or might reveal that the Government have made a mistake or wasted a lot of money—as if those things never happen. It is our job to tease out those things, and to do so we need direct accountability.

Our Ministers are normally very good, and they have to be, because Mr Speaker or the Deputy Speakers will grant urgent questions, or there will be a statement or a Question Time at which Ministers have to come and give answers. Ministers also normally come to Select Committees. The system is not perfect, but it is rather less satisfactory with senior officials, and there have been occasions when Select Committees have found it quite difficult to get access to very senior officials who know a great deal that is of public interest and should not be secret.

From my memory of my past life as a Minister, there was a bit too much secrecy in government, and there was a feeling in the official machine that everything that happened before a Minister made a statement was somehow private, whereas I felt it was often better to explain some of it. If I had made a 51:49 call but had a
[John Redwood]

lot of sympathy with the 49%, because it was a collective decision, I found it helpful to explain to the House that I could see both sides of the argument, that we had to come down on one side or the other but that it was a marginal call. That is helpful to the House, but sometimes Ministers seem to think that the 51% call has to be put up as the only possible answer and all other answers are stupid, which does not make for good inquiries or for a good understanding of the difficult and sometimes messy business of government, in which Ministers often make imperfect decisions on insufficient information because a decision has to be made.

Something good can come out of this incident, which may be a more general recognition by this House that we need a stronger sanction for anyone in future who has no good reason for turning down a requirement to come as a witness. We need all UK citizens to feel they should come unless there is a compelling legal reason, but we need to be sensitive to the different categories of witnesses, and we need to have proportionate and sensible responses, according to how powerful a witness is and how much access they have to support and legal advice.

1.57 pm

Kate Green (Stretford and Urmston) (Lab): I am grateful to the Leader of the House for this early opportunity to debate the report of the Committee of Privileges, which we published last week, and for tabling a motion in the terms requested by the Committee. She was good enough to inform me that she is not able to be present in the Chamber this afternoon to move the motion, and I thank the hon. Member for Blackpool North and Cleveleys (Paul Maynard) for doing so and for supporting the Committee’s report.

This case has proved rather protracted, for reasons I will come to, but it is essentially a very simple matter, so I will try to keep my remarks as brief as possible. As the hon. Gentleman outlined, Mr Cummings failed to obey, first, an order of the Digital, Culture, Media and Sport Committee and, then, an order of the House itself to attend an oral evidence hearing. When the House referred this to the Privileges Committee as an alleged contempt, we agreed a resolution on process that is appended to our report. It is based on a resolution agreed by our predecessor Committee some years ago when considering the case of News International witnesses who were alleged to have committed a contempt by misleading a Select Committee. We have adhered strictly to the procedures set out in that resolution, even though it has had the effect of lengthening our inquiry.

We invited Mr Cummings to give oral evidence, but despite our giving him ample opportunity to agree a date, it proved impossible to do so. In an email to us, and again in his blog last week, Mr Cummings has made various mis-statements about this. I do not wish to detain the House unduly, but I want to put on public record a rebuttal of one or two of his assertions.

In his blog, Mr Cummings states, in relation to the date of a projected evidence session before the Committee of Privileges, as agreed in December: “We tentatively agreed 31 Jan” but “they cancelled the hearing in January and declined to reschedule it”.

Our report sets out what actually happened. At the start of December we offered Mr Cummings a selection of dates for a hearing in January. In response, Mr Cummings told us that he would “probably” come on 31 January—the latest of the dates we offered—but that he would confirm before Christmas. He did not.

I wrote to Mr Cummings on 10 January, seeking confirmation. I received no reply. The Committee’s Clerk emailed him on 23 January, also seeking a response. He replied on 28 January:

“hello I just seen this, I will reply this afternoon”.

There was no further reply. On 29 January, with two days to go until the proposed evidence session, and having had no confirmation that he would attend, the Committee met and decided that it had no alternative but to cancel the session and bring our inquiry to as rapid a conclusion as possible.

In his blog, Mr Cummings states:

“My last letter to the Committee of 26/2 is below. I got no answer…”

That is quite untrue. On 28 February, two days after his email, I wrote to him to respond in detail to his comments. I received no reply. All these letters, emails and responses are published on the Committee’s website.

At an earlier stage—this is similar to the experience of the DCMS Committee—Mr Cummings had insisted that all Members of Parliament taking part in the hearing should take an oath. I replied, pointing out that that would not be possible; we were willing to administer the oath to him, at his own request, but the oath could be administered only to witnesses, just as in the law courts the judge and barristers do not take an oath. In his blog, he described that argument as “laughable”. He also says that the Committee “replied that No, they didn’t want to promise to tell the truth and sadly they weren’t able to make such a promise(!) but would I come anyway”.

Those comments are completely fabricated. I will not continue outlining the exchanges; anyone who wishes to can read our full report, and the various letters and email exchanges published with it, and make up their own mind as to whether it was the Committee of Privileges or Mr Cummings who was behaving unreasonably.

Notwithstanding those responses from Mr Cummings, I want to assure the House that the Committee has done its very best to approach the case scrupulously. Our report assesses whether his conduct amounts to contempt of Parliament. It might seem obvious that a refusal to obey an order of the House, or of its Committees, is a contempt of Parliament. However, in certain exceptional circumstances it is conceivable that a prospective witness might be justified in declining to give evidence, if they have genuine grounds to fear that they would be treated unfairly, or that giving evidence might significantly prejudice future court proceedings against them.

The report considers the arguments advanced by Mr Cummings to see whether there were extenuating circumstances that might have justified his conduct, particular in relation to the risk of legal proceedings against him, which Government Members have mentioned today. The report concludes that the DCMS Committee had offered Mr Cummings a series of alternative dates for a hearing and that he had not supplied any evidence that he was at significant risk of criminal prosecution,
or that suggested any significant flaw in that Committee’s inquiry or in its handling of witnesses. Legal inquiries into whether he or others might have been at risk of future criminal proceedings were assessed in the light of assurances that we received from regulators, which led us to understand that he himself was not facing criminal proceedings.

We agree with the DCMS Committee that Mr Cummings’s evidence would have been relevant to its inquiry—a few moments ago we heard more detail from the Committee’s Chair about why that would have been the case—and we agree that his refusal to attend was a significant interference with that Committee’s work. We conclude that he committed a contempt by his refusal to obey first the Committee’s order and then the House’s order. We recommend that he be admonished by resolution of the House, to be communicated to him by the Clerk of the House. We do not recommend the old practice of summoning him to the Bar, which we believe would merely give him an opportunity to grandstand. The motion before the House, in conjunction with the report that it approves, constitutes the admonishment. If agreed to, no further action by the House will be sought in this matter.

Finally—this point has been raised a number of times this afternoon—the report comments that “the case of Mr Cummings has raised further questions as to the enforceability of the House’s powers and those of its committees to secure evidence”.

The Committee will therefore now return to its wider inquiry into these matters, referred to it in the previous Parliament, and we plan shortly to announce a series of oral evidence sessions. We hope to co-ordinate our inquiry with the Liaison Committee’s current inquiry into Select Committee effectiveness.

John Redwood: Will the hon. Lady’s Committee pursue comparisons to see what might be working more effectively in other democratic institutions?

Kate Green: I am grateful to the right hon. Gentleman for that excellent suggestion. I urge right hon. and hon. Members to submit their own evidence to the Committee—we will shortly publish details on how that can be done.

It has been apparent to all of us for some time that the current situation is unsatisfactory. I acknowledge that admonishment is a fairly feeble sanction against an individual who does not appear to feel a sense of shame at his own behaviour. The historical punishments used by the House—fining and imprisonment—have not been used for many years and, although they have not been abolished, it is highly unlikely that any attempt to use them now would survive legal challenge. None of the alternative options—they may be summed up as doing nothing, attempting to assert the House’s rights through resolutions or changes to the Standing Orders, or legislating to confer powers on the House—is without objection, which is why the problem is still with us; if there was an easy answer, something would have been done a long time ago.

Notwithstanding that, the Committee wishes to canvass options vigorously, including, as the right hon. Member for Wokingham (John Redwood) suggests, by looking at how other legislatures around the world have dealt with the issue. We will focus not only on ways of strengthening sanctions, but at ensuring, as we have striven to do in this inquiry, that the House is fair and scrupulous in the way it treats witnesses. We intend to report to the House with proposals as soon as possible.

I will conclude by placing on the record my thanks to my colleagues on the Privileges Committee for their assistance in bringing the report to the House, to the Leader of the House for tabling the motion, and to the Lord Commissioner of Her Majesty’s Treasury, the hon. Member for Blackpool North and Cleveleys (Paul Maynard), for introducing the debate. I urge the House to support the motion.

2.8 pm

Tom Brake (Carshalton and Wallington) (LD): When Mr Speaker gave the admonishment from the Chair, it clearly had an impact on the hon. Member for Edinburgh East (Tommy Sheppard), who I think thought that it was perhaps targeted at him, given the reference to not making long speeches about matters that are not pertinent to the motion we are debating. I must say that I felt that, rather as with Mona Lisa’s eyes, Mr Speaker was indeed looking directly at me, given his reference to taking a “liberal pen” and crossing out great swathes of a speech. I have therefore written my speech on the back of the Order Paper.

Mr Deputy Speaker (Sir Lindsay Hoyle): Two minutes, then?

Tom Brake: Absolutely—two minutes, or thereabouts.

This debate is clearly about the rights of the House and the consequences of failure to observe those rights. I am pleased that the Lord Commissioner of Her Majesty’s Treasury, the hon. Member for Blackpool North and Cleveleys (Paul Maynard) opened the debate, because I would have had some reservations had the Leader of the House done so. She of course has a connection with the Vote Leave campaign, and in the circumstances it might have been inappropriate for her to open the debate. We have heard from—

Mr Deputy Speaker: Order. We are discussing somebody who is not here. I do not think it is quite fair to suggest what that person would or would not do. The right hon. Gentleman would be right to stick to his two minutes about the subject, rather than go into matters relating to the Leader of the House.

Tom Brake: My speech may be a bit longer following that intervention, Mr Deputy Speaker, but I will stick to the subject in hand.

The hon. Member for Stretford and Urmston (Kate Green) did a good job of setting out exactly how arrogant Mr Cummings has been in relation to the inquiry and the false allegations he has made about the way he has interacted with the Committee. His lack of accountability rather fits a pattern of a lack of accountability in relation to the whole Vote Leave issue. I know I am not allowed to speak about that at any great length, but given the role that she played, perhaps the Foreign and Commonwealth Office should consider revisiting the appointment of Gisela Stuart as the chair of Wilton Park, which is in the business of promoting good governance around the world. Other key players
We cannot allow to continue a situation in which individuals have such utter contempt. If, for example, during the period some years ago when I used to take part in magistrates courts proceedings and Crown court proceedings, this individual had corresponded with a judge in the terms in which he corresponded with the Chairman of the Select Committee and with Parliament, he would have ended up in the cells pretty sharpish. I am not suggesting that we do that, but I am interested in the work that is going to be undertaken from the position we are in, because frankly we need to put in place some form of procedure, which is not beyond the wit of man or, indeed, woman, to codify the process that needs to be followed in cases where Select Committees take important evidence. That is an urgent task, because we all undertake important work that we want to see done to the best of our abilities.

This is a case in which a contemptible person has behaved contumaciously towards this institution. He should be held properly accountable for that and a proper procedure should be put in place to make sure that the type of disdain exhibited to this great Parliament should not be permitted again.

Question put and agreed to.

Resolved.

That this House—

(i) approves the First Report from the Committee of Privileges (HC 1490); and

(ii) endorses the conclusions of the Committee in respect of the conduct of Mr Dominic Cummings that the evidence sought by the Digital, Culture, Media and Sport Committee from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with the work of that Committee; concludes that Mr Cummings committed a contempt both by his refusal to obey the Committee's order to attend it and by his subsequent refusal to obey the House's Order of 7 June 2018; and therefore formally admonishes him for his conduct.

MENTAL CAPACITY (AMENDMENT) BILL [LORDS] (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Mental Capacity (Amendment) Bill [Lords] for the purpose of supplementing the Order of 18 December 2018 (Mental Capacity (Amendment) Bill [Lords] (Programme)):

Consideration of Lords Message

(1) Proceedings on the Lords Message shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.

Subsequent stages

(2) Any further Message from the Lords may be considered forthwith without any Question being put.

(3) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—(Caroline Dinenage.)

Question agreed to.
Mental Capacity (Amendment) Bill [Lords]

Consideration of Lords message

Mr Deputy Speaker (Sir Lindsay Hoyle): I should inform the House that neither Lords amendment in the message engages financial privilege. I remind the House that the motions relating to the Lords amendments in the message will be certified as relating exclusively to England and Wales. If the House divides on either of these motions, a double majority will be required for the motion to be passed.

New Clause

DEPRIVATION OF LIBERTY: CODE OF PRACTICE

2.17 pm

The Minister for Care (Caroline Dinenage): I beg to move,

That this House does not insist on its amendment 1 to which the Lords has disagreed, and disagrees with Lords amendment 1B proposed in lieu, but proposes amendment (a) to the Bill in lieu of the Lords amendment.

Mr Deputy Speaker: With this it will be convenient to consider the following:

That this House disagrees with Lords amendment 25A proposed to its amendment 25, but proposes amendments (a) and (b) to its amendment 25 in lieu of the Lords amendment.

Caroline Dinenage: We now have an opportunity to deliver reforms that will provide quicker and fuller access to protections for the 125,000 people who are not currently receiving them. That is 125,000 vulnerable people without the legal protection that they deserve, whose families do not have peace of mind, and whose care providers have no legal cover for supporting them. We now have an opportunity to rectify this situation.

In February, the other place considered the 56 amendments made to the Bill by the House of Commons, the vast majority of which were agreed with. However, the Lords tabled alternatives to two of the Commons amendments, and they are the focus of our discussions.

Sir Peter Bottomley (Worthing West) (Con): The Minister has rightly pointed out that the Bill will provide a great advantage to those who are directly affected. I do not want to be a total patsy for my local authority, but will she explain what the benefit will be for local authorities, which are responsible for trying to protect people's welfare and safety?

Caroline Dinenage: My hon. Friend makes an incredibly important point. This issue has been a huge burden for local authorities: they have had to carry out multiple deprivation of liberty safeguards often for the same people and often when those people move from one setting to another. That involves a huge amount of bureaucracy and does not offer any better protection for the individuals concerned. The new service will enable local authorities to do this in a much more streamlined and efficient way. It will save them money and, at the same time, offer better protection for the individuals about whom we all care.

Lords amendment 1B was tabled by Baroness Tyler of Enfield to set out the meaning of a deprivation of liberty positively, rather than by using the exclusionary approach set out by the Government. Noble lords are, of course, absolutely right to want to ensure that any definition is understood by people and practitioners. However, a positive definition of a deprivation of liberty is likely to be subject to a legal challenge as article 5 case law evolves, and it would become unfit for purpose incredibly quickly. This is a view not only shared by the Government, but highlighted beautifully in the other place by the esteemed legal experts Lord Mackay and Lord Hope.

Lords amendment 1B does not link the definition of a deprivation of liberty to article 5 of the European convention on human rights, so creating a risk of the definition set out in statute diverging from the convention. This would mean that people who fall outside Parliament's concept of deprivation of liberty but within the article 5 definition could not have their deprivation of liberty authorised under the Mental Capacity Act 2005. For those people, only the High Court would be available to authorise such a deprivation of liberty, which, in turn, would give rise to excessive delays in accessing vital safeguards.

That is precisely the situation that this piece of legislation looks to address—there are already too many people subject to delays when accessing safeguards, and we cannot introduce a provision that would further risk this.

Given that the Government have these concerns, we cannot agree with the noble lords in their amendment 1B. However, we know that concerns in the other place are reflected by many across the sector and we have taken that on board. We have listened carefully to the views of MPs, peers and other stakeholders and decided not to insist on amendment 1. Instead, I propose that the meaning of a deprivation of liberty will still be as defined under article 5 of the convention, as it is under section 64(5) of the Mental Capacity Act, but there will not be a clarification of the meaning of a deprivation of liberty in the Bill. The Bill will work alongside the rest of the Mental Capacity Act, so it does not impact on the existing definition.

I reassure the House that the Government are still absolutely committed to providing clarification regarding the meaning of a deprivation of liberty for both people and practitioners. We will use the code of practice to lay out in very clear terms and provide details of when a deprivation of liberty is and is not occurring, and this guidance will reflect existing case law. We will set out the meaning of a deprivation of liberty in a positive framing and in a way that is clearer for people and practitioners. We will also include case studies in the code to help bring this to life. Government amendment (a) in lieu of Lords amendment 1B will prescribe that the code of practice must contain guidance on what kind of arrangements amount to a deprivation of liberty.

Kevin Foster (Torbay) (Con): I thank the Minister for giving way and I am reassured by what she says. It would not be appropriate, for example, to put case studies on the front of a piece of primary legislation. Will she outline the timescale for bringing that code of practice forward?
 team, particularly the Bill manager Sharon Egan, and officials across the UK and Welsh Governments who have worked with the team to deliver this reform. I thank, too, the legal team and my private secretary Flora Henderson. It is through a great deal of dedication and hard work that we will be able to rectify a failing system and provide protections to the 125,000 vulnerable people for whom it currently falls well short.

Barbara Keeley (Worsley and Eccles South) (Lab): When we last debated this Bill, I was clear that Labour did not think that the Bill was adequate to become law. The Minister has just expressed her thanks, but we did make it clear that it contained a number of serious flaws and this still remains the case. While improvements have been made in the House of Lords, they do not fix many of the concerns that we still have with this Bill.

The Bill still places more power than it should in the hands of care home managers. From organising assessments to carrying out consultations with the cared-for person, the Bill means that an untrained, or an ineffective, care home manager could end up carrying out the process in a flawed or improper way.

Recently, there was a focus on the scandal of abuse that happened at the Mendip House Care Home in Somerset, with six autistic residents with complex needs. The Safeguarding Adults Review carried out by the Somerset safeguarding board revealed a host of management failures by the National Autistic Society. The registered manager of that particular care home did not address the unprofessional behaviour of a thuggish gang of male staff. This resulted in the following abuse being meted out to the residents of Mendip House: they were “ridden like horses” by staff; forced to crawl on all fours; made to eat raw chillies; and, in one horrific instance, forced to eat food spiked with mustard, which caused the resident to vomit. The resident was then made by a member of staff to drink that vomit.

People living in Mendip House had complex needs and all would have lacked capacity to make certain decisions and all required deprivation of liberty safeguards. The Care Quality Commission had not receive any notifications that DoLS had been authorised. On care planning and recording, the review report on Mendip House states:

“Care plans were very poor with no mental health or Best Interests assessments recorded... DoLS not being followed.... recording poor, plans out of date...”

The Minister has previously said that, through this Bill, the Government

“are ensuring that people’s wishes are always considered and respected, and that people are safe, cared for and looked after.”—[Official Report, 18 December 2018; Vol. 651, c. 757.]

But I have just cited a case where the care home manager neglected both care planning and safeguarding, so what steps will the Minister take to investigate what happened at Mendip House? Will she ensure that such behaviour does not continue under the provisions of this Bill, given that so much power is given to care home managers? Today is World Autism Awareness Day, and we must do more than pay lip service to showing solidarity with autistic people.

Caroline Dinenage: The code of practice is being worked on as we speak. It is very important that we take it forward in partnership with all the key stakeholders and those who are involved at the front end implementing the liberty protection safeguards. Once we are all content that the code of practice is robust and fully covers everything that we want it to it will then be presented to both Houses of Parliament.

This will mean that the definition will be considered regularly. It will remain up to date with evolving case law. It means that we are laying a report of the review before Parliament and that there will be a review within three years of the measure coming into force to ensure that it is working as intended. The review will extend to all the guidance related to the liberty protection safeguards contained in the code of practice and not just the definition. By regularly reviewing the code in this way, we will ensure that there is up-to-date guidance for people and practitioners and this will support the successful operation of the liberty protection safeguard system.

The amendment will ensure that the code clarifies when a deprivation of liberty does or does not apply and provide useful guidance for families, carers and professionals while also ensuring that we do not put a definition in statute that conflicts with article 5 of the convention and I ask the House for its support in this.

I shall briefly turn to Lords amendment 25A, which was tabled in the other place with the admirable aim of ensuring that the authorisation record is provided to the individual and other relevant persons in a timely manner. This followed the Government amendment that clarified the responsible body’s duty to provide information to the person and other relevant persons. Noble lords amended the Bill to specify that a record must be kept if the authorisation record is not provided immediately. If the authorisation record is not provided to the person within 72 hours then a review must be conducted.

The Government agree that it is very important to make sure that the authorisation process record is provided quickly. However, there are some issues with Lords amendment 25A that need to be addressed before it can be put into statute. For example, it does not make a specific person or organisation responsible for recording that an authorisation record has not been provided for completing a review, so the duty cannot be enforced. Government amendment (a) in lieu of Lords Amendment 25A states:

“After authorisation arrangements, the responsible body must, without delay, arrange for a copy of the authorisation record to be given or sent.”

Government amendment (b) in lieu will ensure that if the responsible body has not done this within 72 hours of the arrangements being authorised, it must review and record why this has not happened. Providing information, including in the authorisation record, is so important to ensure that people are able to exercise their rights. The Government have listened and reflected on the concerns of the other place and have brought forward this amendment. I ask that the House supports it.

Finally, I take this opportunity to put on record my thanks to the Members of both Houses. We set out to consult very widely on this piece of legislation and to listen very carefully to the concerns of both Houses. Both Houses have very carefully scrutinised this crucial piece of legislation. I also thank many of the stakeholders who have supported its development. I thank the Bill
A further flaw is that the Bill could restrict access to independent advocates, which is an important safeguard. However, the granting of an independent advocate is not automatic. An overstretched local authority lacking the budget to pay for advocates following years of Government budget cuts could find itself unable to grant an advocate to everyone who needs one.

It is also still the case that the Bill does not give adequate protection to 16 and 17-year-olds who are subject to the liberty protection safeguards. Specifically, it does not grant their parents a right to veto arrangements that they feel are inappropriate. There remains a real danger that these young people will be detained, despite their parents’ objecting to the arrangements. I stress that this is not only an issue for 16 and 17-year-olds, as many young people who have learning disabilities and are going to be subject to this Bill will still be largely reliant on their parents for support and advice. Cases that we discussed in Committee, such as those of Steven Neary and Oliver McGowan, have shown us that parents can find themselves cut out of the process, with their views made secondary to those of clinicians or care staff. That risks real harm to the younger people who lack capacity.

On the crucial issues of care home managers, advocacy and young people—as on many other issues—the Government did not see the value of the amendments that we tabled. I am sure that we will be back here in the future, debating legislation to rectify these flaws in the Bill, but we still have a duty to try to improve the Bill where we can today. I am glad to say that the Government appear to have made some sensible concessions on areas of the Bill that are still to be finalised.

I would like to pay tribute, as the Minister has done, to the people who have worked on the Bill, especially my Labour colleagues who have worked so hard to try to improve this legislation. In particular, I thank my hon. Friends the Members for Dewsbury (Paula Sherriff), for Nottingham North (Alex Norris), for Stockton North (Alex Cunningham), for Stockton South (Dr Williams), for Slough (Mr Dhesi) and for Birmingham, Selly Oak (Steve McCabe) for all their valuable contributions in Committee and on Report. I also thank our wonderful Whip, my hon. Friend the Member for Bristol West (Thangam Debbonaire), who is sitting on the Front Bench now. In the House of Lords, I thank Baroness Thornton, Baroness Wheeler, Lord Hunt of Kings Heath and all Labour peers across the House of Lords who have persistently made the case against the Government’s approach to reforming this very complex legislation. They have always had in mind the interests of cared-for people, their families and those who work in the social care sector.

I turn to Lords amendment 1B and the Government’s amendment to it, which contains two elements. The first removes the definition of deprivation of liberty from the Bill. The second is a commitment to regular reviews of this definition, as the Minister has just outlined. It is to be welcomed that the Government have relented and removed their previous definition from the Bill, as that definition pleased nobody and added nothing. The definition of deprivation of liberty is set out in European law. Nothing that we do in this place will change what article 5 determines is a deprivation of liberty; neither the Government’s initial definition nor Lords amendment 1B can determine that something is not a deprivation liberty for the purposes of article 5 of the European convention on human rights. In fact, all this amendment will do is decide who can be subject to a liberty protection safeguard, and thus who receives the safeguards that the scheme provides.

Submissions to the Public Bill Committee from DoLS leads and other practitioners made it clear that they did not feel that a definition was needed on the face of the Bill. Those professionals felt that they already had a sufficient understanding of the relevant case law, and that the definition would be superfluous—so the Government’s definition was not for practitioners. The reason that the Lords pushed for a definition initially was to clear up confusion among lay people as to what constituted a deprivation of liberty, but the Government’s definition was far too complicated to be understood by cared-for people and their families. The Government knew this but would not simplify it further, saying that simplification was for the code of practice.

Given that the initial definition served nobody—professionals felt it was superfluous and that others would not be able to understand it—the only remaining explanation for its usefulness was that it redefined the scope of deprivation of liberty, and thus reduced the burden of applications by removing people from the scope of the LPS. The Government would have had more success if they had passed the Bill and engaged in a detailed consultation on what the definition should have looked like. However, since day one the Government have been determined to drive this Bill through as fast as they can. Ministers have ignored many calls for a pause or to take a more measured approach. Those calls have come not just from Members in this place and the House of Lords, but from over 100 charities and user-led organisations. The Government did not listen. They seemed less concerned with implementing the right reforms, and more with implementing reforms right away. That is never the right way to make or amend law. I am glad that the Government have now changed their approach and removed their initial definition.

I will say a brief word about the definition tabled by Baroness Tyler in the House of Lords. She recognised that her definition was not perfect as she introduced it, but it was clearly a starting point around which a better definition could be constructed. Baroness Tyler’s definition had the major advantage that it was easily understandable to someone without extensive legal experience. In removing it, we have to acknowledge that we are making the Bill less easily understood. As we have heard, the Government’s solution is to ensure that the code of practice contains easily comprehensible guidance on what is and is not a deprivation of liberty. For this solution to be workable, we must ensure that the guidance is written in a way that can be easily understood by a layperson. It is not reasonable to expect cared-for people or their families to wade through strings of double negatives or endless pages of case studies. I hope that the Government will take this on board as they move forward with the promised code of practice for the LPS.

We still have some reservations about Government amendment (a) to Lords amendment 1B. It places far more weight on the code of practice, which means that we are voting not on a firm proposal, but on a promise that details will be forthcoming at a point in the future.
I am sure that other Labour Members will agree that that is not the way we should be asked to make decisions. To judge the merits of the Government’s new amendment, we need to see the guidance that they are promising. If the guidance contains all the problems that the Government’s definition did, we will simply have moved the problem out of the Bill and into the code of practice.

When the Bill was in Committee, I was made aware that a set of case studies had been produced, containing guidance on what did and did not constitute deprivation of liberty. The case studies were apparently intended to be a draft section of the final code of practice, but they were not widely circulated and were clearly not a final product. Had the Government laid this document or something similar before the House ahead of today, we would not be considering this amendment blindly, as we are now being asked to do.

The second part of the Government’s amendment is a positive development. We are dealing with an area that is ultimately governed by an evolving body of case law. Indeed, the reason we are here today is that the original Mental Capacity Act was inflexible on this point. The judgment of the Supreme Court in P v. Cheshire West and Chester Council redrew the boundaries of the definition of deprivation of liberty. Significantly, it brought people in domestic settings into the scope of article 5 for the first time, but the Mental Capacity Act contained no provisions for these circumstances. The Act’s code of practice was suddenly out of date, and people were left unsure as to what constituted a deprivation of liberty. This resulted in large numbers of blanket applications, many of which may not have been needed. The combination of those two factors produced a surge in applications, adding to the backlog that we still see today. If the Government in 2014 had updated the code of practice, they may well have helped to avoid care home managers making blanket applications for all their residents, regardless of whether those applications were justified.

Government amendment (a) to Lords amendment 1B, says that regular reviews must be prepared and laid before Parliament, examining the operation of the guidance contained in the code of practice. Obviously, these reviews will only be useful if the codes are then updated. Will the Minister confirm what plans there will be to remedy any future problems with the code of practice? Regular reviews of the code of practice are welcome, and will help to align the code with case law. However, as was the case in Committee, we still have not seen the code of practice. It is all very well the Government saying that they will review it, but we have no idea what they will be reviewing. We are still having to ask to see documents that are fundamental to the operation of the new system, and that is simply not acceptable. Despite those reservations, we will not oppose amendment (a) in lieu of Lords amendment 1B. We recognise that the Government have finally seen sense and have practical steps to allay our concerns.

Lords amendment 25A is much needed, and I am glad that the Government have accepted the principle behind it. When the Bill was in Committee, the Government introduced a requirement for the cared-for person and others to receive a copy of the LPS authorisation record “as soon as practicable” after authorisation has been granted, and I want to give just one example of why it is so important that people know as soon as possible what is happening in cases of deprivation of liberty: the tragic case of Oliver McGowan. The Minister is familiar with the case, and I understand she recently met Oliver’s mother Paula again, as I did last week.

Oliver McGowan, a young man, died because he was given antipsychotic medication to which he reacted badly, despite express warnings about its possible effect on him. What we only found out recently is that the Mental Capacity Act 2005 was not used appropriately in Oliver’s case. The DoLS authorisation for his treatment was applied for after he was given the antipsychotic drug Olanzapine against his express wishes and those of his parents. He suffered an adverse reaction to the drug which led to his death. His family were not aware of the DoLS authorisation at the time, and it was only at the second coroner’s pre-inquest review, a year after Oliver’s death, that his parents found out about it.

The learning disabilities mortality review of Oliver’s death—I am sure that the Minister would agree that it was a flawed process itself—raised concerns about the lack of a best-interest decision meeting taking place when there had been a dispute about Oliver’s treatment. Paula McGowan told me that the 2005 Act “was not applied during Oliver’s time in Southmead Hospital and we were not listened to.”

That is what Lords amendment 25A is trying to guard against—a situation in which a person is held under a DoLS for weeks without the legal basis for detaining them being explained to their parents or family members. Taken in conjunction with other rights to information contained in the Bill, the amendment will help to ensure that the cared-for person and their family can understand the process to which they are subject.

Lords amendment 25A sets a tangible limit on how long the meaning of “as soon as practicable” can apply in relation to the cared-for person and others receiving a copy of the LPS authorisation. That is important, because overstretched medical and care staff may be undertaking the task, but they may have many priorities competing for their time. In such a situation, it is all too easy to see that what is essentially an administrative step, such as giving a copy of an LPS authorisation record, could be deprioritised and not happen, which is unacceptable.

The authorisation record could be important in enabling the cared-for person and their family members to understand the effect of the LPS. Moreover, it will inevitably form the basis of any appeals against the granting of the LPS. It is hard to imagine an appeal against an authorisation being embarked upon before the cared-for person knows what decision has been made and why. As such, excessive waits for the authorisation record will act as a de facto block to appeals being launched immediately.

Lords amendment 25A sets a firm time limit of 72 hours for the authorisation record to be provided to the cared-for person and others. If that time limit is exceeded, there must be an investigation. The Government’s amendment (b) to amendment 25 in lieu of Lords amendment 25A retains that important mechanism. In practice, it would incentivise professionals to meet their obligations to provide information to cared-for people and their families. We feel that a time limit is the best way to ensure that that is not forgotten.

As I said at the start, we support Lords amendment 25A, and I am glad that the Government have accepted the principle behind it. As such, we will not oppose Government amendments (a) and (b).
Mr Deputy Speaker (Sir Lindsay Hoyle): I call Kevin Foster.

Kevin Foster: Thank you, Mr Deputy Speaker. It is a particular pleasure to called by you to speak in the Chamber. It is also a pleasure to speak in this debate to reflect briefly on a bit of the background as to why we need this Bill. Some 125,000 people are effectively subjected to this procedure but without the appropriate legal safeguards, so I welcome the fact that both Houses are now looking to support the Bill.

I welcome the Government amendments that have been tabled in lieu of the Lords amendments, and they take on their main thrust and spirit. As I touched on in my intervention on the Minister, it will be interesting to see the timescale for bringing in the code of practice. I accept that it needs to be done properly and be consulted on and that there must be appropriate case studies, but one of the reasons for supporting this Bill is to see that, and the Minister will put a letter in the Library that sets out the timescale.

I would not expect to hear a date picked out of the air and stated on the Floor of the House—that would be unreasonable and inappropriate—but it would be useful to get a sense of the timescale, because I assume that we are talking about months, not weeks or years. It would be inappropriate to include specific examples on the face of the Bill, but it is right that the amendments look towards the creation of a clear code of practice and review, providing the opportunity for the House to consider any reviews and hold Ministers to account, because this legislation relates to our most basic right: the right to choose where we live and what we do with our time.

2.45 pm

I listened carefully to the shadow Minister, who discussed how to regulate care homes and to ensure that standards are applied. I am not suggesting that every consultation should be carried out by someone from the local authority. Indeed, as I said at an earlier stage of the Bill, it may be more appropriate for a carer who knows the person well to carry out part of the consultation rather than having someone turn up from the council. Again, this is about how to ensure that appropriate standards are maintained. I will keep to the amendments, but we could have a longer debate about how to ensure that regulatory standards are where they need to be.

Barbara Keeley: In the example I gave, residents who had lived in a care home for a long period had a manager who did not keep their care plans or any documentation, and they suffered terrible abuse. Such things do go on, and I am still concerned that we are giving responsibility to people who are already overstretched and may not be doing or may be unable to do a good job.

Kevin Foster: I accept the point. However, the hon. Lady’s example is not just about standards being ignored, because there was a raft of, bluntly, criminal behaviour and abuse. If we were having a longer debate about care homes and the regulatory system, we could look at whether having the Care Quality Commission cover such a wide range of areas is the best way of ensuring that such things do not happen, but Mr Deputy Speaker is always keen for us to stick to the topic of the debate.

The amendments relating to Lords amendment 1B are appropriate and slightly better than the original, and the amendments relating to Lords amendment 25A make eminent sense. It makes sense to record why something has not happened, because if there are concerns about the management of a care home, there should be a duty to record why something was not done, not just to review it. The management could in theory say, “I’ve reviewed it, but I didn’t record what I’ve concluded,” or try to come up with a conclusion later.

James Morris (Halesowen and Rowley Regis) (Con): On recording things, one issue that arose when we were in Committee related to fluctuating conditions. For example, if somebody were subject to a DoLS, but then medical evidence demonstrated that they could be released from it, that makes it even more important to ensure that records are kept and that there is absolute clarity around the reasons for deprivation of liberty.

Kevin Foster: My hon. Friend makes a strong point. We should not just assume that once a DoLS is in place it will be there for life. For some people, it may apply during a particular period of treatment or time, and things will fluctuate for some people if they recover to a point at which a DoLS is no longer appropriate because they are able to make their own decisions. As he says, the appropriate records must be kept to ensure that that is properly reviewed and borne in mind, so that a decision cannot be made that someone should be subject to this forever. There should be a rolling review, to ensure that those in charge of caring for a person and those overseeing the care are satisfied that it is still the appropriate measure, given its impact on the person’s life.

I do not wish to prolong the debate, given that there is consensus across the House, which is welcome. The Bill will be better for having these substitute amendments, inspired by the Lords amendments, and on that basis, I hope the House will endorse them.

Jim Shannon (Strangford) (DUP): It is always a pleasure to follow the hon. Member for Torbay (Kevin Foster), as I do on many occasions. I agree with what he said. First, I thank the Minister for her commitment, for our comprehensive discussions and for making herself available for each and every person who wished to have input into this process, and hopefully the changes that the Government want to see will be passed.

The Government have gone to some lengths to ensure that this Bill replaces and improves existing legislation surrounding the deprivation of liberty as a matter of pressing urgency. The current system is not fit for purpose—many people in this Chamber and outside it feel that—and this legislative change by the Government is what we want to see.

The Bill implements the Law Commission’s recommendations, introducing a new system for people who lack capacity and need to be confined for care and treatment, ensuring that the system protects vulnerable people, is person-centred and includes a strong role for carers and families. I have had a chat with the Minister about this, and the Bill will also ensure that supported people and their families are supported and included throughout the process. That is very positive.
The supported person will be afforded their rights throughout the process by an appropriate person. The appropriate person will normally be a family member. Carers and families will be given a stronger role, with an explicit duty to consult them and the supported person. As someone who cares, along with my mother and son and others, for my brother Keith, who was in a motorbike accident some 15 years ago, I know the importance of the carer’s role across the whole process.

Jim Shannon: I certainly do. The Minister has responded to the concerns of the hon. Gentleman, myself and others in a spirit of generosity, and perhaps this legislative change does that.

I welcome moves taken to make the definition of deprivation of liberty as strong as possible. What the Government have done is clear. It is vital that the definition links back to the European convention on human rights and provides a sturdy basis to protect vulnerable people. That is good news.

Members have referred to the 125,000 people who are currently deprived of their liberty without the necessary protections in place. Through this legislative change—which will not be opposed; a very helpful attitude has been adopted in the House of Lords and on both sides of this House—can the Minister indicate what will be done to reduce the backlog?

The Government have been lobbied and have consulted the Local Government Association, charitable bodies and other interested people and groups. As a result, we have a vital opportunity for long-awaited reform, and the Bill needs to be passed.

Mr Deputy Speaker, I gave you my commitment that this would be a short contribution, and I intend to keep to that. I want to finish with two quick questions to the Minister. Can she explain how the role of an appropriate person will be put first?

Mr Deputy Speaker (Sir Lindsay Hoyle): Just to help, the Minister would need to leave to respond to those questions, so the hon. Gentleman is putting pressure on for something that is not available at the moment.

Jim Shannon: I would never put pressure on the Minister—not in a million years; I know my place. I suggest gently to her that those two things could be looked at.

Helen Whately (Faversham and Mid Kent) (Con): It is always a pleasure to follow the hon. Member for Strangford (Jim Shannon), who makes such thoughtful contributions. I will be brief, so we appear to have a large amount of consensus on this piece of legislation.

First, I want to pay tribute to my hon. Friend the Minister for the work she has done on the Bill, her extremely consensual approach to it and the way she has listened to concerns of Members on both sides of the House and consulted stakeholders widely. It has been a real pleasure to work with her on the Bill, and I thank her for that.

This Bill is critical because it concerns some of the most vulnerable people in our society. We have talked about the fact that there are 125,000 people waiting to be processed for deprivation of liberty orders, and the system is not working, but there are 2 million people who have impaired mental capacity in the country, and we need to get the system right for all of them, not just the 125,000 who are being let down by the current system.

It is also important to say that the Bill builds on more than three years of work and the recommendations of the Law Commission. It has been fully scrutinised by the Joint Committee on Human Rights, and the other place has contributed to it, as have members of the Bill Committee. I have received many emails in support of the fact that it introduces a better system, gets rid of the bureaucratic box-ticking exercises in the old system and should be better for both the individuals who are deprived of their liberty and their families.

Barbara Keeley: The work that was done for three years was on a 15-clause Bill that is not this Bill. We discussed that plenty of times in Committee. I think it only fair to be accurate. This five-clause Bill is not the Bill that was consulted on, and it is not the Bill that had three years of work. It is not correct to claim that it is. We spent a lot of time in Committee trying to put right the things that were missing and taken out of the earlier 15-clause Bill, and it is better to be accurate about that.

Helen Whately: I thank the hon. Lady for her intervention. Broadly, I was attempting to say that a significant amount of work has gone into this. I have heard overwhelmingly from those working in the sector about the importance of doing something about the current situation, because it is not working and cannot be allowed to continue. This is urgent.

It is right that the NHS and social care providers will be given a bigger role in the decision-making process, so that people under their care receive better care and their rights are protected. The fact that we have people outside the system unprotected at the moment clearly cannot be right and cannot continue. During the passage of the Bill, I raised concerns about how it will work for people with fluctuating conditions, and I have been reassured by the Minister that responsible bodies will be required to keep individuals’ circumstances under review. I welcome the fact that there is further detailed guidance on fluctuating conditions in the code of practice.

I turn to the amendments and particularly the debate about the best way to define “deprivation of liberty”. It feels like a sensible conclusion has been reached in order for us to move forward, with a plan to develop the
definition further through the code of practice. These things evolve and are extremely complex, and we need a flexible system that meets the needs of our society.

To sum up, the old system is not fit for purpose. The Bill makes important and timely amendments. It is better for individuals and all those around them to ensure that they have appropriate protections for the very serious matter of depriving individuals of liberty.

**Question put and agreed to.**

Resolved,

That this House does not insist on its amendment 1 to which the Lords has disagreed, and disagrees with Lords amendment 1B proposed in lieu, but proposes amendment (a) to the Bill in lieu of the Lords amendment.

**Resolved.**

That this House disagrees with Lords amendment 25A proposed to its amendment 25, but proposes amendments (a) and (b) to its amendment 25 in lieu of the Lords amendment.—(Jo Churchill.)

**Exiting the European Union**

**Consumer Protection**

3 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): I beg to move,

That the draft Geo-Blocking Regulation (Revocation) (EU Exit) Regulations 2019, which were laid before this House on 14 March, be approved.

The statutory instrument will revoke both EU regulation 2018/302 and the Geo-Blocking (Enforcement) Regulations 2018 in the event of the UK exiting the EU without a withdrawal agreement. This recognises that in the event of a no-deal exit from the EU, there will be no way to enforce effectively the geo-blocking regulation on behalf of UK consumers.

Geo-blocking is the term used to describe traders discriminating against customers on the basis of nationality or of the location of the customer. The EU’s geo-blocking regulation prohibits certain forms of geo-blocking, including through mandating access to all versions of a website in the EU, preventing discrimination between EU customers when distance shopping online or otherwise, and preventing discrimination in the payment terms accepted. This regulation came into force on 3 December 2018. The geo-blocking regulation does not apply to copyrighted online content, such as movies, e-books and video games.

The Geo-Blocking (Enforcement) Regulations 2018 enabled the domestic enforcement of the geo-blocking regulation. The regulations gave powers to certain regulators and acknowledged the right of customers to bring claims directly against infringing traders. These regulations came into force on the same day as the geo-blocking regulation. In the event of a no-deal exit from the EU, the geo-blocking regulation will be transposed directly into UK law, under the European Union (Withdrawal) Act 2018, as retained EU law. The Geo-Blocking (Enforcement) Regulations 2018 will also continue to have effect after a no-deal exit, unless revoked.

It is necessary to revoke both these pieces of legislation as it will not be possible to enforce effectively the geo-blocking regulation on behalf of UK consumers after a no-deal exit from the EU. This is because EU regulators will no longer be obliged to bring action against businesses through EU mechanisms for cross-border co-operation; UK civil and commercial judgments would no longer be automatically enforced in EU member states and courts; and the UK Government cannot unilaterally enforce the geo-blocking regulation across the EU.

Given that geo-blocking cannot be enforced unilaterally by the UK across the EU in the event of a no deal, it is not possible to replicate the geo-blocking regulation’s benefits for UK consumers in domestic law. The provisions of the geo-blocking regulation do not apply to transactions occurring solely within one country. Therefore, there is no benefit to UK consumers in retaining a version of the geo-blocking regulation that applies only to the UK.

Mr Jim Cunningham (Coventry South) (Lab): I have a genuine question: will the Minister tell us how we can protect the British consumer in that particular situation?
Kelly Tolhurst: We are debating a no-deal SI, and leaving the European Union means that the law is disappplied, so by leaving the European Union we are moving out of those protections.

Furthermore, if we do not revoke the geo-blocking regulation, it would result in a competitive disadvantage for UK traders. They would have to continue giving EU consumers preferential treatment, while EU traders would not need to do the same for UK customers. To avoid this, which is in the EU’s favour, we propose revoking the geo-blocking regulation in the UK.

The effect of this statutory instrument is simple. The retained EU law version of the geo-blocking regulation and the Geo-Blocking (Enforcement) Regulations 2018 will be revoked in the event of a no-deal exit from the EU. The substantive rules contained in the geo-blocking regulation will no longer have effect in the UK after that regulation is revoked. It is important to note, however, that this legislation will continue to operate in the EU. As such, UK businesses operating in EU markets will still have to comply with the EU regulation when dealing with EU consumers.

The changes made to schedule 13 to the Enterprise Act 2002 by the Geo-Blocking (Enforcement) Regulations 2018 were undone by a separate statutory instrument, the Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019. Those regulations were debated and approved by the House on 30 January and were made on 6 February 2019.

The Geo-Blocking (Enforcement) Regulations 2018 enable the domestic enforcement of the geo-blocking regulation. They also provide for UK customers to bring claims directly against traders that breach the geo-blocking regulation. As the intention is to revoke the geo-blocking regulation in the UK and UK customers will not be able to rely on it thereafter, such provisions would serve no purpose.

A failure to revoke the geo-blocking regulation and the Geo-Blocking (Enforcement) Regulations 2018 would not preserve UK customers’ consumer rights. Those rights will in effect be lost if the UK leaves the EU without a deal. The only effect would be to continue to impose obligations on UK traders while providing no benefit to UK customers.

The subject matter of this statutory instrument is partially devolved to Scotland, Wales and Northern Ireland. The statutory instrument has been consented to by the Welsh and Scottish Administrations, and the Northern Ireland civil service was notified in line with the protocol agreement in place during the absence of the Northern Ireland Executive. I would like to take this opportunity warmly to thank the devolved Administrations for their ongoing co-operation.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I rise as a former Chairman of the Subordinate Legislation Committee in the Scottish Parliament. The Minister has mentioned the co-operation at civil service level. May I have the safety of an assurance that there is similar co-operation at political level between those who handle statutory instruments in Westminster and those who do a similar thing in Holyrood?

Kelly Tolhurst: I would like to outline the fact that this was given political consent: the Minister in Scotland wrote to us to give his consent for the statutory instrument.

In conclusion, the statutory instrument simply recognises the practical effect of a no-deal exit from the EU. The Government are seeking to ensure that UK traders are not unfairly subject to rules that do not benefit UK customers.

3.8 pm

Bill Esterson (Sefton Central) (Lab): I thank the Minister for her opening remarks. She set out exactly what the existing regulations do and, to be entirely honest, what she is proposing in the case of no deal makes perfect sense. The regulations before us revoke the existing regulations that prevent undue discrimination across the European Union by the blocking of consumers in one country from accessing websites in another member state or by redirection to the member state of the consumer.

A number of questions arise from the Minister’s remarks and from at least one of the interventions she took. She spoke about the fact that these regulations are relevant only in the event of no deal. When she responds to the debate, will the Minister confirm that, if a deal is agreed, the Government have no intention of revoking these or similar regulations? She is engaged in a conversation at the moment, so I hope she heard that question.

My hon. Friend the Member for Coventry South (Mr Cunningham), who is no longer in his place, asked the Minister a very good question about how UK consumers will be protected in the event of no deal. His question highlighted just how important it is that we do everything in our power, particularly in these next 10 days, to avoid the disaster of crashing out with no deal. That is the best way in which to avoid having to revoke the regulation.

Kevin Foster (Torbay) (Con): The shadow Minister has said that we need to do everything in our power to avoid the UK crashing out. Does he agree that voting for the withdrawal agreement would be the best way of doing that?

Bill Esterson: I think the hon. Gentleman is wandering a little from the issue under discussion.

Mr Deputy Speaker (Sir Lindsay Hoyle): I think he is trying to tempt you.

Bill Esterson: I think he might be. Suffice it to say that that deal has been rejected three times, on the first occasion by the largest margin by which a Government have ever been defeated in the known history of Parliament. Quite apart from the undesirability of what is in that deal, I think we should probably move on. I have a sixth sense that it will come back for fuller debate on another occasion.

The Minister made a very strong case for cross-border co-operation, for maintaining the regulation and for a mutual recognition agreement so that we can maintain protections for consumers and businesses. I hope she will confirm that when she responds to the debate.

I am not able to confirm with absolute certainty that the revocation will deliver what the Government intend it to do. We have to accept the Minister’s word that it will do so. I have no reason not to accept it, but I do not have the technical expertise. The papers in front of us do not allow me to say any more than that, so I have to
put on the record my reservations and those of my party. As ever with the statutory instruments we are being asked to approve, there is no impact assessment. The lack of published consultation responses also makes it that much harder for us to analyse what we are being asked to approve.

Businesses and consumers need confidence and certainty. I note from the explanatory memorandum that a number of business organisations were consulted. Perhaps the Minister could provide more detail on what they said. She has done so on previous occasions, so I look forward to hearing what was said in those consultation discussions.

The regulations that we are being asked to revoke are designed to prevent discrimination based on location. They exist to stimulate the internal market of the European Union and to support the free movement of goods and of free trade through the digital sector. They address the possible restriction on competition between businesses across the European Union market and ensure that consumers have access to the best offers, prices and conditions of sale. They do not limit trade for consumers to goods and services in their own country—that is a very important distinction—and that is precisely what has happened since the regulations were introduced at the start of last year. They also prevent website redirection away from businesses that are not in the consumer’s member state.

If we leave with no deal, the draft regulations will revoke the geo-blocking regulation completely. No deal would end the protections for UK businesses and consumers, as they would not be protected in the European Union. The Minister set that point out very well in her opening remarks. As she said, retaining the regulation in the UK would mean that we could be blocked but would not be able to block against discriminatory practices from within the European Union. Those points are well made in paragraphs 2.4 and 2.5 of the explanatory memorandum. Paragraph 2.4 makes the point that “if we did not revoke the Geo-Blocking Regulation, UK traders would continue to have obligations to EU customers under the Regulation while UK customers are unlikely to receive any of its benefits.”

Paragraph 2.5 states: “To avoid this asymmetry of enforcement obligations in the EU’s favour, we are revoking the…Regulation in the UK.” I accept those points, which is why we will not oppose the revocation.

The revocation of the regulations would at least minimise discrimination, but that is a bare minimum and a low base from which to operate. It would be far better not to have to do this and to have mutual recognition after we leave the European Union and continue with an arrangement that protects our businesses and consumers against discrimination as far as possible.

The draft regulations are an example of what no deal means. After yesterday’s latest failure by Members from across the House—but from some parties in particular—to be prepared to find a compromise to avoid no deal, we are one day closer to the dire prospect of that outcome. Of course, the Government should have taken no deal off the table, so that MPs did not have to do so, to avoid what in all honesty are desperate, last-minute no-deal preparations. That is the only way to describe what we are being asked to do today, 10 days before a likely no-deal departure.

The CBI was one of the business organisations referred to as having been consulted. Although I do not have its response to the consultation—I hope to hear it shortly from the Minister—I do have what it wrote to the Prime Minister, in a joint letter with the TUC, about the consequences of no deal. Is it not refreshing to see the leaders of the employers’ largest representative organisation and the leaders of the workers’ representative organisation working so closely together, signing a joint letter to the Prime Minister? That is what leadership in this country looks like and it is a great shame that we have not seen more of it from politicians.

The joint letter makes it clear that no deal would be disastrous for the country—for businesses and for workers—and that also applies to the draft regulations, should they ever be needed. On a no-deal outcome, the CBI-TUC letter states: “Firms and communities across the UK are not ready for this outcome. The shock to our economy would be felt by generations to come…avoiding no deal is paramount.” They describe no deal as causing “reckless damage”—[Interruption.] It is a shame that those Members commenting from sedentary positions on the Government Benches did not support some of the alternative options available to us yesterday. The TUC and CBI call for a plan B, which has been rejected by those Members who have been heckling me for the past few seconds.

Sir Oliver Heald: (North East Hertfordshire) (Con): I do not know whether the hon. Gentleman would like to join me in welcoming the fact that the House of Lords has just passed the Animal Welfare (Services Animals) Bill, which will give protection to police dogs and police animals.

Bill Esterson: I am delighted to welcome the passing of that Bill. I was not quite sure what that intervention was going to be about. I agree that it is an extremely welcome and important piece of legislation that has made progress in the other place.

The TUC and the CBI are calling for a plan B. I hope that, as we make further progress in finding alternatives tomorrow, we do that and avoid a no deal. If that is the case, the Minister will not have to invoke these regulations.

The revocation of the geo-blocking regulation is not the largest single impact of no deal; it is a small example of the consequences, and I hope it is not needed. I hope that the Minister and all hon. Members agree with that point.

I have a couple of questions for the Minister in addition to what I asked her earlier. I understand that there are businesses in the UK that currently use hosting services from EU providers. Can she reassure them about how that access will continue if the geo-blocking regulation is revoked in the event of no deal? The impact assessment takes a very narrow view and does not comment on the number of individuals using services from the EU in this way under the regulation. I hope that the Minister can give some sense of what the impact would be, what the likely outcome is, and how the Government propose to protect businesses in the event of no deal in this respect.

Consumers currently enjoy the ability to buy services and goods from across the EU. Will the Minister indicate whether the Government have assessed what the impact on them will be in relation to access to services and
registration? Will businesses in this country be able to buy services from within the EU if the regulation is revoked?

I and other hon. Members have asked questions about the damage that no deal will do on a small scale through this one set of regulations. One way to express it is to say that these regulations show that the Government have failed to prepare; another is to say that they have not prepared because it simply is not possible to prepare for no deal. These regulations, like so much else that is going on at the moment, given the looming prospect of no deal, demonstrate that. We can overcome the danger of a disaster only by avoiding no deal. I hope that hon. Members from all parties will take note of that and will try to find alternatives. The Government’s deal will not go through, so an alternative needs to be found.

3.23 pm

Kevin Foster (Torbay) (Con): It is a great pleasure to follow the hon. Member for Sefton Central (Bill Esterson). I want to reflect his comments about the necessity of this statutory instrument, based on whether we have a no-deal outcome. This is effectively a no-deal prep piece of legislation. He is right that we want to avoid no deal. That is the preferred outcome of virtually no one in this House. Some hon. Members might be prepared to accept it if necessary. We cannot go into a negotiation without the withdrawal agreement to go through, unless they will get another one in the near future. That is not the position that I will take. Because I do not think it is right—the referendum settled that matter—and I am sure it is not my hon. Friend’s position. We therefore need to look at how we get the withdrawal agreement through.

I very much welcome the constructive approach to looking for compromise taken by the hon. Members for Stoke-on-Trent Central (Gareth Snell) and for Wigan (Lisa Nandy). Sadly, their amendment was not selected, but hopefully it will be incorporated into the Government Bill. I note the Prime Minister’s comments on that. That would ensure parliamentary scrutiny, and it would ensure that Parliament is not unhappy with what comes out in the future relationship. [Interruption.] I see that you want me to relate my comments to this statutory instrument, Madam Deputy Speaker. Putting the withdrawal agreement in place would mean that we would not have to enact this type of statutory instrument. This is a no-deal—in other words, a no-divorce-deal—statutory instrument, not just a no-future-relationship statutory instrument.

Julian Knight: Will my hon. Friend give way?

Kevin Foster: I will give way briefly, but I am conscious of time.

Julian Knight: My hon. Friend is being very generous in giving way. He is always conscious of the clock.

Does my hon. Friend agree that paragraph 2.4 of the explanatory memorandum emphasises how disadvantaged we could be by a no-deal Brexit in terms of consumer rights? It says:

“If we did not revoke the Geo-Blocking Regulation, UK traders would continue to have obligations to EU customers under the Regulation while UK customers are unlikely to receive any of its benefits.”

That seems like an absolutely ridiculous position to be in.

Kevin Foster: I have always been clear that 63% of my constituents voted for us to leave in the referendum, and ultimately we have to have no deal as a fall-back if all else fails. If Opposition Members are desperate to avoid that situation—if that is their absolute priority—they had an opportunity to do that on Friday, and I hope they will get another one in the near future. That is not ideal; having a transition period during which businesses can adapt is the right way forward.

If we do not pass something like this statutory instrument, we will end up in the rather unenviable position in which UK businesses will be required to follow a piece of legislation, yet businesses in the other 27 member states of the EU are not. In effect, they could have rules blocking access to their websites and portals based on the fact that we would no longer be part of the EU. Meanwhile, our law would say that—

Julian Knight rose—

Kevin Foster: If my hon. Friend just gives me a moment, I will finish responding to his previous intervention before I take another one. We would still have to keep that access, and that is why we need to look at revocation of these measures. I will briefly take my hon. Friend’s intervention, but I am conscious that I need to move on to the main body of my argument in a minute.

Julian Knight: I thank my hon. Friend again for giving way. Does this not also emphasise the fact that there are also downstream consequences? I am not talking just...
about the one that I emphasised from paragraph 2.4 of the explanatory memorandum. Paragraph 2.3 also states: “UK civil and commercial judgments would no longer be automatically enforced in EU member states. Does my hon. Friend agree that would have downstream consequences for the premier position of UK legal services as well?”

Kevin Foster: I am conscious that I could probably expand this debate widely into legal services and the impact potentially from the recognition of judgments between different jurisdictions. A lot of people forget that the EU is not a sovereign state—I do not want it to be and nor does my hon. Friend. It is a creature of treaty, and its actions and rules are therefore effective only through the structures of member states—that is, recognition of court judgments that enforce EU law between different jurisdictions. He is right that if we go out under a no-deal scenario, from Brexit day plus one, that level of co-operation and recognition is unlikely. That is why this SI is needed. Bizarrely, the enforcement of these EU regulations could be pursued in courts across the EU, or even in our own courts, and meanwhile, a judgment looking to enforce to the benefit of a British company would not be recognised at all. It would basically be a bit of paper someone would get.

We keep coming back to the fact that if people do not want this type of outcome, they have two choices. There is the Scottish National party’s choice, which is to revoke article 50—[Interruption.] We can hear the cheers coming from SNP Members. Or we can put through the withdrawal agreement. That is where we are. We can talk about whether we should be in a particular type of customs arrangement, what we would like on security and defence, and whatever. At the end of the day, the withdrawal agreement is the gateway to every relationship with the EU, other than revocation or no deal.

David Linden (Glasgow East) (SNP) rose—

Kevin Foster: I will happily give way to my friend, the hon. Gentleman.

David Linden: I am grateful to the hon. Gentleman for giving way; he is one of my genuine friends in this House. He is right that in 2016, the Scottish Government said, “We campaigned for remain. We did not want to leave the European Union,” but we realised very early on that the Brexit referendum was about delivering a judgment looking to enforce to the benefit of a British company. In this House, we had to compromise. That is why “Scotland’s Place in Europe” looked at membership of the single market and the customs union. We compromised in 2016 when it was very, very unpopular to do so. There has been a process of evolution: we have gone from that compromise to what I accept is a very hard-nosed reality, where the only thing that we can do to protect our economy is to revoke article 50. Does he not agree, however, that it might just have helped things in 2016 if that spirit of compromise had evolved a bit sooner in this place and that we might not have found ourselves, three or four days after the scheduled exit, debating a statutory instrument that could have profound consequences, depending on what happens over the next few days?

Kevin Foster: I thank the hon. Gentleman for his comments. We can all look back over the past three years and suggest that there were things that we might have done differently or changed.

“If? What? Could?” is great fun to play—hindsight has 20/20 vision—but the other 27 member states have their own red lines. The idea that if I or the hon. Gentleman had walked in as the UK Prime Minister, everyone would have said, “Ah, it’s you! What can we do for you? Let’s offer you a great deal” is for the birds. The other member states would still have had their own red lines.

As I said, the only things for which a negotiated deal is not necessary are a complete no deal and revoking and remaining—the latter for obvious reasons—but if we want a negotiated deal, we need the prism of a withdrawal agreement. There is a strong argument for saying that even if we did go down the no-deal route, we
would find at some stage that if we wanted a free trade agreement, the first three items on the EU’s agenda would be: clarifying citizens’ rights, which is not particularly controversial across the House; a financial settlement—that might be where a debate comes in; and arrangements to keep the land border in Northern Ireland open. Whether under a withdrawal agreement now or a free trade agreement in the future, those three issues will almost certainly be the basis of any agreement, no matter which of the panoply of Brexit ideas we have been treated to over the last year or two the House, and ultimately the country, decides upon. Once the divorce process is complete, the second phase of negotiations and decision making in the House remain.

Great though it would be to settle Brexit this afternoon, it is time that I return to the substance of the SI: the geo-blocking regulation. [Interjection.] I hear shouts of joy from the shadow Front Bench. Geo-blocking sounds like something to do with a map—a rambler might find their geo-signaling being blocked—but it is actually one part of making sure we have a single market online as we do for physical goods. Those of us who grew up in the late 1980s—I am not sure if my hon. Friend the Member for Solihull (Julian Knight) is old enough, and I am certain the Minister is not—will remember the debate about how much a particular CD or tape cost in the UK, the United States, Canada, Germany and other countries. Nine times out of 10 a CD produced in the same factory, with the same copyright and by the same company would be more expensive in certain countries—that excludes differing VAT rates, of course, because that could change the price in the shop; I am talking about the base cost excluding taxes.

The regulation tried to prevent different prices in different markets arising from differing charging and supply. Those of us who studied European law will know that the Commission tried to eliminate this grey market idea of trying to restrict or increase prices in particular markets across the EU single market—a single market that we will remain a part of during the implementation period, if the withdrawal agreement goes through. The regulation was about making sure the consumers had the full opportunities. Such regulations make a difference. It is eminently sensible that we revoke the regulation—I agree with the Minister’s reasoning, and, as I have said, it would be bizarre if British businesses were under an obligation that EU businesses were not which EU businesses could enforce against us under our law—but having in place some other appropriate measure would make a difference.

I hope therefore that we could consider that in future trade agreements—and not just with the EU. I have just given the example of the US. With increasing online commerce and trading, we should look to open up to other jurisdictions that use the English language and have similar commercial standards, consumer protections and quality standards. Under future trade agreements, we should look to ensure that businesses large and small that are buying stuff in across our borders can benefit from free trade arrangements.

**Simon Hoare** (North Dorset) (Con) rose—

**Kevin Foster:** I will give way in a moment. We want to be able to benefit from a single market online, given that it does not matter if someone buys from Tewkesbury or Texas—or North Dorset, for that matter—if they are sitting at their computer, and as long as the delivery charges are there. It is about that principle of giving consumers access to be best prices possible.

**Simon Hoare:** My hon. Friend mentioned the English language. Does he share my concern that we often forget that it is a key part of our armoury? It is the international language. It is the language of the internet and the language of the skies, and it is now the lingua franca of the world. We should never forget that it is one of our great tools of soft power.

**Kevin Foster:** I hope that my hon. Friend will forgive me for turning my back on him while responding to his intervention. I need to address the House, rather than face him directly.

The English language is indeed one of our great tools. When we look at any regulations relating to online businesses, we should bear in mind that the base code of computers is effectively English, because of the history of computer developments between us and the United States. The first computer, as such, was of course developed here, following the amazing theoretical work done by Alan Turing, who, sadly, was treated abysmally by this nation after the second world war in connection with matters that were never a crime. He came up with the revolutionary 01, and set the philosophical basis that would result in the very trading systems that these regulations seek to address.

This is one of our key goals. It is important that we have an effective and competent system of law relating to online transactions, because if we do not we will lose one of our biggest opportunities. My hon. Friend touched on that. Many people go online and happily access information, services and opportunities. They are able to compare prices in a way that would not have been possible before the internet era, because English is pretty much common currency on many internet platforms—although, given that the regulations relate to online shopping opportunities, it is worth noting that people can now interact with the vast majority of online retailers in the language of their choice. There are also the well-known providers’ translation services that we can now use. I used to have a bit of fun when a former Wales Minister texted to ask if I was here: I would reply in Welsh, courtesy of Google Translate.

I will move on, because I know that other Members wish to speak, and that the debate is time-limited. Some other issues on which the Minister may wish to reflect when she sums up relate to Ireland. We have had a great many discussions about the backstop and how we can keep the Northern Ireland land border open, but in these unique circumstances, someone purchasing online in, for example, County Fermanagh can be only a couple of miles away from the online business—or the business behind the online entity—which is based in, for example, County Donegal. There would of course be a different boundary, particularly in the no-deal scenario for which this measure is intended, and I should like to know how we can ensure that some sort of interaction remains. I think it is safe to say that it would be rather controversial if we did not give clear access to Irish websites.
That, in fact, makes eminent sense. There are businesses, cultural links, and supply chains and delivery networks that work across the border. One road crosses the border 15 times in two miles. If something that I had ordered online was being delivered using that road, the farmhouse involved might be in the United Kingdom and the hay barn in the Irish Republic. We need regulations that could deal with the unique situation near the Irish land border.

The Minister rightly referred to the consent of the Scottish Parliament and the Welsh Assembly, but Northern Ireland is beset by the fact its Assembly is not up and running and doing what those elected by the people of Northern Ireland should be doing. Although it is right that we are moving to ensure that Northern Ireland’s statute book is in order for a no-deal Brexit, it would be interesting to know what thought has been given to this aspect, given that the Northern Ireland Assembly is not working and that, sadly, it is unlikely to be up and running in the next couple of months, when we may see a no-deal exit. What thought is being given at Westminster to ensuring that there is appropriate legislation to cover online shopping and, bluntly, to ensure that legislation requires fairness between websites and fairness in online shopping between the Irish Republic and Northern Ireland?

Julian Knight: It is really interesting to focus on Northern Ireland in this. Does my hon. Friend agree that it would be perverse if there were such barriers in the way, given that many of the major internet retailers are domiciled in the Republic of Ireland for tax reasons?

Kevin Foster: I thank my hon. Friend for his, as always, thoughtful intervention. I suspect many of us would not particularly want to rush to help them, shall we say, pay a lower rate of tax in the Irish Republic. During my time on the Public Accounts Committee, I had the joy of discovering that a “double Irish” was nothing to do with a whiskey order and a “Dutch sandwich” was not something I would eat with it—in terms of tax avoidance work.

For me, this is a question of how we can sensibly reflect in legislation the unique position on the island of Ireland. The current geo-blocking regulation provides protection, and there is reciprocity between the two jurisdictions, to ensure that each side’s shopping outlets and businesses may trade without discrimination. The purpose of the new regulations is to prevent the establishment of an operation that charges a different price—as in my CD example—or that blocks a customer living in a particular country from buying, or applies different terms and conditions to their transaction. It is worth noting, however, that there are some exemptions around items that are not permitted for sale. For example, in Germany and Austria there are strict denazification laws to prevent the sale of certain historical items. In addition, an item such as a toy train set from the era, if sold to the German or Austrian market, must not carry certain symbols from the disastrous Nazi regime that devastated those countries in the 1940s, along with most of western Europe. So there are some tweaks that rightly reflect the law in those nations, but in general the purpose of the regulations is to prevent unfairness.

I return to the point I was making earlier. For me, the regulations are about ensuring that the system in Ireland allows trade across the whole island of Ireland, where we would want to see that type of system in place, not just for sensible economic reasons but in view of the ongoing peace process—ensuring that the single market across the whole of Ireland may continue. It would be bizarre if we agreed a workable set of alternative arrangements that released the backstop in years to come, but put a barrier around the sale of goods online.

In services, we may well look to move on—change our position to exploit our huge advantage, particularly in financial services, across the world, with trade deals. I am particularly excited at the prospect of a trade deal with the parties to the requests for a comprehensive agreement, the Trans-Pacific Partnership; there is very strong demand there. Given that we are revoking the current arrangement with the European Union on the basis of a potential no deal, I hope the Minister is considering how, if we do not have no deal, we could look at the type of regulation that might be of benefit and might allow insurance products and so on to be continued.

I am conscious that I have been speaking for a little while. I reassure hon. Members that I do not intend to break one of my records for length of contribution. I recognise that the Scottish National party spokesperson, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), wants to speak; I have no intention of talking him out.

There are a few reasons why we need to look at approving the regulations today. I am very much a fan of free trade. It brings prosperity. It brings down barriers, interlocking economies. Let us be candid—the reason that the European Coal and Steel Community was established was to interlink economies, and the geo-blocking regulations are part of doing online just what we did with coal and steel back in the 1950s. The idea then was that if the German steelworks were dependent on French coal, there would obviously be an issue if a conflict broke out. The theory was that creating a single market and having these types of regulations would ensure that that continued online and that consumers would benefit. They could buy from the best source in the cheapest and most efficient way, or perhaps in the way that provided the best quality, rather than finding themselves blocked out because of price differentials in the markets. In many ways, that might be a slightly unfair practice, I have used the example of CDs. Why should a CD cost more than others produced in the same factory—taking out distribution costs that are very similar—just because it happens to be sold in a different place? It often becomes clear that this is being done to milk consumers where choices are more limited.

This statutory instrument is necessary, but it is sad that it is necessary. Those who keep saying that they do not want no deal also seem not to want many of the deals that are on offer, or seem to want to propose a deal that is reliant on something that they keep voting against. That is not a logical position, but this statutory instrument represents a logical position. It would be absolute nonsense to impose a burden on British companies that is not shared by the other countries in the European Union. It would be bizarre, for example, if I had to comply with legislation ensuring that my website and online shopping offer were open across 27 countries when businesses in those countries were no longer obliged to do that.

It is right that we should pass this measure today and ensure that it becomes law, so that we have an orderly statute book, but there is a better option. Rather than
saying, “I don’t like no-deal SIs because I don’t like no deal”, people should come up with a clear alternative that does not require the withdrawal agreement—

[Interruption.] I hear the usual cheer from the Scottish National party Benches. SNP Members would like to revoke article 50 because they see that as the way round this, and they are correct in the sense that we would not need the withdrawal agreement. Members can be consistent in voting against the withdrawal agreement while saying that they do not want no deal if the outcome would be no Brexit, but they cannot keep turning up in the Chamber each day for a groundhog day debate and saying that the Prime Minister should do everything in her power to avoid no deal if they will not do the one thing in their power to prevent no deal, which is to walk through the Aye Lobby the next time the withdrawal agreement is put to the vote.

I will support this statutory instrument because in the end I would be prepared to accept no deal rather than no Brexit. However, I hope that in the very near future we will get an agreement through the House that provides the basis for a future relationship that makes sense and can be taken forward.

3.53 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to follow the hon. Member for Torbay (Kevin Foster). I actually agree with a large percentage of his very detailed contribution, particularly in relation to some of the protections that are going to be lost. Before I get started on the substance of my speech, may I draw the House’s attention to my entry in the Register of Members’ Financial Interests and my shareholding in the digital marketing company, Teclan?

I am amazed at how blase’ those on the Government and Labour Front Benches have been about this statutory instrument. It is one of the instruments that will directly affect consumers and business owners across the nations of the UK almost immediately. Geo-blocking legislation is there for a purpose: to ensure that there is fairness for companies. Instituting this SI without any other provisions causes unfairness anyway: having it in place is unfair, and removing it is unfair too. It is one of those consequences of Brexit that highlights the foolishness of this whole process. There is a way to avoid the SI and a hard Brexit.

We need to understand that Westminster has failed to make any kind of decision, that we should revoke article 50 and that we should get to the point where we can bring the choice to the people, with the option to remain.

Returning to the substance of the measure, the EU have introduced geo-blocking—we were in partnership on the legislation—to balance the growth of online platforms, with a need to protect small and medium enterprises and consumers. It focuses on transparency and new options for redress. In short, it treats EU citizens—currently us—and other end users in the same manner. It does not take account of nationality, place of residence or the place of establishment. The European Union’s “Notice to stakeholders: withdrawal of the United Kingdom and EU legislation in the field of geo-blocking” says that from the date of application the regulation “prohibits discrimination based on customers’ nationality, place of residence or place of establishment, including unjustified geo-blocking, in certain cross-border transactions between a trader and a customer in relation to the sales of goods and the provision of services within the EU. In particular, it provides for the following measures protecting customers: ban of discriminatory blocking or limiting customers’ access to traders’ online interfaces (e.g. a website) and redirecting them to another online interface without the customer’s prior consent”.

That is the simple right for someone to get what they are looking for. The regulation imposes a prohibition on traders to apply, in certain defined situations, on a discriminatory basis different conditions of access for customers to goods and services…informally known as ‘shop like a local’ across the EU. The regulation provides for “non-discrimination for reasons related to payment. As of the withdrawal date, natural persons residing in the United Kingdom (unless they have a nationality of a Member State) or undertakings established in the United Kingdom will not be able to benefit from Regulation (EU) 2018/302”.

There are no undertakings established by the UK Government, so there is a direct inequity.

The notice says that “such persons or undertakings who wish to access websites in the EU will not benefit from the aforementioned ban related to access to traders’ online interfaces. This means that a trader could block, limit or redirect those customers to specific versions of his/her website which might be different from the one that the customers initially sought to access.”

Again, that is a clear removal of a right that we currently enjoy. The notice says that “such persons or undertakings will not have the guarantee to be able to ‘shop like a local’ in the EU in the situations covered by Article 4 of the Regulation, including benefiting from the same prices and conditions relating to the delivery of goods and services as the locals (i.e. the customers of the trader’s home Member State). For example, the off-line and on-line sales of goods and services, such as goods delivered or picked up in the EU territory, tickets for sports events or amusement parks in Member States, and the sale of electronically supplied services, such as hosting services, are areas where those customers will be affected…such persons or undertakings using payment means from the United Kingdom will not be protected against traders applying different conditions for a payment transaction from the ones offered to EU customers, or refused to complete the purchase for reasons related to payment, when (wanting to) pay electronically for goods or services.”

The notice goes on to list the rights that we will lose as a result of not being able to participate in the legislation on geo-blocking.

**David Linden**: I am grateful to my hon. Friend and Romanian knight for giving way. He has outlined some of the dangers involved in pursuing this Brexit nonsense. Does he agree that none of this was written on the side of a bus, whether in Inverness or anywhere else in the United Kingdom? The only thing we can do now is revoke article 50 and stop this madness.

**Drew Hendry**: My hon. Friend is right that that is the only way out of the hole being dug by the infighting in the Tory party, which is trying to settle a dispute that has lasted decades. This highly listed approach has left us in this guddle of Brexit and has put people in their homes at risk of losing out, of paying more and of being ripped off because we are losing these protections.

The regulations, as they stand, ban the blocking of access to websites and ban rerouting without a user’s consent, and they end payment discrimination through the revised payment services directive. People across the nations of the UK use online marketplaces such as...
Ebay and Amazon on a daily basis. I would be surprised if there is a Member in this Chamber who has not received a parcel from one of those companies, and certainly one of my constituents, but not very few, will have received something from these online marketplaces. Both third party traders and the marketplace itself are subject to these regulations. That means loopholes will now open that allow people to exploit consumers across the nations of the UK. These regulations are about treating customers in the same way across the EU, and the regulations are enforced so that people are not affected in that way.

The Minister said in her opening remarks that the regulations cannot be replicated. She said very directly that the regulations are impossible to replicate or replace, but is not the truth of the matter that there is no interest in doing so? The Government are hellbent on trying to persuade their own Members and the rest of the House to support a deal that nobody wants to support, and they are avoiding responsibility for doing anything that would protect the people who will be affected by this nonsensical situation.

That abdication is leaving loopholes all over the place. Citizens are losing their rights and, as my hon. Friend the Member for Glasgow East (David Linden) said, any promises to make that up are about as good as a Brexit handout or what is written on the side of a bus. There is nothing here that will give comfort to any of our consumers or small and medium-sized enterprises—the ones who are most likely to be directly affected by the removal of this legislation.

Based on these regulations, from 2019 the Commission will publish certain tariffs for parcel delivery services on a website so that consumers and e-retailers can easily compare domestic and cross-border tariffs between member states and between providers. The website will highlight the highest tariffs to encourage consumers and small e-retailers to look for a better deal, and national regulatory authorities will be required to assess certain tariffs that seem unreasonably high. Regulatory oversight of the growing number of parcel delivery service providers will also be increased.

I mention that because Scotland already suffers from geo-blocking under this Westminster system. I have lost count of the number of times I and other Members with rural communities have brought up the postcode discrimination in both online and distance-selling deliveries to Scotland. Some £33 million a year of unfair surcharges are paid in Scotland for deliveries. Citizens Advice Scotland says this particularly affects consumers in Scotland, with 1 million Scottish residents paying, on average, an extra £19 for deliveries. Some 72% of the extra charges for deliveries directly affect Scotland. This is a long-standing discrimination, and the removal of these regulations, which protect people, can only make matters worse, particularly for people living in rural communities.

When I say “rural communities,” believe it or not, I am talking about cities in Scotland. I am talking about areas of high population density because, as I say, we suffer postcode discrimination. For example, a constituent of mine was asked to pay an extra £90 to have a mobile phone delivered to Nairn. These protections are not being delivered by the UK Government now, so what hope do we have with this regulation disappearing? I have another good example of where the EU has been able to protect internally. A crash helmet can be delivered from London to Inverness for a £29 charge. The same item could be delivered from London to Croatia or Estonia for £9.99.

I fear that others across the nations of the UK will begin to experience some of the discrimination that we in Scotland have seen over a number of years, and not just in the highlands and islands but in the borders and across large parts of mainland Scotland, because they too will now be subject to these inequities, as other Members have admitted today in their contributions. It is a reprehensible situation.

This statutory instrument brings forward no replacement protections. It does not even address the issue. It is predicated solely on getting through the Prime Minister’s dodgy, duff, dead-duck deal. That is the sole reason for bringing this through without any attention to detail. More rights are being sacrificed on the altar of Brexit. This Government must now put this and the postcode injustices right, especially for Scotland but also to protect others across the nations of the UK who will now be affected. They should do the sensible thing and agree that it is a disaster, as the removal of this regulation shows that there is no good no-deal Brexit; it is just a calamity that should be ruled out. They should then revoke article 50 until we get an opportunity to take this back to the public and give them the choice of whether to remain in the EU, with all the protections they currently enjoy, before those are sacrificed for this wonky ambition of the infighting in the Tory party.

Of course, there is one absolutely guaranteed way for the people of Scotland to enjoy these vital European protections so that we will no longer suffer from geo-blocking, and that is for Scotland to take its place as a fully independent country in the European Union.

4.7 pm

Kelly Tolhurst: I thank all hon. Members who have contributed to the debate. Just to recap, the geo-blocking regulation is an EU regulation that came into effect on 3 December 2018. It is important to note that, up to the end of February, no claims had come forward to the Competition and Markets Authority. It does not apply to transactions that take place entirely within one EU member state.

The geo-blocking regulation prohibits certain forms of discrimination in the single market, specifically: blocking access to, or forced redirection away from, a website on the basis of an internet user’s location in the EU; discriminatory terms of access, which include but are not limited to price offered, on the basis of a customer’s location in the EU when selling goods delivered across a border but still within the EU, wholly online services, excluding copyright materials such as e-books, streamed movies, music and video games, or services delivered in a specific location, such as hotels and theme parks; discrimination in payment terms on the basis of a customer’s location.

The geo-blocking regulation could not function properly on a unilateral basis in a no-deal scenario. Effective enforcement outside the UK would be very difficult, because the UK would no longer operate within the EU’s consumer protection co-operation network or enforcement agencies. EU regulators would no longer be obliged to bring actions against businesses through
EU mechanisms for cross-border co-operation. UK civil and commercial judgments, which were alluded to in the debate, would no longer be automatically enforced in the EU member state’s court, and the UK Government cannot unilaterally enforce the geo-blocking regulations throughout the EU without help from regulators in other member states.

Even if the geo-blocking regulations were not revoked, a no-deal exit from the EU would lead to a loss of protection for UK customers while imposing the same level of obligation for UK traders. The provisions of the geo-blocking regulation do not apply to transactions that occur solely within one country, so there is no benefit to retaining the version of the regulation that applies to the UK.

Let me outline the concerns relating to not revoking the EU regulation. EU consumers would receive preferential treatment in respect of UK traders, while UK consumers would be unlikely to receive any reciprocal benefits from EU traders. That is why we are proposing the revocation of the regulation. Revoking will preserve UK rights. It will not strip consumer rights, which will be lost in the event of a no-deal Brexit, but the regulation would continue to impose obligations on UK traders, with no benefits for UK consumers.

Let me outline some of the shadow Minister’s questions. He is concerned about the effect of this statutory instrument in a no-deal situation, I say to him: please support the Prime Minister’s withdrawal agreement. We have been extremely clear that we would like to uphold and maintain the highest standards of consumer protection in the UK. If we agree to the Prime Minister’s withdrawal agreement, we will be able to satisfy our ambition as a Government to maintain high consumer protections and to be able to enter into agreements and negotiations with the European Union so that we can maintain cross-border co-operation. That is what I would very much like to do. We should not only engage in the mutual exchange of information and evidence but work on a framework so that we can work collectively with the European Union on the wider detriment to consumers.

The shadow Minister asked about the impact assessment. He has rightly expressed concerns about impact assessments throughout the no-deal SI process. I have on many occasions tried to explain to him the reasoning behind what the Government have been doing in relation to some of these SIs. On this particular SI, we assessed the impact of the instrument to be de minimis because the costs are below £5 million. As the shadow Minister will know, that means that, in line with the better regulation framework, we did not need to carry out a full impact assessment. The assessment was that the maximum impact could be £1.2 million, based on around 75,000 businesses having to familiarise themselves with the new rules.

The shadow Minister also asked about consultation. On bringing forward this regulation, he wanted to know who we had spoken to and who we had engaged with. As he alluded to, we have consulted and spoken to business representative organisations, including the CBI, the Federation of Small Businesses, the British Retail Consortium, and the Association for UK Interactive Entertainment. The feedback was that they had no strong views on these regulations. However, we did publish a technical notice on 12 October 2018, which clearly laid out our plans for geo-blocking in the event of a no deal.

Let me re-emphasise a point. We have heard a lot today about a potential loss of rights for consumers. I have always been clear in any Committee in which I have spoken on bringing forward no-deal legislation that, whatever the outcome, we are both prepared for and committed to delivering on the high standard of consumer protections that we already have in the UK. We also have a track record of consumer protection in this country and of going above and beyond; in fact, many of the consumer protections in this country go further than those of the European Union.
of the EU. This regulation is about no-deal preparation, and we will lose those benefits if we leave with no deal. Perhaps she can tell the House what preparations she and her Department have made to ensure that, if we do manage to avoid no deal, there is a mutual recognition agreement that keeps these provisions in place.

Kelly Tolhurst: The hon. Gentleman’s question suggests that he is considering supporting the withdrawal agreement, because he is asking me about the preparations that we have made in the event of that happening. We have been quite clear that we have to agree the withdrawal agreement. As we have said in our technical notices, and as I have said in many SI Committees, we will be working with our neighbours to ensure that we are able to enter into mutual co-operation agreements if the withdrawal agreement is passed.

Bill Wiggin (North Herefordshire) (Con): As the Minister was speaking, I was mulling over the point made by SNP Members about the greater charges for having things delivered to Scotland. I can understand their point; it does seem a little unfair. But has the Department had a chance to do the maths? Is it not clear that my constituents, who are contributing to the Barnett formula, are actually paying more than the people who are receiving goodies from Amazon, eBay or any of the other excellent retailers?

Kelly Tolhurst: I thank my hon. Friend for highlighting that particular point. I have made it clear that we need to get into a situation whereby we can enter into close co-operation on consumer enforcement. What happens on geo-blocking will depend on whether we leave the European Union with a deal, but we are here today to talk about a no-deal SI.

The hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) has disappointed me by saying that he will not support the draft regulations this afternoon. Failure to revoke the geo-blocking regulation would not preserve UK customers’ consumer rights, which would effectively be lost if the UK leaves the EU without a deal. The only effect of non-revocation would be to continue to impose obligations on UK traders while providing no benefits to UK customers. I therefore commend the draft regulations to the House.

Question put.
The House proceeded to a Division.

The House having divided: Ayes 277, Noes 41.

Division No. 401] [4.26 pm

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Brady, Sir Graham
Braverman, Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Clevery, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Crabb, rh Stephen
Croucher, Tracey
Davies, Chris
Davies, David T. C.
Davies, Mims
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Resolved,

That the draft Geo-Blocking Regulation (Revocation) (EU Exit) Regulations 2019, which were laid before this House on 14 March, be approved.
Business without Debate

DELEGATED LEGISLATION

Madam Deputy Speaker (Dame Rosie Winterton):
With the leave of the House, we shall take motions 6 to 10 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

EXITING THE EUROPEAN UNION (PROTECTION OF TRADING INTERESTS)

That the draft Protecting against the Effects of Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 7 March, be approved.

CONSTITUTIONAL LAW

That the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2019, which was laid before this House on 25 February, be approved.

EXITING THE EUROPEAN UNION (ENVIRONMENTAL PROTECTION)

That the draft Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 26 February, be approved.

EXITING THE EUROPEAN UNION (ANIMALS)

That the draft Cat and Dog Fur (Control of Import, Export and Placing on the Market) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 4 March, be approved.

EXITING THE EUROPEAN UNION (FOOD)

That the draft Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 20 March, be approved.—(Craig Whittaker.)

Question agreed to.

Business Rates

Motion made, and Question proposed, That this House do now adjourn.—(Craig Whittaker.)

4.46 pm

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): I am very grateful to you, Madam Deputy Speaker, and Mr Speaker for affording me this opportunity to have a long dilation on the subject of business rates. I am under no illusion: I do not think my popularity is why so many people are present. It is all to do with the popularity of and the worry about business rates and their effect on our high streets up and down the country. I am sure Members will have an infinite number of examples of how their high streets have been disadvantaged by the impact of business rates.

Bill Wiggin (North Herefordshire) (Con): My hon. Friend has misled the House, although unwittingly. He is very popular; it is his natural humbleness and modesty that prevails upon us today. In Ledbury, which has one of the finest high streets in Christendom, there are only two shops that are part of the chains that can be seen on ordinary high streets, yet the shops in my constituency, like those everywhere else, are under tremendous pressure. More and more of them are becoming charity shops. Although none of us has anything against that, it is surely a sign of a deep unhealthiness in our high streets.

Sir Geoffrey Clifton-Brown: Ledbury comes second in Christendom after Cirencester, which is beaten by no high street town in this country. My hon. Friend is right, of course. The 80% rate relief that charitable shops get encourages a large number of them. I have a substantial number in Cirencester, although they are in the secondary streets, rather than the main square. I can perhaps beat Ledbury, in that I had only one major high street chain in my constituency. It was the House of Fraser, and it has recently gone bust, so as far as I know, I have no major high street chain in my constituency.

Sir Peter Bottomley (Worthing West) (Con): However modest we may be about each other, it is the popularity of both the subject and of my hon. Friend that has drawn the crowd. In addition to shops, will he talk a bit about the rating imposition on automatic cash machines? Cash machines are needed in many places where the banks have gone, and if the rates go up on them, we will start losing them as well.

Sir Geoffrey Clifton-Brown: My hon. Friend reads my mind. A long way further in my speech, I have a little section on ATMs. ATMs and public loos get a good allowance under the rating system, so I will be talking about that.

Ms Nadine Dorries (Mid Bedfordshire) (Con): I am sure that my hon. Friend remembers well that a long time ago—1997—I used to live in his constituency. In fact, we worked on his election campaign together. At the time, the Cotswolds constituency was booming with pubs and businesses. The high streets in Chipping Campden and other villages were doing incredibly well, but what we now see as a result in his constituency, which I had the pleasure of visiting recently, is that there has been a churn in businesses, because many of the small and
medium-sized businesses, due to the high rates and high rents on the properties in his beautiful constituency, find it incredibly difficult to sustain the costs of both high rent and high business rates. This problem is found not just in his constituency but across the UK, due to the high rateable value of properties. Does he agree that we need complete reform of the business rating system?

Sir Geoffrey Clifton-Brown: I well remember meeting my hon. Friend for the first time in the Eight Bells pub in 1997, when we were both a little younger—[Interruption.] She says, in parentheses from a sedentary position, “better looking”—I was not going to say that in case I came within the bounds of the code, which I think might well touch on the sort of remark that I might make. Nevertheless, I wholly concur with her sedentary remark.

Craig Mackinlay (South Thanet) (Con): I put on record that I have been trying to take action for a number of years to exempt public conveniences from business rates. Especially in respect of the towns in my constituency—Ramsgate, Broadstairs and Cliftonville are tourist areas—I have always said that public loos are often the first thing that people use and the last thing that they remember, and they should be thus exempted.

Sir Geoffrey Clifton-Brown: I am sure that the tourists in my constituency will be greatly relieved to hear what my hon. Friend has to say. In my constituency, which is very dependent on tourism, I have been having a big battle with the local council to keep public conveniences open, because it is really important. If someone comes for a day’s outing to the Cotswolds or goes to my hon. Friend’s constituency, they cannot last all day. They need somewhere to go, and I was delighted when the Government gave that sort of relief.

Mr Jim Cunningham (Coventry South) (Lab) rose—

Rachael Maskell (York Central) (Lab/Co-op) rose—

Sir Geoffrey Clifton-Brown: Oh my God, I have got competition. I will give way to the hon. Lady first.

Rachael Maskell: I am very grateful to the hon. Gentleman. We have debated business rates on numerous occasions, because York, which is known for its retail offer, currently has about 50 empty properties. Does he agree that the business rates system is broken and that we need to move forward to a turnover tax or a profit-related tax, thereby enabling a much fairer system to be in place?

Sir Geoffrey Clifton-Brown: I am particularly pleased to see the hon. Lady in the Chamber today, because she was one of the very few people who were present when I held my Adjournment debate on this subject on 8 October last year. If memory serves me—I am sure that she will correct me if I am wrong—I think that on that occasion, she told the House that there were 24 empty shops in York. If it has gone up to over 50 now, that demonstrates a deteriorating situation. If I have the figures right—she is smiling so perhaps she would like to give the House correct figures for last year compared with now, if she knows them, but if not, I have them here and I will look them up at some time during the speech—clearly business rates are having a deleterious effect on the high street. I will come to that in my speech.

Mr Jim Cunningham: The hon. Gentleman and I came into the House together, so we know each other quite well. To be frank, we have had many debates about rates in general terms, whether they were about the poll tax or business tax and so on, and quite frankly, it is about time—I agree with the hon. Member for Mid Bedfordshire (Ms Dorries)—that there was an inquiry to have a good look at the whole system of funding local government in this country. What is happening now is that a lot of local government expenditure, because of the reduction in Government grants to local authorities, has been shoved under business rates. As I said about 18 months ago, we cannot go on like this. Something has to give and we have to look at that properly.

Sir Geoffrey Clifton-Brown: I agree with the hon. Gentleman. He is quite right: we have known each other and been friends for a long time, and he has had a long interest in this subject. I will certainly come on to the subject of wholesale reform of the business rating system. Indeed, the British Hospitality Association, which I will refer to later, is calling for a royal commission to look into wholesale reform of the rates. Indeed, it was a manifesto commitment of my party, but the party seems to have gone cold on wholesale reform of the business rates system, for reasons to do with protecting the £30 billion of revenue it raises, as I will refer to in a moment.

Steve Brine (Winchester) (Con): As the manifesto seems to be very popular this week, I will read from it.

We said: “we will also conduct a full review of the business rates system to make sure it is up to date for a world in which people increasingly shop online”.

The pretty market town of Alresford in my constituency has a chocolate box row of shops that includes a beautiful bookshop, but people increasingly tell me they use it to look, view and try, and then go online to buy the books. It is totally untrue that the Government have not done anything to help with businesses rates—we have supported those affected by the revaluation, introduced the discretionary rates scheme and said we will introduce more regular revaluations—and the very good Minister, who is in his place, has done a lot. That said, it is probably time to consider a more structural change away from just property—I understand why the Treasury likes property taxes—to a more transaction-based tax, which might help bookstores such as the one I referred to in Alresford.

Sir Geoffrey Clifton-Brown: I am grateful to my hon. Friend for that thoughtful intervention, and I want to reassure him and the Minister that I have not called this debate to criticise the Government. I called it to come up with some helpful and positive suggestions for how we might reform system, wholesale or otherwise, while bearing in mind that we need to raise that £30 billion. Clearly, the Treasury cannot afford any reduction in that amount.

Sir Desmond Swayne (New Forest West) (Con): Is the fundamental problem one of the taxation system or the nature of retail and our changing tastes? In my view,
the rating system does not help—it sets high streets at a disadvantage—but fundamentally people have changed the way they shop, and retail has to respond with a better offer and experience.

Sir Geoffrey Clifton-Brown: I agree with my right hon. Friend, and I have a section in my speech about the changing circumstances of big online companies vis-à-vis the rating system.

Several hon. Members rose—

Sir Geoffrey Clifton-Brown: I will get a little further in my speech and then accept a few more interventions. If I can make some progress, hon. Members might see where I am coming from.

The Red Book says that the amount collected by the business rates in 2019 is about £30.9 billion, but even this simple proposition is clouded by how much the Government have to provide for a loss on appeals, which alters the uniform business rates multiplier to allow rates under legislation to rise by at least RPI every year. Whatever happens to appeals, rates or reliefs, the Minister and his Department have to make up that £30.9 billion elsewhere.

I come now to the kernel of what I want to say today, and this in part addresses the interventions from hon. Friends. The OECD revenue statistics database makes it perfectly clear that the UK tops the league of taxation on immovable property both as a percentage of taxation and as a percentage of GDP by some margin. The UK paid 9% of rateable taxation in 2016. Our nearest rival, France, paid 7%; Germany just 1%; and Luxembourg barely a quarter. This must be a major reason why manufacturing business is not as competitive as in our nearest European rivals.

To shore up this £30.9 billion of revenue, the Treasury has had to increase the complex array of reliefs and allowances to compensate for some of the most damaging consequences of the tax, so in every Budget more or less, one sees a new allowance or relief to mitigate some of the worst effects of the tax. As the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown) to be allowed to finish responding to one intervention before being interrupted by another. Secondly, I know that it is very tempting to look at the Member who has intervened, but it is a good idea to face in this direction because of the microphones. Obviously, no one would want to miss a word of the debate.

Sir Geoffrey Clifton-Brown: I do have a view, as it happens. Later in my speech I shall be dealing with discretionary hardship relief from local authorities. Some of that could go towards my hon. Friend’s struggling nurseries, but the problem is that cash-strapped authorities are reluctant to give any discretionary reliefs at all. When we reach a point at which rates retention is one of the only sources of income for the small borough and district councils, they will be even less willing to provide hardship relief.

Several hon. Members rose—

Sir Geoffrey Clifton-Brown: My goodness! My golly! Actually, I think that my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) was first.

Madam Deputy Speaker (Dame Rosie Winterton): Order. Before the hon. Member for Faversham and Mid Kent intervenes, I must make two points. First, I think it important for the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown) to be allowed to finish responding to one intervention before being interrupted by another. Secondly, I know that it is very tempting to look at the Member who has intervened, but it is a good idea to face in this direction because of the microphones. Obviously, no one would want to miss a word of the debate.

Helen Whately (Faversham and Mid Kent) (Con): The reason for my enthusiasm about intervening at that particular juncture was my wish to raise a point that is remarkably similar to—if not the same as—the point raised by my hon. Friend. Friend the Member for Cheltenham (Alex Chalk). A couple of weeks ago I visited a nursery in my constituency whose staff told me about exactly the same problem. Business rates are a huge challenge to its success as a business, but it provides a very important service for local parents—especially mums, but also dads. Regulations require them to have a certain amount of floor space, so they are hit pretty hard by business rates. I am keen to hear the section of my hon. Friend’s speech that deals with possible cases for extra support, and I hope that nurseries will be considered in that regard.

Sir Geoffrey Clifton-Brown: I do apologise, Madam Deputy Speaker, for not facing you. Of course I should like to face you all the time, but my hon. Friends have been tempting me in the other direction. I will try not to be tempted again.

My hon. Friend is absolutely right. The problem for nurseries is partly a business rates problem, but it is also connected with the pledge in our manifesto to grant free nursery spaces for an extra number of hours. That means employing extra staff, which the nurseries are finding hard to do. Nurseries—and I visit some in my constituency—are facing difficulties of all sorts. We must help them where we can. I am sure that my right hon. Friend the Minister has heard my hon. Friend’s intervention; perhaps he will say that we can help in some way.

Alex Chalk (Cheltenham) (Con): A couple of weeks ago I visited a nursery in my constituency whose staff told me about exactly the same problem. Business rates are a huge challenge to its success as a business, but it provides a very important service for local parents—especially mums, but also dads. Regulations require them to have a certain amount of floor space, so they are hit pretty hard by business rates. I am keen to hear the section of my hon. Friend’s speech that deals with possible cases for extra support, and I hope that nurseries will be considered in that regard.

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Mr Marcus Jones (Nuneaton) (Con): Will my hon. Friend give way?
Sir Geoffrey Clifton-Brown: Of course.

Mr Jones: I thank my hon. Friend. I now cannot remember what I was going to say. [Laughter.]

My hon. Friend has identified the high street as an important aspect of business rates. In the last few years, the saviours of many high streets have been casual dining and high-quality bars and restaurants, and in many places the rateable values are so high—above £100,000 in many cases—that none of those businesses has benefited from the generous allowances and discretionary reliefs provided by the Government. Does my hon. Friend agree that we need to ensure that we do not kill the goose that laid the golden egg?

Sir Geoffrey Clifton-Brown: My hon. Friend has touched on another subject with which I shall be dealing later. He will know that the British Beer and Pub Association has made specific recommendations on pubs. Suffice it to say that in all our constituencies, the hospitality industry is one of the few very bright lights on the high street. The numerous restaurants, bed and breakfasts and hotels are the one thing that is keeping most of our high streets going.

I welcome very much my right hon. Friend. The Chancellor’s statement in his Budget that small retailers in this country, and a lot of small businesses in my constituency, have told me how grateful they are for that relief. I congratulate the Treasury on that.

Robert Courts (Witney) (Con): My hon. Friend has been very generous in giving way. I entirely commend the Government for the package of business rates relief that has been given, although I recognise, as he does, the pressures that high streets are under with the business rates system. I also would be interested in a thorough reform of that system. Does he agree that, in the meantime, there are many things that local authorities can be doing to drive footfall and to help the high street? I am thinking particularly of West Oxfordshire District Council—his neighbouring authority, of course. The two adjoining local authorities work closely together. They have a flagship policy of free car parking, which has done a great deal to drive footfall and to help the high streets, particularly of Witney and Chipping Norton, where we have a plethora of great independent shops. In many ways, those high streets are thriving. Does my hon. Friend agree that local authorities such as West Oxfordshire should be commended for that, and that we could see that practice spread throughout the country, which would help the high street?

Sir Geoffrey Clifton-Brown: I totally agree with my neighbour’s intervention. His towns are much the same as mine; they are small market towns with a lot of independent retailers. He is right that anything that our local district councils can do to encourage those local independent retailers is helpful. In Cirencester, for example, they have a scheme whereby parking is free after 3 o’clock—just the sort of time when perhaps the high street was beginning to slow down—to encourage more people to come in later in the afternoon to do their shopping. That is precisely the sort of intervention that a local authority can make to help struggling retailers in our constituencies.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman is not without friends on the Opposition side of the House. He knows my constituency well because he pursues sporting interests in it, and his aunt and uncle—very nice people—are constituents of mine. He knows from his sporting interests that one must give the gillie a tip. If I may draw the hon. Gentleman’s attention to his future remarks about ATMs, the distance between ATMs militates against easy access. Where I come from, it is necessary to travel a very long way indeed to get to a cash machine. I would suggest that that is not at all good for the local businesses.

Sir Geoffrey Clifton-Brown: The hon. Gentleman has been a friend of mine for many years, and my family and his have been friends for even longer, so I do know his area very well indeed, especially his family town of Tain. It is a relatively recent phenomenon that the Valuation Office Agency has started rating ATMs. There is a particular quirk in the system: if an ATM is situated inside a bank or a post office, it is not rated, but if it is situated on the wall of the bank or post office, it is rated.

The hon. Gentleman and others—particularly in Scotland, because of the distances that they have to travel—have had numerous debates on bank closures, which may result in the removal of the one ATM in town. I am sure that a factor in the banks’ decision in closing those ATMs must be that they are now rated, whereas hitherto they were not. Perhaps my right hon. Friend the Chancellor might look at that, particularly for all market towns. Up and down my constituency, all my market towns have lost ATMs in the last few years, and in some of those market towns only the post office still has an ATM facility. Now even the post office in some of those market towns is coming under threat. That is becoming a real problem for my constituents—particularly constituents with businesses who need to withdraw cash.

Mr Marcus Jones: Many ATMs are in petrol station forecourts and convenience stores. Many of those places are situated in some of the most deprived communities, and as a result of the business rate levied on those machines, quite often they are put in those stores on the basis that people have to pay to withdraw their cash. People who withdraw £10 or £20 quite often end up paying £1.50 or £2.50 to get their money. Would it not be helpful if the business rates on ATMs could be looked at, so that, hopefully, more people could access their money without paying an exorbitant charge?

Sir Geoffrey Clifton-Brown: I entirely agree with my hon. Friend, and I am sure that my right hon. Friend the Minister will have heard the plea from those of us who represent rural areas, where the one or two ATMs in our market towns play a very significant part.

Bob Stewart (Beckenham) (Con): Does my hon. Friend have any idea of the logic behind an ATM on the outside wall of a bank having to pay business rates when those that are inside do not? It beats me! Perhaps there is a reason, but I do not understand what it would be.

Sir Geoffrey Clifton-Brown: I understand that there are two reasons. The first is that the Valuation Office Agency can get away with saying that an ATM on the outside of the building is, in the jargon, a different
Committee on Digital, Culture, Media and Sport into about this arose as a result of the inquiry by the Select calling for , to see how they can be made to work better .

Association and the British Hospitality Association are rates in their entirety , as the British Beer and Pub should have a royal commission to look into business to have this relief. We can see the complexity of yet another good case for a completely different class of “lost” to the Treasury , but it would generate so much money for the local economy , and I believe that they ought to be classed with pubs when it comes to the discount because they also serve food and drink. I believe that a special case should be made for them. It would cost only £1 million over two years in money “lost” to the Treasury, but it would generate so much more for the economy if they could be included in these discretionary rates.

Sir Geoffrey Clifton-Brown: My hon. Friend has made yet another good case for a completely different class of business to have this relief. We can see the complexity of the rates system, and it is probably a good idea that we should have a royal commission to look into business rates in their entirety, as the British Beer and Pub Association and the British Hospitality Association are calling for, to see how they can be made to work better.

Rebecca Pow: I forgot to say that a lot of information about this arose as a result of the inquiry by the Select Committee on Digital, Culture, Media and Sport into the UK live music industry, as it was one of the things that was highlighted. It is stifling our young talent coming through the chain.

Sir Geoffrey Clifton-Brown: I am all for anything that encourages our young talent to come through the chain, as my hon. Friend puts it. One of the great strengths of this country, as I meant to say when I opened this debate, is the 5.7 small and medium-sized businesses in this country, especially the 0.5 million new businesses that have been formed in the past five years or so. They are all capitalists risking their capital, many of them with a mortgage on their house to support their business. They work hard, and they succeed, and hopefully those small businesses will become medium-sized or large businesses.

All Governments of all colours have always been tempted to impose more taxation and bureaucracy on those small and medium-sized businesses, because they are easy targets and they do not move. What we should be doing is the reverse—making it easier for them to exist and make profits.

Sarah Newton (Truro and Falmouth) (Con): I am pleased that my hon. Friend was able to secure this debate. He is making a really powerful case on the importance of small businesses in our communities. Is it not interesting that there are no Opposition Members here at all, while Government Members, even as the House is about to adjourn, are standing up for small businesses? As Conservatives, we are the party for small businesses. I very much commend my hon. Friend’s recommendation that we look in the round at what we can do to simplify taxation on small businesses. That is really important, but as we do so, I have noticed something positive about business rate retention. Local authorities are now working far more constructively with small businesses, so that that income raised in that community flows to them. Local authorities have to be concerned about small businesses, whereas in the past, when they got cheques from central Government they were not so focused on them. In the new scheme, let us think about the link between local authority funding and small businesses.

Sir Geoffrey Clifton-Brown: My hon. Friend, along with most of my hon. Friends, if not every single Member who is in the Chamber, is passionate about defending small businesses. I can see that she is shortly going to make a speech to support her small businesses—perhaps very shortly; I cannot possibly foretell.

Bob Stewart: Will my hon. Friend give way?

Sir Geoffrey Clifton-Brown: Yes, because my hon. Friend has been very patient.

Bob Stewart: As a small factual correction, when my hon. Friend said “5.7 small and medium-sized businesses” he meant 5.7 million. That is a small point, and I know it was a slip of the lip.

Sir Geoffrey Clifton-Brown: Indeed it was a slip of a lip. The figure of 5.7 million small and medium-sized businesses is terrific, and shows the entrepreneurialism in this country, which is why our economy is doing so well and why we have such full employment at present.
Priti Patel (Witham) (Con): I commend my hon. Friend on the debate, which is incredibly wide ranging. I should like to touch on wholesale reform of business rates. The Government have done an awful lot of good work to give discretionary rate relief and to support SMEs in constituencies and towns such as Witham. Does he not agree that wholesale rate reform could be the gateway or avenue to get local authorities in particular to invest in town centre development strategies that could help to grow the base of small business and achieve a much more sustainable local economy that meets local needs as well as helping entrepreneurs and small businesses in towns such as Witham and places across the Witham constituency, and the country, to continue to invest and develop?

Sir Geoffrey Clifton-Brown: I entirely agree with my right hon. Friend. We have to be far more innovative, as the world is changing. The digital world is foisting change on us, whether we like it or not, and our local councils and our local people have to be far more innovative and entrepreneurial. That is why I welcome the system that the Treasury has brought in, which will allow local authorities to keep a bigger proportion of the rates of new businesses, as opposed to existing businesses, to encourage them to do precisely the sort of scheme she mentions.

Ms Dorries: I am grateful to my hon. Friend for giving way to me a second time. He is incredibly generous.

On innovation, Flitwick high street in my constituency could not be more different from Chipping Campden high street in my hon. Friend’s constituency. Given the housing crisis and housing shortage, it may be that not all high streets can survive and that we need to do something innovative with them.

On a humorous note, my hon. Friend mentioned that we met in 1997 in the Eight Bells pub on Chipping Campden high street. For 21 years he laboured under the impression that I was trying to chat him up, and I had to disabuse him of that notion only recently.

Sir Geoffrey Clifton-Brown: I had better not comment on that publicly for fear it might lead me down the wrong business rates avenue.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): My hon. Friend has spoken about the high street and perhaps, in some respects, the high street may need to change from being entirely retail to a place where people can meet and be entertained. One issue limiting such change is that many small business premises on our high streets are owned by self-invested personal pension schemes. As such, they need to remain commercial property to remain in those pension schemes. Will my hon. Friend or the Minister comment on whether properties that change from commercial to residential, in line with a slightly shrinking high street, may be able to stay within those pension schemes for a period so that such change is not hampered by the SIPP rules?

Sir Geoffrey Clifton-Brown: My hon. Friend makes a very good point, and I am sure it has been heard by the Minister. I am being urged to hurry up as I have taken an awfully long time, so I will not take too many more interventions.

The rates on Amazon’s nine distribution centres have fallen by an average of 1.3% and ASOS has seen its bill fall by 0.8% because, although Amazon owns 20 million square feet of warehousing from which to supply customers, it does not have to occupy premium premises on the high street to get the footfall that a high street retailer needs. This provides those large businesses with an automatic advantage, making it easier for them to slash prices while maintaining a profitable margin. I have already demonstrated how they pay much lower business rates per square foot.

Although the Government have introduced a diverted profits tax and a new digital services tax, which will raise £400 million, I do not believe some of these very large digital platforms are actually paying the just amount of tax on their turnover in this country that a British business would pay.

I have previously mentioned that the British Independent Retailers Association has long advocated changing the current threshold or discretionary relief to an allowance—the difference being that one is discretionary and an allowance is automatic—which would cut red tape for both local and national Government. It could be applied at source, as opposed to being dependent on the local council, reducing the need for the £3.7 billion spend on mandatory and discretionary allowances and reducing the Government’s current compliance cost for processing small business rate relief claims. I have already explained the difficulties with different councils applying different criteria.

Paradoxically, unknown to me at the time of my debate on 8 October 2018, the Minister had answered my written question, 176219, the day before, in which he said:

“The Government is committed to considering the feasibility of replacing small business rate relief with a business rates allowance”.

So the Government had actually conceded the point for small businesses, once the local authority and HMRC systems are linked in line with our planned digitisation of business rates. I would be grateful if my right hon. Friend the Financial Secretary updated the House on where we have got on the matter.

Mr Marcus Jones: Will my hon. Friend give way?

Sir Geoffrey Clifton-Brown: I want to make a little more progress.

The Government want to make tax digital, citing that they will be “transforming tax administration so that it is more effective, more efficient”.

Would it not be worth investigating how tax could become truly joined up by ensuring that an allowance would be applied automatically, maybe at the point at which the Valuation Office Agency makes a valuation of a property? If it comes up to £51,000, that would automatically trigger the allowance that a business would be able to get, and it would simply be deducted from its bill. What a great simplification of government that would be.

There is a precedent for this, of course. Income tax has a personal allowance for all but the top 5% of earners, and that is automated. I am advocating the same principle for rates. I believe that this policy could get
cross-party support. After all, the Housing, Communities and Local Government Committee’s report, “High streets and town centres in 2030”, recommended “that the complexity surrounding rate reliefs and the administrative burden they create for retailers should be addressed” and simplified. All this needs is joined-up thinking and a plan of action to allow the Treasury to adapt the current operational systems for the benefit of businesses up and down the country.

Madam Deputy Speaker, I am grateful to you for allowing me to speak about this important subject at length. I hope that, as a result of my speech, we will see some action from the Government to ensure that business rates are reformed.

5.26 pm

The Financial Secretary to the Treasury (Mel Stride): We have had a very good debate on the extremely important matter of business rates. I will reiterate right at the start that this Government want to see taxes as low as possible. We have made a number of advances in that respect, as the House will know, in areas such as income tax and corporation tax. Equally, we want the burden of rates on businesses up and down the country to be as low as possible. For that reason, as several right hon. and hon. Members have highlighted, we doubled the small business rates relief, from £6,000 to £12,000 as a rateable value threshold, taking 655,000 businesses out of business rates altogether.

We also switched from the retail prices index to the consumer prices index for the uprating of the multiplier, further reducing the burden by £5 billion over the next five years. In 2016 we introduced £300 million for hard cases, which is there for local authorities to use at their discretion. We doubled the level of rural rate relief, from 50% to 100%, to help small communities where perhaps there is just one pub, post office or petrol station. A number of right hon. and hon. Members mentioned the discount of one third brought in at the start that this Government want to see taxes as low as possible. We have made a number of advances in that respect, as the House will know, in areas such as income tax and corporation tax. Equally, we want the burden of rates on businesses up and down the country to be as low as possible. For that reason, as several right hon. and hon. Members have highlighted, we doubled the small business rates relief, from £6,000 to £12,000 as a rateable value threshold, taking 655,000 businesses out of business rates altogether.

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I congratulate my hon. and gallant Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) on securing the debate. He asked a number of sensible and relevant questions about the whole way we structure our business rates. He asked specifically about the allowance, which we have discussed previously. We are looking at that seriously, but it depends to a large degree on our getting in place the digital arrangements between local authorities so that we can transfer information on business premises owned by the same entity. That programme will be introduced by about 2024, but I am happy to have further discussions with him on the matter.

Sir Geoffrey Clifton-Brown: I truncated the last bit of my speech, but I was going to say that the existing IT platform is regarded by the professionals who have to work with it as being clunky and difficult to work. Does the re-design by 2024 that my right hon. Friend mentioned include an entirely new programme?

Mel Stride: I will have to come back to my hon. Friend with an answer to that specific technical question, but I will gladly do so.

Several Members rightly mentioned our high streets package. My right hon. Friend for New Forest West (Sir Desmond Swayne) made reference to the fact that it is not all about business rates; it is also about how we design and evolve our high streets to face the changing nature of retailing, which of course includes the rapid advance of online retailing.

Several Members mentioned the digital service tax that we are committed to bringing in by 2020, and we will do so unilaterally in the absence of a multilateral move on the behalf of other countries.

Sir Bernard Jenkin (Harwich and North Essex) (Con): I congratulate my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) on securing this excellent debate. All these welcome measures that the Government introduce do not really address the fundamental flaw in this tax. Take the economically unlucky town of Harwich, which I represent. A capable family business in Harwich has developed the Pier hotel over the years to make it a real jewel in the crown of an otherwise rather economically depressed town, but what is that family’s reward? They get clobbered for extra business rates. The less successful hotel businesses carry on paying less rates but the most successful hotel and restaurant gets clobbered for a big increase in rates. If the tax operates in that way, how can that be rewarding success in depressed economic areas?

Mel Stride: Earlier in my speech, I went through at length the large number of reliefs that we have brought in to make sure that across the piece we are bearing down wherever we can, particularly in respect of those smaller businesses that might find expenses of this kind particularly arduous. Given that we have had a rather lengthy debate preceding my remarks—

Mike Wood (Dudley South) (Con) rose—

Mel Stride: I will not give way at this moment.

We have listened carefully as a Government and will continue to bear down on business rates. I look forward to having further discussions about that with my hon. Friend the Member for The Cotswolds and welcome the full and comprehensive debate we have had.

Question put and agreed to.

5.31 pm

House adjourned.
The Secretary of State was asked—

Leaving the EU: Discussions with First Minister of Wales

1. Tommy Sheppard (Edinburgh East) (SNP): What recent discussions he has had with the First Minister of Wales on the withdrawal agreement and political declaration on the future relationship between the UK and the EU.

2. Patrick Grady (Glasgow North) (SNP): What recent discussions he has had with the First Minister of Wales on the withdrawal agreement and political declaration on the future relationship between the UK and the EU.

The Secretary of State for Wales (Alun Cairns): I have regular discussions with the First Minister on the implications and opportunities for Wales arising from EU exit, including the withdrawal agreement and the political declaration.

Tommy Sheppard: Given the new easy listening approach of the Prime Minister, will the Government give a commitment that they will discuss any new proposals that they make on withdrawal from the European Union with the First Minister of Wales and the Welsh Government prior to the meeting of the European Council?

Alun Cairns: The hon. Gentleman is well aware that my right hon. Friend the Prime Minister is keen to work with colleagues across the House to secure a deal to leave the European Union in a smooth and orderly way. My relationship with the Welsh Government, and specifically with the First Minister in Wales, is warm, positive and constructive. As the hon. Gentleman will be well aware, the First Minister or someone that he nominates attends the European Union exit committee, which focuses on preparedness in the event of a no deal.

Patrick Grady: If it is good enough for this House to be asked repeatedly to approve the Prime Minister’s deal, why is it not good enough to put it back to the people of Wales? If the Secretary of State is so confident in the merits of the Prime Minister’s deal, why is he so afraid to put a deal that has been rejected by the Scottish Parliament and the Welsh Assembly back to the people of Wales to decide?

Alun Cairns: The hon. Gentleman seems to forget that Wales voted to leave the European Union. Also, I underline that Wales voted to leave the European Union in higher numbers than the average across the rest of the United Kingdom. Of course we are keen to work with all political parties to secure a smooth and efficient exit from the European Union. Let us be frank: the Welsh public and the UK public want to draw a line under this chapter.

Stephen Crabb: My right hon. Friend has absolutely hit the nail on the head and I am grateful for his support. He is well aware that last Friday, the Opposition voted against the withdrawal agreement, having previously said that they had no differences with the withdrawal agreement. That seems to demonstrate that they are seeking to create as much chaos as they can, rather than acting in the national interest.

Mr David Jones (Clwyd West) (Con): Can my right hon. Friend confirm that, in discussing the withdrawal agreement with the Welsh First Minister, he has made clear the Government’s position, which is to rule out participation in the customs union?

Alun Cairns: My right hon. Friend is well aware that this House has not yet come to a conclusion as to whether it wishes to call on the Government to be part of the customs union or not. So far everything has been rejected and the Prime Minister is seeking to work across the House, and with colleagues in all parties, to come to an agreement on what the House actually wants.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Does the Secretary of State believe that the Welsh economy will be stronger under the withdrawal agreement and the political declaration or weaker, and will he support a strong Welsh economy or a weaker Welsh economy?

Alun Cairns: With the actions that the Government are planning, I am optimistic about our prospects outside the European Union. Having travelled internationally—I was in Japan some weeks ago and in China at the end of last year—I am encouraged by the interest that has been shown in the UK economy, and I believe that Wales and the UK economy will be prosperous outside the European Union.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The Secretary of State told my colleague, the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), on the record in the Welsh Affairs Committee two days ago that he did not want to be “in a situation where there is no deal.” Could the Secretary of State explain to Welsh food producers and manufacturers why there
are press reports after yesterday’s Cabinet meeting that he was for a short delay? That is, of course, shorthand for supporting no deal.

Alun Cairns: The right hon. Lady is seeking to draw me on private discussions within Cabinet meetings, but of course she knows that I would not be drawn on those. What I said on the record on Monday I will happily say on the record now: I do not want to be in a no-deal position and that is the reason that I voted for a deal. I hope that the Welsh food producers that she referred to also supported the Prime Minister’s deal, and I hope that she will explain to them why she refused to support it.

Liz Saville Roberts: To lose one Wales Office Minister may be regarded as a misfortune, but to lose four in little over a year looks like carelessness. Something must make their positions untenable, intolerable, dispensable, toxic. When will the Secretary of State admit that his office has also become dispensable and too toxic to serve the interests of Wales? When will he do the right thing and resign?

Alun Cairns: I do not think that a month passes without the right hon. Lady calling for me to take such action. However, it gives me an opportunity to thank my hon. Friend the Member for Selby and Ainsty (Nigel Adams) for his efforts, including his work on the north Wales growth deal, for which the right hon. Lady has shown appreciation in the past. I wish that she would not be so churlish now.

Christina Rees (Neath) (Lab/Co-op): As you know, Mr Speaker, the Newport West by-election will take place tomorrow, having been called after the sad passing of our wonderful colleague Paul Flynn. I wish Ruth Jones, our wonderful candidate, all the best for tomorrow. Let me also welcome the Under-Secretary of State for Work and Pensions, the hon. Member for North Swindon (Justin Tomlinson), to his place. Is he staying long, or is he just passing through?

On several occasions the House has refused to back leaving without a deal. So have the Welsh Government and the Welsh Assembly. The Prime Minister does not want that either, and she has at last reached out to our party, seeking a cross-party approach to resolve the Brexit impasse. Does the Secretary of State agree with his Prime Minister, or with his former junior Minister, the hon. Member for Selby and Ainsty (Nigel Adams), who has just resigned?

Alun Cairns: Let me first wish Matthew Evans well in the by-election to which the hon. Lady has referred.

As I said a moment ago, I do not want to leave the European Union without a deal. That is exactly why I voted for the Prime Minister’s deal. Perhaps the hon. Lady will explain to her constituents why she voted to block Brexit.

Christina Rees: I think it would be really helpful if the Secretary of State reiterated to the House today that he would rule out a no deal, which he knows would be disastrous for Wales. If he will not do so, he should follow his junior Minister and resign.

Alun Cairns: In the spirit in which the Prime Minister made her statement yesterday, when she said that she was keen to engage on an open and transparent basis, the Leader of the Opposition has said that there are no red lines, so I do not know why the hon. Lady is calling on me to draw some now.

**UK Shared Prosperity Fund**

3. Angela Crawley (Lanark and Hamilton East) (SNP): What recent discussions he has had with Cabinet colleagues on the UK shared prosperity fund.[910112]

8. Marion Fellows (Motherwell and Wishaw) (SNP): What recent discussions he has had with Cabinet colleagues on the UK shared prosperity fund.[910118]

The Secretary of State for Wales (Alun Cairns): I have regular discussions with Cabinet colleagues about a range of issues affecting Wales, including the UK shared prosperity fund. Leaving the European Union removes the geographical and fund-specific constraints that currently exist, and provides an opportunity to address the concerns of businesses, the voluntary sector and communities about excessive bureaucracy.

Angela Crawley: The Government committed themselves to creating a UK shared prosperity fund to replace EU funding that seeks to reduce inequalities across our communities between the four nations of the United Kingdom. Two years later, the fund still does not exist. Are the Secretary of State and the Secretary of State for Scotland advocating its introduction in the Cabinet, to ensure that Scotland and Wales secure the fairest deal and will not receive less funding than they currently receive, or than was promised by the leave campaign?

Alun Cairns: The simple fact is that the shared prosperity fund does not exist because we are still part of the European Union and receiving that EU funding. There is clearly plenty of space for development, and we will be consulting shortly. In respect of the share of funds received by Wales, I would compare my record positively with that of the Labour Administration. Having underfunded Wales for 13 years, we now have a new, enhanced settlement that is focused on need.

Marion Fellows: The worst inequality in any EU member state exists between London and Wales, and leaving the EU would make that worse. Can the Secretary of State confirm that he is working to ensure that the shared prosperity fund delivers for Wales—which can be done only if decisions are made in Wales—and that devolved Governments are not sidelined?

Alun Cairns: The hon. Lady raises an important point about the worst inequality, as she described it—that between London and Wales. The facts speak for themselves, but those inequalities have built up over some time. I would also point to the relative positive growth in Wales compared with other parts of the UK and the enhanced funding settlement that has been negotiated under the fiscal framework. So I am optimistic and excited about our future outside the EU.

David T. C. Davies (Monmouth) (Con): Does my right hon. Friend agree that the UK shared prosperity fund offers a cast-iron guarantee that Wales is not going...
to lose out financially as a result of Brexit, and will he consider ensuring that that money goes directly to local authorities so it is spent in the best possible way?

Alun Cairns: My hon. Friend makes an extremely important point. Like me, he was an Assembly Member in 1999 when the first form of European aid on this scale was discussed. It was described as a once in a lifetime opportunity. Sadly, we have qualified twice since and that is because of the relative failure of the existing programmes.

Bob Blackman (Harrow East) (Con): Further to the question of my hon. Friend the Member for Monmouth (David T. C. Davies), will my right hon. Friend ensure that it is local authorities that can bid for this scheme, rather than it just being devolved to the Welsh Assembly to divide up the funds accordingly?

Alun Cairns: My hon. Friend makes an important point and that is the sort of innovation that the consultation will consider. He is tempting me to draw conclusions before we actually consult, but we have not been doing nothing on this policy area. Pre-consultation discussions have already been taking place in Wales and the Welsh Government jointly presented at the last St Asaph meeting in north Wales.

10. [910120] Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): Wales has been a net beneficiary of EU structural funds and we were told we would not lose a penny when we leave the EU, so can we have certainty on the UK prosperity fund? When will the Secretary of State start to do his job, stand up for the people of Wales and make sure we do not lose out after we have left the EU?

Alun Cairns: The hon. Gentleman makes an important point, but of course he is tempting me to announce elements of the comprehensive spending review well before my right hon. Friend the Chancellor will do so later this year. However, communities have said that the £4 billion has not changed communities in the way they wanted it to, so this is an opportunity to introduce a much more innovative, proactive approach that responds to the private and voluntary sectors and local authorities in a much more local way.

Chris Ruane (Vale of Clwyd) (Lab): I welcome the hon. Member for North Swindon (Justin Tomlinson) to his new ministerial position. May I too wish our Labour candidate Ruth Jones well in the Newport West by-election tomorrow?

There has been more than just the one meeting on the shared prosperity fund in Wales—there have been five meetings—but the consultation has not started. MPs were neither informed nor invited to those meetings, even if, as was the case with me, they were held in their own constituency. Does the right hon. Gentleman view MPs from all sides as stakeholders in the shared prosperity fund? Why were MPs not invited to these meetings and will he meet with stakeholder MPs to discuss the design of the fund?

Alun Cairns: First, I point out that these meetings were aimed at communities and the Welsh Government jointly presented at the last one. The hon. Gentleman has frequent opportunities to make direct representation here and it was only a little over a week ago that I met the all-party group for the UK shared prosperity fund to discuss the matter. I am sorry that he could not be present with some of his colleagues, but of course I will be happy to meet him or any other colleague who wishes to discuss the UK shared prosperity fund.

Foreign Direct Investment

4. Tom Pursglove (Corby) (Con): What recent estimate he has made of the level of foreign direct investment into Wales.

The Secretary of State for Wales (Alun Cairns): Last year, over 3,000 jobs came to Wales through foreign direct investment, through 57 projects, of which 93% were supported by my Department and the Department for International Trade.

Tom Pursglove: Given the recent showcasing of the Welsh investment portfolio at the MIPIM conference, what steps is the Secretary of State taking to try to lever further foreign direct investment into Wales, in what is undoubtedly a key nation in the global economy?

Alun Cairns: My hon. Friend is a strong advocate for foreign direct investment in his constituency and in all parts. He rightly points out that the Department for International Trade promoted a Wales capital investment programme at the MIPIM conference for the first time. That is a great demonstration of Whitehall Departments working closely with local authorities. There has been extremely positive feedback from both local authorities and investors, and we are working through those leads to see which projects can land.

Nick Thomas-Symonds (Torfaen) (Lab): Not only would no deal have an impact on foreign direct investment; it would also, on the Government’s own figures, leave the Welsh economy 8% smaller over 15 years. Can the Secretary of State clear up any ambiguity about his own attitude to no deal and say clearly today that there are no circumstances whatever in which he would back no deal?

Alun Cairns: The hon. Gentleman is quite selective in the quotes that he cites on foreign direct investment. He and the House will be well aware that the latest available figures show that the UK has the third highest stock of foreign direct investment in the world after the US and Hong Kong. Clearly, the UK’s record on FDI is strong, and I suggest that Wales’s record is stronger than most of the rest of the UK.

Simon Hoare (North Dorset) (Con): Will my right hon. Friend ensure that every single UK trade delegation overseas sings the song loudly and proudly that Wales is, and will continue to be, open for business?

Alun Cairns: I am grateful to my hon. Friend for his question. He is rightly aware of the great record that Wales has on attracting inward investment. There are more than 60 Japanese companies in Wales, for example, and that is why I was there some weeks ago talking not
only about existing investments but about the potential for new investments for the UK outside the European Union.

Ben Lake (Ceredigion) (PC): The Secretary of State will be aware that the Irish Government have recently reopened their consulate in Cardiff. What more can the Government do to encourage other countries to do likewise, so as to boost Wales’s international presence and levels of inward investment?

Alun Cairns: The hon. Gentleman makes an important point, which we discussed at the Welsh Affairs Committee on Monday. I pay tribute to him for his persistence on this matter. He rightly points out that the Irish Government have opened an office in Cardiff, and we would encourage other Governments to do that. I am happy to meet and to work with him to see which nations we should target to attract them to Wales and to Cardiff.

Infrastructure Resilience

5. Christian Matheson (City of Chester) (Lab): What recent discussions he has had with the Welsh Government on the resilience of infrastructure in Wales.

The Secretary of State for Wales (Alun Cairns): I have regular discussions with the Welsh Government’s Minister for Economy and Transport on a range of matters, including infrastructure in Wales. We are committed to creating a broad-based resilient economy through our own modern industrial strategy and the Welsh Government’s economic action plan.

Christian Matheson: The resilience of the major road network in north-east Wales is entirely dependent on the M56, just across the border in my constituency, which is now beyond capacity. Will the Secretary of State speak to Department for Transport Ministers to ensure that we get the upgrades we need in order to benefit north-east Wales as well?

Alun Cairns: The hon. Gentleman raises an important point, particularly when responsibilities are split between the Welsh Government and the UK Government. In seeking to address these sorts of issues, and cross-border infrastructure projects in particular, the strategic roads in Britain group has been established—of which the Welsh Government and the UK Government are part—to prioritise how we can best resolve these issues.

6. Michael Fabricant (Lichfield) (Con): What recent discussions he has had with the Welsh Government on a permanent home for the display of the Prince of Wales’s investiture regalia in Wales; and if he will make a statement.

The Secretary of State for Wales (Alun Cairns): I commend my hon. Friend for his commitment to this issue. I would be delighted to see the return of His Royal Highness the Prince of Wales’s regalia to Wales. There are many fine residences in Wales that would be suitable to display what some consider to be the Welsh Crown jewels.

Michael Fabricant: As you will know, Mr Speaker, the question on Welsh people’s lips at the moment is not Brexit but the royal regalia. Does my right hon. Friend agree that there are many suitable locations, including Caernarfon castle or, perhaps even better, the National Library of Wales in Aberystwyth, which has a secure place to store them?

Alun Cairns: My hon. Friend is persistent, but that demonstrates the importance of the project and its potential to attract tourists to Wales. It is an interesting proposal, and my officials are happy to work with other organisations to see how we can make it a reality. There are security implications, but there are also significant potential benefits.

Susan Elan Jones (Clwyd South) (Lab): Investiture regalia is probably a controversial subject, but those who are keen on it would describe themselves as patriots. Will the Secretary of State for Wales describe himself as a real patriot by ruling out a disastrous no-deal Brexit, and will he show his commitment to that?

Alun Cairns: I am a passionate Welsh patriot, as I would hope that the hon. Lady would recognise. I want to leave the European Union with a deal, which is why I have voted for it, but I point to the hon. Lady’s record: she voted against the deal last Friday, rejecting the call, instruction and demand that came from the Welsh public in the referendum.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The Royal Collection contains a fantastically valuable sword made of Tain silver. Will the Secretary of State have a word with the Secretary of State for Scotland to see whether the sword could be lent to my home town of Tain in the highlands?

Alun Cairns: I will happily raise the matter with my right hon. Friend the Secretary of State for Scotland. This question highlights the great history, shared identity and common issues of this nation, and we can share such assets to attract tourists to every part of the United Kingdom.

Industrial Strategy

7. Jessica Morden (Newport East) (Lab): What discussions he has had with (a) Cabinet colleagues and (b) the Welsh Government on the effect of the industrial strategy on the Welsh economy.
The Secretary of State for Wales (Alun Cairns): I have been working closely with my right hon. Friend the Secretary of State for Business, Energy, and Industrial Strategy and with the Welsh Government to ensure that Wales benefits from the opportunities that our modern industrial strategy provides.

Jessica Morden: The recent BEIS Committee report on the industrial strategy was particularly damning about how the steel sector has been failed by the Government. If Ruth Jones is elected tomorrow, she will be strong voice for the industry in Newport West, but what is the Secretary of State doing to push the sector deal negotiations and demand action on energy costs?

Alun Cairns: I do not recognise the hon. Lady’s point, but she is a strong supporter of the steel industry in her constituency, across Wales and elsewhere. The steel industry faced a challenging crisis just three years ago, and it is now in a much more positive position as a result of Government interventions such as reducing energy costs for energy-intensive industries.

Albert Owen (Ynys Môn) (Lab): I thank the Secretary of State and the Secretary of State for Business, Energy and Industrial Strategy for meeting a delegation that I brought here a few months ago, but we now need action. Rehau is shedding jobs in my constituency, and this is an opportunity for the Department to put its money where its mouth is with the industrial strategy and help that company. Will the Secretary of State meet me to follow up on the meeting that the former Under-Secretary of State had with the company so that we can keep jobs and production in Amwlch in my constituency?

Alun Cairns: I am happy to respond positively to the hon. Gentleman, who is a champion for Anglesey. Since our meeting about Wyllfa Newydd, I met the chairman of Hitachi to press the importance of the case and to stress the support that comes from the local authority, the Assembly Member and the Member of Parliament, which demonstrates the co-ordinated approach.

Universal Credit: Low-income Families

11. Ruth George (High Peak) (Lab): What recent assessment he has made of the effect of the roll-out of universal credit on low-income families in Wales.

13. Marsha De Cordova (Battersea) (Lab): What recent assessment he has made of the effect of the roll-out of universal credit on low-income families in Wales.

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): Universal credit is available in every jobcentre in Wales. Our welfare reforms are incentivising work and supporting working families. In the past 12 months alone, the employment rate in Wales has increased by 3.4 percentage points, the largest increase in any area of the UK.

Ruth George: Considering that pensioner poverty is higher in Wales than in any other country of the United Kingdom, what assessment has the Minister made of the change in the rules for mixed-age couples, who will lose up to £7,000 in pension credit?

Justin Tomlinson: It is not right that those of working age should be accessing pensioner benefits, but this Government have delivered the triple-lock pension support, which has given pensioners an extra £1,600 a year.

Marsha De Cordova: Will the Minister set out what discussions he is having with the Secretary of State for Work and Pensions on making it easier for private-rented sector tenants in Wales to have the housing element of universal credit paid directly to their private landlord?

Justin Tomlinson: I can confirm that I have regular discussions with the Secretary of State for Work and Pensions on this subject, about which she is incredibly passionate. We are making it easier, particularly for those on legacy benefits who already have direct payments.

Chris Evans (Islwyn) (Lab/Co-op): Has the Minister received an assurance from the Secretary of State for Work and Pensions that the social security freeze will not continue after 2020?

Justin Tomlinson: I can confirm that that is the default position. It was a four-year position, and this is the final year. We will continue to share the benefits of strong economic growth with the most vulnerable in society.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [910195] Mr Jim Cunningham (Coventry South) (Lab): If she will list her official engagements for Wednesday 3 April.

The Prime Minister (Mrs Theresa May): April marks 50 years since the launch of our longest sustained military operation, Operation Relentless, and the beginning of our continuous at sea deterrent. I am sure all Members on both sides of the House will want to join me in paying tribute to all the generations of Royal Navy submariners, their families, who sacrifice so much, and all those involved in protecting our nation.

Tomorrow marks 70 years since the founding of NATO. I assure the House that, under this Government, the United Kingdom will continue to play our leading role in NATO as it continues its mission of keeping nearly 1 billion people safe.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Mr Cunningham: I assure the Prime Minister that I will not raise Brexit, which will be raised later. I want to raise another very important issue. Consultants and doctors at the university hospital in my constituency have raised the issue of the NHS pension scheme and the tapered annual allowance, the consequences of which are that doctors are retiring early and turning down additional shifts for fear of paying higher tax bills to the Government. That is resulting in longer waiting times for patients and a shortage of doctors and consultants. Will she raise this with the Chancellor as soon as possible and inform me of his answer?
The Prime Minister: I am aware of the issue that the hon. Gentleman raises. In fact, the Chancellor and the Treasury are already in discussion with the Department of Health and Social Care on this very issue. The hon. Gentleman will have noticed that the Chancellor is on the Treasury Bench and has heard his point. I will make sure that we confirm to him what comes out of those discussions.

Q7. [91020] Sir David Amess (Southend West) (Con): With party loyalties being severely tested, is my right hon. Friend aware that, as the country and the world ponder whether Brexit means Brexit and whether we will make a success of it, Southend-on-Sea has been welcoming ambassadors from all over the world to work in partnership and on investment, looking at our pier and building a new marina? Will she consider bringing forward a meaningful vote, for which I believe there is a majority in the House, that Southend-on-Sea be declared a city?

The Prime Minister: I should just congratulate my hon. Friend on so cleverly working in Southend’s claim to become a city. As he says, it is very important that we see that investment coming to our country. The benefits and opportunities, when we have got over this stage and delivered Brexit, for building that better Britain and building that better future, including in Southend-on-Sea, will be there. It is for all of us to ensure that we can get over this stage, get a deal through, get to Brexit, deliver on Brexit and build that better future, of which I am sure Southend will be a leading part.

Jeremy Corbyn: Official figures show that since 2010 child poverty has increased by half a million, working age poverty has increased by 200,000 and pensioner poverty has increased by 400,000. Although the Prime Minister is right to mention the national minimum wage, whose introduction her party strongly opposed, we should just be aware of what the national minimum wage actually means: it is £8.21 for over-25s; for 21 to 24-year-olds it is only £7.70; and for apprentices it is just £3.90 an hour. These are poverty wages. There are now 8 million people in this country in work and in poverty. Many on middle incomes are struggling to make ends meet. Universal credit is failing. Will the Prime Minister today at least halt the roll-out of universal credit and agree to a thorough review of it?

The Prime Minister: As the right hon. Gentleman knows, as we have been rolling out universal credit, we have been making changes to it. One of the early measures we took when I became Prime Minister was to change the taper rate. We have since abolished the seven-day wait. We have ensured that we have taken action to make it easier for those who are transferring on to UC in relation to their housing benefit. But, crucially, there is only one way to ensure that we sustainably deal with the issue of poverty—

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): A Labour Government.

The Prime Minister: No, and I will come on to that. It is to ensure that we have a strong economy that delivers jobs and better jobs, and that people can keep more of the money that they earn. What do we know would happen? From behind the right hon. Gentleman, an hon. Member says, from a sedentary position, that the answer is a Labour Government. But a Labour Government would spend £1,000 billion more than has been proposed; a Labour Government would put up taxes; and the Labour party has opposed tax cut after tax cut. This is how you help working people: tax cuts which keep people in work; better jobs; and high employment. That is under the Conservatives.

Jeremy Corbyn: From a Government that rolled out austerity and has caused such poverty across the country, the Prime Minister really ought to think for a moment about what she has just said. The last Labour Government halved child poverty; brought in children’s centres and Sure Start; and reduced poverty across the whole country. She seems to be ignoring the true impact of universal credit. The Trussell Trust says that in areas where universal credit has been rolled out, food bank use has increased by more than 50%. This week, we also learned that another 400,000 pensioners are in poverty compared with 2010. So why is the Prime Minister pressing ahead with cuts to pension credit for couples where one person is of pension age and the other is not?

The Prime Minister: Under a Conservative Government we have seen the triple lock on pensions, which has provided good increases for pensioners year after year, and under this Conservative Government we have seen the introduction of the new pension arrangements for individuals who are pensioners. Let us just remember what we saw under a Labour Government. It is not under a Conservative Government that we saw a 75p rise in pensions—it was under Labour.
Jeremy Corbyn: The last Labour Government lifted 2 million pensioners out of poverty; this Government have put 400,000 more into poverty. Age UK, which I think knows a thing or two about this, says that this proposal by the Government is “a substantial stealth cut”. This year, 15,000 pensioner households could be up to £7,000 a year worse off as a result of this stealth cut.

I am pleased that the Prime Minister mentioned the triple lock, because at the last general election the Government alarmed older people by pledging to scrap the triple lock and the means-tested winter fuel allowance. Will the Prime Minister give an unequivocal commitment that this is no longer Government policy and will not be in the next Tory manifesto?

The Prime Minister: We have given our commitments to pensioners. We are clear: we are keeping those commitments to pensioners. What we have seen under Conservatives in government is the basic state pension rise by over £1,450 a year. That is in direct contrast to what a Labour Government did for our pensioners. We want people to be able to live in dignity in their old age, and that is what this Conservative Government are delivering.

Jeremy Corbyn: I am sure that the whole generation of WASPI women will be pretty alarmed at the lack of action by this Government and the lack of justice for them. Additionally, over 1 million over-75s currently receive a free TV licence, a scheme established by the last Labour Government. This Government transferred the scheme to the BBC without guaranteeing its funding. Will the Government take responsibility and guarantee free TV licences for the over-75s?

The Prime Minister: We have been clear what we want the BBC to do and, frankly, I think that the BBC is in a position to be able to do that with the income that it receives.

Jeremy Corbyn: The last Labour Government guaranteed free TV licences for the over-75s; this Government appear to be outsourcing that policy to the BBC. I think it should be an item of public policy and not be left to somebody else to administer on behalf of the Government.

The last Labour Government lifted 2 million pensioners out of poverty and 2 million children out of absolute poverty, and homelessness was cut in half. Contrast that with this Government, who have put half a million more children and 400,000 more pensioners into poverty, and doubled homelessness. This, by this Government, is a political choice. There is nothing inevitable about rising poverty, homelessness and soaring food-bank use in the fifth richest country on earth. So yes, let us work to try to resolve the Brexit deadlock, but unless this Government tackle insecure work, low pay and rising pensioner poverty, the Prime Minister’s Government will be marked down for what they are—a failure in the eyes of the people of this country.

The Prime Minister: The right hon. Gentleman cited the last Labour Government—I did not realise that he was such a fan of the last Labour Government. He seemed to spend the entire time voting against them when he had a Labour Government.

Let us just talk about what is happening under this Government: a record rate of employment; wages growing at their fastest for a decade; debt falling; a long-term plan for the NHS, and the biggest cash boost in the NHS’s history; a skills-based immigration system; more money for police, local councils and schools; the biggest upgrade in workers’ rights for over 20 years; the freeing of councils to build more homes; world-class public services—[Interruption.]

Mr Speaker: Order. Mr Russell-Moyle, you are behaving in a truly delinquent fashion. Calm yourself, young man. I had to have words with you yesterday. You are a bit over-eager. It is not the sort of thing that I would ever have done as a Back Bench

The Prime Minister: World-class public services; better jobs; more homes; and a stronger economy—Conservatives delivering on the things that matter.

Dame Cheryl Gillan (Chesham and Amersham) (Con): As this week is World Autism Awareness Week, may I ask my right hon. Friend to encourage all Departments to follow the examples being set by the Ministry of Justice, the Department for Work and Pensions and the Department of Health and Social Care, which are taking initiatives to improve their engagement with people who have autism in their families? I also ask her to endorse the autism awareness training course for Members of Parliament—offered through the all-party parliamentary group on autism and the National Autistic Society—which will be held in this House on 1 May. As we celebrate the 10th anniversary of the Autism Act 2009, it would be good to see every MP go through that training course to better help their constituents.

The Prime Minister: I pay tribute to my right hon. Friend for the work that she did to bring in the Autism Act 2009. It was very important; it was groundbreaking. It was the first piece of parliamentary legislation to be linked to the condition of autism. I thank her and the members of the all-party parliamentary group on autism for their work on this important issue, including in highlighting the awareness week, and in ensuring that autism training is available for Members of Parliament. I hope, as she does, that Members from across the House take that up. We are reviewing our autism strategy to ensure that it remains fit for purpose, because we want to know what is working and where we need to push harder to transform our approach, so we will continue to look at the issue, which she rightly highlighted in her work on the Act. I welcome that, and congratulate her on the work that she continues to do on the issue.

Ian Blackford (Ross, Skye and Lochaber) (SNP): It is well known that the SNP supports a people’s vote and has supported revocation, but all the way through this process, right back to 2016, the SNP and the Scottish Government have sought compromise. We have published document after document, including “Scotland’s Place in Europe”, which we know Michel Barnier has read; he says it is an interesting document. Why does the Prime Minister continue to ignore Scotland’s voices? Why has she restricted herself to inviting the Leader of the Opposition to formal talks? Why has she not invited the Scottish Government and the Welsh Government? Why is it that Scotland’s voices are being ignored by this Prime Minister and this Government?
The Prime Minister: I am meeting the First Minister of Scotland later today, and we will be talking to her about Scotland. [Interruption.]

Mr Speaker: Order. The right hon. Gentleman asked a question, and the Prime Minister is answering it. Let us hear, fully and courteously, the answer.

The Prime Minister: Thank you, Mr Speaker. As I say, I am meeting the First Minister of Scotland, and the First Minister of Wales, later today. The right hon. Gentleman asks why I offered to meet the Leader of the Opposition. I am happy to meet Members from across the House to discuss the Brexit issue, but I think I am right in saying that the Leader of the Opposition and I both want to ensure that we leave the European Union with a deal, whereas of course the right hon. Gentleman, as he has just said, has a policy of revoking article 50. That means not leaving the European Union at all.

Ian Blackford: I asked about formal talks. I am well aware that my friend and colleague is meeting the Prime Minister this afternoon. [Interruption.]

Mr Speaker: Order. Members are becoming very over-excited. The right hon. Gentleman has a right to be heard, and he will be heard.

Ian Blackford: Thank you, Mr Speaker. Let me make it clear that the voices of Scotland will not be shouted down by Conservatives in this House. The important factor here is that the Prime Minister is having formal talks with the Leader of the Opposition. Scotland will not accept a Tory or a Labour Brexit. Scotland voted to remain in the European Union, and we simply will not be dragged out against our will. Will the Prime Minister now engage in formal talks with the Scottish Government, the Scottish National party and other Opposition parties to make sure that our voices are heard, and that the desire to stay in the European Union—the best deal for all of us—is listened to and respected?

The Prime Minister: As the right hon. Gentleman knows, because we have met to talk about these issues, just as I have met other party leaders from across the House, I am always happy to meet party leaders from across the House. I want to find a way forward that delivers on the referendum and delivers Brexit as soon as possible, but in a way that means that we do not have to fight the European parliamentary elections, and in an orderly way for this country. He talks about voices from Scotland; I can assure him that there are indeed strong voices for Scotland in this House—they sit on the Conservative Benches.

Nigel Adams (Selby and Ainsty) (Con): Can I urge my right hon. Friend the Prime Minister, on behalf of all the people of Selby, to put her weight behind the campaign for step-free access for Selby railway station? [Interruption.] I am sorry to disappoint colleagues with my line of questioning, but this matter is very important for the people of Selby. In this day and age, it is totally unacceptable that those who are unable to walk up stairs—people with disabilities—are denied access to public transport. The people of Selby demand action.

The Prime Minister: First, I thank my hon. Friend for his service as a Government Minister since 2017. He has worked extremely hard, serving as both a Wales Office Minister and a Government Whip simultaneously, and I am sorry that he has resigned. I also thank him for raising the important issue of access to public transport, particularly access to stations for people with disabilities. He asked me to add my weight to the campaign, but I have to say that his considerable weight has been behind the campaign for a long time. [Laughter.] As a campaigner!

Mr Speaker: Order. The Prime Minister was referring to the hon. Gentleman’s qualities as a campaigner. That is what she was saying. She was not looking at the hon. Gentleman when she made that remark; she was saying it on the basis of her knowledge of him.

The Prime Minister: As I said, my hon. Friend has been campaigning hard on the issue for some time. I understand that the Department for Transport will announce tomorrow the stations that will benefit from funding for accessibility, if my hon. Friend can have just a little patience and wait for the announcement.

Q2. [910196] Owen Smith (Pontypridd) (Lab): When the Prime Minister sits down later this afternoon with my right hon. Friend the Leader of the Opposition and the shadow Brexit Secretary, no doubt she will hear that Labour’s policy on Brexit is to secure membership of a customs union and the single market, and—crucially—to get a people’s vote on any deal. If the Prime Minister accepts that compromise, she can pass her deal and leave office. Will she do so?

The Prime Minister: The purpose of meeting the Leader of the Opposition today is to look at the areas on which we agree. There are actually a number of areas on which we agree in relation to Brexit: we both want to deliver on leaving the EU with a deal; we both want to protect jobs; we both want to ensure that we end free movement; and we both recognise the importance of the withdrawal agreement. We want to find a way forward that can command the support of this House, to deliver on Brexit and the result of the referendum, and to ensure that people can continue to have trust in their politicians doing what they ask us to do.

Suella Braverman (Fareham) (Con): Robert Small and David West were two young men from the Fareham area with their whole lives ahead of them. While suffering with mental health problems and under the care of Southern Health NHS Foundation Trust, they tragically took their own lives. Few can imagine the grief endured by their families, who have since been campaigning for a change at Southern Health, which has struggled with systemic issues and problems for some years. Will my right hon. Friend reassure me that the Government will work with me and other Hampshire MPs to secure vital changes at Southern Health so that such tragedies may be avoided?

The Prime Minister: I thank my hon. Friend for raising this important issue. I extend my deepest sympathies to the families and friends of the constituents she referred to. These incidents are very concerning. I understand that the local trust and the county council have pledged to work together more closely to resolve
issues, but we remain absolutely committed to transforming mental health services around the country. We are providing record investment for these services, and we have an ambitious plan to increase the workforce and deal with the issues. I reassure my hon. Friend that action will be taken to ensure that we can prevent such incidents from happening in the future. They were terrible incidents, and our sympathies are with the family and friends of the victims.

The Prime Minister: As I believe I have said to the hon. Gentleman before, when any allegations of Islamophobia are made, against elected Conservatives or members of the Conservative party, we take them very seriously and action is taken in relation to those individuals. He referred to the attacks on mosques. I absolutely condemn any attacks against mosques, or indeed against any place of worship. I am pleased to say that my right hon. Friend the Home Secretary has increased the funding available to help protect places of worship against attacks. This has no place in our society and we should all be available to help protect places of worship against attacks.

Mr David Jones (Clwyd West) (Con): Does it remain the Prime Minister’s position that the Leader of the Opposition is not fit to govern?

The Prime Minister: Yes, I think my right hon. Friend will know, having heard my remarks about what I think a Labour Government would do to the economy, that I do not think the Labour party should be in government. That is not the position of someone who should be Prime Minister.

Dr Phillip Lee (Bracknell) (Con): According to polling that has just been published, over 58% of the British public have expressed a wish to have a final say on the Brexit process. Does the Prime Minister acknowledge that, with the ongoing impasse here in Westminster, and despite her best endeavours to pass her deal, and indeed the ongoing endeavours of the House to find a compromise, the British public are right increasingly to think that they should have a final say before proceeding with Brexit?

The Prime Minister: I know how passionately my hon. Friend has campaigned on this issue for some time now. He refers to the deal that the Government have put forward being rejected. Of course, the Leader of the Opposition’s deal has also been rejected by this House, as has a second referendum. What I believe we should be doing is delivering on the result of the first referendum, which is why I will be sitting down with the Leader of the Opposition later today.

Q5. [910199] Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): My constituent Georgiia Stokes has two children with autism who have been unable to get the support they need and are therefore not at school because of incorrect diagnoses. Every child with autism is unique, which is why awareness raising and education about autism is vital. Some 34% of children on the autism spectrum say that the worst thing about being at school is being picked on. This World Autism Awareness Week, will the Prime Minister commit to speeding up the time between referral for autism and diagnosis, and will she promise to fund mandatory training for healthcare professionals so that parents such as Georgia are not left to fend for themselves?

The Prime Minister: The hon. Lady again raises the important issue of autism. I am sure that, as constituency MPs, we all see cases where parents have found it very difficult to get support for their children who are on the autistic spectrum. It is important to ensure that there is the awareness and the ability to deal with this issue. As I said in response to my right hon. Friend the Member for Chesham and Amersham (Dame Cheryl Gillan), we are looking again at our autism strategy, because we want to ensure that we have in place all we need to support those with autism.

Lee Rowley (North East Derbyshire) (Con): Last week in this Chamber, the Prime Minister said that the Leader of the Opposition is “The biggest threat to our standing in the world, to our defence and to our economy”—[Official Report, 27 March 2019, Vol. 657, c. 313.]

In her judgment, what now qualifies him for involvement in Brexit?

The Prime Minister: Every Member of this House is involved in Brexit. I want to deliver Brexit. I want to deliver Brexit in an orderly way. I want to do it as soon
as possible. I want to do it without us having to fight European parliamentary elections. To do that, we need to get an agreement through this House on the withdrawal agreement and a deal. The House has rejected every proposal that has gone before it so far, as well as a second referendum and revoking article 50. I believe that the public want us to work across the House to find a solution that delivers Brexit, delivers on the referendum and gives people faith that politicians have done what they asked and actually delivered for them.

The Prime Minister: Across this House, we all have a responsibility to ensure that we deliver Brexit and that we do it as soon as possible and in an orderly way. It is entirely right, and I think members of the public expect it, for us to reach out across the House to find a way through; they want a solution. The country needs a solution, and the country deserves a solution, and that is what I am working to find.

Vicky Ford (Chelmsford) (Con): In the past fortnight there have been two incidents involving knife crime in my city of Chelmsford, and my constituents are extremely concerned. Can my right hon. Friend give us an update on this week’s knife crime summit?

The Prime Minister: My hon. Friend raises a very important issue. Our thoughts are with the family and friends of her constituents. It was a very important summit that we held on Monday. I was pleased to bring together people from the police, across Government Departments, community groups, the judiciary, healthcare and a wide range of activities to recognise the importance of taking a holistic, collective approach to dealing with knife crime. We will be consulting on a statutory duty to deal with knife crime as a public health issue, which is important, to ensure that everybody plays their part.

After the summit I was able to meet a number of families who had lost children—I say children, because these were teenagers—as a result of serious violence involving knife crime and a shooting. The horror and devastation of these attacks is brought home when sitting down and listening to the families who have seen promising young lives cut short in this tragic way. We are committed as a Government to working not just across Government but with society as a whole to deal with the scourge of serious violence, which is taking so many young lives.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Back in June last year, I asked the Prime Minister to help fund the recycling of the 20 old nuclear submarines tied up and rotting in Devonport and Rosyth. Today’s National Audit Office report shows that the Ministry of Defence has no funded plan to do this work, and no submarines have been dismantled since 1980—that is the year I was born. Will the Prime Minister now extend the civil nuclear clean-up to make sure that it includes all the Royal Navy submarines, so that we can deal with this issue, and make that part of her legacy in office?

The Prime Minister: We remain committed to the safe, secure and cost-effective defuelling and dismantling of our nuclear submarines as soon as is practically possible. The MOD continues to act as a responsible nuclear operator by maintaining its decommissioned nuclear submarines to meet the necessary safety and security standards. I think its commitment is illustrated by the recent success in the initial dismantling of the submarine Swiftsure, which has been followed immediately by the initial dismantling of Resolution. The MOD will continue to work with the Nuclear Decommissioning Authority to achieve steady-state disposal of our laid-up submarines as soon as possible. We are working on this. The Labour Government had 13 years as well, and what work did they do during those 13 years on this decommissioning issue?


The Prime Minister: They dismantled every one of those? One in 13 is not bad, I think. They asked and actually delivered for them.

Dr Julian Lewis (New Forest East) (Con): Why is a Conservative Prime Minister, who repeatedly told us that no deal is better than a bad deal, now approaching Labour MPs to block a WTO Brexit when most Conservative MPs want us to leave the European Union with a clean break in nine days’ time?

The Prime Minister: I say to my right hon. Friend that I was absolutely right: no deal is better than a bad deal, but we have got a good deal. We had a chance last Friday to ensure that we would leave the European Union on 22 May, and I am grateful to all colleagues who supported that motion, some of whom, I know, doing so with a very heavy heart. But I want to ensure that we deliver Brexit. I want to ensure that we do it in an orderly way, as soon as possible, without fighting European elections, but to do that we need to find a way of this House agreeing the withdrawal agreement and agreeing the way forward. It is on that basis that we have been sitting down with Members across the House and will continue to do so in order to ensure that we can find a way forward that this House can support.

Martin Whitfield (East Lothian) (Lab): Grace Warnock is a young East Lothian constituent of mine who has Crohn’s disease. Using accessible toilets, she has faced negative comments and abuse from adults, but this has inspired her to create Grace’s sign to remind everyone that there are people with invisible disabilities, who have every right to use accessible toilet facilities, and that society should have a heart. Will the Prime Minister join me in endorsing Grace’s campaign to standardise toilet signage to ensure that anyone—anybody—with a disability feels able to use accessible toilets without abuse?

The Prime Minister: I commend Grace for the work that she has been doing on this issue—sadly, coming out of her own personal experience. I think the hon. Gentleman has raised a very important issue. We want to make sure that people with invisible disabilities are able to access public toilets and can do so in a way that does not lead to the abuse that, sadly, Grace suffered. I fully recognise the campaign that she is fighting, and I think it is an excellent campaign.
Dr Caroline Johnson (Sleaford and North Hykeham) (Con): The people of Sleaford and North Hykeham—like myself, like the country—voted for Brexit and want to see it delivered. I understand the Prime Minister’s saying that we have to look at the balance of risk. Indeed, I looked at the balance of risk myself and supported her deal, and I urge others in our party to do so. But if it comes to the point when we have to balance the risk of a no-deal Brexit versus the risk of letting down the country and ushering in a Marxist, antisemite-led Government, what does she think at that point is the lowest risk?

The Prime Minister: First, I thank my hon. Friend. For the support she has shown for the Government’s deal and for the encouragement she is giving to others to support that deal. I want to see that we are able to deliver for her constituents and for others across the country and that we, as I say, deliver Brexit, and do it as soon as possible. In delivering Brexit, we need to ensure that we are delivering on the result of the referendum. That is what I said yesterday, and that is what we will be looking to do.

Q10. [910204] Jim Shannon (Strangford) (DUP): The Prime Minister stated last night that she will meet the Leader of the Opposition. Can she indicate for the benefit of my party, the Democratic Unionist party, but also for all Members of this House, which of the Leader of the Opposition’s Brexit policies she thinks she could accept?

The Prime Minister: I am going to be in discussion with the Leader of the Opposition, but as I indicated earlier, I think the Leader of the Opposition and I both want to deliver leaving the EU and to deliver that with a deal. I think we both agree that the withdrawal agreement is a part of any deal. I think we both agree that we want to protect jobs and ensure high standards of workers’ rights. I think there are a number of areas on which we agree; the question is, can we come to an agreement that we can both support that would command the support of this House? That is what the talks will be about.

Sir Henry Bellingham (North West Norfolk) (Con): Seventy years after the founding of NATO, will the Prime Minister find time today to look at the situation facing Northern Ireland veterans, some of whom are being arrested and charged with murder, nearly 50 years after the alleged events and where there is no new evidence? What signal does that send to youngsters looking to join the armed forces? Will she try to make solving this part of her legacy?

The Prime Minister: I recognise the issue that my hon. Friend has raised, and obviously the concern has been shared by our hon. and right hon. Friends and others across the House. The current system for dealing with the legacy of Northern Ireland’s past is not working well for anyone. As I have said previously in this Chamber, around 3,500 were killed in the troubles, and the vast majority were murdered by terrorists. Many of these cases require further investigation, including the deaths of hundreds of members of the security forces. The system to investigate the past needs to change to provide better outcomes for victims and survivors of the troubles and to ensure that our armed forces and police officers are not unfairly treated. The Ministry of Defence is also looking at what more can be done to ensure that service personnel are not unfairly pursued through the courts in relation to service overseas, including considering legislation, and we continue to look at how best to move forward in relation to the issues of the legacy in Northern Ireland.

Q11. [910205] Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): South Wales Police is doing a brilliant job in Cardiff South and Penarth, in spite of pressures, dealing with knife crime, drugs, domestic violence and so much more, but it does not get capital city funding, unlike in other capitals, which makes the pressure worse. Will the Prime Minister look at this again urgently, and does she agree that we would be better off spending billions on our police instead of Brexit?

The Prime Minister: I understand that South Wales Police has been given extra funding in relation to dealing with knife crime. It is important that we deal with this issue. The hon. Gentleman raised Brexit, and it is also important that we deliver on the result of the referendum and do what is necessary to ensure that we are preparing for leaving the European Union, which is exactly what the Government are doing. However, we are focusing on the issue of serious violence, as witnessed by the knife crime summit that we held earlier this week.

Sir Christopher Chope (Christchurch) (Con): In agreeing with the 14 members of the Cabinet who are happy for the United Kingdom to leave the European Union next week, can I ask my right hon. Friend whether she will set out her vision for the benefits that will come to the United Kingdom from no deal?

The Prime Minister: I say to my hon. Friend, first, that he should not believe everything that he reads in the newspapers; the Cabinet came to a collective decision yesterday. Secondly, I have always been clear that I think the opportunities for the United Kingdom outside the European Union are bright. I believe we can build that greater Britain and that brighter future for everybody. I believe we will do that better by leaving with a good deal. I believe we have a good deal, and that is why I have been working to ensure that we can leave, do so as soon as possible and in an orderly way, and build that brighter future.

Q12. [910206] Naz Shah (Bradford West) (Lab): Despite the repeated efforts of my hon. Friend the Member for Manchester, Gorton (Afzal Khan) and others in calling on the Prime Minister to adopt the all-party group on British Muslims’ definition of Islamophobia, the Prime Minister refuses. Despite repeated calls for an independent inquiry into institutional Islamophobia in the Tory party by the former chair, Baroness Warsi, the Muslim Council of Britain and the Tories’ own Conservative Muslim Forum, the Prime Minister again refuses. The London Mayor, Sadiq Khan, said just a few days ago:

“I have never received an explanation let alone an apology for the openly Islamophobic campaign the party ran against me in London in 2016,”

and that the attacks on him continue. I ask the Prime Minister directly today: will she now show some leadership
and at the very minimum apologise to London Mayor Sadiq Khan for the Islamophobic campaign led by her party?

The Prime Minister: As I said in response to the hon. Member for Manchester, Gorton (Afzal Khan), any allegations made in relation to the Conservative party are investigated carefully by the Conservative party and action is taken. This Government have been doing more to ensure that the police can deal with issues around hate crime. When I was Home Secretary, I required the police to ensure that they were properly recording incidents of hate crime, so that we could better identify Islamophobia. I am pleased to say that my right hon. Friend the Communities Secretary and the Home Secretary recently chaired a roundtable on anti-Muslim hate crime. It is being taken seriously by the Conservative party and by the Government.

Nicky Morgan (Loughborough) (Con): It is worth everyone in this place remembering that for people outside there is far, far more to life than Brexit, as illustrated by many of the questions today. In Loughborough, we are very proud of Loughborough University being the best university in the world for sports-related subjects. One group of athletes who have been much undersung in recent weeks are our Team GB athletes who took part in the Special Olympics in Abu Dhabi. One hundred and twenty-seven athletes returned with 169 medals, over 60 gold. Will the Prime Minister congratulate them, and does she think it might be time for GB to host the next Special Olympics?

The Prime Minister: I will look very carefully at my right hon. Friend’s suggestion in relation to the Special Olympics. I am very happy to join her—I am sure everybody across the whole House will—in congratulating our GB team on the significant haul of medals they brought back from the Special Olympics. May I also say how much we value Loughborough University and the work it does on sports-related matters?

Q13. [910207] Karin Smyth (Bristol South) (Lab): Head-teachers and governors in my constituency have cut school budgets to the bones. They are now desperately concerned about the impact on children. The Prime Minister’s own advisers have been sent into schools and, as reported by Schools Week, their ideas are truly shocking: reducing lunch portions for some of the most disadvantaged; holding back money for charities; and even employing unqualified teachers. Does the Prime Minister agree with me that these suggestions belong to the days of the workhouse, not 21st-century England?

The Prime Minister: The hon. Lady knows that we are increasing the funding—£1.3 billion extra—available to schools. I am sure she will want to welcome, as I do, the fact that there are 22,500 more children in the Bristol local authority area in good and outstanding schools since 2010.

James Cleverly (Braintree) (Con): Further to the question from my hon. Friend the Member for Chelmsford (Vicky Ford), I thank the Prime Minister for the invitation she extended to me to her knife crime summit on Monday. Does she agree that, while the numbers and powers of police officers are important, we need to send a message to people who would never wear a t-shirt made in a sweatshop and look carefully at the air miles of the food they buy, yet seem not to make the connection between the drug use they have in their personal lives and the damage done to young people on our streets? Will she send a message that it is not acceptable?

The Prime Minister: My hon. Friend raises a very important point. If we look at the extent to which knife crime is gang and drug-related, many people across our society need to ask themselves what they are doing to ensure we deal with knife crime and not see drug-related gangs committing these crimes, so that we are able to rid our society of what I believe to be the curse of drugs. I believe they have those impacts. They are bad, and that is why it is important that, as a Government, we have a very clear drugs strategy to take people off drugs and ensure we deal with this issue. My hon. Friend makes a very important point: it is a matter not just for Government or police, but for all of us across our society to deal with these issues.

Q14. [910208] Kirsty Blackman (Aberdeen North) (SNP): Freedom of movement is a good thing. It is good economically: EU citizens exercising their free movement rights contribute to our GDP. It is good socially: our communities are more diverse and more successful as a result. And it is good for our young people, who can go to Europe to study and to work. Can the Prime Minister be honest about the benefits of freedom of movement and ensure that we retain those benefits?

The Prime Minister: We want to ensure we have a migration system that enables us to welcome people into this country on the basis of the skills they will bring and the contribution they will make to this country, not of the country they happen to come from. When people voted to leave the European Union in 2016, they sent a clear message that they wanted things to change. One of the things they wanted to change was to bring an end to free movement and to ensure that it is the UK Government who are able to make decisions about who can come to this country.

Mr Nigel Evans (Ribble Valley) (Con): As the Prime Minister seeks to get her short extension upon the short extension, will she make it absolutely clear to the European Union that if they turn around and say that it has to be a long extension and that we will have to fight the European Union elections, she will say no, no, no?

The Prime Minister: We had the opportunity on Friday to cement that extension to 22 May and ensure that we left on 22 May. As I said earlier, I am grateful to all who supported that motion. Some did so with some difficulty, and with a very heavy heart. I now want us to find a position where we can, across the House, support the withdrawal agreement and a deal that enables us to leave on 22 May without having to hold European parliamentary elections. We can only do that if we come together and find a way forward that this House is willing to support.

Q15. [910209] John Grogan (Keighley) (Lab): The Prime Minister and I are both fans of Geoffrey Boycott, who was perhaps not best known for compromise in his prime but, like many of us, has mellowed with the years.
In the spirit of the times, will the Prime Minister find time in her busy diary to look at the compromise proposals advanced by the Mayor of South Yorkshire on the important subject of Yorkshire devolution?

The Prime Minister: We are looking seriously at issues around Yorkshire devolution. I know that it has caused some concern and there are different opinions about how it should be taken forward. The hon. Gentleman references Geoffrey Boycott, and one thing that I have always admired about Geoffrey Boycott is that he stayed at the crease, kept going and got his century in the end.

Kevin Hollinrake (Thirsk and Malton) (Con): Further to the last question, once the Prime Minister has dealt with the rather tricky issue that is Brexit, as I am sure she will, will she move on to the much more difficult problem of devolution in Yorkshire? Now that the Secretary of State has ruled out devolution to the whole of Yorkshire, will the Prime Minister consider a devolution deal to the York city region, to include the city of York and the glorious county of North Yorkshire?

The Prime Minister: We recognise that there is in Yorkshire, as I have just said, enthusiasm for and dedication to the concept of devolution, and its potential to release and harness local people’s sense of identity with Yorkshire and be of ongoing benefit to the people of Yorkshire. We need to find the right proposals that will suit the area, and I believe that my right hon. Friend the Communities Secretary has met the Yorkshire leaders. Discussions are continuing with them about a localist approach to devolution in Yorkshire different from the One Yorkshire proposal, which did not meet our criteria.

Sir Vince Cable (Twickenham) (LD): Reports from the Cabinet yesterday suggest that two proposals were put forward for cross-party co-operation to solve the Brexit crisis. One of them was to work with the Leader of the Opposition to deliver a Labour Brexit. The other was to work with the 280 MPs across the House who will support the Prime Minister’s deal subject to a confirmatory referendum. Why does she trust the Leader of the Opposition more than the people?

The Prime Minister: I want to ensure that we find a resolution that the House can support, such that we can deliver Brexit in a timely fashion. I believe it is important to do that as soon as possible, and I want us to do it without having to fight the European elections. I believe it is absolutely right, and the public would expect us, to be willing to work across the Chamber to find a resolution to this issue.

Rachel Maclean (Redditch) (Con): Conservative-led Redditch Borough Council has recently submitted its bid for the future high streets fund. Will the Prime Minister add her support to that bid, because the people of Redditch deserve to have our town unlocked? Does she agree that it is only with Conservatives in our town hall that we can continue to unlock Redditch after years of Labour neglect?

The Prime Minister: I commend Conservative-led Redditch council for the work that it is doing to unlock the town and to unlock the high street. My hon. Friend tempts me to support one bid over others, but there will be other of our hon. and right hon. Friends who wish me to support bids from their towns. It is important that we have made this money available, and I congratulate Redditch council, under the Conservatives, for all that it is doing to ensure the vitality of the town.

Nick Boles (Grantham and Stamford) (Ind): I find myself in a slightly curious position, sandwiched between the Liberal Democrats and the Welsh nationalists. I reassure my constituents and hon. Members that I remain a progressive Conservative while I am, sadly, independent in this House.

The Prime Minister’s late conversion to compromise is welcome, but I am sure she will understand the scepticism of those of us who have been working on a cross-party compromise for many months. Can she reassure me that she will enter discussions with the Leader of the Opposition and other parties without the red lines that have bedevilled the Brexit negotiations so far?

The Prime Minister: I welcome the hon. Gentleman’s indication that he remains a progressive Conservative in his thinking on various issues. I approach the discussions in a constructive spirit, because I want to find a resolution of this issue. I want to ensure that we can do what people told us we should do, which is to deliver Brexit in an orderly way that is good for this country.

Several hon. Members rose—

Mr Speaker: Order.
Points of Order

12.55 pm

Dr Sarah Wollaston (Totnes) (Ind): On a point of order, Mr Speaker. The Liaison Committee, which consists of all the Select Committee Chairs, is the only Committee that can call the Prime Minister. She has said on several occasions this afternoon that she is willing to sit down with Members from across the House, but I regret to say that, despite repeated requests, the Liaison Committee has been unable to secure a date for a hearing with the Prime Minister. Could I please seek your advice, Sir?

Mr Speaker: The hon. Lady may have helped to achieve that objective. If she is not immediately successful, I have no doubt that she will—following, perhaps, my advice—persist. If she is not immediately successful, I suggest that by raising this matter again until she accomplishes her objective. If she is not immediately successful, I have no doubt that she will—following, perhaps, my advice—that objective. If she is not immediately successful, I have no doubt that she will—following, perhaps, my advice, that objective.

The hon. Lady asks how she can persuade the Prime Minister to confirm a date. I suggest that by raising the matter today, the hon. Lady may have helped to achieve that objective. If she is not immediately successful, I have no doubt that she will—following, perhaps, my repeated advice to colleagues—persist, and, if necessary, persist again until she accomplishes her objective. Those sessions matter. They are part of respect for, and the proper functioning of, the legislature.

Several hon. Members rose—

Mr Speaker: I will come to other colleagues. We do not have a lot of time, because we have to move on to other business, but I will do my best.

Martin Vickers (Cleethorpes) (Con): On a point of order, Mr Speaker. Thank you for taking this point of order at this stage in our proceedings. My concern is that Network Rail will respect the force as well as the Members from across the House.

Mr Speaker: My advice to the hon. Gentleman is that, despite repeated requests, the Liaison Committee has been unable to secure a date for a hearing with the Prime Minister. Could I please seek your advice, Sir?

Rosie Cooper (West Lancashire) (Lab): On a point of order, Mr Speaker. May I crave your indulgence? With only sentencing left, I would like to take the opportunity to thank the Prime Minister, the Leader of the Opposition and every single Member of this House for the kindness they have shown me over the last two difficult years. I would also like to thank Robbie Mullen and Hope not Hate, because without their actions I might not be here. I thank the parliamentary authorities, the Parliamentary Liaison and Investigation Team, Lancashire and Merseyside police, and my new family friends, the national and Lancashire counter-terrorism units. I thank them all for continuing to protect me.

Beyond thanking so many kind people, Mr Speaker, I would like to make a serious point. I was to be murdered to send a message to the state, and to send a message to this place. Members of this House are regularly abused and attacked. Our freedoms, our way of life, our democracy is under threat, and we must do our utmost to defend it. While the Home Secretary is in his place, perhaps I might ask him to consider the Diplock process for terrorist trials. [Applause.]

Mr Speaker: I think the spontaneous reaction on both sides of the Chamber, joined in by the Leader of the House and other colleagues, speaks volumes. I hope that I speak on behalf of the House in saying that we have the most enormous respect and admiration for the hon. Lady. [HON. MEMBERS: “Hear, hear.”] She has displayed courage and fortitude of which many people, and probably most of us, can only dream. In the most harrowing of circumstances, faced with an explicit and very real threat to her life from neo-Nazis, she has not wilted for a second. She has defended her own rights, she has defended the rights of her constituents, she has defended the rights of all her colleagues, and she has defended the rights of Parliament as an institution.

By this sort of poisonous, fascist bile we will not be cowed, and the sooner the purveyors of hate, of fascism, of Nazism, of a death cult realise that, the better. I salute the hon. Lady, and I know that others will do so too—

The Leader of the House of Commons (Andrea Leadsom) rose—

Mr Speaker: Led, I think, by the Leader of the House.

Andrea Leadsom: Further to that point of order, Mr Speaker. On behalf of those on the Government Benches, I pay tribute to the hon. Member for West Lancashire (Rosie Cooper) for her courage in facing this down. We all absolutely stand with her.

Mr Speaker: I warmly thank the Leader of the House for what she has said. I think that she speaks for us all.

The Secretary of State for the Home Department (Sajid Javid) rose—

Mr Speaker: The Home Secretary is indicating a willingness to take part.

Sajid Javid: Further to that point of order, Mr Speaker. May I take this opportunity to thank the hon. Member for West Lancashire for what she has said? She has the support of the whole House and beyond, and we all absolutely stand with every word that she has just shared with the House.
Jeremy Corbyn (Islington North) (Lab): Further to that point of order, Mr Speaker. I thank my hon. Friend the Member for West Lancashire for the brilliant statement that she has made today, and for the incredible fortitude with which she has stood up against this appalling threat. I also thank you, Mr Speaker, for your clear declaration. We will not tolerate fascism and Nazism in our society. We will stand up for the pluralistic, multicultural, multi-ethnic Britain of which we are all, I believe, very proud.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): On a point of order, Mr Speaker, I wonder whether you could guide me on how I can place on record the fact that my hon. Friend the Member for Slough (Mr Dhesi) has become the first black, Asian or minority ethnic Member to be elected to the NATO Assembly from this Parliament.

Mr Speaker: I do apologise to the hon. Gentleman. I cannot listen to two people at once, but I should have been listening to him. Would he care to put the point again, very briefly?

Mr Mahmood: I wonder whether you could guide me, Mr Speaker, on how I can place on record the fact that my hon. Friend the Member for Slough has become the first black, Asian or minority ethnic Member to be elected to the NATO Assembly from this Parliament.

Mr Speaker: The hon. Gentleman has achieved his objective with me only once—[Interruption] As the hon. Member for Rhondda (Chris Bryant) indicates from a sedentary position—[Interruption] Well, I am trying to get the pronunciation of his constituency right. I will have lessons from him later.

As far as the House is concerned, however, the hon. Member for Birmingham, Perry Barr (Mr Mahmood) has achieved his objective twice, and I join in those congratulations. As the House will know, I have often referred approvingly to President Moon—the hon. Member for Bridgend (Mrs Moon), who is president of the NATO Parliamentary Assembly. To be able to record our admiration for the hon. Member for Slough for what is a first is a privilege, and I thank the hon. Member for Birmingham, Perry Barr for giving me the chance to do so.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): On a point of order, Mr Speaker. Do you share my alarm and dismay at the footage that appeared on social media today depicting members of the Parachute Regiment firing weapons at an image of the Leader of the Opposition? The situation is alarming, because Parliament is supreme in our democracy and the armed forces serve at the pleasure of Parliament as per the Bill of Rights. Let me say, as a former reservist as well as a Member of Parliament, that this flies in the face of all the values and standards that members of the British Army should uphold. Should the House not express its deep dismay and disgust at the conduct of those soldiers?

Mr Speaker: It should, and I believe that the hon. Gentleman has done so on behalf of colleagues across the House. My understanding is that the matter is being investigated—I believe I am right in saying that the Ministry of Defence has signalled that an investigation will take place—and that seems to me to be absolutely right. What he has said is 100% correct. I would be horrified if our service personnel were to behave in such a way in relation to any Member of the House, or the representative of any political point of view embodied in a democratic political party. It is simply an unconscionable way in which to behave.

I entirely endorse what the hon. Gentleman has just said. I have no wish to raise the temperature, but rather, in the most solemn way, to underscore the importance and utter validity of what he has said.

Bob Blackman (Harrow East) (Con): On a point of order, Mr Speaker. The Hillsborough trial has ended without the jury’s reaching a conclusion. Have you had any indication from the Government yet as to their willingness or desire to make a statement on what will happen now to honour the victims of the Hillsborough tragedy and ensure that those responsible are actually held to account?

Mr Speaker: I am very grateful to the hon. Gentleman, because the matter is of intense interest across the House, not to mention in very large parts of the country. The short answer is no, I have received no indication of an intention on the part of a Minister to make a statement on the matter to the House. However, Ministers on the Treasury Bench, and the Patronage Secretary, will have heard—or will very soon hear—what the hon. Gentleman has said. If the matter is as he has described it—and I have no reason to doubt what he has said—I should be very surprised if a Minister were not shortly to offer to come to the House to make a statement. The hon. Gentleman is well familiar with what I might call the backstop option, which he could deploy if he were concerned that a statement might not be forthcoming. I will leave it at that.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Mr Speaker. Have you received any notice of a statement from the Secretary of State for Foreign and Commonwealth Affairs, given the appalling news this morning that the Government of Brunei are intending to introduce the stoning to death of members of the LGBT community? Given our close links with that Government—not least our military and business links, and our links through the Commonwealth—do you not agree that such a statement would be very useful to the House?

Mr Speaker: I agree. Such a statement would indeed be very useful. I have had no indication that the Foreign Secretary or one of his colleagues is minded to come to the House for that purpose, but the hon. Gentleman is an assiduous contributor to our proceedings, and I am sure he will have noted that the matter was aired in the Chamber yesterday during questions to the Foreign Secretary. I sensed that there was very much, as one would expect, a cross-party feeling on the subject, and I very much hope that it will be possible for it to be aired further in the Chamber.

I do not mind telling the hon. Gentleman that there was an application for an urgent question on the matter earlier in the week. As I knew that Foreign Office questions were coming and we were very heavily consumed by other business, I declined it at that time. However,
[Mr Speaker]

many people would judge that the matter remains urgent, and the opportunities exist for colleagues—perhaps I may use this analogy again—to deploy the backstop option in order to ensure that there is a ministerial presence in the Chamber, and to focus on the matter very soon.

Mr Peter Bone (Wellingborough) (Con): Further to that point of order, Mr Speaker. Am I right in thinking that it would not be possible to have a statement after 2 o’clock today when Parliament has sort of been taken over by the alternative Government? Is that not one of the problems with doing statements at the moment?

Mr Speaker: That is indeed a valid observation. The hon. Gentleman is right as far as today is concerned. To be fair, I do not think I was—and I do not think the hon. Member for Cardiff South and Penarth (Stephen Doughty) would suggest this—signalling that the matter could be aired by the mechanism either of an urgent question or a statement today, but of course there is always the possibility of subsequent days.

Sir Christopher Chope (Christchurch) (Con): Further to the point of order raised by my hon. Friend the Member for Harrow East (Bob Blackman) in relation to Hillsborough, Mr Speaker. May I put it on record that the gentleman in question is one of my constituents, and this will be the second occasion on which he has faced a long trial that has not resulted in any verdict and has resulted in the jury being discharged? I hope that will be taken into account if anybody thinks it reasonable for such a person to be put through a third trial.

Mr Speaker: I rather imagine the point the hon. Gentleman has made on behalf of his constituent will be heard in the appropriate quarters. If he is concerned that it might not be, it is always possible for him to send the Official Report to those whom he believes need to read his words in it. I think we will leave it there for now, but I thank him; he has raised a serious point of a legal character, and he is representing his constituent, and I respect that.

I remind the House that under the Order of the House of 1 April I must interrupt any proceedings at 2 pm, when I will call a Member to move the business of the House motion. I therefore intend to bring proceedings on the statement to a close at approximately 1.45 pm to allow time for the presentation of the Bill and the ten-minute rule motion.

Windrush Compensation Scheme

1.12 pm

The Secretary of State for the Home Department (Sajid Javid): With permission, Mr Speaker, I would like to make a statement on the Windrush compensation scheme. Copies of the response to the consultation are available from the Vote Office.

The United Kingdom has a proud history of welcoming arrivals from around the world. We have long held open the door to those who want to come and help build a better country, including my parents, for example, or indeed the parents of the shadow Home Secretary, and we have all benefited as a result, with the UK emerging as a stronger, broader, more vibrant and successful nation. We would not be the country we are today without the men and women who crossed oceans to come here legally, to make their homes, to work hard, to pay taxes and to raise their families, and we all know it, which is why the whole country was shocked by the unacceptable treatment experienced by some members of the Windrush generation. People who have built their lives in this country, people who have done so much for this country, people who have every right to be in this country were told they were not welcome. It was a terrible mistake and it should never have happened, and that it did is a matter of profound regret to me, to my Department and to the Government.

That is why just under a year ago one of my first acts as Home Secretary was to stand at this Dispatch Box and say sorry on behalf of successive Governments: sorry to the parents and grandparents who suffered the trauma of being incorrectly ordered to leave the country they love; sorry to those who had paid taxes here for decades only to be denied the NHS care to which they were perfectly entitled; sorry to hard-working men and women who were unfairly refused the right to work, and even refused the dignity of a roof over their head. However, I know that words alone are not enough, which is why, 11 months ago, I did not just say sorry to members of the Windrush generation; I also vowed to make amends. I therefore initiated a public consultation and I wish to make a statement on the Windrush compensation scheme. Copies of the response to the consultation are available from the Vote Office.

Today’s scheme is the product of many months of work with affected individuals and their representatives, including well over 2,000 responses to our call for evidence and the consultation. We are also indebted to Martin Forde QC, who has provided us with invaluable independent advice and met with a great many of the individuals who were directly affected. His findings have contributed hugely to the final design of the scheme and I would like to take this opportunity to thank Martin for his work.

As a result of this meticulous approach, I am confident that the proposals for the scheme are closely aligned with what affected communities wanted to see: namely, that it is simple, accessible and, above all, fair. Full information is now available online and via a free telephone hotline number. Guidance is being provided to help people to understand what compensation they might be entitled to and how to submit a claim, and the application process itself is as simple and clear as possible.
It is also important to note that the scheme is open not only to those of Caribbean origin. The Government propose broadly to align eligibility with the Commonwealth citizens taskforce. This means that Commonwealth citizens settled in the UK before 1973, along with certain children and grandchildren of theirs, are eligible to apply if they have losses to claim for. Other eligible groups include those of any nationality who have a right of abode or settled status or are now British citizens who arrived in the UK before 31 December 1988.

Of course the historical nature of the wrongs done means that some of those who have been affected throughout the years are, sadly, not alive to see justice being done. Where this is the case we propose to accept claims from the estates of individuals who would themselves have been eligible had they not passed away and from close family members of an eligible person.

However, justice will not be done if people do not know about the scheme, or for any reason are afraid to engage with it. So in addition to today’s media coverage we will launch an extensive programme of events with key stakeholders, community groups and faith organisations so that people across the country and overseas know about the compensation they can apply for.

On 22 June, we will be marking the second annual Windrush Day, a celebration of everything that the Windrush generation and their descendants have contributed to the UK, and later this evening I will be welcoming community group leaders to Parliament, alongside some of those who have suffered and their families. It will be an opportunity to reflect not only on the mistakes of successive Governments that brought us to this point but on what we as a country can do to ensure such mistakes are never repeated.

Wendy Williams’ review will explore how members of the Windrush generation came to be treated like illegal migrants, and I look forward to receiving her recommendations, but there is no doubt that the roots lie in a historical policy that saw people given settled status without also being given the ability to prove it. Nothing we say or do will ever wipe away the hurt, the trauma and the loss that should never have been suffered by the men and women of the Windrush generation, but together we can begin to right the wrongs of Windrush. We can begin to turn the page on this sad chapter in our history and we can do justice by people who have contributed immeasurably to our country.

When the UK called out for help, thousands of people from the Caribbean and across the Commonwealth stepped up to help to get us back on our feet. Now it is time for us to step up and do what is right by those whom we have failed. I commend this statement to the House.

1.18 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): I thank the Home Secretary for early sight of his statement. I also wish to place on record our gratitude to Martin Forde QC and his colleagues for the advice he has provided. I would like to say at this point that none of the delays in this process is attributable to him.

We have to remember in this House how much pride the Windrush generation took in being British. We have to remember that they came here in good faith under passports which indicated to them that they were indeed British. There are all the material challenges they faced as part of the Windrush scandal but, above all, having to spoken to numbers of these people, there was the humiliation of being told year on year by the British state that somehow they were not British, they were not worthy, they were not deserving and services they had paid into for years and years were not available to them.

The reality is that this is a scandal that should never have happened. It is a scandal to which the Government were initially slow to react and it is a scandal in which some Members of Parliament deliberately muddied the waters with talk of illegal immigrants, when, by definition, none of the Windrush victims is here illegally. It is a scandal that is set to continue unless and until the Government end their hostile environment. It is also a scandal that is set to multiply with the 3 million EU citizens because of the Government’s refusal to guarantee all their existing rights and, I am sorry to say, because of the lack of preparedness at the Home Office.

The Prime Minister told us that she would fight “burning injustices”. Well, the Windrush scandal was a burning injustice and it took place on her watch, first as Home Secretary and then as Prime Minister. Her successor as Home Secretary was obliged to relinquish her post because she incorrectly told the House that there were no numerical deportation targets. We have since learned that the right hon. Member for Hastings and Rye (Amber Rudd) had written to the Prime Minister promising to increase deportations by 10%. We also know that deportation numbers were a key performance indicator when she presided over home affairs, and that Home Office officials received bonuses relating to the numbers of deportees. It is hard not to imagine that these targets, performance indicators and bonuses did not affect the lack of care with which the Windrush generation were treated. The current Home Secretary told the House in April last year:

“I will do whatever it takes to put it right”.

He also said:

“We have made it clear that a Commonwealth citizen who has remained in the UK since 1973 will be eligible to get the legal status that they deserve: British citizenship.”—[Official Report, 30 April 2018; Vol. 640, c. 35.]

And yet here we are. We know that many citizens from the Commonwealth who have been here since 1973 have still not been granted British citizenship and are still not treated as British citizens.

On this side of the House, we welcome the fact that the compensation scheme will be open to the estates of deceased Windrush generation persons and also to their relatives. They were an ageing cohort, and it is only fair that their relatives should be able to claim. We also welcome the fact that the Home Secretary accepts that this is not just about persons from the Caribbean. The Windrush generation is so called because of that emblematic symbol, the Empire Windrush, but it actually involves anyone from a Commonwealth country who came to this country between 1948 and 1972. I believe that many more persons will need to come forward if we are really going to clear up this scandal.

Will the Home Secretary say a little about the hardship fund, which was set up in response to pressure from my hon. Friends to deal with the immediate issues faced by the Windrush generation? How much is available to the hardship fund as a whole? Is it true that thus far only two people have had payments from the fund? We are
Ms Diane Abbott: I do not think necessarily establishing a formal legal obligation. Surely make these compensation payments voluntarily, without apology and ex gratia payments. The Government will the NHS care they were entitled to. persons living in this country who were unable to access detention and wrongful deportation. We also note that public services including the NHS, loss of home, wrongful in challenging wrongful loss of jobs, deprivation of legal costs, which are easily documented, were incurred than that amount. This is despite the fact that these make a contribution towards legal fees only up to a is not ending the scandal; it continues it. The Home Secretary and the Government propose to make a contribution towards legal fees only up to a fixed amount and will not reimburse for fees higher than that amount. This is despite the fact that these legal costs, which are easily documented, were incurred in challenging wrongful loss of jobs, deprivation of public services including the NHS, loss of home, wrongful detention and wrongful deportation. We also note that there will be no compensation for private healthcare for persons living in this country who were unable to access the NHS care they were entitled to.

The remedies provided by the scheme will include an apology and ex gratia payments. The Government will make these compensation payments voluntarily, without necessarily establishing a formal legal obligation. Surely there must be a formal legal obligation. I do not think we can rely—

Mr Speaker: Order. I say very gently to the shadow Home Secretary that this is going to be talked out, as things stand, because we have only until 1.45 and about 20 colleagues want to take part.

Ms Abbott: I am grateful to the Speaker.

Let me say finally that there are some in this House who are the children of the Windrush generation. Whether we are on the Front Benches or the Back Benches, and whether we are in opposition or in government, we will not rest until that generation, one of the bravest generations, gets the justice to which it is entitled.

Sajid Javid: I thank the right hon. Lady for her comments and also for what she said about Martin Forde QC and the work he has done to make this scheme a reality, the starting by saying that this should never have happened. I absolutely agree with her and always have. I think the whole House agrees on that. Of course none of the people who were caught up were here illegally; they had every right to be here.

The right hon. Lady has referred to the compliant environment. Sadly, she talks about it as though it were an environment that had been put in place since 2010. However, she knows that the right to check whether someone is here illegally and a number of other rules and regulations were put in under the previous Labour Government. She talks about how people were affected, and we are all trying to deal with this issue and to provide justice, but it is worth reminding the House that when the historical review was done and it was determined that 164 people were the most likely to have suffered detriment, almost half of them had suffered detriment under the previous Labour Government. It is worth keeping it in mind that successive Governments have in effect caused this problem, and it is no good trying to point the finger at one particular Government.

The right hon. Lady talked about the EU settlement scheme. It is precisely because of the lessons of Windrush that we need a scheme that cannot just be declaratory in approach. We need to ensure that our EU friends who are here in this country are properly documented. The abiding lesson from Windrush is the lack of proper documentation. She has rightly talked about those who want to have UK citizenship, and she knows that we have set up a special route for that. Approximately 4,000 people have taken advantage of that, at no cost to themselves. She is also right to say that the scheme is not just open to people of Caribbean origin, and I am glad we agree on that. She asked about the urgent exceptional payments fund. This is not just another compensation scheme; it is supposed to deal just with urgent exceptional payments. It is not capped, and I understand that nine payments have been made so far.

The right hon. Lady also asked about the compensation scheme, and how much it was likely to cost. There is no cap on the scheme, so no one knows what the eventual cost will be. It will be based on people’s needs and the claims that are made by eligible people, but the baseline estimate from my Department is that it will be approximately £200 million. She also referred to legal fees and private healthcare costs. I can tell her that in both those cases, although there is a tariff structure, both allow for actuals being paid in certain circumstances where proof is provided.
compensated justly for their outrageous and disgraceful treatment. If the scheme delivers some sort of justice, that will be welcome, but we need more information before we can finalise our judgment. I welcome what the Home Secretary says about there being no cap on the scheme, because the needs of victims, not the choices of the Treasury, must drive the total amount of compensation.

Will the Home Secretary explain exactly what the Home Office will be compensating? Is it only financial losses, or will the devastating impact on health, wellbeing, family relationships and other aspects of life that so many have suffered also be considered? Can he tell us whether claiming compensation will preclude victims from seeking other forms of redress from the Home Office, including through the courts, and will the nine people who have been able to claim from the hardship fund also be able to claim under the compensation scheme? It is welcome that the compensation scheme is not restricted to Caribbean countries, but why is the Department not undertaking work to find victims of the scandal from all Commonwealth countries, rather than restricting case reviews just to Caribbean countries?

The Home Office has ruined the lives of citizens from all around the Commonwealth, so it should be taking steps to fix and compensate all those cases.

Finally, the Home Secretary referred to the shock felt by the whole country in response to Windrush, but it should not have been a shock to the then Home Secretary, now the Prime Minister, or her Department because the Department had been repeatedly warned that it was an inevitable consequence of the hostile environment. We still need to know why the Home Office ignored its own warnings and pressed ahead with the hostile environment. We want to ensure that the systems were in place from the start, that people were compensated justly for their outrageous and disgraceful treatment. If the scheme delivers some sort of justice, that will be welcome, but we need more information before we can finalise our judgment. I welcome what the Home Secretary says about there being no cap on the scheme, because the needs of victims, not the choices of the Treasury, must drive the total amount of compensation.

Sajid Javid: I thank the hon. Gentleman for his comments. I reiterate again that, for all the right reasons, there is no cap on this scheme. He asked whether only financial losses will be considered, but if other detriment has been suffered—people may have been wrongly detained, for example—the scheme will consider that. He also asked whether people who have used the urgent payment fund will be eligible to apply under scheme. Absolutely, if they meet the eligibility criteria, and depending on the claim, there is no link between the two schemes.

The hon. Gentleman welcomed the fact that the scheme is not limited to Commonwealth citizens of Caribbean origin; it is broader than that. It is right that we have focused on those whom all the evidence suggested are more likely to have suffered detriment, but it is also right that the scheme is not limited to Commonwealth citizens of Caribbean origin. He rightly referred to the Wendy Williams’s review, which will be vital to ensure that we get everything right.

Several hon. Members rose—

Mr Speaker: Order. Traditionally, there is slightly greater latitude for the Chair of a Select Committee, but in view of the time constraints it would be appreciated if colleagues could confine themselves to a single-sentence question without preamble. Otherwise, lots of people will be prevented from speaking.

Vicky Ford (Chelmsford) (Con): My constituent was unable to work for a considerable period of time, but that situation was resolved thanks to Government action. However, he is now struggling financially again because his wife is suffering from cancer, so how soon will he be able to claim? The links on gov.uk are not completely clear, so how easy is it to find the website? How soon might my constituent be able to get some money in his bank account to help him?

Sajid Javid: I am very sorry to hear about my hon. Friend’s constituent’s situation. The claims can begin from today, and the information has just gone up online. We have also set up a freephone helpline, and a number of people in the Home Office will be dedicated to the scheme. We want to process the claims and make payments as soon as possible.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Home Office took six months to agree to the urgent hardship scheme, nine months to set out the policy for it and, within 12 months of the Windrush scandal, it had helped only two of the 48 people who had applied. I understand that the number is now up to nine even though there were serious, urgent cases in which help was needed. What will the Home Secretary do to ensure that we do not see the same delays with this compensation scheme, which will provide the welcome support that people need?

Sajid Javid: It was important to get the scheme right, so we wanted to ensure that we consulted as many people as possible, which is why we had the call for evidence first. Indeed, Martin Forde, the independent assessor of the scheme, asked for extra time to meet more community leaders and more people who were affected. I believe that we have got it right now, and I am committed to ensuring that those who are eligible receive their compensation as quickly as possible.

Douglas Ross (Moray) (Con): I welcome the Home Secretary’s statement and the work that his Department has done on the scheme. When he responded to the Home Affairs Committee report on 24 July last year, noting the end of the consultation on 11 October, he said he wanted this scheme to be implemented “quickly and carefully after that.”

Will he explain the length of time between the consultation closing and this announcement, because some are concerned that it has taken six months? Was it correct to take that time to get things right?

Sajid Javid: We received some 1,400 responses to the consultation, which is high for any consultation, and we wanted to ensure that they were all considered carefully. We worked closely with Martin Forde and others and wanted to ensure that the systems were in place from day one when the compensation scheme went live. Now that it is live, we will be able to process claims quickly.

Mr David Lammy (Tottenham) (Lab): Will the Home Secretary undertake to publicise the scheme as widely as the EU settlement scheme? Will he ensure that there is no use of non-disclosure agreements around how much compensation people get? Many people were driven into poverty and therefore crime as a consequence
of the scandal, so will he say whether people with criminal convictions will still be entitled to use the scheme?

Sajid Javid: We will absolutely publicise the scheme widely. Indeed, the right hon. Gentleman, who is committed to providing justice for the Windrush generation, can help me by using his Twitter feed, and there are other ways of helping more people to know about this scheme. There will be no non-disclosure agreements under this scheme, and people with criminal convictions are entitled to use it. The details state that if individuals with serious convictions apply, the Government reserve the right to change the amount of compensation or not pay it altogether, but generally no one is barred owing to a criminal conviction.

Jeremy Lefroy (Stafford) (Con): I heard the dignified evidence given to the Joint Committee on Human Rights by some of the Windrush generation. I was astonished that some were still put into this position despite providing huge amounts of documentation. What support is being given to those in the Windrush generation, or indeed anybody else, who have been dismissed despite having all this evidence in front of them?

Sajid Javid: My hon. Friend is right to raise that. I remember looking at cases in which such outcomes should not have happened. We have made the compensation scheme as simple and as straightforward as possible. For example, some payments have both a tariff structure and an actual structure, because we are trying to provide as much choice as possible.

Chuka Umunna (Stratford) (Ind): I represent the Windrush borough of Lambeth, where many residents have been directly affected by the scandal. The Home Secretary’s officials actually came down to help implement some of the measures introduced by his Department, but I have to say that his processes have been anything but simple and accessible. What confidence can he give us that this scheme will be any different?

Sajid Javid: We have looked carefully at how the scheme is going to be implemented. For example, that is why, along with the online information, there is guidance on how the applications work and how to make them easier, and there is also this freephone number. There will also be dedicated staff in the Home Office working on the scheme. The scheme will be open for at least two years, and I commit to consider any issues and whether improvements can be made. If hon. Members make any suggestions, we will absolutely look at them.

Janet Daby (Lewisham East) (Lab): Victims of the Windrush scandal need to be compensated for all their losses. Can the Home Secretary assure me that that will include any trauma that has been experienced?

Sajid Javid: In our publication today, we set out carefully what type of eligibility and what type of losses can be covered. I believe that, with the consultation process and with the support of Martin Forde, it is a very fair process.

Sir Edward Davey (Kingston and Surbiton) (LD): Given that the hostile environment is clearly one cause of the Windrush scandal, have the Government accepted the recent High Court judgment against right-to-rent checks?

Sajid Javid: The right hon. Gentleman may know that we are appealing that judgment.

Andy Slaughter (Hammersmith) (Lab): Will the Home Secretary look at the case of my constituent who has been refused an exceptional hardship payment, which she wants so she can visit her 95-year-old mother with dementia and her father’s grave in Grenada? She was told by the Department to save up for it.

Sajid Javid: I would be happy to take a look.

Alison Thewliss (Glasgow Central) (SNP): Will the Home Secretary extend the compensation scheme to highly skilled migrants wronged by the Home Office? Can he explain why the cases I have raised in the press have not been resolved?

Sajid Javid: The eligibility for the scheme is very wide. I set it out earlier in my statement, and it will almost certainly include many highly skilled migrants.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): As well as the publicity drive that the Home Secretary has talked about, will his officials be going through, with their fingertips, every case of other Commonwealth citizens who are caught up in this?

Sajid Javid: We want to make sure that no one is left out. We have, for reasons I have previously explained in the House, focused on those of Caribbean origin, but that process of trying to find those who may have been wronged continues.

Emma Reynolds (Wolverhampton North East) (Lab): Will the compensation scheme cover the huge distress caused to those such as my constituent Paulette Wilson? She was detained at Yarl’s Wood and then Heathrow detention centre, and she was very nearly deported back to a country she had not been to since the age of 10.

Sajid Javid: One category we have also included in the compensation is a discretionary category, because we are well aware that, although we can identify some of the most likely detriments to compensate, there may be some exceptional cases, and I want to make sure that nothing is left out by the compensation scheme.

Liz Kendall (Leicester West) (Lab): Will the Home Secretary look into the case of my constituent Mr Espedy Alvester Thomas? He has once again applied for a passport, this time under the Windrush scheme, and he still has not had a decision. Will the Home Secretary assure me that he will take every action to make sure similar delays do not happen with this compensation scheme?

Sajid Javid: I would be happy to look into that case.
Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Will the Home Secretary publish a comprehensive breakdown of all those wrongfully detained or deported by his Department as a result of the hostile environment, on top of the Windrush victims?

Sajid Javid: The hon. Gentleman will be well aware that we regularly supply a letter to the Select Committee containing much information on the scheme, and I will take his suggestion into account.

Jo Stevens (Cardiff Central) (Lab): Many, many victims of this tragedy will be pulling together complex cases involving heads of loss across many areas. Will legal aid be available to those who need it?

Sajid Javid: We are looking carefully into what kind of support is needed, because some cases will be less complex. In the kind of complex case suggested by the hon. Lady, we want to make sure that people have help, if they need it, to put their case together. We want to make sure that no one is denied justice and that people can make a proper claim.

Jessica Morden (Newport East) (Lab): Will the Home Secretary acknowledge that reassurances so far have not been enough for some people who are too afraid to admit that they have no status here? I know that from my constituency. Will he do more to reassure people to come forward?

Sajid Javid: The hon. Lady makes a very important point. We want to make sure everyone feels they can, first, come forward to the Windrush scheme itself, in terms of documentation, passports and the work of the taskforce, and, secondly, make claims for compensation. For example, no information relating to those who come forward to the compensation scheme will be supplied to immigration enforcement, or in respect of any other issues and concerns that people might have.

Liz McInnes (Heywood and Middleton) (Lab): Will a fixed address or a bank account be required to claim compensation? Some people will have been denied access to these under the hostile environment.

Sajid Javid: It would certainly be helpful if a claimant for compensation has a bank account, but we have set out to make sure that justice is done in the fairest way possible. If there are exceptional circumstances in how we pay compensation, we will of course take that into account.

Helen Hayes (Dulwich and West Norwood) (Lab): Will the Home Office fund independent legal advice for those Windrush citizens who may not be able to navigate the Home Office website system or who may feel entirely unable directly to approach a Department that has so comprehensively breached their trust?

Sajid Javid: As I mentioned earlier, we have tried to make it as simple as we can to navigate, with guidance and a freephone number. If anyone finds themselves in that circumstance, I suggest that the first thing they do is call the freephone number.

Stephen Pound (Ealing North) (Lab): Sixty-six of the immigrants carried on HMT Empire Windrush were, in fact, Polish nationals, mostly relatives of those who had fought for the allies from El Alamein to Monte Cassino and beyond. Have they, or their descendants, been involved or consulted in any way during this process?

Sajid Javid: I do not have a list of everyone who responded to the consultation—there were some 1,400 respondents—but the consultation was wide-ranging and we had responses from many different nationalities.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Is there a risk of a further Windrush, as hundreds of thousands of EU citizens who are applying for their rights risk missing the deadline? Will the Home Secretary accept the cross-party calls to enshrine their rights in law to avoid this situation?

Sajid Javid: It is precisely because we want to avoid another Windrush situation that it cannot be sufficient just to enshrine rights in law. What is needed with the EU settlement scheme is a proper process of documentation from day one.

BILL PRESENTED

EMPLOYMENT RIGHTS (SHARED PARENTAL LEAVE AND FLEXIBLE WORKING) BILL

Presentation and First Reading (Standing Order No. 57)
Jo Swinson presented a Bill to entitle employees to request shared parental leave and flexible working on the first day of employment; to make provision for self-employed persons to take shared parental leave; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 374).
Animals (Recognition of Sentience)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.46 pm

Kerry McCarthy (Bristol East) (Lab): I beg to move,

That leave be given to bring in a Bill to impose a duty on public bodies in relation to the welfare needs of animals as sentient beings.

Back in November 2017, I added my name to an amendment to the European Union (Withdrawal) Bill tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas). New clause 30 called for the EU protocol on animal sentience, as set out in the Lisbon treaty, to be recognised in domestic law post-Brexit. As every Member knows, animal welfare issues are always popular with constituents, and this was no exception. There was a mass email campaign and vocal support from non-governmental organisations. It was clear that the public wanted the reassurance of including it in the Bill.

The Government, for reasons best known to themselves, were less enthused and tried to argue that the concept of animals as sentient beings was already enshrined in English law, but the backlash was fierce. There was a lot of press coverage suggesting that Government Members had voted in the belief that animals cannot feel pain, which was slightly unfair, but the public were clearly unhappy.

Forced to act, the Government tabled the three-clause draft Animal Welfare (Sentencing and Recognition of Sentience) Bill in December 2017. This was the Government promising the House that they would legislate. Indeed, the Prime Minister also said that. The Government were promising that they would legislate before Brexit day, which we thought at the time would be 29 March 2019.

The consultation on the draft Bill closed on 31 January 2018, and the Select Committee on Environment, Food and Rural Affairs, on which I sit, carried out pre-legislative scrutiny and recommended splitting the Bill so that the largely uncontroversial sentencing provision could be dealt with separately. I am not focusing on the sentencing provision today, but I genuinely do not understand why the Government have not been able to act in the intervening period to increase maximum jail sentences for animal cruelty from six months to five years—it would take a day of parliamentary time and it has public support. The Government purport to support it, too, so why not treat animal cruelty with the severity under law that it deserves?

It was not until August 2018 that the Department for Environment, Food and Rural Affairs got round to publishing the outcome of the consultation on the draft Bill, having apparently been overwhelmed by the public response, with over 9,000 direct submissions and another 64,000 from 38 Degrees members.

DEFRA took on board the Select Committee’s recommendation to split the Bill, but since then we have had nothing. Just warm words and a lukewarm promise to legislate. In October 2018, the Secretary of State told the Tory conference:

“Animals are our fellow sentient beings. They show loyalty and devotion, and they know pleasure and pain.”

In February, at the “A Better Deal for Animals” parliamentary reception, which brought together 36 of the UK’s largest and most effective animal protection organisations, he said:

“Animals are sentient beings who feel pain and suffering, so it is absolutely right that we recognise this in UK law after we leave the EU.”

Just last week, the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Macclesfield (David Rutley), who has responsibility for animal welfare and I am glad to see in his place, told the EFRA Committee that the Government were committed to legislating “as soon as possible” and were “looking for a vehicle” to bring this forward. Today, I am providing that vehicle for the Government, and if the Minister wants to take over from me in the driving seat, I would be more than happy for him to do so.

Turning to the detail of what I am proposing, the Bill recognises animal sentience and ensures that all vertebrates, cephalopods and decapods, including crustaceans, octopuses and squid, are legally defined as sentient beings. It also includes a mechanism for the list to be expanded in the future, based on the latest science. Aristotle once described the octopus as a “stupid creature”, but we now know that that is far from the case—indeed, sometimes I think it is far more intelligent than quite a lot of us. To be clear, recognising sentience is about recognising that animals are capable of experiencing pain and suffering, that they have welfare needs and that Government policies should, to the greatest possible extent, and taking into account other policy needs, result in a good life for the animals concerned.

My Bill creates a framework for a mandatory process by which the Government and public bodies will implement and report against the sentience duty. Specifically, it will establish an independent animal welfare advisory committee; provide a mechanism for informed assessment of animal welfare impact risk, taking into consideration the specific welfare needs of the species affected, weighed against other public policy needs; provide animal welfare guidance to Departments, as well as a triage process to allow Departments to prioritise resources for risk assessments on those policies with the potential to cause the greatest harm to the greatest number of animals; require full transparency from the Government, in real time, on assessments undertaken, policy options considered and reasons for the choice of the final policy option and so on; and provide a mechanism for public consultation. There is more in the Bill on reporting and reviews that I will not go into now.

The creation of an animal welfare advisory committee is fundamental, as it would issue guidance on how the animal sentience principles should be interpreted and applied, and ensure that the duty is discharged. It is clear to me that no existing body could undertake this role effectively or adequately replace the current advice of EU institutions. To perform this function, the committee will need: to have an open, transparent recruitment process; to include independent members with appropriately wide-ranging specialist perspectives and expertise, in both animal welfare and ethical review; to be able to co-opt additional expertise as required; to be able to liaise with stakeholders and respect their views; to be transparent in its advice; and to include a mechanism to take representations, including concerns and complaints, from the public.
The reality is that if we do not legislate for this now, there is a risk: that imports of lower-welfare animal products could be permitted under new trade deals; that developers may not have to consider the impact of new roads, housing or major infrastructure projects on wildlife in the area; that the UK could, through its overseas aid or trade programmes, invest in the kind of intensive farming systems that are not allowed in the UK because of animal welfare concerns; and that it would be more difficult to take action against inhumane wildlife management practices and wildlife crime. Those are just a few examples.

As the Minister knows, there is widespread support for enshrining sentience in UK law. Since February alone, almost 70,000 people have signed the parliamentary petition to recognise it in law, and 101 Members from across this House have signed early-day motion 2070. I want to thank organisations such as Wildlife and Countryside Link, World Animal Protection, the Royal Society for the Prevention of Cruelty to Animals, Humane Society International, Compassion in World Farming and the splendidly named Crustacean Compassion for their support and assistance with this Bill and their campaigning.

We pride ourselves in this country on our strong record on animal welfare, and we are right to do so, but we should never be complacent. There are many examples where we could and should do better. There are pressures on us, economic and global, that could lead us to backslide. We should always be vigilant and guard against that. I know that some, a minority, still question whether this Bill is needed. Some people want greater licence to ignore animal welfare concerns, whether that be so that they can cram animals into ever-more intensive and industrialised farming systems, or so that they can pursue so-called “country sports”. The fact is that this Government promised this legislation. Indeed, they staved off a major Commons defeat—and no doubt there would have also been defeat in the Lords—with that promise. That was back in November 2017. It is now time for the Government to keep their promise to this House and to the British people, and to back my Bill. That was back in November 2017. It is now time for the Government to keep their promise to this House and to the British people, and to back my Bill.

Order, That Kerry McCarthy, Darren Jones, Daniel Zeichner, Alex Cunningham, Henry Smith, Sir Roger Gale, Bob Blackman, Caroline Lucas, Ben Lake, Mr Alistair Carmichael and Dr Lisa Cameron present the Bill. Kerry McCarthy accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 375.)

### Business of the House

**Mr Speaker:** I must inform the House that I have selected amendment (a) in the name of the right hon. Member for Leeds Central (Hilary Benn), and that he will be called to move that amendment at the end of the debate.

1.55 pm

**Sir Oliver Letwin** (West Dorset) (Con): I beg to move, That—

(1) At today's sitting—

(a) the order of the House of 1 April (Business of the House) shall apply as if, at the end of paragraph (2)(a), there were inserted “and then to proceedings on the European Union (Withdrawal) (No. 5) Bill”;

(b) any proceedings governed by that order as amended or this order may be proceeded with until any hour, though opposed, and shall not be interrupted;

(c) immediately upon the conclusion of proceedings under the order of 1 April, the Speaker shall call a Member to move the motion that the European Union (Withdrawal) (No. 5) Bill be now read a second time;

(d) the Speaker may not propose the question on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(e) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.

(2) In respect of the European Union (Withdrawal) (No. 5) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.

(3) The provisions of this order shall apply to and in connection with the proceedings on the European Union (Withdrawal) (No. 5) Bill.

### Timetable for the Bill today

(4) (a) Proceedings on Second Reading and in Committee of the whole House, any proceedings on Consideration and proceedings up to and including Third Reading shall be taken at the sitting today in accordance with this Order.

(b) Proceedings on Second Reading shall be brought to a conclusion (so far as not previously concluded) at 7.00 pm.

(c) Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings up to and including Third Reading shall be brought to a conclusion (so far as not previously concluded) at 10.00 pm.

### Timing of proceedings and Questions to be put today

(5) When the Bill has been read a second time:

(a) it shall, notwithstanding Standing Order No. 63 (Committal of bills not subject to a programme order), stand committed to a Committee of the whole House without any Question being put;

(b) the Speaker shall leave the Chair whether or not notice of an Instruction has been given.

(6) (a) On the conclusion of proceedings in Committee of the whole House, the Chairman shall report the Bill to the House without putting any Question.

(b) If the Bill is reported with amendments, the House shall proceed to consider the Bill as amended without any Question being put.

(7) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph (4), the Chairman or Speaker shall for the purpose of bringing any proceedings to a conclusion in accordance with paragraph (4), the Chairman or Speaker shall forthwith put the following Questions in the same order as they would fall to be put if this Order did not apply—
(a) any Question already proposed from the Chair;
(b) any Question necessary to bring to a decision a Question so proposed;
(c) the Question on any amendment, new clause or new schedule selected by the Chair or Speaker for separate decision;
(d) the Question on any amendment moved or Motion made by a designated Member;
(e) any other Question necessary for the disposal of the business to be concluded, and shall not put any other Questions, other than the Question on any motion described in paragraph (16) of this Order.

(8) On a Motion made for a new Clause or a new Schedule, the Chairman or Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

Consideration of Lords Amendments and Messages on a subsequent day

(9) If any message on the Bill (other than a message that the House of Lords agrees with the Bill without amendment or agrees with any message from this House) is expected from the House of Lords on any future sitting day, the House shall not adjourn until that message has been received and any proceedings under paragraph (10) have been concluded.

(10) On any day on which such a message is received, if a designated Member indicates to the Speaker an intention to proceed to consider that message—

(a) notwithstanding Standing Order No. 14(1)(which provides that government business shall have precedence at every sitting save as provided in that order), any Lords Amendments to the Bill or any further Message from the Lords on the Bill may be considered forthwith without any Question being put and any proceedings interrupted for that purpose shall be suspended accordingly;
(b) proceedings on consideration of Lords Amendments or on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement, and any proceedings suspended under subparagraph (a) shall thereupon be resumed;
(c) the Speaker may not propose the question on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private).

(11) Paragraphs (2) to (7) of Standing Order No. 83F (Programme orders: conclusion of proceedings on consideration of Lords amendments) apply for the purposes of bringing any proceedings on consideration of Lords Amendments to a conclusion as if:

(a) any reference to a Minister of the Crown were a reference to a designated Member;
(b) after paragraph (4)(a) there is inserted—

“(aa) the question on any amendment or motion selected by the Speaker for separate decision;”.

(12) Paragraphs (2) to (5) of Standing Order No. 83G (Programme orders: conclusion of proceedings on further messages from the Lords) apply for the purposes of bringing any proceedings on consideration of a Lords Message to a conclusion as if:

(a) any reference to a Minister of the Crown were a reference to a designated Member;
(b) in paragraph (5), the words “subject to paragraphs (6) and (7)” were omitted.

Reasons Committee

(13) Paragraphs (2) to (6) of Standing Order No. 83H (Programme orders: reasons committee) apply in relation to any committee to be appointed to draw up reasons after proceedings have been brought to a conclusion in accordance with this Order as if any reference to a Minister of the Crown were a reference to a designated Member.

Miscellaneous

(14) Standing Order No. 82 (Business Committee) shall not apply in relation to any proceedings on the Bill to which this Order applies.

(15) No Motion shall be made, except by a designated Member, to alter the order in which any proceedings on the Bill are taken, to recommit the Bill or to vary or supplement the provisions of this Order.

(16) (a) No dilatory Motion shall be made in relation to proceedings on the Bill to which this Order applies except by a designated Member.

(b) The Question on any such Motion shall be put forthwith.

(17) Proceedings to which this Order applies shall not be interrupted under any Standing Order relating to the sittings of the House.

(18) No private business may be considered at any sitting to which the provisions of this order apply.

(19) In this Order, “a designated Member” means—

(a) the Member in charge of the Bill; and
(b) any other Member backing the Bill and acting on behalf of that Member.

For the avoidance of doubt, I should begin by saying that it is the feeling of both the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and me that we should accept amendment (a), which provides for the possibility of indicative votes on Monday, should that be necessary in the light of discussions between those on the Front Benches between now and then, which I strongly welcome.

This House has debated a number of measures in the past few weeks about the Order Paper and Standing Orders, and who controls them. I am sure that some of my right hon. and hon. Friends, some of whom have made learned and important speeches about the subject already, will wish to raise those issues again. Of course, I am happy to respond to any points made in the course of my remarks about that matter, but I do not intend to dwell on it all over again, because I have more or less said what I had to say about that subject. I just want to refer to the substance of the business of the House motion.

The first question that needs to be addressed is: why bother with this business of the House motion and, therefore, why bother at this point to consider the Bill that stands in the name of the right hon. Member for Normanton, Pontefract and Castleford, of which I and others are backers, given that the Government have already said they are going to seek an extension, which, again, is an enormously welcome development? I say to my right hon. and hon. Friends on the Front Bench that it is not that I have any doubt that the Government will now wish to seek an extension and avoid the cliff edge of a no-deal exit on 12 April, but rather that there is concern that there should be a transparent and orderly statutory process or framework within which the House has an opportunity to consider the length of the extension that is asked for and to provide the Prime Minister with backing for her request to the EU in an unequivocal and transparent way. That is the purpose of ensuring that we consider the Bill that follows this business of this House motion, and therefore the main purpose of the business of the House motion is simply to provide for the proceedings on that Bill.

The second question I wish to address is that of the speed with which we are considering the Bill. I would much prefer to have had considerably longer set out in
the business of the House motion for consideration of the implications of the Bill, because, as right hon. and hon. Members will see when it is debated, although the Bill is short, it is nevertheless significant and there are significant details associated with it. It would have been nice to have a considerable time in which to debate and consider it over a number of days, as is normal. Unfortunately, there is no point in legislating if that which we are legislating about has occurred before the time when the legislation would be relevant.

Charlie Elphicke (Dover) (Con): I am listening very carefully. My right hon. Friend said that the emergency legislation process is necessary but, as the whole House knows, the reality is that the Prime Minister has already said that she is minded to seek an article 50 extension. I fail to see what the emergency he is claiming is, considering that his Bill is completely and utterly unnecessary.

Sir Oliver Letwin: I am grateful to my hon. Friend for his remark that he was listening carefully to what I said. In the preceding section of what I was saying, I explained the reason for the Bill, which is to provide a transparent means of ensuring that the precise details of the extension that the Government seek are brought before the House. That would have been necessary anyway. My view is that it would be a good proceeding for our Parliament to have the opportunity to scrutinise and debate the extension proposed by the Government. I am now explaining not why it is an emergency but why it is a quick process. The reason for it being a quick process is that, if we believe it to be a necessary one, it would obviously be redundant if done after the event to which it refers.

Charlie Elphicke: As my right hon. Friend will be aware, the Prime Minister has already sought an article 50 extension. She came to this House to explain it and, to my mind, I cannot see how she has not been transparent already. What extra transparency does he think is necessary that she did not provide with the extension that she has already sought?

Sir Oliver Letwin: That is an instructive example. The last time around, when as my hon. Friend rightly says the Prime Minister sought an extension, in point of fact, she sought a double extension in a sense, because she then brought before the House a statutory instrument which, although not much considered, provided both for 12 April and a later date to be included in the adjusted domestic law, in the European Union (Withdrawal) Act 2018. There was, however, no direct discussion in this House of the validity or otherwise of the period for which she sought the extension. I do not complain about that because, as things then stood and as they stand today before the passage of this business of the House motion and the Bill, if they do pass this House, the Prime Minister has an absolute right to seek those extensions without consulting anyone, actually. There is absolutely no need for her to do so, because it is a prerogative power. She might feel it necessary to mention something to Her Majesty, but otherwise there is no reason for the Prime Minister to tell anyone.

The Bill will provide for a transparent process not for consultation but for approval by the House of the application that the Prime Minister makes to the EU. I believe, as do others who support the Bill, that that is appropriate. Of course, one can have an argument about that—my hon. Friend the Member for Dover (Charlie Elphicke) might well disagree—but that is the purpose of the Bill, so I do not think one can deny that, from my point of view or that of someone who shares it, the Bill is therefore necessary.

Sir William Cash (Stone) (Con): My right hon. Friend made an assertion just now about the law relating to the prerogative. He may recall the Gina Miller case and the great deal of powerful evidence to suggest that he is fundamentally wrong on that very question. Will he accept the fact that there are those who have a very different view?

Sir Oliver Letwin: The idea that after all these years of many charming conversations with my hon. Friend that I would not accept that he might often have a very different view from mine is of course fanciful. I entirely accept that he might have a very different view from mine—he very probably would do.

On this particular point, I do not think that the Gina Miller case is relevant, because the decision by the Supreme Court in that case was in essence based on the question of individual rights. The argument, whether right or wrong, was that in invoking article 50 there was an attempt to use the prerogative power in a way that the Supreme Court believed would arguably deprive individuals of rights. No one can argue that seeking an extension of the existing position, which is that we are in the EU, deprives anyone of their rights. I therefore very much doubt that the Gina Miller case could be used as a means of injuncting the Government to seek parliamentary approval.

In this case, in any event, we have empirical proof. As my hon. Friend the Member for Dover pointed out, the Prime Minister has already sought an extension, and she did that quite properly without asking the approval of the House of Commons. Therefore, she and the Government lawyers on this occasion obviously agree with me. I accept that my hon. Friend the Member for Stone (Sir William Cash) might well be right and the Government lawyers wrong, but at least I have some backing on the matter.

Mr David Davis (Haltemprice and Howden) (Con): I am worried about the process we are debating. My right hon. Friend knows that I concern myself with process and, indeed many times in government I fought his corner on process, unbeknown to him. The last time that we took such a controversial Bill through the House so quickly was actually on the day when he became the Chancellor of the Duchy of Lancaster. The Data Retention and Investigatory Powers Bill went through almost equally quickly with equally strong, powerful arguments. The hon. Member for West Bromwich East (Tom Watson), now the deputy leader of the Labour party, and I spent nearly a year and a half in court challenging the quality of the decision on that Bill. We won and in effect had it struck down. Does my right hon. Friend not worry about the quality of what he is doing today?

Sir Oliver Letwin: In a word, no. That piece of legislation was a serious one with effects on a wide range of our citizens so, good or bad, my right hon.
[Sir Oliver Letwin]

Friend did indeed conduct an enormously impressive campaign at a time when he was an outrider of the sort that I have found myself, in an unaccustomed way, forced into being in the past few months. He was highly successful at it. This is a very different kind of Bill, because all it does—as the House will see when we come to consider it—is to enjoin Ministers to put propositions to Parliament. I do not think that that can possibly be regarded as a very dangerous or controversial activity. It might be one that some of my hon. Friends do not wish to see happen—a perfectly legitimate political dispute—but it is not a case in which in the interstices of the law lies questions of freedom.

Several hon. Members rose—

Sir Oliver Letwin: I will of course give way in all cases, but I will start in good order with my hon. Friend the Member for St Albans (Mrs Main).

Mrs Anne Main (St Albans) (Con): I share the concerns of my right hon. Friend. Friend the Member for Haltemprice and Howden (Mr Davis) about the speed with which this has come about and the lack of scrutiny. In particular, I am concerned about something that was part of the speech of my right hon. Friend. Friend the Member for West Dorset (Sir Oliver Letwin) just now—I will raise it in my amendment, if I am allowed to move it tonight. The Bill that he is trying to rush through the House simply asks the Prime Minister to seek an extension; it does not ask her to bring an extension back or to agree an extension, and it does not require her to refuse an extension. I am concerned that deals done behind closed doors in the EU might not come back before this House, which might be a result that my right hon. Friend does not anticipate. I believe that the flaw in the Bill that he is trying to put through is that it sends off a Prime Minister who has the absolute right of her office to decide to do things, but it does not mandate her to bring back to this House anything that she is offered. I cannot think that that is what he intends.

Sir Oliver Letwin: Mr Speaker, you will rule if I move out of order, of course, but the point that my hon. Friend is making is about the Bill. In section 1(6) and (7) of the Bill, if I recall that correctly, there is a requirement for the Government to bring back what the EU asks it to do, but that matter is probably better debated as part of the debate on the Bill, because it is not a question of the business of the House motion. In response to her, however, I want to repeat that the lack of scrutiny of which she complains arises from the fact that, unfortunately, in the absence of an extension request, this country leaves the EU on Thursday next—a point that she and others of my hon. Friends have often made, and rightly. We do not have the choice between a long look at the Bill and no look at the Bill; we only have the choice between a short look at the Bill and no look at the Bill. She prefers no look; I prefer a short look. Those are the only two options.

John Redwood (Wokingham) (Con): My worry about expending this time today is that the only proper thing that the House can debate and influence is whether we ask for an extension. We know that the Prime Minister wishes to ask for one. He, however, indicated that he would want the Bill to be amended or developed so that the House may express its view on what the length of the extension had to be. We know that last time the Prime Minister asked for an extension to 30 June, but she got one to 12 April. Once we have asked for an extension, it is the EU’s decision. This House, for all its mighty powers, has no ability to legislate for what the EU should do.

Sir Oliver Letwin: My right hon. Friend tempts me to stray into the particulars of the Bill, but I was not suggesting that it should be developed to have the effect that he describes; it already has that effect. The Bill provides for the House, upon the Prime Minister putting forward a motion about the length of the extension, to determine whether it wishes to amend that length, and then provides for her to seek the approval of the House for whatever she comes back with from the EU. There are issues about whether this is the best drafting, but they can be considered in the Lords stages of the Bill if the Government so wish. We had productive discussions with the Government this very morning about their views on whether more flexibility should be built in. We are very far from that—I think I can speak for my right hon. Friend the Member for Normanton, Pontefract and Castleford on that—but at the moment, the Bill does exactly what I described, and not what my right hon. Friend the Member for Wokingham (John Redwood) described.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I thank the right hon. Gentleman and Labour colleagues for their work on the Bill. Given our proximity to crashing out with a no-deal Brexit, which could have devastating consequences for our industry, and particularly manufacturing industry, does he agree that the Bill reassures business and underlines to it that we have the maximum possible process for preventing that?

Hon. Members: No.

Sir Oliver Letwin: As the hon. Member for West Bromwich West (Mr Bailey) will have heard, some of my hon. Friends are saying no. My answer is, on the contrary, yes; I agree with him about that.

Richard Drax (South Dorset) (Con): I am grateful to my neighbour for giving way. If I might quote him, he has just said that the problem is that if his Bill does not get through tonight, “we leave the EU in a few days’ time.” Is that not what 17.4 million people in this country instructed us to do, and expect us to do? The Bill does nothing but prevent that.

Sir Oliver Letwin: I know that my hon. Friend and neighbour, who is an admirable constituency MP, holds that very strong view. As he knows, I do not share it. Those 17.4 million people mandated us to leave the EU, and I am entirely aligned with the Prime Minister in believing that we have a solemn duty to fulfil that mandate. My hon. Friend interprets that mandate as meaning that we should leave with no deal just over a week from now. I do not, and I do not believe that a large proportion of the 17.4 million people do, either—or would do, once they saw the results. However, that is a
matter of dispute between us that does not have anything to do with the business of the House motion, to which I shall return.

Kate Hoey (Vauxhall) (Lab): I have in the past shared platforms with the right hon. Gentleman on issues that had nothing to do with the EU; they had to do with playing fields. He is a very experienced Member. Does he not have any genuine concern about the speed with which the Bill is going through Parliament, and does he not think that people watching our proceedings, many of whom know that this is a remain Parliament, will see the Bill, and particularly the speed with which it is being pushed through Parliament, as just another little legal way of trying to delay or stop Brexit?

Sir Oliver Letwin: I promised myself at the very beginning of this process—going right back to the referendum campaign and beyond—never to deny the truth about these things, even when it was inconvenient. If the hon. Lady has asked, as I think she has, whether some people see things in that light, I have to answer that some do, and that is a misfortune. If she also asks, as I think she does, whether I regret that this is being done at high speed, the only honest answer is yes; I do regret that. Unfortunately, it can only be done at high speed, because there is no time left. I also very much regret that.

In fact, on the subject of the chain of regrets that I have to admit to the hon. Lady, who I think is my constituent MP in London, I have to say that my biggest regret is that my right hon. Friend for [Interruption.] Normanton, Pontefract and Castleford; thank you, Mr Speaker—and I decided some weeks ago not to pursue an admirable previous Bill, the European Union (Withdrawal) (No. 4) Bill, if I remember correctly, which would have had the same effect but could have been considered at more length. Perhaps I was more responsible for that decision than she was. That was, I think, an error on my part. It arose from the intention and hope that we could work entirely with the Government, which would have had the same effect but could have been considered at more length. Perhaps I was more responsible for that decision than she was. That was, I think, an error on my part. It arose from the intention and hope that we could work entirely with the Government, who made a series of offers to us about the votes that would be held, and which were indeed held. I felt—I think we joined in feeling this, partly because I persuaded my right hon. Friend to join me in this—that it was sensible in the circumstances not to pursue that Bill. That is not an error that I will make again, and that is why I have moved the business of the House motion.

Several hon. Members rose—

Sir Oliver Letwin: I will give way to the leader of the Green party, and then perhaps I should make some progress.

Caroline Lucas (Brighton, Pavilion) (Green): I am grateful to the right hon. Gentleman for giving way, and thank him for his work on the Bill. If ever there was a time to justify looking at a Bill swiftly, surely this is it, when we are on a cliff edge, about to fall out of the EU, which is not what 17.4 million people voted for. Does he agree that, as Bills go, this is pretty straightforward? It is not complex. It is a vital insurance policy that is needed just in case all these other processes, not least the discussions going on between the Prime Minister and the Leader of the Opposition, fail.

Sir Oliver Letwin: The hon. Lady puts it very well indeed. I agree with her about all of that. She is right that the business of the House motion describes a process for a Bill that is, to all intents and purposes, clause long, aside from some interpretive provisions. It is not a complicated Bill; everyone in the House, on reading it, would understand it in a matter of seconds. Essentially, it is a binary decision as to whether we accept it or not. Of course amendments may be proposed; we will have plenty of time to vote on those. I do not see that there is any mischief in getting the Bill through Parliament quickly. It is always better, if one has the time, to consider things at greater length, but we do not have the time.

Martin Whitfield (East Lothian) (Lab): May I draw the right hon. Gentleman back to the business motion, and progress it? I seek his confirmation that the purpose of paragraph (1)(d) is to avoid any attempt at making today’s business be heard in private, so that all that is happening can be shared with those who want to watch and read it later.

Sir Oliver Letwin: I am grateful to the hon. Gentleman for bringing us back to the business of the House motion, which has not had much of an airing yet. The paragraph to which he refers is one of a large number of provisions in the motion that are collectively designed to ensure that the short time at our disposal is not used on procedural devices and dilatory actions, and to ensure that we can spend the time talking about the Bill, rather than whether we should talk about the Bill, whether we should have talked about some other Bill, whether we should talk about it on some other day, whether we should sit in private, whether we should adjourn, or any other matter of not the slightest significance that might be raised to delay our talking about the Bill—by, incidentally, those who may also complain that we do not have enough time to talk about the Bill. I think it is legitimate to close off those things.

I pay enormous tribute to the brilliance and incredible hard work of the Clerks, on which those of us engaged in this have called repeatedly. The quality of their advice, and their sustained effort, is beyond compare. It is a really remarkable performance by the highest class of professional.

I shall mention briefly the other features of the motion. As well as provisions on timing, which take us up to paragraph (8), the motion provides for the House of Lords to bring back messages, should it seek to amend the Bill. In fact, unless the Government choose to move amendments today on the detail, in order to increase the Government’s flexibility, we will need, I think, to accept some amendments from the House of Lords—a punctilious House that will, I am sure, want to tighten the Bill. Paragraphs (9) to (12) allow that to happen in an expeditious way, and are otherwise uncontroversial, as is paragraph (13).

Charlie Elphicke: The whole House can see that my right hon. Friend has given himself the style, if not the title, of leader of this House in his actions today, but what is his plan for making sure that his Bill, should it pass through this House, is discussed in the House of Lords, and that any messages are further debated in that House?
**Sir Oliver Letwin:** The proceedings of the House of Lords are of course a matter for the House of Lords and not for the House of Commons, and vice versa. It would therefore be an impertinence for me or any other hon. Member to seek to determine how the House of Lords goes about its proceedings. My hon. Friend can rest assured—although this may not be of any comfort to him—that those of us who are promoting this course of action have taken the trouble to identify Members of the House of Lords who are well able to carry the Bill forward in the House of Lords.

My hon. Friend may also wish to know, although I fear that it will also be of no comfort to him, that there is overwhelming support in the House of Lords for this measure, and that we therefore anticipate that it will, in all probability—although obviously nothing can be guaranteed—pass through the House of Lords very rapidly. To that end, the House of Lords has in fact already passed a motion that provides for the expeditious consideration of exactly this form of Bill.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): I think that my right hon. Friend said earlier that the British people were against a WTO arrangement, but the latest opinion polls that I have seen—certainly in my constituency—say that more British people are actually in favour of a WTO exit. What is his message to those millions of Britons who do believe in a WTO Brexit?

**Mr Speaker:** Order. That is an extraordinarily interesting point from the hon. Gentleman, but it suffers from the disadvantage that it does not in any way relate to the business of the House motion on which we are now focusing.

**Sir Oliver Letwin:** I therefore will not dilate on the subject, but let me just say that I did not say anything about a WTO exit. There could well be circumstances under which people were in favour of a WTO exit. What we are discussing is the question whether it would be appropriate for the UK to leave the EU next Thursday without a deal, which is a wholly different matter.

Paragraphs (14) to (18) of the motion simply prevent the mischief of the Bill being hijacked by anyone other than its promoter. Again, these paragraphs are standard fare in any business of the House motion of this kind, except that they add further provisions against dilatory motions. Some of my hon. Friends—in particular, one right at the end of the Bench, my hon. Friend the Member for North East Somerset (Mr Rees-Mogg)—are great experts at dilatory motions and are really quite brilliant at them. I hope and expect that, notwithstanding the disadvantage that it does not in any way relate to the business of the House motion on which we are now focusing, they will have in this case been prevented from exercising it.

**Sir Patrick McLoughlin** (Derbyshire Dales) (Con): I am intrigued by the word that my right hon. Friend used. Will he be a little more honest with the House? When he says “hijacked”, does he mean that other colleagues might seek to use the same parliamentary practice that he has done today?

**Mr Speaker:** The right hon. Member for West Dorset (Sir Oliver Letwin) is never anything but completely honest. I know that the right hon. Member for Derbyshire Dales (Sir Patrick McLoughlin) used the words loosely and I am sure that he would not for one moment suggest otherwise, because that would be quite wrong. He said, “a little more honest”. The right hon. Member for West Dorset is always impeccably 100% honest, as is every right hon. and hon. Member in the Chamber.

**Sir Patrick McLoughlin:** One of the things of which I am absolutely certain is that my right hon. Friend will be able to answer my question. Let me use the word “straightforward”, rather than “honest.”

**Hon. Members:** Withdraw!

**Mr Speaker:** The right hon. Member for Derbyshire Dales has clarified his thinking and has used slightly more felicitous language, and I think that the right hon. Member for West Dorset—I do not mean this unkindly— is more than able to cope.

**Sir Oliver Letwin:** I would never take offence from my right hon. Friend the Member for Derbyshire Dales (Sir Patrick McLoughlin), who is a very old friend and colleague. We have been through many things together in Cabinets and shadow Cabinets over many years, and although we disagree about this particular constitutional issue, we agree about much else.

It is of course the case that the Standing Orders of the House of Commons are the possession of the House of Commons. It is therefore the case that, as in all other matters pertaining to the House of Commons, a majority may alter them. If my right hon. Friend is asking me the only question that he can logically ask me under those circumstances—that is, whether a majority of Members of the House of Commons can alter the Standing Orders of the House of Commons at any given time should they wish to do so—the only answer I can give him is the only answer that he could give me as a former Chief Whip, which is yes.

Normally, the Government Chief Whip commands a majority sufficient at all times to ensure that the Executive are able, in effect, to change the Standing Orders of the House of Commons, but this is a very unusual provision of our Parliament. In the United States Congress and many other legislatures, it would be regarded as quite intolerable for the Executive to be able to change the procedures of the House using that kind of whipping, to which we are entirely accustomed. However, it is our method, and if the Government of the day have a sufficient majority to be able to do so, they will be able to exercise that method. On this occasion—not in general, but in relation to this particular set of issues—the Government do not command a majority in all cases, as has been frequently remarked by Members on both sides of the House. They may do tonight or they may not; they have not on some other occasions. Where they do not command a majority, it is open to Members of the House of Commons to alter the Standing Orders.

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): There is a danger in the comparative analysis of different constitutions, because of course the United States constitution has a very different method of the separation of powers. As I pointed out in the debate we had on Monday, the President has a legislative veto unless Congress has a two-thirds majority. In any system of
government, there is usually an opportunity for the Executive to veto legislation, and that is what our Standing Order No. 14 effectively provides for, with money resolutions, Queen’s consent and that sort of thing. All that is being bypassed in this procedure, which has no mandate or democratic legitimacy from the voters. This is therefore a very questionable process, which is undermining the accountability of how laws are made in this country.

**Sir Oliver Letwin:** Alas, I think that Brexit will leave behind it a trail of many difficulties for our nation, as we seek to heal the divisions and so on. But I suspect that one of the good things about it is that it will have provoked between my hon. Friend and myself many years of interesting discussion about the evolution of our constitution. My own view is that our constitution is not very well constructed, and does not contain proper checks and balances in a written form in the way in which some better constitutions do. Interestingly, that includes the Basic Law, which we ourselves wrote for the Germans and which is a much better organised constitution; there is not the veto to which my hon. Friend refers, but there are checks and balances through which it would certainly be impossible for the Government to engage in the sort of things that have become usual since 1902—I mistakenly referred to 1906 on a previous occasion—and that have given the Executive too much control over the proceedings of the House of Commons.

Interestingly, some of my hon. and right hon. Friends, including my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), have for a very long time argued that the Executive have too much control over the House of Commons. It is just that, on this particular occasion, he would like the Executive to have more control—or would have liked the Executive to have more control before yesterday, in any case. I rather think that people’s views on this constitutional matter are currently being overly influenced by their view of what the desirable result is, and I admit entirely that mine are too.

I do not think that this is a minor constitutional wrangle. We could go on happily having this discussion for some years, andought to in a proper way. I am sure that my hon. Friend the Member for Broxbourne (Mr Walker), the Chair of the Procedure Committee, will want to inaugurate proper discussions of these things at much greater length. At the moment, this nation faces a very serious issue by anybody’s reckoning—those who are in favour of stepping out on Thursday week and those who are against it. We all agree that it is a very important step. The business of the House motion provides for a Bill that has the effect of making it not possible for a Prime Minister to take that step without coming to the House, proposing an extension and trying to obtain an extension approved by the House from the EU. That is the importance of it, and I think that it is actually very important.

**Ms Nadine Dorries** (Mid Bedfordshire) (Con): I am desperately fond of my right hon. Friend and I apologise to him for what I am about to say. He is a previous member of this Executive and a fixer for the Government over a long period, and has on many occasions taken advantage of the fact that there were not necessarily all the checks and balances that he needed to be in place in order to move legislation that he wanted to move in the House. Is there therefore not a slight whiff of hypocrisy that he is now lamenting the lack of those checks and balances? And is not this this emergency Bill, without time for proper scrutiny, just here to thwart the process of Brexit?

**Nick Boles** (Grantham and Stamford) (Ind): On a point of order, Mr Speaker. Is the phrase “slight whiff of hypocrisy”, when it is implied that it is coming from the right hon. Member for West Dorset (Sir Oliver Letwin), in order? I am sure that you will be able to advise me.

**Mr Speaker:** I was diverted by a former Deputy Leader of the House, who was perfectly legitimately whispering into my ear, as colleagues often do when there is a matter of great moment in their minds, and therefore I did not hear it. I am not disputing what the hon. Gentleman has said—

**Ms Dorries** indicated dissent.

**Mr Speaker:** The hon. Lady shakes her head, and that satisfies me. I think that we will leave it there.

**Mr Charles Walker** (Broxbourne) (Con): On a point of order, Mr Speaker. The order of the day is brevity. I say that very gently to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who has now been speaking for 35 minutes.

**Mr Speaker:** That is true, although, in fairness to the right hon. Gentleman, he has been solicitous at every turn in taking interventions from colleagues, the effect of which, as they know, has been to lengthen his oration. I call the right hon. Gentleman to respond to the intervention from the hon. Member for Mid Bedfordshire (Ms Dorries).

**Sir Oliver Letwin:** I will respond, and then I shall resume my seat, in deference to—

**Several hon. Members rose**—

**Sir Oliver Letwin:** I am sorry. I will take one more intervention, from the former leader of my party, my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), whom I could not possibly deny, and then I shall resume my seat, in deference to the Chair of the Procedure Committee, my hon. Friend the Member for Broxbourne.

It is perfectly true that Governments of all hues have used their power when they have a significant majority to move things through the House in ways that would not be possible without a majority. I do not complain about Governments doing that when they have that...
capacity, but neither should Governments complain about the House taking control of its own Order Paper when they lack a majority. The reason the Government lack a majority in this case is that various hon. Friends were unwilling to back their deal, which I have repeatedly voted for, which would have avoided the need for all this.

Ms Dorries: As did I.

Sir Oliver Letwin: I am well aware that my hon. Friend did, and I welcomed her arrival in the Lobby. I am just pointing out that it was not me who designed an arrangement that meant it was necessary to take these actions.

Sir William Cash rose—

Sir Oliver Letwin: I am terribly sorry, but I will not give way, because I have promised to give way to my right hon. Friend the Member for Chingford and Woodford Green and then to sit down.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I am grateful to my right hon. Friend, with whom I served in government for a positive period of time. I gently chide him on his previous comments about colleagues changing their minds. He knows very well that we all change our minds when we are in government, because we curse the very fact that we are delayed by the Speaker for urgent questions—you were one of those too, Mr Speaker. Now that we are here, we all praise the Speaker because we are not in government and we think it is an excellent idea. You were with me on that as well, Mr Speaker. I say gently that it never does to criticise colleagues for changing their minds. I think it is a habitual point in this House that we somehow forget what we said before.

On my right hon. Friend’s motion, I am little confused about how he thinks this procedure will follow from the House of Lords. I think he expects it to take precedence over everything else. Does he anticipate that this House might reject some amendments and, if so, how does he see this happening the second time around? Would it still have the same precedence?

Sir Oliver Letwin: The answer is yes it would, but I do not anticipate that that is at all likely. My sense, for what it is worth, is that although the House of Lords procedures are arcane and it is impossible to determine from the outside the time that will be taken, there is very substantial support for the Bill there, and it is therefore very unlikely that anything other than technical amendments, which might be wholly welcome, would come back, and they would therefore be accepted. I do not think that is an issue we need face.

I apologise for going on for so long. I have tried to answer the points that have been made and shall now sit down.

Several hon. Members rose—

Mr Speaker: Order. I should inform the House that if the business of the House motion passes, amendments and new clauses may be accepted by the Clerks at the Table before the Bill has been read a Second time. This must be done in the Chamber only, not in any of the Clerks’ offices. However, it would be helpful if Members intending to table such amendments and new clauses shared them electronically with the Public Bill Office. In order to produce an amendment paper as soon as possible after amendments and new clauses are tabled, the Chairman of Ways and Means has decided that only the first six names for each amendment or new clause will be published. However, a full list of all names will be produced as soon as possible and made available in the Vote Office.

2.34 pm

Valerie Vaz (Walsall South) (Lab): May I start by thanking the right hon. Member for West Dorset (Sir Oliver Letwin) for moving the Business of the House motion to enable the Bill to be considered? I thank him and my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) for enabling the Bill to be debated.

It is this Government who have created the Brexit deadlock, and the Bill seeks to get things moving. The people and their democratically elected representatives in Parliament want to make progress. When someone such as the hon. Member for Grantham and Stamford (Nick Boles), who was an outstanding Minister and played a leading role in ensuring the introduction of equal marriage, decides to sit as an independent, we are in interesting and difficult times.

It is this Government who have put us in this position. Their red lines were drawn right at the beginning and formed the boundaries for the negotiations. In her Lancaster House speech on 17 January 2017, the Prime Minister set out the Government’s plan for Britain and the 12 priorities that they would use to negotiate Brexit, but there was a lack of information and Parliament was bypassed and ignored until we in the Opposition ensured that there was a meaningful vote.

As hon. Members have said, 17 million people voted to leave the EU. The Government have failed to represent them and they have failed to represent the nearly 16 million people who voted to remain. More importantly, there are many young people—we do this not for us but for the next generation—who did not have a chance to have their voices heard in 2016 but who are now able to vote.

It is right that Parliament has tried a new process of indicative votes as a means of testing the will of the House of Commons on different options relating to one issue. The Bill seeks to run in parallel with that process and create a legal mechanism whereby the House can instruct the Prime Minister to ask the European Council for an extension to article 50. We know that these are unusual times and that we are in a hung Parliament, and that the Government are governing on the basis of confidence and supply and nothing else. Back Benchers from across the House want the Bill to be debated.

In her statement from No. 10 yesterday, the Prime Minister announced that she intends to seek a further extension to article 50, but there are no details about how the decision will be made, including on the length of the extension or what will happen if the European Council puts forward an alternative. The Prime Minister did not explicitly rule out leaving the EU with no deal...
yesterday, so it is right that the House can have a say on an extension to article 50, which would avoid the UK crashing out without a deal.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I just wonder whether the hon. Lady is concerned about the process being used today, because the convention is that emergency legislation passed in one day has the consent of the whole House before it is brought forward. Is there not a risk that if this is good enough for today, a future Government with a large majority, of whichever party, might conclude that this is the way to legislate?

Valerie Vaz: I am grateful to the hon. Gentleman for his intervention. The Clerks of the House would not let through any process or procedure that was not acceptable, and I believe that this is acceptable.

Ms Angela Eagle (Wallasey) (Lab): Does my hon. Friend agree that the customs and conventions of the House have already been trampled on by this Government, who have stopped participating in and voting on Opposition days, redefined a Session as two years long and given the Opposition less time? They have trampled on quite a few bits of our unwritten constitution, and yet this business motion seeks to use the existing powers of the House in its Standing Orders to do something that Parliament clearly wants, which is to prevent this Government from plunging us over a cliff into no-deal chaos.

Valerie Vaz: Yes, and I pay tribute to my hon. Friend, who is a former shadow Leader of the House. She is right. She has heard me ask at business questions a number of times for Opposition days, to which we are entitled, and we have debated the fact that the Government decided to rig Select Committees and other Committees by giving themselves a majority on them.

Sir William Cash: A great number of constitutional Bills have been examined by the Clerks and others in relation to matters of this character. Would the hon. Lady be good enough to give us examples of comparisons of different kinds of Bills, or would she be glad to wait for me to explain it a bit later?

Valerie Vaz: I think we can wait for the hon. Gentleman’s lecture later.

The motion allows for the Bill to be considered and asks the Prime Minister to make a proposal to be considered by the House the day after enactment. As with every Bill, a helpful explanatory note to the Bill is available in the Vote Office that describes each clause and exactly what the Prime Minister has to do.

Charlie Elphicke: Will the hon. Lady give way?

Valerie Vaz: I am nearly finished.

We are trying to help the Government. I am pleased that the amendment tabled by my right hon. Friend the Member for Leeds Central (Hilary Benn) has been selected. Her Majesty’s Opposition support the motion and want to find a way forward. Our democracy demands it.

2.41 pm

The Leader of the House of Commons (Andrea Leadsom): I will keep my remarks brief. The Government regret the position that Parliament is in today. This motion not only challenges again our constitutional conventions but offers Parliament hardly any time to consider, let alone debate, the legislation. The people of the United Kingdom rightly expect our democracy to be upheld at all times and for our democratic institutions to take their responsibilities seriously.

Last night, my right hon. Friend the Prime Minister set out the Government’s approach to next steps, including that we will need to seek an extension to article 50—one that is as short as possible and avoids the need to fight the European parliamentary elections, which, nearly three years after the referendum, would be unacceptable. She also set out the Government’s next steps to leave the EU in a way that can command support from a majority of parliamentarians. In that context, I question why this legislation is necessary.

Sir Robert Syms (Poole) (Con): My right hon. Friend is making a good case. Does not my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) give us an excellent precedent for the Government putting business through in one day in the future? If the Opposition are happy with that for this proposition, why should they not be happy with that for any future proposition from the Government?

Andrea Leadsom: My hon. Friend sets out clearly the dilemma today. The precedent of many years of parliamentary convention is being broken and will therefore no longer be a precedent, and others may well seek to do this in the future. The Government have consistently said that we do not support the unprecedented removal of Government control of the Order Paper, no matter the circumstances. For many years, the convention has been that it is for the Government, with the confidence of the House, to set out the business, and it is for Parliament to scrutinise, amend and reject or approve.

Ian Murray (Edinburgh South) (Lab): Could the Leader of the House explain what is not in order about today’s business?

Andrea Leadsom: What is in order about today’s business is entirely a matter for the Chair. The point I am making is that it breaks many years of precedent, whereby the Government of the day, with the confidence of the House, determine the business of the day, and then parliamentarians scrutinise, amend and reject or approve.

Sir William Cash: Many people who have had a chance to look at this Bill have noticed that it is completely shambolic and extremely badly drafted. We will be moving on to consideration of amendments in this very truncated and, in my view, completely reprehensible procedure. Grouping of amendments will be necessary in the circumstances, which means that many important amendments—even those intending to improve the Bill—will simply neither be reached nor passed. Is that not an indictment of the manner in which this entire process is being carried on by my right hon. Friend the Member for West Dorset?
Andrea Leadsom: My hon. Friend is a genuine expert in procedure and how best to improve a Bill, and he is right; there is no time for any of the usual niceties.

As Members will know, my job as Leader of the House is to ensure, before introducing any Government legislation, that it has been considered carefully from all angles by the Parliamentary Business and Legislation Committee, which I chair. It is also my job to ensure that legislation is given adequate time for scrutiny and consideration by the House.

Sir Bernard Jenkin: Traditionally, when legislation is rushed through this House, the other place gives consideration that has not been given. What measures will the Government take to ensure that there is proper and detailed consideration of the Bill in the other place?

Andrea Leadsom: As my right hon. Friend the Member for West Dorset said, it will be a matter for the other place, and the Government will have no involvement in that whatsoever, so I am afraid that I am unable to answer that question.

Joanna Cherry (Edinburgh South West) (SNP): Will the right hon. Lady give way?

Several hon. Members rose—

Andrea Leadsom: I will not take any more interventions. I have taken a few, and this really is a matter for Parliament.

While the Bill is a short piece of legislation, as Members know, it has far-reaching implications for an international negotiation that is subject to unanimous agreement with the EU27. I remind Members that the European Union (Notification of Withdrawal) Act 2017 had just two clauses but was debated for five full days in this Chamber. It therefore seems inconceivable that Parliament only saw the Bill under consideration today for the first time yesterday and will have just a few hours of debate this evening. As a result of my grave concerns about the conventions that are being undermined today, the Government will oppose this business of the House motion.

2.47 pm

Pete Wishart (Perth and North Perthshire) (SNP): It is a pleasure, as always, to follow the Leader of the House. She has made her intentions clear when it comes to the business motion, but perhaps she could clear something up for us. There are rumours in the press that the Government may be tempted to support the Bill as a means of progressing some sort of extension. She was not taking many interventions, but she could shake her head or nod to signal whether that is something the Government are thinking about. She is sitting still; we can come to our own conclusions about that.

I very much welcome today as another great innovation for Parliament. Precedents are there to be established, and again we are doing that in this House. I am proud of this House today and the fact that we are embarking on this journey. This is something new, and precedents are there to be created. What surprises me is that the hon. Gentleman— it is nearly all hon. Gentlemen today—sitting on the Government Benches are the great “take back controllers”, but when this House demonstrates that very thing, they are the ones who object to it most.

Mr Duncan Smith: Will the hon. Gentleman give way?

Sir William Cash rose—

Pete Wishart: I will take both interventions, because I will enjoy them.

Mr Duncan Smith: I am genuinely grateful to the hon. Gentleman for giving way. I ask him this simple question. He has complained throughout this Parliament and the long time he has been here that, since the Blair Government brought in programme motions, Governments have cut and curtailed time for debate—he finds that reprehensible, and I agree with him. So why, when a Bill is introduced with such a tight timetable, does he not think that that creates an excellent precedent for the Government to use again and again? Will he complain about that in future?

Pete Wishart: What attracts me to this particular motion today is that Parliament is doing this. For the first time, Parliament is actually defining, creating and progressing a Bill through this House. That is an exciting prospect, and I did not think the right hon. Gentleman would be so churlish as not to enjoy that, as somebody who really enjoys such events.

Sir William Cash: I was intrigued by the hon. Gentleman’s reference to taking back control because, of course, what actually happened is that the referendum Act, by 6:1 in this House, gave the decision to the British people—that is what the vote was about—and they also voted incessantly, and rightly, for a whole series of enactments. In fact, the sovereignty of this Parliament has been preserved, but it was given to the people so that they could make the decision, and now Parliament is trying to take it back again.

Pete Wishart: I love this—this is really good stuff and entertaining. So taking back control is qualified: it is taking back control as long as it is the hon. Gentleman’s control. This is how these things become particular issues for him.

Ms Dorries: I appreciate the hon. Gentleman’s words about taking back control and his passion for Parliament, but does he not accept that people watching what is going on with this Bill today will just see it as another means to obfuscate, delay and kick the can down the road, not what people expect us to be getting on with here, which is voting for a deal and leaving?

Pete Wishart: I say to the hon. Lady that this is about the only means we have actually to make progress in this House. We are going to get a Bill through the House of Commons, I hope later today, which will allow some sort of way forward so that we will be able to make sure that there is a plan to take forward, because if we do not we are crashing out next Friday, and we have to make sure that does not happen.

Neil Gray (Airdrie and Shotts) (SNP): My hon. Friend is setting out a very good case. He is talking about precedents, and one of the welcome precedents that I am sure we and others will look to is the fact that this may provide the opportunity for some opposition parties
to progress Bills through the House in Opposition day
time. Will he reflect on the opportunities that may arise
as a result?

Pete Wishart: Absolutely. My hon. Friend makes a
very good point. This does present such a precedent,
and I hope all parties across the House will make use of
it and ensure that Bills are passed on Opposition days.
This is a new way of doing things that should be looked
on positively. I am really very surprised that the “take
back controllers” cannot see the opportunities presented
to this House to, in effect, take back control in this
Parliament.

Doing this with a Bill for the first time ever is really
interesting. I have to say to the right hon. Member for
Normanton, Pontefract and Castleford (Yvette Cooper)
that I think there are deficiencies in the Bill. Earlier,
I called it a bit of a dog’s breakfast, but it is the only meal
on the menu, so we have to take advantage of the
opportunity that has been presented. What it does is
ensure that we do not leave next week without a deal. It
attempts to ensure that there is at least some sort of way
forward in trying to renegotiate with Europe, and it will
oblige the Prime Minister to come back and give updates
about the progress she is making.

I think the right hon. Member for West Dorset (Sir Oliver
Letwin) said, absolutely correctly, that if we do not do
this we will have to leave it to the Prime Minister and
take it on trust. What we have seen from this Government
already is that they contemptuously ignore outcomes in
this House repeatedly, and again and again. All of a
sudden, however, we are supposed to trust them with
the process of doing what they say they are going to do.

Charlie Elphicke: The hon. Gentleman says we would
have to leave this as a matter of trust to the Prime
Minister. The reality is that, if he had actually bothered
to read it, he would see that the Bill simply makes a
request to her, and she could completely ignore it. That
is why this Bill is so pointless, and why it is an abuse of
this House to be using the emergency legislation method.
The precedent, which he acknowledges will be created,
will be visited most dearly and deeply on Opposition
Members when they find themselves seeking time but a
Government cite this precedent, which they themselves
have adopted, as to why they should not have it.

Pete Wishart: That sounds like some sort of admission
that the Conservatives are on their way out and they are
expecting to change places. God help us if what the
hon. Gentleman says was ever actually the case. There
are in fact lots of deficiencies in the Bill—I am quite
happy to concede that—but what he presented is not
one of them. The Bill explicitly mandates the Prime
Minister to come back to ensure that there is a statement
about any conversations she has with the EU. I suggest
that the hon. Gentleman should perhaps read the Bill
before he intervenes again.

This is a day for precedent, isn’t it? As another part of
the breakthrough in the Brexit process, we now have the
Prime Minister sitting down exclusively with the Leader
of the Opposition. This idea to try to share Brexit with
the Government is a huge elephant trap that has been
set for the Leader of the Opposition, and he has gone
wandering into it with his size 12 shoes, like some sort
of hairy mammoth. That is exactly what the Opposition
are doing today, and it will be fascinating. Today, remainer
meets leaver across the table to discuss Brexit—a remainer
whose party is a bunch of leavers and a leaver whose
party is a bunch of remainers—so this will be fascinating.
We are looking forward to the outcome of this particular
meeting, and I think the whole House will be thoroughly
entertained by the outcome. For Scottish National party
Members, this looks a bit like Better Together 2.0: the
sequel. Here are Labour and the Conservatives sitting
down to conspire to take Scotland out of Europe against
its will. That is exactly what will be done, or it looks
very much like that to us on these Benches.

Richard Benyon (Newbury) (Con): Is it possible to
know the hon. Gentleman’s views on the programme
motion, which is what we are debating now?

Pete Wishart: If I may gently correct the right hon.
Gentleman, it is actually a business motion, not a
programme motion, and I am speaking to the business
motion. I do not know who informs the Tories, but I
think they need the Whip’s note to be passed around to
ensure they are actually asking the right questions,
because a few of them have come up very short today.
However, I always enjoy the entertainment with the
right hon. Gentleman and his colleagues.

We will support this business motion today. We know
the Government are going to oppose it. What is intriguing
is what they are going to do beyond that, because they
may very well be supporting the Boles motion—

Mr Rees-Mogg: I think the hon. Gentleman is in
danger of confusing the House. He ticked off my right
hon. Friend the Member for Newbury (Richard Benyon)
for calling this a programme motion, saying it is a
business motion, but now he seems to be going back in
the other direction, so I am not clear.

Pete Wishart: Talking about going in another direction,
the hon. Gentleman is heading us back to the 18th century.
What we have missed in the proceedings today is a
history lesson, with the Tudors, the Barebones Parliament
and so on. We will miss having a history lesson today,
but perhaps we will have it later.

Wes Streeting (Ilford North) (Lab): The hon. Gentleman
has made it very clear that he does not trust the Prime
Minister and he does not trust the Leader of the Opposition.
At the next available opportunity, will he give the people
the chance to have their say, and trust them?

Pete Wishart: I have already learned from the
conversation today that the Leader of the Opposition is
not prepared to push this as an option, as with freedom
of movement. That is an absolute and utter disgrace,
and a betrayal of everybody in Scotland. We shall await
very keenly the outcome of today’s motion. We will
back this today, and we will be backing the Bill later this
afternoon. We are intrigued to see what the Government
do, but I hope that this unusual bit of parliamentary
procedure—this new precedent—will be enjoyed and
appreciated by everybody across this House.

2.57 pm

Mr Iain Duncan Smith (Chingford and Woodford
Green) (Con): I intend to be very brief. I rise to explain
why I will oppose this motion, in line with my right
hon. Friend the Leader of the House, who spoke for
the Government.
I think the biggest danger here is that a precedent is being set. I am not by any means the oldest Member in the House—I simply chide the hon. Member for Perth and North Perthshire (Pete Wishart), who spoke from the SNP Benches—but I recall that when I first came here that it was always a requirement for every Bill to have 100 hours in Committee before the Government were allowed to bring it back to the Floor of the House with any kind of guillotine. Debate and scrutiny took place in Committee, or on the Floor of the House for that matter, at great length, as many of my right hon. and hon. Friends will remember. I think the quality of our examination of Bills was infinitely better than what followed under the subsequent Labour Government, who introduced programme motions on Bills immediately. That has meant that this House has fallen into disrepute for its inability properly to scrutinise legislation in the way it should.

We now dump everything in the other place and say blithely, as my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) said earlier—I say quite genuinely that he is a good friend—things will go to the Lords and, of course, we expect the Lords to tidy it up. However, we are the elected Chamber: the public have elected us to come here to hold the Government to account. We constantly say that we are here to hold the Government to account, and then we blithely say that we will let the Lords do it for us when they get the chance and that we will think about it later on.

Sir Oliver Letwin rose—

Mr Duncan Smith: I was not going to give way, because my right hon. Friend told us that we were speaking for too long, but I will give way to him.

Sir Oliver Letwin: I certainly would never accuse my right hon. Friend of speaking for too long: it was others who advised me that I was speaking for too long. I just say to him and other Members present that we are aware of the issues the Government have with the details. We have discussed with the Government, at their request, changes that would accommodate those concerns. We expressed our total willingness to include those amendments at this stage in the Commons; the Government, so far at any rate, have not come forward with those. That is why that would have to be in the Lords; I would far prefer if it were done today.

Mr Duncan Smith: I am happy to accept my right hon. Friend’s explanation for some of the rationale behind this, but if he will forgive me, I do not speak for the Government—to be fair, I have not done so for a little while, since I resigned, in case he had forgotten. I will try to speak for what I think it is like to be in opposition. I always think that Oppositions should be careful about what they wish for when they are going to be in government, because Oppositions fall upon all these mechanisms in this place. Delaying Bills is part of the reasonable rationale of an Opposition to force the Government to think again. These devices, once swept away at short notice, are swept away for good and for ill.

Mrs Main rose—

Mr Duncan Smith: I will give way briefly, because I intend to finish fairly shortly.

Mrs Main: I absolutely sympathise with the sentiments that my right hon. Friend is expressing. Did he note that our right hon. Friend the Member for West Dorset (Sir Oliver Letwin) also said that this was not the world’s best drafted Bill, but that there was not enough time and that the House of Lords would expedite it, because he had already talked to a few people there who were going to proceed in a fashion that meant it would come back here quickly? The rush associated with this is absolutely appalling.

Mr Duncan Smith: I think it is—I agree with my hon. Friend—but more important is the precedent being set. I worry that future Governments, of whichever persuasion, will reference this device and frequently conclude that time must be curtailed because it is their right to do so.

Lady Hermon (North Down) (Ind) rose—

Mr Duncan Smith: I will give way, but I feel very bad because I was going to conclude.

Lady Hermon: I urge the right hon. Gentleman not to feel bad about it. I also remind Members that the Northern Ireland Office has developed quite a habit of using the emergency procedure to take through Northern Ireland legislation in all its stages in one day in this House. We have had the Northern Ireland budget taken through in all its stages not just once but twice, when it was not an emergency, along with the regional rate and energy tariffs in Northern Ireland, so the right hon. Gentleman should not use the argument that what we are doing today is setting a precedent. The Northern Ireland Office and the Secretary of State for Northern Ireland have already set that precedent.

Mr Duncan Smith: I recognise that, and I think that procedure should never be used, except in absolute extremis. I agree with the hon. Lady. As someone who once served in Northern Ireland, I have to say that if we legislate in haste, we will repent at leisure, and we do nothing in this place but repent at leisure again and again. The Dangerous Dogs Act 1991 and all these other things that we said were emergencies were never properly scrutinised, and it is the scrutiny of this place that should matter above all else.

We talk about sweeping away precedents because they are archaic and were around for 200 years or whatever, and that everything modern must be brilliant. I do not agree with that. I think that sometimes history teaches endless lessons. This place is at its best when it is arguing and debating, and taking its time to do so. Other legislatures around the world, such as the Senate, which has no time limits, spend a lot of time looking at Bills and legislation. We do away with that at our peril.

Mr Rees-Mogg rose—

Mr Duncan Smith: If it is urgent, I will give way; then I will conclude.

Mr Rees-Mogg: I am grateful to my right hon. Friend, because he has made all the points that I want to make, so I do not now need to speak, expect to make one point about the Northern Ireland legislation. That was done with the consent of both sides of the House before the legislation was brought through. Therefore, there was a consensus in this Chamber that it needed to
be done in that way, which does not exist on this occasion. That is a convention of the greatest importance, because now a Government with a majority will feel entitled to use this dangerous process.

Mr Duncan Smith: I agree and I recognise that, but I think that Governments too often use that process, and it occasionally suits Oppositions to agree with them. It is better that we delay and debate. I will conclude with the wise words of my predecessor, now Lord Tebbit. When I first came here, I asked him, “How will I know whether I am right or wrong?” He said, “You’ll be wrong if you’re not speaking and arguing. You’re right if you’re arguing and you’re speaking. That’s what you were sent here for.”

3.4 pm

Wera Hobhouse (Bath) (LD): I rise to support the motion, but I want to speak in particular to amendment (a), standing in the name of the right hon. Member for Leeds Central (Hilary Benn).

We know that a good majority of Members in this House oppose a no-deal Brexit. In my relatively short time here in Parliament, I have understood our flexibility and that we can, at a pinch, do anything. We can revoke article 50, agree to a people’s vote or, with the motion from the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), ask the EU for a long extension. We will not crash out just by accident. If we do, it will be because of our active consent. It is our choice. I therefore want to address the question of what this House wants. That is the whole purpose of the indicative voting process. [Interruption.] If Members will forgive me, I will expand a little on the indicative voting process.

We know that every proposal so far has been defeated, some of them very narrowly. It is also true that neither the customs union nor the people’s vote achieved an overall majority in this House, which would be about 320 votes. It is my belief that we are just halfway through the indicative vote process. Many compelling options have not yet been proposed or voted on. The people’s vote proposal cannot stand alone. A new referendum always needs two choices.

Mr Charles Walker: Is the hon. Lady speaking to the business motion or to the main debate now?

Wera Hobhouse: Maybe the hon. Gentleman was talking—a lot of people were—but I have just indicated that I am talking to amendment (a), because I fear that that is a constitutional outrage, and nor is it an abomination. What would be on the other half of the ballot paper? Is the hon. Lady speaking to the amendment or to the main debate now?

Wera Hobhouse: I agree and I recognise that, but I

The indicative vote process has been a less divisive and less tribal process for finding a majority position. Testing the Prime Minister’s deal with a people’s vote must be done if indicative votes are to mean anything. There are about 200 Conservative Members who have voted three times for the Prime Minister’s deal, and it is Government policy. Add it to a people’s vote and we leave the EU in the way that the Conservative Government want, subject to the people confirming it.

In the same way, the Labour party has held a double position for six months, both supporting a people’s vote or referendum and wanting a softer Brexit than the Prime Minister. If the Prime Minister and the Leader of the Opposition today come to an agreement about a soft Brexit option, the assumption is that it will pass into law without a people’s vote and we will leave the EU on 22 May. An indicative vote on a Brexit deal plus a people’s vote would force some difficult choices on to many Members in this House.

Today is possibly the last day of Parliament taking control, not because Parliament has finished the indicative vote process, but because the original supporters are now scared of the outcomes. Just when Parliament could reach a majority, or at least try something that could command the support of 400 MPs, the process might be terminated. No wonder people say that our parliamentary democracy is broken.

Where to go now for at least 50% of the British people who want to stay in the European Union? Where to go now for the 1 million people on the “Put it to the People” march 10 days ago? Where to go now for the 6 million people who signed the petition to revoke article 50? At least 50% of the population are represented in Parliament by only about 10% of MPs. That is why our democracy is broken. I hope very much that the indicative votes process will continue until we have truly tested all options, especially composite motions that combine a Brexit and a people’s vote.

3.9 pm

Mr Charles Walker (Broxbourne) (Con): I will be extremely brief.

First of all, I want to say to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who introduced the motion, that what we are debating is not a constitutional outrage, and nor is it an abomination. I want him to be assured of that. I accept fully that Standing Orders belong to the House of Commons. I say to the shadow Leader of the House that she is entirely right to say that the Government are wrong not to divide on Opposition motions. I have said that before as Chairman of the Procedure Committee and I am happy to say it again now as Chairman of the Procedure Committee. I would also say, however, that the Government are entirely right in their construct of Select Committees and Standing Committees. They did not rig the system and I accept that what the Government did was the right decision to make. I said that at the time, as well.

I am, however, concerned about what we are doing today. I am concerned about precedent. I have been involved in such a Bill—I think I sat through all its stages in 2012—which became the Mental Health (Approval Functions) Act 2012. It was a public safety Bill and I understood then why it needed to go through the House very quickly. I wish it had not needed to go through the
House so quickly. That was not an ideal situation, but we were trying to prevent people from harming themselves and, potentially, others.

I do think that the texture—I say this as Chairman of the Procedure Committee, although I am not speaking on behalf of the Procedure Committee—of what we are doing today feels wrong. I cannot put my finger on it, but I think that we, as a House, will regret what we are doing today if the business motion is passed.

Patrick Grady (Glasgow North) (SNP): I had the great pleasure of serving with the hon. Gentleman on the Procedure Committee in the previous Parliament. I think it will be for the Procedure Committee to consider this situation, once all of this is finished—if it is ever finished—in more detail and see what lessons can be learned. I hope that when the Committee does that it will look to other Parliaments on these islands, such as the Parliament at Holyrood, which has a Business of the House Committee and allows programming decisions of this kind to be made by consensus across the parties. I hope the Procedure Committee will consider that as a way forward.

Mr Walker: The hon. Gentleman makes an excellent intervention and we shall no doubt ask him to come to the Committee and give evidence to explain himself further.

Mr Speaker, I said I would be brief and I will conclude with this. I think we will regret what we are doing today. It does worry me and I will be voting against the motion. My right hon. Friend the Member for West Dorset is a decent, lovely and wonderful man, but there are people in this place who are not decent, wonderful and lovely. I fear that one day soon—I hope it will not be the case—we will be debating an expropriation of assets Bill in six hours. We would regret that bitterly.

Hilary Benn (Leeds Central) (Lab): I want to speak briefly to amendment (a), which stands in my name and has been selected. In response to the contribution from the hon. Member for Bath (Wera Hobhouse), she will note that amendment (a) would give the House, if carried, the opportunity on Monday to engage in a further round of indicative votes.

I note that since I put my amendment down the Prime Minister has become an enthusiastic convert to the notion of indicative votes. In the statement she made from Downing Street, she said, of the process she is now, as we speak, engaging in by talking to the Leader of the Opposition to try to find a way forward, that if we cannot agree on an approach “we would instead agree a number of options for the future relationship that we could put to the House in a series of votes to determine which course to pursue.”

I think that that was a very significant announcement, because the Government had talked in general terms about giving the House such an opportunity. Although we have had two rounds, since the Government have had three goes for their withdrawal agreement, or part of their withdrawal agreement, it would seem rather churlish of Members not to give the House a further opportunity.

I want to reinforce the point made by the hon. Member for Bath. Looking at the results from last time—the customs union came within three votes of passing and a confirmatory referendum came within 12 votes of passing—there is now an opportunity, given that we are going to have to compromise to try to find a way forward, to see whether Members can come together and combine some of the propositions in the way that she suggested to see whether we can assist in the process the Government are now embarking on in reaching out to the Leader of the Opposition. Monday, if amendment (a) were carried, would give us the opportunity to do so.

Mrs Main: I am so puzzled. Many of the issues the right hon. Gentleman mentions on which we may have to compromise will need the withdrawal agreement, yet only five Labour Members have ever voted for it. Does he not find it funny that there is no compromise on the withdrawal agreement from those on the Labour Benches?

Hilary Benn: I am on record as saying that I do not have a problem with the withdrawal agreement, but I am also on record as having voted against the Government’s attempt last week to separate the withdrawal agreement from the political declaration, because they come as one. I cite, as the authority for that argument, the Prime Minister.

Anna Soubry (Broxtowe) (Ind): Does the right hon. Gentleman agree that this was always a three-part process? Big progress has been made. Is it his understanding that, now we have begun to conclude the procedure, at least one composite, and arguably two, is now coming forward? There is every chance that we will be able to settle on something that would reach agreement across the House.

Hilary Benn: I hope very much that that is indeed the case. This has been a new approach for the House. Let us be frank, there was quite a lot of scepticism, first time around, about whether we would get anywhere. I think we have made progress, notwithstanding the fact that none of the motions was able to get a majority. That should hardly be a cause for criticism, since the proposition the Government put to the House, having worked on it for over two years, lost, in sequence, by 230, 149 and 58 votes. I think the House of Commons is slightly nearer to finding a way forward than the Government have managed so far, but that is not an argument for not trying again.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I am very grateful to the right hon. Gentleman for giving way and we will be supporting his amendment later on. He mentioned the British Government’s proposal for a round of indicative votes based on options put forward by the Leader of the Opposition and the British Government. Is he aware of whether the House will be able to amend those options? If not, his amendment is vital as a safety mechanism.

Hilary Benn: The hon. Gentleman makes a really good point, because it was not clear from the Prime Minister’s statement yesterday how the propositions, if the two of them are not able to reach agreement, will be constructed and put to the House. Obviously, we will wait with interest to see what may come out of the
Mr Duncan Smith: I am genuinely grateful to the right hon. Gentleman, and I hesitate to correct him, but if he thinks back to what he has just said, he will see that he has made a comparison that does not stand. He compared what happened in the indicative votes with the failure of the Government’s motion. The Government had to get a majority of the House, and they are 48 short of that, whereas not one of the indicative votes got within whispering distance of a majority of the House. Is the right hon. Gentleman suggesting that if the indicative votes process is brought back, each element should meet the requirement of a majority vote of the House?

Hilary Benn: I was making the much simpler point that none of the propositions has carried. The Prime Minister said in her statement that “the Government stands ready to abide by the decision of the House.” That is important. She was referring to the indicative votes that may follow the process that we are currently undertaking. In my view, anything that the House indicates it is prepared to support—the difference is that indicative votes are so called precisely because we ask the House to indicate whether it is prepared to move in a given direction—would have to be considered by the Government. If a proposition were adopted, the Prime Minister would have to go to the European Union and seek to change the political declaration. At that point, it would come back to the House, and the test that the Government rightly set in section 13 of the European Union (Withdrawal) Act 2018—the approval of the House for both the political declaration and the withdrawal agreement—would have to be passed.

Mark Pritchard (The Wrekin) (Con): The right hon. Gentleman has said that he supports the withdrawal agreement, but he did not vote for it on meaningful vote 3 because of the disaggregation of the withdrawal agreement and the political declaration. Of course, that was not the case in meaningful votes 1 and 2, but he still did not support the withdrawal agreement.

Hilary Benn: No, because in meaningful votes 1 and 2 we voted on the package. My objection, as I have made plain in the House many times, is to the political declaration and the complete lack of certainty that it offers. I do not want to stray from the amendment that I have tabled to the business motion, although the hon. Gentleman tempts me to do so.

After the experience of indicative votes rounds 1 and 2, and given that we are making some progress and that we are all being asked to compromise and see what we might be prepared to support, I suggest it would be timely to have the chance to do so again on Monday. I hope that the House will support my amendment.

3.20 pm

Sir William Cash (Stone) (Con): I have already made my remarks on the methodology that is being employed in respect of the Bill. I think it is reprehensible. It represents a constitutional revolution, and it sets a very undesirable precedent. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) said in his concluding remarks that responsibility for all this somehow lies with those, such as myself, who oppose the withdrawal agreement and related matters. I do not think I am misrepresenting him by saying that, but I think the truth is quite the opposite.

Something of the order of 30 colleagues—I say this with great respect to them, because they are entitled to say and do what they want—are doing something profoundly undemocratic by supporting what my right hon. Friend is trying to achieve, in all its enormity, with this business motion. The precedence that is given in Standing Order No. 14 to Government business is one of the rocks of our parliamentary system. Why? Because we have a system of parliamentary government, and a system of democratic government.

I say in all reasonableness that Standing Order No. 14 gives precedence to Government business for a very simple reason. If a Government are formed because the Queen has agreed that a Prime Minister should take office, it follows that Her Majesty’s Government have a majority and/or a sufficient degree of confidence to be able to carry the business of the House. That is the constitutional convention, and that is what our Standing Orders say.

Sandy Martin (Ipswich) (Lab): Will the hon. Gentleman give way?

Sir William Cash: No, I will not.

To rip up that convention, which is basically what my right hon. Friend the Member for West Dorset is doing, is extremely undemocratic and, if I may say so, unconstitutional. It goes to the heart of whether business in this House is conducted in line with the wishes of those who voted either in general elections or, in this case, by virtue of the European Union Referendum Act 2015—the sovereign Act of Parliament that gave the decision to the British people. The business motion and the shenanigans that go with it are an attempt to take back control over that business and give it to Members of Parliament, who have no legitimacy whatsoever to make decisions that they have given, by their own vote in this House—by six to one—to the British people. That is a very simple constitutional point, and I do not think that anybody can dispute it. If anyone wishes to dispute it, will they be kind enough to get up?

Sandy Martin: Does the hon. Gentleman not accept that he is trying to have it both ways? Whether or not we believe that the constitution is currently perfect, which I do not, either the Government are capable of delivering decisions or, if they are incapable of forming a majority and making vital decisions, it is surely incumbent on the Members of Parliament to find ways to do so.

Sir William Cash: I could not disagree more, because the manner in which this is being done involves legislating in circumstances that will mean, as I said yesterday on a point of order, Mr Speaker, that all these arrangements are rammed through. There will be no practical opportunity
today to make amendments and to get them tabled, discussed and voted on, because of the grouping system that we have under our procedures.

I say to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) that the fact is that this is a shambolic Bill. A number of things have to be changed in it. There are references to Acts of Parliament that do not exist and it is alleged that sections are in force when they are not. This Bill is a most unbelievable shambles, and the reality is that there is no excuse for it. Hon. Members have had the previous No. 4 Bill for some time, and they suddenly decided to accelerate this procedure to try to get some kind of political advantage, undermining the decision of the House in the European Union (Withdrawal) Act 2018—that is, the repeal of the European Communities Act 1972, which is related in turn to exit day. That exit day has been moved back by a statutory instrument. I personally think that it is unlawful, but that is a separate question, not for today. The repeal of the 1972 Act, on which everything depends—including that it is the anchor of the referendum itself—has to go in lockstep with exit day. Moving exit day does not prevent the repeal of the 1972 Act. All I can say is that that has fundamental relevance to what is going on today.

Turning to my next point, the real question is this: who governs this country? That is what Standing Order No. 14 is all about. I notice my hon. Friend the Member for Sandbach having a bit of a laugh there—

Antoinette Sandbach (Eddisbury) (Con) rose—

Sir William Cash: Just one moment—if I may, I will finish my initial response. I have to say that there are some difficulties arising on that question. Actually, the Government’s business taking precedence under Standing Order No. 14 gives this right to the British people, in line with a majority that does exist.

Mr Speaker: For the avoidance of doubt, I think I am right in stating to the House that Sandbach is a place and indeed, that it is not all that far from where the hon. Lady represents, but she is of course Antoinette Sandbach, the hon. Member for Eddisbury.

Antoinette Sandbach: Thank you, Mr Speaker. I am grateful to my hon. Friend the Member for Stone (Sir William Cash) for allowing the intervention, because I had always thought that it was a principle that Parliament has ultimate sovereignty in the UK.

Sir William Cash: That is absolutely the fundamental doctrine. All I am saying to my hon. Friend—I have said it to the House many times—is that when, by a solemn Act of a sovereign Parliament, we transfer a decision to the British people by six to one in this House, that is an act of transferring sovereignty to them so that they can make the decision. It is as simple as that.

Mark Pritchard (The Wedkin) (Con): Is it not the case that no Prime Minister, no Member of Parliament and no Parliament is above the people, and that we are all supposed to be servants of the people?

Sir William Cash: I agree with everything that my hon. Friend said, but the reality is that in these special circumstances, it is about who governs and it is about sovereignty. The sovereignty was given to the people on this particular question by an Act of Parliament, as well as by their intrinsic right to vote in general elections.

My next and last point is on the question of constitutional comparisons. I will refer to a number of Bills on which, on previous occasions, we have had a similar sort of procedure. The Northern Ireland legislation to which you referred yesterday, Mr Speaker, in response to a point of order was something of a particular case, but it was not the same type of legislation that we are dealing with here. There was the War Crimes Act 1991. There was the Parliament Act itself and a series of other Bills. There was the Hunting Act 2004, which I do not think really falls into this category, because it was a different sort of Bill.

When we are making judgments about constitutional matters, the question is one of apples and pears. It is the question of whether there is a distinct constitutional difference. The point that I am making, in general terms, is that there is a very specific constitutional difference between this Bill and the other Bills to which the shortened, accelerated procedure has been applied. These matters were considered by the House of Lords Constitution Committee, which was deeply critical of the speed with which certain Bills relating to Northern Ireland were dealt with.

The essence of the problem is that the present situation contradicts the precedents, because this Bill is so shambolic and so badly drafted. Moreover, I think I heard my right hon. Friend the Member for West Dorset suggest that the amendments would be dealt with in the undemocratic House of Lords. For heaven’s sake! The House of Lords is a body that, in matters of this kind, does not really have the status that the House of Commons has. I put it no higher than that.

Sandy Martin: Given what the hon. Gentleman is saying about the House of Lords, will he join us at some subsequent time in reforming it?

Sir William Cash: The hon. Gentleman is in for a pleasant surprise. I have been talking about reform of the House of Lords, on and of, for the last 20 years, and I believe that it is necessary. However, I will leave that aside, because I do not think it is directly relevant to the point that I am making.

We have had the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, the War Crimes Act 1991, and the European Parliamentary Elections Act 1999. We have also had the Hunting Act, but, as I said earlier, I do not think that it is strictly relevant. In the case of the War Crimes Act and the European Parliamentary Elections Act, the Parliament Act 1911 became involved, which I think is very interesting. The 1911 Act applies a great deal of delay to a Bill, and that is very relevant to this particular case. I think I am right in saying that the reason for adopting this procedure was to speed up the Bill’s progress in order to avoid any delay that would take us beyond 12 April, for example, as a result of which there would not be the opportunities of which the Members concerned wish to avail themselves.
There are some further examples. There is the Parliament Act 1949, and there is the Defence of the Realm Act 1914. The context of the 1914 Act was completely different as well. That Bill was dealt with very rapidly because it was so urgent in the context of fighting the first world war. This is another kind of war—this is a war fought on pieces of paper—and I think that that is part of our biggest problem. We are fighting a battle about who governs the country, and who will be able to determine the outcome. Let us consider, for example, the question of how the laws will be made under the rubric of the European treaties. As I said the other day, if we remain in the transition period for some years—the number varies from two to four—the House will be politically castrated. As things stand, it will not be able to do anything to influence any law in any field or any competence within the EU treaties, and we will effectively be governed by the majority vote in the Council of Ministers.

This Bill is indicative of the problems that we are up against. It is not an expedited Bill; it is not an accelerated Bill; it is a Bill of constitutional execution. It means that, as a result of the procedures followed, and the procedures that will follow from the fact that the withdrawal agreement—if it goes through—will end up allowing 27 other countries to legislate for us, we will have no right to veto any of those laws. That is, to me, the greatest reason for objecting to the proposal. Furthermore, the Northern Ireland backstop is part of that situation with the control of laws.

So I think this is a grave moment in our constitutional history. I think the Bill is reprehensible; I do not think it should pass. I think it is a disgrace that it was brought in, and I have to say that 30 Members of my own party are responsible for this, because otherwise it would never have got through as a result of the combination of votes with those on the other side of the House. I regard the Bill as a grave constitutional indictment of those who have been responsible for bringing it in.

3.35 pm

Joanna Cherry: I will not give way to the right hon. Lady because she persistently refuses to give way to me and I do not want to take up too much time, so it is for tat I am afraid on this occasion.

I support this business motion and I support amendment (a) because we must keep control of the House, not just for today but, as the hon. Member for Bath (Wera Hobhouse) said, very importantly for Monday. I am one of many people who think the Bill laid before the House is somewhat deficient. It certainly would not give the degree of protection that the amendment I moved on Monday would have, and which also had a Bill behind it, but we are not there and there is not much I can do about that. I may try to amend the Bill later, but it is the best we have for now, and I see it as an insurance policy against the talks between the Prime Minister and the Leader of the Opposition breaking down or coming up with an even more unsatisfactory situation than we are in at present, which I suspect is what is going to happen.

I also very much agree with the hon. Member for Bath and the right hon. Member for Leeds Central that we must secure the indicative votes slot for Monday and we should be doing that particularly to make sure that composite motions are debated and options for the future combined with the option of a second referendum are debated on that day. The majority of political parties in this House support a second referendum, and I include in that the official Opposition, having regard to their conference motion.

I was interested to hear from the evidence that the Secretary of State for Exiting the European Union gave to the Exiting the European Union Committee this morning that even the Prime Minister might now acknowledge that a second referendum or people’s vote has to be an option. It has been a cause for concern to some of us that Labour Front Benchers have seemed less than enthusiastic about that option on occasions, but I know that they have not written it off completely. I entreat them to ensure that it stays on the agenda, and Monday will provide a way of doing that.

I also say to Labour Members that if their leader cannot secure a second vote in his talks with Prime Minister, he will never be forgiven. He will be remembered as the Labour leader who helped to deliver a Conservative
Brexit, and I am sure that no one in the Labour party would wish him to be remembered in that way. As things stand, I am prepared to give him the benefit of the doubt, because we do not yet know the outcome of those negotiations. However, I also want a fall-back position, which is that the House of Commons should have control of the agenda on Monday so that we can hold the indicative votes.

I know that a lot of Conservative Members are really worried about the precedent that could be set by today, and I sort of understand their worry, but I would say to them that today we really are in extremis. The whole of the United Kingdom is at serious risk of crashing out of the European Union without a deal, and that would be a disaster for the economies of these islands and for our social fabric—[Interruption.] People are muttering at me that I should vote for the withdrawal agreement, but that is not my mandate. Please try to understand and respect the fact that there are Members of this House who were elected on a manifesto of stopping Brexit. They should please desist from trying to ram their opinions down our throats, because that is not acceptable.

Sir William Cash: I much respect the honesty of the hon. and learned Lady, and actually she is right. I have never, in any of the debates on this issue—heavens above, there have been enough of them—criticised the SNP, because I know that it has that manifesto commitment. I also know that its objective is the independence of Scotland. Adding to the point that she has already made, I want to ask her this. If the truncated procedure that we are witnessing now had been applied to, for example, the Scotland Act 2016 or to any amendments to it, would she not have regarded that as an unbelievable travesty?

Joanna Cherry: I would, and that is a point that I am coming on to address. I must point out to the hon. Gentleman, however, that the Scotland Act was indeed an unbelievable travesty because, when it passed through this House, 56 of the 59 MPs who represented Scotland here were Scottish National party MPs, yet not a single one of our amendments was accepted. So in fact, the present system can be a travesty, without having this process tucked on to it.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I do not want to wander too far from the current matter, but just a week before the independence referendum, David Cameron said that if Scotland voted to remain in the United Kingdom, all forms of devolution would be there and all would be possible. When it came to our amendments, however, none was able to be there and none was accepted.

Joanna Cherry: My hon. Friend is absolutely right. Many promises were made by David Cameron, Ruth Davidson and others during the Scottish independence referendum that have not been kept.

Richard Benyon (Newbury) (Con): The business motion? Joanna Cherry: I will return to the business motion, which in fairness I have addressed so far—[Interruption.] I know that people sometimes do not want to hear the SNP voices in this House, and that has not gone unnoticed in Scotland. Judging by my mailbox, it certainly has not gone unnoticed by many of my constituents who are not natural SNP voters but who still do not like the sight of SNP MPs being howled down. Conservative Members might like to bear that in mind. I am sure that Ruth Davidson will be on the phone to them, because she seems to think that she is going to beat me in my constituency at the next general election—[Hon. Members: “Hear, hear!”] I wouldn’t get too excited, because the person they sent last time did not succeed, and that was before this fiasco unfolded.

I shall get back to my main point, which is the legitimate concern of Conservative Members that what is happening today might set an unfortunate precedent. I say to them that we are in extremis today because of the Government’s failure to govern properly. Nothing in this sorry, chaotic fiasco of Brexit should set a precedent for anything we do in the future. What we are doing today, we are doing only because we are in extremis.

3.44 pm

John Redwood (Wokingham) (Con): I oppose this business motion. The idea of speed legislating is dangerous and wrong on this occasion, although I fully accept that there are times when legislating at pace can make sense. If the House has a consensus and the matters are not contentious, of course there is no need to waste the House’s time on pointless debates in which Members try to think of something to say. Were there a great national emergency and most people in the House thought that the Government should take emergency powers to deal with a catastrophe, that would have to go through at pace. However, there is no national emergency that can justify this, and there is certainly no consensus in this House.

We cannot be sure how the vote will go this evening. It may be that my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) has enough Conservative rebels to tip it over the line—I think that that is the modern phrase—for himself, or it may be that enough Conservatives respond to the Government’s whipping and carry the day with our DUP partners. Either way, I think we can be sure that a large and significant minority of Members of Parliament who have lost will be in no way part of any consensus. On my side of the argument, there would be a minority who in no way think that such legislation should be rushed through at pace. We feel that we have every right to table amendments and to discuss them in the normal way.

Antoinette Sandbach: My right hon. Friend ought to be a little careful, because a number of us voted for the Prime Minister’s deal, which would have got us out of Europe on 29 March. As someone who voted for the deal, the suggestion that this proposal is somehow about losers’ bad faith does not accurately reflect my actions.

John Redwood: I think my hon. Friend misheard me. I made no such allegation about her or my right hon. Friend the Member for West Dorset. I was paying them all due civility in saying that they may win, but nobody can claim that there is a big consensus in this House or a large potential majority on either side, so we need more time than is being offered in this business motion. Lightning legislation is bad legislation.
As we have already heard, this potential legislation poses fundamental questions about the nature of government, how government is conducted and the powers of Government, which go to the heart of our very processes, and seeks to overturn conventions and Standing Orders that have been in place and accepted by Governments of both persuasions for a long time. That should happen only after due consideration. I am not one to think that there should be no constitutional change or experiment. I have often been against my own Government and have understood the need to use the available procedures to get them to change their mind. However, we should not enter into a radical transformation on the basis of just a few hours’ debate, which is what we are being offered in this business motion.

Mr Dominic Grieve (Beaconsfield) (Con): Viewing this situation objectively, I do not believe that there is any constitutional impropriety whatsoever in what the House is being asked to do this afternoon. It simply does not arise. The truth is that we have a flexible constitution. I rather agree with my right hon. Friend that one often wants more time, but it is precisely when one faces an emergency that the flexibility of the constitution becomes most desirable, and I cannot alter the fact that the emergency exists. With that in mind, I would hope that he would appreciate that there is nothing improper in what the House is doing. In fact, it is only since a recent date in this House’s history that we have been fettered by the Government’s almost total control of the Order Paper.

John Redwood: Again, I fear that my right hon. Friend did not listen carefully. I never suggested any impropriety. I said that we wished to proceed in an orderly manner, which Mr Speaker will ensure that we can do, and that there are occasions on which we need to change our procedures or modify our Standing Orders. On this occasion, however, the case I want to make is that there are some fundamental issues that are worthy of rather longer time than is being offered in this business motion.

Sir Oliver Letwin rose—

John Redwood: I would quite like to develop my argument, but I will give way to my right hon. Friend.

Sir Oliver Letwin: I am grateful to my right hon. Friend for giving way. I rather agree that it would be desirable to have longer to discuss these things, although, as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) just said, I am not suggesting any impropriety. Nevertheless, there is innovation here, and it would be nice to have longer.

Is not the fundamental difference between us that my right hon. Friend the Member for Wokingham (John Redwood) thinks—I know he genuinely thinks this, and he has thought about it a lot—that leaving on Thursday week without a deal is not an emergency, whereas many of us who support this motion think, rightly or wrongly, that leaving on Thursday week is an emergency? Is that not the real difference between us?

John Redwood: We are going beyond the business of the House motion, but of course it is not an emergency. We have had two years and nine months to prepare for it, and the Government have assured us that they are ready to leave without an agreement, if necessary. More than half the public now think it is the right thing to do, but that is a matter of substance and not a matter of the business of the House motion.

I will briefly mention three elements that give the Government an advantage so that they can claim to be the Government and behave as the Government, if they have the wit and the votes to do so—of course, they need to keep enough votes enough of the time to fulfil their role.

The first element is control of the Order Paper. Of course the Government should not have complete control of the Order Paper and, by convention, they agree with the Opposition on providing Opposition days, which they must do, and allow the Opposition to debate the things they wish to debate, either in their own time or in Government time. If the Government do not do that, things can break down and become a matter of controversy, and the public may side with the Opposition, so the Government have to behave in a sensible way through the usual channels on business.

By tradition, for many years now, the Government set a Queen’s Speech programme of legislation, which is meant to be a coherent and consistent programme—and under a good Government it is—that reflects what they have persuaded the electorate to vote for, because they have more seats than anyone else in the House. The programme is presented by Her Majesty, usually annually—we are in a strange Parliament because we only do Brexit, so there was no need for a new annual speech because this Parliament has been on groundhog day for two years and nine months.

As someone who used to be interested in this subject, I actually want to go on and talk about some of the other subjects in which I am interested. I would like this done. By convention, we have an annual Queen’s Speech in which the Government present what they think is a coherent programme of legislation that fits into how they are trying to govern the country, and then it is up to Parliament to rip it apart, amend it, improve it, say that bits of it are not acceptable and try to influence the future programme.

Andrea Leadsom: My right hon. Friend is making some good points, and I add that not only would the House usually have much more time to consider a Bill of such constitutional significance but, of course, the Bill would, previously to coming before the House, go before a committee consisting of the business managers, the Law Officers, the territorial Ministers and many others to test both the policy and the handling plan. There would be significant cross-House engagement, and it is for that reason that, in this Session alone, 43 Bills have received Royal Assent. I completely agree with him that due process is incredibly important.

John Redwood: I am grateful to my right hon. Friend. The second big issue that is relevant to this business of the House motion is that, traditionally, only a Minister may move a money resolution in support of legislation that requires the expenditure of public funds. Again, there is very good reason for this, because the Government have to be responsible for the Budget, and they normally understand that, if they want to spend more, they have to raise more through taxes or borrowing. The Government are responsible for both sides of the account.
Again, the House can criticise, refuse to agree or try to get the Government to shift their position, but it is the Government who are financially responsible to the markets and for all the other reporting that has to be done. This proposal could have very significant financial consequences indeed, because staying in the European Union is an extremely expensive thing to do, and I think it would need a money resolution, which should be moved by a Minister of the Crown.

Sir William Cash: I intend to raise a point of order on this question but, as my right hon. Friend is the first person to mention it, he may be interested to know that I have already prepared a comprehensive note on the question of a money resolution. It would cost UK taxpayers some £36 billion if our contributions are extended for up to two years, which is a vast sum of money. I have written a paper for Mr Speaker and others explaining why I believe a money resolution is required, and at least 50 Members have backed my letter to Mr Speaker on this question. That will come up later.

John Redwood: I am grateful to my hon. Friend for that. Again, it is important to have it on the record in this debate for the House’s consideration that we are dealing with things that could have precedents with wide ramifications that go way beyond the next few days and whether we leave in accordance with the views of the British people or not.

The final of my three points is perhaps even more relevant to this particular proposal: it is tradition that of the British people or not.

Kate Hoey: Does it concern the right hon. Gentleman that so many groups of MPs, ex-Prime Ministers and so on—not official Select Committees, which might have gone to the EU to see Michel Barnier and others—seem to have been trotting over to see the European Union as though they are almost negotiating on behalf of this Parliament and almost advising Michel Barnier as to what to do to make sure we end up either not having a Brexit or having a very soft Brexit? Does that not worry him?

John Redwood: It worries me, but I am a freedom-loving young man and I think that people will do what they want to do; I do not want to stop MPs expressing their views and going to talk to people with whom we are trying to negotiate. I also have a right to a view on it and I agree with the hon. Lady that if those MPs went there with the express intention of delaying or sabotaging Brexit—if they went there to weaken the pretty feeble position the Government had already adopted in the negotiations in order to make it more difficult for us to get any kind of agreement that I could agree to—that is a matter of grave regret. That will be judged by the British people in subsequent elections. It is not for me to make the misery of those MPs greater; they will need to answer to their constituents about that.

Sir William Cash: When I was talking about the money resolution, I ought to have mentioned that it is not just me who has made these submissions; I understand that a Minister has also made representations. I just want to confirm, on the record, that it is not just Back Benchers doing this, but the Government, because a Minister has told me that he has raised them.

John Redwood: I am pleased the Government have made that representation, as it adds force to the case I was making.

On this Crown prerogative point, the EU position and the internationally agreed position is that only the Government can formally represent and negotiate on behalf of the UK. So one of my problems, which I raised directly with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is how far can this House go in instructing and controlling the negotiation? He gave me a sensible answer, saying that the House was not going to try to say that there had to be a delay, because he fully understood my point that that is ultimately in the EU’s gift. As I pointed out, it is in this House’s gift to insist on a Minister seeking a delay. He rightly added that it is in this House’s gift to decide whether to accept any delay should the EU grant it, but the central point is that, assuming this House wanted a delay, most of the power rests with the EU. As we saw the last time a needless delay was sought and granted, quite a long delay—to 30 June—was requested, but the effective delay turned out to be only until 12 April.

The point I am making is that we do not want to take time debating something that misleads people. A lot of people outside this House think that today we are debating a Bill that will require and achieve a delay, whereas it cannot possibly guarantee to do that. People must also understand that even if this House reaches an agreement with my right hon. Friend the Prime Minister, she may not end up with anything like that which the House was seeking.

The hon. Member for Bath (Wera Hobhouse), who has disappeared, said that she had discovered that we could do anything. I have to disabuse her of that notion in two ways. First, even this House and all Members of Parliament—sometimes the public do not understand this—have to obey the law. Our advantage is that we can change the law if enough of us wish to do so.

Secondly, the hon. Lady also has to understand that great though this House can be once we are out of the European Union, and powerful though it is even still within the European Union, there are a lot of things for which it cannot sensibly legislate. Let us suppose that all working people would like it to rain on Mondays and Tuesdays, and be sunny on Saturdays and Sundays. That would be very convenient and an extremely popular law to pass, but there is no point in passing such a law, because even this House does not control the weather. I feel the same about the European Union.
There is absolutely no point in this House legislating for how the EU should respond, what its conduct should be or what laws it should pass—although they are a matter of great interest to me and many others—because we have absolutely no power over it. Indeed, that was at heart of the referendum campaign. What the SNP never accepts when it uses our phrase, “take back control”, is that the control that we wish to take back is all those mighty powers granted to the European Union, which the SNP is relaxed about. As soon as the Executive here wants any power to behave as a normal Government, however, the SNP says that that is unacceptable and Parliament needs to take it back.

I hope that the House will consider the business motion carefully, that more will come to my view—this is too little time to discuss such fundamental issues—and that they will agree with me that the big issues are to do with our future procedures and with the balance between the Executive and Parliament. I am one who often criticises the Executive, but I do not want to go too far this afternoon so that all government is in effect impossible. They must retain control of the agenda and of the money.

4.1 pm

Wes Streeting (Ilford North) (Lab): I support the business motion and the amendment in the name of my right hon. Friend the Member for Leeds Central (Hilary Benn). The House of Commons is in a very unhappy and unsatisfactory place, but there can be no doubt in the minds of anyone in this House or in the country that we are in the midst of a national crisis and that we face an emergency, not least the real prospect that without affirmative action by the Government—certainly by Parliament—we risk crashing out of the European Union with no deal whatever.

I recognise that no deal is the desired outcome for some Members of this House and for some people in our country, but it is not a future that would command the support of the majority of the people; it certainly does not command the support of a majority in this House, which has ruled out that scenario repeatedly. Even those who argue for leaving the European Union with no deal, believing it to be some kind of pure Brexit—which I do not remember being sold to people during the referendum campaign, by the way—will certainly not enjoy living through it. The immediate consequences would be the complete disruption of supply chains in this country and of the ability for goods to flow across borders. The consequences for every aspect of our society would be huge, from the price of food in our shops to the ability of our businesses to function properly.

That is why, in an almost unprecedented display of unity, the CBI and the TUC have repeatedly warned this House of the consequences of no deal. That is why I am contacted regularly by businesses in my constituency, fearing the prospect. I understand that the ongoing uncertainty is damaging for our country and that by extending article 50 we might be lengthening the agony. It does not feel like that, but we are making decisions that will affect our country for generations to come. It is crucial that we get them right, for the interests of our economy, our national security, and Britain’s place and standing in the world.

The second point is that this is a mess and a shambles entirely of the Government’s making. The simple truth is that we would not be required to pass emergency legislation in these circumstances had the Prime Minister not sought to run down the clock deliberately at every moment, hoping and wishing that she would be able to ram a frankly woeful agreement and political declaration through the House of Commons, even if only by threatening us with the prospect of crashing out of the European Union. It has been “My way or the highway” consistently throughout the process. The Government, through their lack of leadership, have created a vacuum that the House of Commons now needs to fill. It is a responsibility that weighs heavily on the shoulders of every Member of this House, whatever our party affiliation, and however we voted in the referendum.

We are trying to agree a way forward that can bring some kind of satisfactory resolution to a situation that is completely unprecedented in the history of our country. People understandably criticise Parliament for not yet having been able to reach a majority on any proposition, but they should take comfort from the idea that perhaps our representative democracy is functioning quite well, because out there in the country, the people are also deeply divided—in families, workplaces and communities. It is not surprising, therefore, that this House is divided, not just along traditional lines, but within the families of our political parties.

I turn to the amendment tabled by my right hon. Friend the Member for Leeds Central. On just two occasions, Members of the House, acting in good faith, have tried to see whether consensus can be built around any of a range of options, so that one way or another, we can draw a line under this process of negotiating our exit from the European Union. In just two days, I think we have achieved signs of breakthrough, which is rather more than the Government have done in the past two years. We have seen emerging consensus on the possibility of a deal based around a softer Brexit, and on putting a deal back to the public, so that they are given the final say on the way forward. Those proposals may not yet have achieved a majority, but after debate, proposals on a customs union and a confirmatory vote came incredibly close to securing a majority of votes.

Let us be honest with ourselves and each other: because the votes were indicative and non-binding, and certainly included Government abstentions, lots of Members have not yet had the chance to offer their views, and others, myself included, would be prepared to compromise still further to find some way forward for our country.

What we have been discussing for the best part of two and a half years, be it the Prime Minister’s deal, no deal or any range of soft Brexits, bears little resemblance to what people were sold during the referendum campaign. That is the dilemma that has plagued the Prime Minister, the Cabinet, and the House of Commons since 2016. A range of promises were made during the campaign, but even the finest negotiator in the history of the world would struggle to deliver in full that complete range of promises. It is simply not possible, because people were never entirely honest about the trade-offs between sovereignty, our economic interests and our partnership with our biggest trading partners—and that is before we get on to the wider geopolitics, and the disruptive world around us.

This has been a difficult process. If we want to break the deadlock and restore some democratic legitimacy to this deeply discredited process, whatever deal the House
arrives at with the European Union ought to be put back to the public. That is not because it will heal all the divisions or leave everyone feeling happy; we are not in that place. It is because allowing the people the final say, particularly in a confirmatory ballot in which the deal, having already been done, would not have to return to the House of Commons, offers us the possibility of resolution. That, I accept, is a debate for another day, but unless we pass this business motion and the amendment in the name of my right hon. Friend the Member for Leeds Central, we may not have that opportunity.

If people want to oppose and vote down the Bill, or table amendments to it, they should do that at its subsequent stages. If they want to oppose any number of proposals that might come forward in an indicative vote, they can do that again, but I think the country will look down on the House of Commons if, at this stage in the process, we do not offer an opportunity of seeing off the threat of no deal and the chaos that would ensue. We may not yet have achieved a majority and built consensus in the House of Commons, but we should show that that is not through want of trying, or through a lack of good faith, debate and deep consideration.

The public have run out of patience with Parliament—I think that is entirely reasonable—but it up to us now in the coming hours, days, weeks and months to begin the process of restoring their confidence in this House of Commons. Whatever our differences during the referendum or since, it has been my experience in just under four years in this place that the people who serve here are people of integrity, decency and honour who are acting in the national interest and doing what they believe to be right. We may not agree on the way forward, but we can yet build consensus. Finding consensus, agreeing a way forward and, better still, involving the public might be a way to begin the process of healing our deeply divided country.

4.10 pm

Mr Mark Harper (Forest of Dean) (Con): It is a great pleasure to follow the hon. Member for Ilford North (Wes Streeting), who set out his case very well. I will talk first about the business of the House motion, before discussing amendment (a) in the name of the right hon. Member for Leeds Central (Hilary Benn), which Mr Speaker has selected. I will then also pick up on one or two points that have been made so far in the debate.

My real problem with the business of the House motion is that my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) is attempting to take a controversial Bill—I mean, it is fundamental to the debate that we have been having for the past three years—and, to put it politely, to ram it through the House in a day. My right hon. Friend did not even give sufficient notice of the fact that he was going to do so. That is why my amendment, which I accept Mr Speaker has not selected, proposed a relatively modest change to allow us to debate the business of the House motion today, and then to debate the Bill tomorrow. At least hon. Members would then have had an opportunity to see the Bill, consider it and think about sensible amendments. That would have meant a better process and a reasonable balance. However, I accept my right hon. Friend’s injunction that there is a timetable to this process and that it would have been slightly otiose to have taken months to consider the Bill.

I am not going to dwell on the Bill in great detail, but I will mention it: it provides one illustration of why I do not agree with having just a few hours today, with little notice and little opportunity to amend the Bill. One of the fundamental aspects of the Bill was drawn out by the hon. and learned Member for Edinburgh South West (Joanna Cherry), when she referred to clause 1(6) and (7). These subsections—and the structure of the Bill—refer to the time limit and the extension that may or may not be sought by the Prime Minister, and they mandate the Prime Minister to put before the House a motion that specifically mentions the length of the extension. Hon. Members will understand why I think that is fundamentally flawed, and therefore why the Bill needs more debate, if they think about the extension that the Prime Minister just sought. She sought a straightforward extension of a certain fixed length, but what the European Council actually gave us in return was actually a much more complex matter—a two-part extension with a number of conditions. The way in which the Bill as currently drafted does not really enable that complexity to be put before the House and properly debated.

Sir Oliver Letwin: Everything else that my right hon. Friend has said so far that I do not agree with was accurate, but I do not think that his final point was accurate. It is perfectly possible within the structure of the Bill for the Prime Minister’s motion to explain conditionality on the date because it can add to the motion that is given in form. Also, there is specific provision in clause 1(6) and (7) for the EU to come back with its view, whatever it is. The Prime Minister then has to bring that to the House. Obviously, in bringing it to the House she will need to describe what the EU has said about the conditionality. I do not think that there is any problem with that. The problem that my right hon. Friend has is a deeper one about timing and consideration, and that is a separate matter.

Mr Harper: I have listened to my right hon. Friend. I will not spend too much longer on this issue, because I will then be straying into a debate on the Bill. Having just looked at the Bill again, I do not think that my right hon. Friend is accurate, but the fact that he and I—both reasonably competent readers of Bills—have reached different conclusions about the same words proves my point that we need longer to debate the Bill, to test amendments and to understand exactly what the House is being asked to agree.

My right hon. Friend also talked about the role of the other place. This House often does not spend long enough debating legislation and then—it is a process I deplore—expects the House of Lords, at a slow pace and in more detail, to improve it. I note that the Leader of the House was unable to give any information on what the plan is at the other end of the building, and I do not know whether any information has reached her from the Leader of the House of Lords—

Andrea Leadsom indicated dissent.

Mr Harper: My right hon. Friend shakes her head, so we do not have that intelligence. My understanding is that an attempt similar to this one will take place in the
Mr Mark Francois (Rayleigh and Wickford) (Con): Has my right hon. Friend heard the rumour that Government Whips in the other place are not planning in any way to stop the Bill being rammed through in a day? In fact, it has been suggested in some quarters that they might even be seeking discreetly to assist it.

Mr Harper: I had not heard that specific piece of information, but even if it is not the case, if the Bill does go through the other place very rapidly, in effect a Bill with significant constitutional effects will have been passed without proper scrutiny in either House.

Mrs Main: Before the political point that was just made, my right hon. Friend was making the extremely valuable point that the House of Lords is a revising Chamber. We do the Lords a great disservice if we do not give them adequate time to advise and revise. This House will have very little time to take advantage of all the expertise in that House if its Members are not allowed to do their job in a proper fashion.

Mr Harper: I completely agree, but my major point was that I do not like the process whereby we do not consider Bills properly and then expect the Lords to do all the scrutiny. Certainly, when I was taking constitutional legislation through this House a number of years ago, as Minister for Political and Constitutional Reform, I tried to ensure that we had sufficient time to debate it properly, because for important constitutional matters and particularly for this matter, which is effectively about enacting the result of a referendum of the people, it is important that it is elected Members who make the final decisions, not Members of the other place. My principal point on the substance of the business of the House motion is therefore that it provides insufficient time to allow proper scrutiny of the Bill.

The hon. and learned Member for Edinburgh South West (Joanna Cherry), the hon. Member for Perth and North Perthshire (Pete Wishart), my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) and my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) all referred to precedent. I think that a dispute broke out in the SNP Front Bench, because the hon. Member for Perth and North Perthshire acknowledged that this process was indeed a precedent, and the hon. and learned Member for Edinburgh South West then tried to differentiate it and say that it was not really a precedent, arguing that Brexit is such an unprecedented process that we cannot draw any lessons from the use of this procedure. I think that they are mistaken.

I think that my hon. Friend the Member for North East Somerset and my right hon. Friend the Member for Chingford and Woodford Green made very reasonable points. As a former business manager, I think that future business managers will note that Members from a number of different parties have accepted this as a legitimate process. It is perfectly true, as the shadow Leader of the House said, that Clerks would not allow anything disorderly to take place. That is correct, but a majority in this House can override Standing Orders and ram things through, and it is convention and self-restraint that stop Governments using their majorities in inappropriate ways.

Members on both sides of the House ought to reflect on the fact that if in future a Government with a significant majority choose to use that majority to override the usual conventions and procedures of the House and ram through pieces of controversial legislation in a day, those Members cannot complain that the Government are behaving inappropriately. I would deplore that behaviour and would not want any part in it, but the people will be watching these proceedings and following this precedent. I am pretty sure that someone will try to use this precedent again at some point, and Members may regret supporting it today.

David Linden (Glasgow East) (SNP): The right hon. Gentleman is speaking about the importance of honouring conventions, which are one of the things that govern this House, but is there not a degree of hypocrisy in the Government making that argument? So often in this Parliament we have seen the Government, who refuse to accept that they are a minority Government, riding roughshod over conventions such as granting Opposition days and taking cognisance of Opposition day motions passed by the House.

Mr Harper: I accept some of the arguments that the hon. Gentleman makes. I have not been a member of this Government; I have not served as a Minister under this Prime Minister. Certainly when I was a Minister and when I was responsible for scheduling the business of the House as the Government Chief Whip, we did vote on Opposition days, and when we had a longer Session we gave the Opposition the appropriate number of days. I often argued that we should restrain the use of our majority, to ensure that we behaved properly. There is some substance in what the hon. Gentleman says. There has been, to some extent, an equal and opposite reaction by the Opposition, who have explored mechanisms such as use of the Humble Address because they have been frustrated that the Government have not responded appropriately to Opposition days. The Government should reflect on that.

But in a way, that rather proves my point, which is that if Members behave in this way today and ram through a piece of controversial, contested legislation without a consensus in the House, they should not be surprised if in future a Government with a majority use this precedent and behave in the same way. When those Members are arguing against that, they will find the arguments they are making today being thrown back at them, and the force of their argument will be undercut.

Kevin Foster (Torbay) (Con): My right hon. Friend is making an interesting speech. This procedure has been used in the past for legislation on Northern Ireland or even the Emergency Powers (Defence) Bill in 1939, but does the right hon. Gentleman agree that it has always been when it was desperately important to get legislation through and there was a broad consensus on it—not, as we see today, when there is clearly a debate to be had about whether something is the right thing to do?
Mr Harper: I agree. My hon. Friend mentions Northern Ireland. I listened carefully to the point made by the hon. Member for North Down (Lady Hermon). Measures on Northern Ireland security matters had others have been expedited through the House because there has been a generally accepted need on both sides and between the usual channels that there is a need to do so. We have taken legislation through this House and the other place on a single day. She gave good examples of recent measures for which that has taken place. I understand that it has taken place with agreement between both Front-Bench teams, but she makes a perfectly reasonable point. I looked carefully at the most recent example of that, and I could not see any particular urgency or need to do that in a single day. It was agreed by the usual channels, but it may not necessarily be in the interests of Back-Bench Members, and particularly those from Northern Ireland, who may wish to have developed arguments about that legislation more fully than was possible. She made a good point.

The final point I want to make about the business of the House motion itself is in relation to the point made by the shadow Leader of the House on the detail of the legislation. She referred briefly to the Bill and made some points that I will not debate now, because that is properly to be done later. However, just as in the exchange between my right hon. Friend the Member for West Dorset and me, I do not agree with the points she made about the Bill, but the fact that, again, two people who understand the processes of the House can come to opposite conclusions about the words in the legislation just proves to me that we should have more time to debate it.

Moving on, I want to say a few words about amendment (a), which you have selected, Mr Speaker, in the name of the right hon. Member for Leeds Central. It is not about today’s business, but an attempt to secure time on Monday. From listening to him, I think the plan is to have another session of indicative votes, and I want to say one or two words about that before I conclude. He, I think accurately, quoted the words in the Prime Minister’s statement yesterday that “the Government stands ready to abide by the decision of the House” in the event that the Prime Minister and the Leader of the Opposition are unable in their talks today and perhaps later to agree on a unified approach.

I do not disagree with the Prime Minister doing so, but that precedent should have been followed rather earlier. It still remains the case that, so far in this process, the only proposition on which the House has voted with a majority is the so-called Brady amendment, which received a majority of 16 on 29 January. I am disappointed that the Prime Minister did not take the instruction of the House on that occasion and successfully prosecute a renegotiation of the withdrawal agreement to amend the backstop. I accept the result of the referendum, but for me it is very important that the whole of the United Kingdom leaves the European Union together and does not split apart.

Lady Hermon: The right hon. Gentleman mentions the backstop. May I just remind him and other Members of the House that all the arguments—all the bitter arguments—about the backstop will become totally irrelevant if we do not approve the Prime Minister’s Brexit deal? We need the Brexit deal to be signed and approved by this House in order to have an implementation period, and it is only at the end of the implementation period that a backstop even becomes a possibility—a possibility—not a necessary or a requirement at that stage. We need the Bill.

Mr Harper: I note very carefully what the hon. Lady says. I have opposed the Cabinet’s withdrawal agreement and political declaration twice because I think the backstop is a fundamental problem with the agreement. After the last couple of weeks of votes in the House and the Government’s response to them, I came to the conclusion that the most central, overriding promise I made at the general election was to deliver Brexit, and I reluctantly came to the conclusion that I needed to support the withdrawal agreement in order to deliver Brexit, so I agree with her on that point. I behaved in that way on Friday, and I wish more of my right hon. and hon. Friends had done so, so that we could have got the withdrawal agreement over the line to secure that outcome.

The final point, in concluding my remarks on the amendment in the name of the right hon. Member for Leeds Central, was to ask him where we are hoping to go on this. I notice he referred to compositing motions, which is very much a Labour thing to do with sticking motions together. It seemed implicit in what he was saying and what one or two others have said, such as the hon. Member for Bath (Wera Hobhouse), that there is an assumption that if we take a number of propositions, none of which would secure a majority in the House, and glue them together in this compositing process—I am not sure that is a verb, but it sounds as though it is—

Hilary Benn indicated assent.

Mr Harper: The right hon. Gentleman is confirming that. I think that at Labour conferences compositing is a verb. There is an implicit assumption that, by gluing the motions together, we will automatically add up all the numbers and somehow magically majorities will pop out of them, but I just do not think that is very likely. I was looking at the various propositions, and I note that all of them received fewer votes in favour of them than the Cabinet’s withdrawal agreement received on 29 March. They all received fewer votes than the Brady amendment. None of them had a majority. Indeed, there was a majority against the motion in the name of the hon. and learned Member for Edinburgh South West, who is not here now, of 101, so it is more unpopular than the withdrawal agreement.

Dr Sarah Wollaston (Totnes) (Ind): Does the right hon. Gentleman accept, however, that if the Government were to Whip for their own withdrawal agreement and future framework, and to combine that with the undoubted support for putting that deal to the people, that would be the simplest way for the Prime Minister to get her deal through Parliament with an absolute guarantee of showing whether it was the will of the people?

Mr Harper: No, I fundamentally disagree, for this reason. I will give the hon. Lady a couple of examples. First, I suspect that there are many people—I do not know this, but it is my assumption—who supported the Cabinet’s withdrawal agreement and political declaration who, if we attached a referendum to it, would no longer
support it, because those of us on the Conservative Benches made a commitment to implement the result of the referendum. Indeed, when the hon. Lady stood for election on these Benches, she made the same commitment. I believe. The public made a decision—it was a once-in-a-generation decision—to leave the European Union. That is what I want to deliver, and I promised not to have another referendum. If we added on a referendum, people who have currently supported the proposition would no longer support it. I for one will not vote for another referendum.

There is also something that I have spotted. It is no surprise to me that those who want to remain in the European Union want to have a binary choice between the Cabinet’s deal and remain, because they have spotted that the proposition put forward by the Government is very unappealing in opinion polls. They have also noticed that many people who campaigned for leave do not believe that it is really leaving, and they think that if that is the binary choice presented to the public, it will be the best opportunity to get remain. They do not want a referendum with a range of choices. For my part, the only referendum that would be even vaguely justifiable is one that accepted that the public had asked to leave and simply gave them the choices of how to leave. That might be defensible, but nothing else.

Mrs Main: I am sure that my right hon. Friend is aware of this, but I want to put it on record that when the hon. Member for Totnes (Dr Wollaston) pressed her amendment on having a people’s vote, it got 85 votes. Revisiting the matter, as she did just now, does not make it more popular.

Mr Harper: My hon. Friend makes a good point. I note from the indicative votes on Monday that, again, the motion on a confirmatory vote was supported by fewer people than the Cabinet’s withdrawal agreement and did not achieve a majority.

Dr Wollaston: What the right hon. Gentleman seems to be confirming is that the withdrawal agreement and future framework does not represent the will of the people and is rather unpopular. In that circumstance, surely it would be better to check what the public support is, once we know what a known deal is. As he will know, if there were agreement to a confirmatory vote, a referendum would require an Act of Parliament, and during the passage of a referendum Bill it would be this House that determined what the questions would be. It would not be for us to set the question in advance of that; it would be open to debate.

Mr Harper: Indeed, but given that a number of Members of this House have made it quite clear that they do not want to deliver the result of the last referendum, I am not sure that a fair choice would be presented to the public or that they would be given the full range of options.

Let me conclude with a message for those on my Front Bench. I do not know where the discussions with the Leader of the Opposition are going to go, but all I would say is this. Having looked carefully at the indicative votes, I would issue a word of caution. If the Government end up trying to deliver a withdrawal agreement and political declaration that tries to deliver something that has been opposed by a significant majority of their own Members of Parliament—75% of Conservative MPs voted against a customs union and common market 2.0—it is not going to end well. I urge the Government, even at this stage, to reflect on that and perhaps change course.

4.34 pm

Richard Benyon (Newbury) (Con): I have agreed with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on almost everything. He and I were on the same side in the referendum. In the Government and on the Back Benches, I have been ably by his intellect and his understanding of procedure. I supported him in the Lobby, to the concern of my Front Bench, on a number of occasions recently, not least on indicative votes. I agree with him, and with many Members on both sides of the House, about the utter horror that could be delivered on our constituents by a no-deal Brexit. I agree with my right hon. Friend that of the 17.4 million people who voted undeniably to leave the European Union, not all of them were voting to leave with no deal—they certainly were not—and that we need to make sure we leave in an ordered way. It therefore grieves me that I will not be joining my right hon. Friend in the Lobby tonight. I just want to take a few moments to explain to the House why.

I believe what my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) said earlier about legislating in haste and repenting at leisure. Actually, I would amend it: if we legislate in haste, we repent in opposition. We need to be very careful about how we use the procedures of the House. I am entirely with my right hon. Friend the Member for West Dorset and others—many Members on both sides of the House, with whom I have worked with on these issues in recent months, are absolutely genuine—on using the procedures of the House to stop bad things, such as no deal, happening to our constituents, but my right hon. and hon. Friends must understand that their efforts are being played by people who want other things. We therefore have to be very careful about how we use them.

I came to the decision before I arrived at the House not to support the motion. I had no conversations with Ministers, Whips or anybody else. I am just uncomfortable about it. I believe that what happened yesterday is an issue in our debate on procedures. The Prime Minister made a clear commitment. In a Parliament where trust has become a much rarer commodity than at any time in my 14 years in this House, and where trust in this House is much limited from people outside it looking in, I do trust the Prime Minister. If that trust is not upheld, I am sure that the schadenfreude from all sides of the House will be heaped upon me. But this is a very difficult time for the country. This is a moment to show support for what she did last night and for the country as it leaves the European Union. We must respect the result of the referendum in a way that ensures we leave in an ordered fashion.

My commitment to the group of Members on all sides of the House with whom I have been working remains the same. My commitment to making sure we leave in an ordered way and respect the result of the referendum remains the same. However, I will be supporting the Government in the Lobby tonight.
4.38 pm

Charlie Elphicke (Dover) (Con): I rise to oppose the business motion. I want to draw out some of the points I made to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) as the key reasons for my opposing it.

The first issue is that the Bill is so obviously entirely unnecessary, because of the commitment of the Prime Minister, given on TV last night to the entire nation, to the effect that she was minded to seek an article 50 extension in any event as one of the possibilities, and that she did not want us to leave without a deal. In those circumstances, it is entirely obvious to me that this Bill is completely otiose.

I would go further. When I pressed my right hon. Friend, he said that this was a matter of transparency and that the House should have a say. I suspect, however, that he would not be able to cite one example of transparency that the Prime Minister has not already provided to the House. In response to my intervention, my right hon. Friend could not provide a realistic and respectable reason that the Bill was needed. I put it to the House that that is because he tabled the motion and the Bill before the Prime Minister made her statement. The Prime Minister having made her statement, I would hope that my right hon. Friend has the grace to do the honourable thing and withdraw them.

Sir Oliver Letwin: My hon. Friend is right to say that the Bill has a long genesis; it is the fifth of its kind, and it goes back to long before the Prime Minister’s statement. Of course, we had the opportunity, once she had made the statement, to make a judgment about whether to press the motion and the Bill, and we judged that we should. What does my hon. Friend think there is in the Prime Minister’s statement—I do not criticise her for this, because I think her intention is clear—to prevent her from making a decision for which she does not have the House’s approval on the length of the extension that she seeks?

Charlie Elphicke: My answer to that is simple. The Prime Minister has already given a commitment, and she does not need an Act of Parliament to reinforce the commitment that she has made. This is a classic case of putting on boilerplate for no purpose whatsoever.

Sir Oliver Letwin: My hon. Friend is right that the Prime Minister has made a commitment to seek an extension, and I trust her on that. However, she has not made a commitment to a given length of extension, and she has not made a commitment to seek the approval of the House for the length of the extension. Therefore, I do not see how my hon. Friend can argue that the Bill does not do something beyond the Prime Minister’s statement.

Charlie Elphicke: My response to that is that in clause 1(2) there are square brackets instead of a length for the extension. It seems to me that the promoter and sponsors of the Bill could not decide on the length of the extension, so they decided to cover up their own disagreement by putting the matter in square brackets. The Prime Minister has said that she is not minded to leave without a deal, and that she is minded to seek an extension. Although I do not agree with that view, I know that my right hon. Friend does, so he will be pleased about the position that she is taking. He should quit while he is ahead, pocket her commitment and allow the rest of us to move on.

I will come to the other great danger of what my right hon. Friend is doing, which is the danger to our constitution. Our constitution in this United Kingdom has always been unwritten and determined largely by convention. Unlike the United States constitution, which is written and therefore quite hard to change, ours has a long tradition of bending like a reed in the wind. The landscape shifts when events shift. That is a great strength of our constitution, but it is also a great weakness, because constitutional innovations such as this have unintended consequences.

I also made a point to the hon. Member for Perth and North Perthshire (Pete Wishart) about the risks. The Opposition say that we can use emergency legislation for a matter such as this—even though this Bill, as I have said, is completely unnecessary—and it has to be done in an awful hurry. If that is the case, what is to prevent the Government from asking, “Why do we have Committees of the whole House for Finance Bills? Why don’t we just do away with them? In fact, why do we have a Committee at all on the Finance Bill? Why don’t we just pass the Finance Bill in a day?”

My right hon. Friend the Member for West Dorset has pointed the way to an innovation that could well be used by the Government to curtail debate in this House, and I oppose it for that reason. Today, I may be speaking from the Government Benches, but on another day I might be speaking from the Opposition Benches and wanting to make sure that there was proper scrutiny. The Government of the day should have scrutiny from the Opposition. They should not be afraid of that, but this precedent, which—let us be clear—is largely being created by the Opposition, is a grave threat.

Let us also be clear about the numbers who are backing this Bill. This is not some Conservative innovation. It is an innovation by the Scottish National party; by the new party, which is frightened of going to the polls and facing the people; by the Labour party; and by a handful of Conservatives. It is really a Labour-dominated move to try to seize control of the legislative timetable. I say to Labour and all Opposition parties that sauce for the gander is sauce for the goose. The precedent that they are creating means that this kind of emergency legislation procedure could well be used for routine business. They are playing with constitutional fire and they will live to regret it.

Our rules have always given great latitude to the Chair of our illustrious institution. I have always been a huge supporter of yours, Mr Speaker, but what if a future Government came along with a larger majority and said, “Actually, we are not so sure about the discretion of the Chair in choosing amendments and motions and enabling the business of the House, as we have long allowed our Chair to under Standing Orders.” Colleagues know that in other Parliaments around the world, including in the Commonwealth, that same discretion that we afford is not afforded to their Chairs.

Innovations and situations such as this may give people pause for thought, including the Procedure Committee in the House of Commons, and mean that they start looking at that and saying, “Maybe we should allow less discretion.” I think that we would be the
poorer for that, but that is where this leads. We need to be very honest with ourselves about the risks and unintended consequences of doing such things. We need to make sure that we give voice to the minority opinion in this House, give time in the House and do not rush through legislation in this way, using emergency procedures when there is no emergency and no necessity, as I have pointed out.

There is another issue: what if we end up with a written constitution as a result of this? We would be the poorer for that because we would be less flexible. We also have to remember, when we look at constitutional innovations, that there was a time—about two centuries ago—when this House did not have the Government controlling this House’s business. In that time there was effectively the separation of powers and there were vetoes of legislation by the Government of the day as a mechanism for putting in blocks. As we know, those exist in the United States today. The President of the United States can just put a Bill in his pocket—that is a pocket veto—or he can formally veto Bills of Congress. If we go down this route where we try to seize the Order Paper from the Government of the day, we are heading constitutionally and logically towards a separation of powers, which in turn means that our old mechanisms, last used for the Scottish Militia Bill, come back into play and become constitutional again in reaction to the unconstitutional, or constitutional, innovations—people can choose that as they will—that we are seeing in this House.

Situations that people are talking about, such as where Parliament is prorogued or where there are vetoes and in relation to other mechanisms that exist on the separation of powers, is where this leads. That is why I am very cautious and urge the House not to pass this motion. That is not simply because it is not necessary for this Bill, not simply because this is an abuse of the emergency legislation procedure, and not simply because it can be used against the Opposition, and I fear will be for the rest of this Parliament. Every time that they whinge about a programme motion and say that they do not have enough time, or say they want protected time, the Government will be within their rights to cite the precedent that they have created. That is why I urge colleagues to oppose this motion, because it will not lead to any good for either side of this House.

4.48 pm

Ms Nadine Dorries (Mid Bedfordshire) (Con): I will keep my remarks brief. I think I understand the reasons that this Bill has been brought to the House today and I agree with everything that my colleagues have said. I do not think that there is the need for it, and I think everybody in the House would live to regret the day that this Bill was passed. I know that emergency powers have been used in the past, long ago—1938 was the last time. At that point, there was a consensus on both sides of the House that a Bill needed to be passed and there was urgency to do so. A resolution was needed and a decision needed to be made, which is why emergency powers were used. However, I believe that we will rue this day.

I understand why my right hon. Friend cares much about what happens or what the Prime Minister is doing. I think that his mistrust lies with the EU itself. I think he believes that perhaps the EU will simply not grant that extension and will push the UK, by accident, into no deal, and we will be unable to prevent that from happening. My right hon. Friend is sitting behind me, and I have no idea whether or not he is nodding, but I understand his reasons, even though I do not agree with them.

Members have said here today that there is a division in the country—in families, in communities, in businesses—but I do not believe that that is the case any more. I believe that that strongly was the case post-referendum, but as time has passed, people have no longer said to me, “Just get this over the line with no deal,” or, “Just get this over the line with a customs union and a single market attached,” or, “Just get this over the line with a customs union, not ‘the’ customs union.” What people say to me now is that they have utter disdain for Parliament and for us. It is a plague on all our houses. Situations that people are talking about, such as what we are doing here today, is where the referendum, the vote for that deal—f or the withdrawal agreement—because he did not like the political declaration and the ambiguity contained therein. Well, the Prime Minister separated the political declaration from the deal and brought it back, and he still voted against it. At no time have Opposition Members, apart from five of them, voted to deliver on the result of the referendum.

However, I do not exclude Conservative Members from my excoriation. There are Members on these Benches who want only, and nothing but, to pursue the holy grail of a no deal. There are Members who are trying to prevent Brexit from happening at all. We in this place owe it to the British people to reach a consensus and to deliver on the result of that referendum, because at the moment they are not being heard. I do not believe that there is the will for this place and for Members on both sides of the House. None of us is free from that, and none of us is excused from it.

I will not support the Bill tonight. I think that what we should all have done was support the Prime Minister’s deal. If at the time of its second presentation everyone in the House had supported it, the country would have a different opinion of us today. We would have delivered what the country wanted, and, using the political declaration for the purpose of a future working partnership, and using those attached documents with the ambiguity contained therein, we could have negotiated what would have been the best deal for Britain. But we blew it—we did not do it—and I am afraid that that is shame on both sides of the House.

I am sorry that this Bill has come forward. There will come a day, whether it is five, 10 or 20 years from now—most likely 20 years, I think—when Members on the Opposition Benches will be over here and we will be over there, and we will use this against them. We will use it to our advantage. If they vote for the Bill tonight and it is passed, they should bear that in mind—they will rue this day.
4.54 pm

Sir Robert Syms (Poole) (Con): I am not against constitutional innovation—as somebody who came from local government where we controlled the money in the local council, I have always felt this Chamber ought to do more of that on money—but I am unhappy about what is happening today because of the rushed way it is being put through. I have always wondered how we would end Brexit, and it always seemed to me that it would be on a wet Wednesday when somebody worrying about a no-deal Brexit in a few days’ time would in the most moderate and reasonable terms—I respect my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who is one of the most reasonable, articulate people in this House—put forward the idea that for a brief moment of time, Parliament has to take control in some way to stop us leaving.

However, the Bill does not have a back date on it, and we need to debate that. The reason is that once that Bill goes on to the statute book and becomes a device, it can be used at any time to extend the exit date. I do not think this Parliament would ever vote to revoke article 50, but I do think it might, out of indecision, extend and extend and extend. That is why we need a full debate, because eventually the salience of the referendum could drop and people start to say, “We can’t make up our mind; let’s stay.”

That is why at some point we have to make a decision, and that time is fast coming, but I do not agree with my right hon. Friend. My fear is that this is an enabling Act and a device, and it needs full debate of more than one day so that we can bottom out what the impact is. We have had days and months of debate—massive debate on article 50 and withdrawal Bills—but this small device could well keep us in the EU for month after month after month after year. That is my fear.

I respect my right hon. Friend—he wants to leave the EU; he does not want to leave as quickly as I do, but he wants to leave the EU. However, a lot of the people voting for this device do not want to leave the EU; they want to stay. I respect them using this device, but I think it would be a grave mistake if we passed it today.

So the House taking control is fine—well done—but my concern is that putting this Bill through may well be used to try to constantly kick the can down the road, with lengthy extensions, because of Members not actually wanting to revoke article 50 but wanting in effect to keep us in the EU via the back door.

I listened with great interest to the speech of my hon. Friend the Member for Stone (Sir William Cash), who as always showed his constitutional expertise and again outlined why this is such a big change and should not be dealt with in this manner. To be candid, while this is not the longest Bill, it is a significant one, which means we should be having longer to debate it and particularly some time to at least reasonably consider amendments to it, rather than what is being proposed in this business of the House motion.

As other Members have said, using this procedure sets a precedent, whether those behind it like it or not. It will be interesting to see whether we get complaints from some of those who have been so keen to argue for this business of the House motion today if a similar process is used to push through a withdrawal agreement Bill. I suspect that the very same people would complain and demand more time.

It is ironic that Members on the Government Benches should be arguing for more time to debate, whereas Opposition Members seem to want to close down the debate. Mr Speaker, I can see you moving forward ready to put the Question. I will certainly vote against the motion, as it sets a worrying precedent. It takes us to a place where we normally go only when there is genuine consensus, which there clearly is not in this debate. It sets a precedent that I certainly do not wish to set.

5 pm

The Speaker put the Questions necessary for the disposal of the business to be concluded at that time (Order, 1 April).

Amendment proposed: (a), at end, to add—
“(20) At the sitting on Monday 8 April—
(a) Standing Order No. 14(1) (which provides that government business shall have precedence at every sitting save as provided in that order) shall not apply;
(b) precedence shall be given to motions relating to the United Kingdom’s withdrawal from and future relationship with the European Union other than any motion under section 13(1)(b) of the European Union (Withdrawal) Act 2018;
(c) notwithstanding the practice of the House, any motion on matters that have been the subject of a prior decision of the House in the current Session may be the subject of a decision;
(d) the Speaker shall interrupt proceedings on any business before those motions at 5.00 pm and shall announce his decision on which motions have been selected for decision by recorded vote before calling a Member to move a motion having precedence;
(e) the Speaker may not propose the question on any amendment to any motion subject to decision by recorded vote or on the previous question, and may

4.57 pm

Kevin Foster (Torbay) (Con): I am conscious that you will, of course, bring this debate to a close at 5 o’clock, Mr Speaker.

I will be voting against the business of the House motion. We hear that we are in a great emergency that means we need to use these procedures; those who strongly oppose a no-deal Brexit say it is such an emergency that we have to use procedures that we normally use only in cases where we are having to legislate because of the absence of a devolved Assembly in Northern Ireland or because of a major national crisis. If they felt that strongly about this prospect, there was an opportunity for them to vote on Friday by voting for the withdrawal agreement, which would have removed the prospect of a no-deal Brexit completely.

I am concerned about the precedent that would be set this afternoon by our using this type of mechanism to push through a Back-Bench Bill on a major piece of public policy. I share the concerns of my hon. Friend the Member for Poole (Sir Robert Syms) that it could well be used to try to constantly kick the can down the road, with lengthy extensions, because of Members not actually wanting to revoke article 50 but wanting in effect to keep us in the EU via the back door.
not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(f) debate on the motions having precedence may continue until 8.00 pm at which time the House shall proceed as if the question had been put on each motion selected by the Speaker for decision by recorded vote and the opinion of the Speaker as to the decision on each such question had been challenged;

(g) in respect of those questions—

(i) Members may record their votes on each question under arrangements made by the Speaker;
(ii) votes may be recorded for half an hour after the Speaker declares the period open and the Speaker shall suspend the House for that period;
(iii) the Speaker shall announce the results in the course of the sitting;

(h) during the period between 8.00 pm and the announcement of the results on the questions subject to recorded vote—

(i) no motion for the adjournment may be made;
(ii) the Speaker may suspend the sitting if any other business, including proceedings provided for in sub-paragraph (i) of this paragraph, has been concluded.
(i) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.”—(Hilary Benn.)

Question put, That the amendment be made.

The House proceeded to a Division.

**Sir Patrick McLoughlin:** On a point of order, Mr Speaker. Perhaps you could inform the House of what is happening.

**Mr Speaker:** I have never accused the right hon. Gentleman of being impatient. I was minded to do that very soon, and I completely understand why he, and everyone else, wants resolution. There was a degree of uncertainty; that explains the delay. In the circumstances, I thought it courteous and proper to ask that the two Chief Whips confer, but I did indicate that the exchange between them should be brief, so I hope to be able to announce the situation to the House extremely soon. I quite understand why the right hon. Gentleman wants to get on with matters; so do I, but I want to do so in a way that is proper.

**Mr Francois:** Further to that point of order, Mr Speaker. If it turns out to be a tie, and I have no idea if it is—

**Mr Speaker:** Order. May I very politely suggest to the hon. Gentleman, whom I always treat with the utmost courtesy and respect, that rather than asking me what will be, he just waits for a very short time? I know exactly what the situation is in the as yet hypothetical scenario that he describes, and I will give a very clear ruling to the House. If he is still unclear or dissatisfied after that, he can come back at me.

The House having divided: Ayes 310, Noes 310.

**Division No. 402**

[5 pm]

**AYES**

Abbott, Rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Brady, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Jeremy
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh
Cowen, Ronnie

**Colye, Neil**
**Crawley, Sir David**
**Crawley, Angela**
**Creagh, Mary**
**Creasy, Stella**
**Crudaas, Jon**
**Cryer, John**
**Cummins, Judith**
**Cunningham, Alex**
**Cunningham, Mr Jim**
**Dakin, Nic**
**Davey, rh Sir Edward**
**David, Wayne**
**Davies, Geraint**
**Day, Martyn**
**De Cordova, Marsha**
**De Piero, Gloria**
**Debonnaire, Thangam**
**Dent Coad, Emma**
**Dhesi, Mr Tanmanjeet Singh**
**Djanogly, Mr Jonathan**
** Docherty-Hughes, Martin**
**Dodds, Anneliese**
**Doughty, Stephen**
**Dowd, Peter**
**Drew, Dr David**
**Dronney, Jack**
**Duffield, Rosie**
**Eagle, Ms Angela**
**Eagle, Maria**
**Edwards, Jonathan**
**Efford, Clive**
**Elliott, Julie**
**Ellman, Dame Louise**
**Elmore, Chris**
**Esterson, Bill**
**Evans, Chris**
**Farrelly, Paul**
**Farron, Tim**
**Fellows, Marion**
**Fitzpatrick, Jim**
**Fletcher, Colleen**
**Fovargue, Yvonne**
**Foxcroft, Vicky**
**Freeman, George**
**Frith, James**
**Furniss, Gill**
**Gaffney, Hugh**
**Gapes, Mike**
**Gardiner, Barry**
**George, Ruth**
**Gethins, Stephen**
**Gibson, Patricia**
**Gill, Preet Kaur**
**Glindon, Mary**

**NAYES**

Abbott, Rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Brady, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Jeremy
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh
Cowen, Ronnie

**Colye, Neil**
**Crawley, Sir David**
**Crawley, Angela**
**Creagh, Mary**
**Creasy, Stella**
**Crudaas, Jon**
**Cryer, John**
**Cummins, Judith**
**Cunningham, Alex**
**Cunningham, Mr Jim**
**Dakin, Nic**
**Davey, rh Sir Edward**
**David, Wayne**
**Davies, Geraint**
**Day, Martyn**
**De Cordova, Marsha**
**De Piero, Gloria**
**Debonnaire, Thangam**
**Dent Coad, Emma**
**Dhesi, Mr Tanmanjeet Singh**
**Djanogly, Mr Jonathan**
** Docherty-Hughes, Martin**
**Dodds, Anneliese**
**Doughty, Stephen**
**Dowd, Peter**
**Drew, Dr David**
**Dronney, Jack**
**Duffield, Rosie**
**Eagle, Ms Angela**
**Eagle, Maria**
**Edwards, Jonathan**
**Efford, Clive**
**Elliott, Julie**
**Ellman, Dame Louise**
**Elmore, Chris**
**Esterson, Bill**
**Evans, Chris**
**Farrelly, Paul**
**Farron, Tim**
**Fellows, Marion**
**Fitzpatrick, Jim**
**Fletcher, Colleen**
**Fovargue, Yvonne**
**Foxcroft, Vicky**
**Freeman, George**
**Frith, James**
**Furniss, Gill**
**Gaffney, Hugh**
**Gapes, Mike**
**Gardiner, Barry**
**George, Ruth**
**Gethins, Stephen**
**Gibson, Patricia**
**Gill, Preet Kaur**
**Glindon, Mary**
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marron, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, r m Pat
McGinn, Conor
McGovern, Alison
Mclnnues, Liz
McKinnell, Catherine
McMahon, Jim
McMorrow, Anna
Mearns, Ian
Miliband, r m Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, r m Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
O’Brien, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Penneycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reevess, Ellie
Reevess, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Roddia, Matt
Rowley, Danielle
Ruane, Chris
Russo, Felicity, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smeeh, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Owen
Smyth, Karin
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison

Adams, Nigel
Afzalami, Bim
Afrije, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breerton, Jack
Bridgen, Andrew
Brokenshire, Sir James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, r m Alistair

Thomas, Gareth
Thomas-Symonds, Nick
Timmens, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammed
Zeichner, Daniel

Tellers for the Ayes: Jeff Smith and Nick Smith

NOES
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Cooper, Rosie
Courts, Robert
Cox, r m Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Jeffrey M.
Donelan, Michelle
Dosser, Ms Nadine
Double, Steve
Dowden, Oliver
Dray-Price, Jackie
Drax, Richard
Mr Speaker: Order. In accordance with precedent, and on the principle that important decisions should not be taken except by a majority, I cast my vote with the Noes, so the Noes have it. By casting vote, it is 311 to 310. That is the proper way in which to proceed.

Question accordingly negatived.

Sir Patrick McLoughlin: On a point of order, Mr Speaker. I cannot recall when this situation last happened. I am sure that you have been told of the precedent, so perhaps you would like to inform the House.

Mr Speaker: In my recollection—I have been saying this to audiences across the country for years, so I hope it is right—the last occasion on which the Speaker had to exercise a casting vote was in 1993. I will be corrected by the hon. Member for Derbyshire Dales (Sir Patrick McLoughlin) that I am probably pushing my luck here in the face of such an established authority as the hon. Member for Stone, but I think that it was on an amendment in the name of the hon. Member for Stone (Sir William Cash) if I am wrong, but I believe that it was appertaining to the Maastricht treaty Bill. I say to the right hon. Member for Stone (Mr Eric Pickles), if I am wrong, if I have erred, I will be corrected by the hon. Member for Stone (Sir Patrick McLoughlin).

Mr Speaker: The question is that the amendment be negatived. The Clerks will tell you the Division result tomorrow morning.
the then Leader of the Opposition relating to the social chapter. Speaker Boothroyd cast her vote in the way that she did, against that amendment.

The rationale—I say this as much for the benefit of new Member as of others—for the exercise of the casting vote is, as I have said, that it is not for the Chair to create a majority that does not otherwise exist. The way in which the casting vote is exercised also depends on the stage at which a matter is being aired. For example, it could be, and probably would be, exercised differently on Second Reading of a Bill, because there is an important principle of encouraging further debate. It might then be used to send a Bill into Committee when it is not going to get on to the statute book straight away. If it was the final stage of the Bill, the casting vote would be against. In a situation in which a decision would be made that a day would be allocated for particular business, I judge that it is not right for me to make that decision if the House has not done so by a clear majority. I hope that that is clear and generally acceptable.

Hon. Members: More!

Mr Speaker: No more required; I am being teased mercilessly by the hon. Member for East Worthing and Shoreham (Tim Loughton) and possibly by others—[Interruption.] I thought it was he, but anyway, people were saying, “More!” They do not want more, although I think that the hon. Member for Stone usually does.

Sir William Cash: On a point of order, Mr Speaker. Let me simply say that I quite understand the way in which that decision was arrived at. I did refer briefly to Speaker Denison’s rule. Of course, it so happens that this particular Bill should be about the European issue, on which the Maastricht treaty was also extremely important.

Mr Speaker: I do not want to tease the hon. Gentleman, but I think that Hugo Young’s book has a whole chapter about him. The hon. Gentleman is not only an historical figure; some people might think that he is a world historical figure.

Mike Gapes (Ilford South) (Ind): Further to that point of order, Mr Speaker. Those of us who took part in that vote in 1993 will recall that Speaker Boothroyd cast her vote in favour of the Government because there was thought to be a tie. It was discovered the next day that the Government had in fact won the vote by a majority of one, and that therefore the Speaker had complied with what would have happened anyway. Can we be certain that this tie is accurate? [Interruption.]”

Mr Speaker: Order. I understand that Members want to move on, but we must hear the rest of the point of order.

Mike Gapes: If we discover subsequently that there has been an inaccuracy, will we be able to revisit this exact motion in future?

Mr Speaker: None of us—myself included—has Kantian perfect information on the subject, and I witnessed that there was some uncertainty. What I can vouchsafe to the hon. Gentleman, without causing any offence, is that in so far as there was some uncertainty about the vote, it was about whether it was 310 each or whether, as in the view of one Government Whip—it was not advanced with great certainty—that the Government might have secured 311 votes. I do not think that there is any suggestion that the decision has worked against the right hon. Member for Leeds Central (Hilary Benn). In the event that there was an error, I think that I will resort to the Willie Whitelaw defence at this stage: let us cross that bridge if we come to it. I am not anticipating that we will do so. I thought it prudent to ask the Government and Opposition Chief Whips to confirm, and they did so amicably, as far as I know, and appeared to reach an agreed conclusion. There is no need to create a row, on top of all other rows, where there is none.

Kevin Brennan (Cardiff West) (Lab): Further to that point of order, Mr Speaker. That is also my understanding of what happened in 1993, but can you clarify, just for the House’s information, whether the result of the vote that has just been announced is based on the Whips’ count or on the Clerks’ count?

Mr Speaker: The answer is that it is based on the Whips’ count, but the Clerks’ count is the same. I am not inviting the hon. Gentleman to put that in his pipe and smoke it, because I am sure that he does not have a pipe and, as far as I know, he does not smoke. Nevertheless, I have given him an answer, which I hope sates his appetite for further inquiry.

Main Question put.

The House divided: Ayes 312, Noes 311.

Division No. 403

AYES

Abbott, rh Ms Diana
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Olive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burdens, Richard
Burgon, Richard
Butler, Dawn

Byrne, rh Liam
Cable, rh Sir Vince
Caddbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Chraralambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Chwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crawsby, Sir David
Crawley, Angela
Creagh, Mary
Cressy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debonnaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Djanogly, Mr Jonathan
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Fovargue, Yvonne
Foxcroft, Vicky
Freeman, George
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griﬃth, Nia
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hermon, Lady
Hill, Mike
Hiller, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren (Proxy vote cast by Kerry McCarthy)
Jones, Gerald
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Bis
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Karen
Lee, Dr Phillip
Leslie, Mr Chris
Letwin, Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, rh Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Annointe
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Skinner, rh Dennis
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Souby, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitﬁeld, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:  
Jeff Smith and Nick Smith

NOES
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Bretton, Jack
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Caims, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartilage, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishi, Reham
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Greg
Cleary, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Cooper, Rosie
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Donnies, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Andrew
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepple, rh Stephen
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, rh Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, rh Mr Alister
James, Margot
Javid, rh Saidj
Jayawardena, rh Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jennick, Robert
Johnson, rh Boris
Johnson, rh Mr Caroline
Johnson, Gareth
Jones, rh Mr Daren
Jones, rh Mr David
Jones, rh Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lefray, Jeremy
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, John
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milng, Amanda
Mills, Nigel
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Oford, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Mr Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poutier, Dr Daren
Pow, Rebecca
Prentis, Victoria
Pisski, rh Mark
Pitchard, Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Roberson, Mr Geoffrey
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Cherie
Smith, Henry
Smith, rh Julian
Smith, rh Royston
Soames, rh Sir Nicholas
Spencer, Mark
Stephenson, Andrew
Stewart, Bob
Stewart, Iain
Stewart, Rhys
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohurust, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tim
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warmann, Matt
Watling, Giles
Whatley, Helen
Wheeler, Mrs Heather
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Wrapp, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

**Tellers for the Noes:**

Wendy Morton and Craig Whittaker

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**Question accordingly agreed to.**
Ordered,

That—

(1) At today’s sitting—

(a) the order of the House of 1 April (Business of the House) shall apply as if, at the end of paragraph (2)(a), there were inserted “and then to proceedings on the European Union (Withdrawal) (No. 5) Bill”;

(b) any proceedings governed by that order as amended or this order may be proceeded with until any hour, though opposed, and shall not be interrupted;

(c) immediately upon the conclusion of proceedings under the order of 1 April, the Speaker shall call a Member to move the motion that the European Union (Withdrawal) (No.5) Bill be now read a second time;

(d) the Speaker may not propose the question on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private);

(e) any proceedings interrupted or superseded by this order may be resumed or (as the case may be) entered upon and proceeded with after the moment of interruption.

(2) In respect of the European Union (Withdrawal) (No. 5) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.

(3) The provisions of this order shall apply to and in connection with the proceedings on the European Union (Withdrawal) (No. 5) Bill.

Timetable for the Bill today

(4) (a) Proceedings on Second Reading and in Committee of the whole House, any proceedings on Consideration and proceedings up to and including Third Reading shall be taken at the sitting today in accordance with this Order.

(b) Proceedings on Second Reading shall be brought to a conclusion (so far as not previously concluded) at 7.00 pm.

(c) Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings up to and including Third Reading shall be brought to a conclusion (so far as not previously concluded) at 10.00 pm.

Timing of proceedings and Questions to be put today

(5) When the Bill has been read a second time:

(a) it shall, notwithstanding Standing Order No. 63 (Committal of bills not subject to a programme order), stand committed to a Committee of the whole House without any Question being put;

(b) the Speaker shall leave the Chair whether or not notice of an Instruction has been given.

(6) (a) On the conclusion of proceedings in Committee of the whole House, the Chairman shall report the Bill to the House without putting any Question.

(b) If the Bill is reported with amendments, the House shall proceed to consider the Bill as amended without any Question being put.

(7) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph (4), the Chairman or Speaker shall forthwith put the following Questions in the same order as they would fall to be put if this Order did not apply—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question on any amendment, new clause or new schedule selected by the Chair or Speaker for separate decision;

(d) the Question on any amendment moved or Motion made by a designated Member;

(e) any other Question necessary for the disposal of the business to be concluded; and shall not put any other Questions, other than the Question on any motion described in paragraph (16) of this Order.

(8) On a Motion made for a new Clause or a new Schedule, the Chairman or Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

Consideration of Lords Amendments and Messages on a subsequent day

(9) If any message on the Bill (other than a message that the House of Lords agrees with the Bill without amendment or agrees with any message from this House) is expected from the House of Lords on any future sitting day, the House shall not adjourn until that message has been received and any proceedings under paragraph (10) have been concluded.

(10) On any day on which such a message is received, if a designated Member indicates to the Speaker an intention to proceed to consider that message—

(a) notwithstanding Standing Order No. 14(1)(g) (which provides that government business shall have precedence at every sitting save as provided in that order), any Lords Amendments to the Bill or any further Message from the Lords on the Bill may be considered forthwith without any Question being put; and any proceedings interrupted for that purpose shall be suspended accordingly;

(b) proceedings on consideration of Lords Amendments or on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement; and any proceedings suspended under subparagraph (a) shall thereupon be resumed;

(c) the Speaker may not propose the question on the previous question, and may not put any question under Standing Order No. 36 (Closure of debate) or Standing Order No. 163 (Motion to sit in private).

(11) Paragraphs (2) to (7) of Standing Order No. 83F (Programme orders: conclusion of proceedings on consideration of Lords amendments) apply for the purposes of bringing any proceedings on consideration of Lords Amendments to a conclusion as if:

(a) any reference to a Minister of the Crown were a reference to a designated Member;

(b) after paragraph (4)(a) there is inserted—

“(aa) the question on any amendment or motion selected by the Speaker for separate decision;”.

(12) Paragraphs (2) to (5) of Standing Order No. 83G (Programme orders: conclusion of proceedings on further messages from the Lords) apply for the purposes of bringing any proceedings on consideration of a Lords Message to a conclusion as if:

(a) any reference to a Minister of the Crown were a reference to a designated Member;

(b) in paragraph (5), the words “subject to paragraphs (6) and (7)” were omitted.

Reasons Committee

(13) Paragraphs (2) to (6) of Standing Order No. 83H (Programme orders: reasons committee) apply in relation to any committee to be appointed to draw up reasons after proceedings have been brought to a conclusion in accordance with this Order as if any reference to a Minister of the Crown were a reference to a designated Member.

Miscellaneous

(14) Standing Order No. 82 (Business Committee) shall not apply in relation to any proceedings on the Bill to which this Order applies.

(15) No Motion shall be made, except by a designated Member, to alter the order in which any proceedings on the Bill are taken, to recommit the Bill or to vary or supplement the provisions of this Order.

(16) (a) No dilatory Motion shall be made in relation to proceedings on the Bill to which this Order applies except by a designated Member.

(b) The Question on any such Motion shall be put forthwith.
Proceedings to which this Order applies shall not be interrupted under any Standing Order relating to the sittings of the House.

No private business may be considered at any sitting to which the provisions of this order apply.

In this Order, “a designated Member” means—
(a) the Member in charge of the Bill; and
(b) any other Member backing the Bill and acting on behalf of that Member.

Mr Speaker: Under the terms of the business of the House motion to which the House has just agreed, amendments for the Committee stage of the Bill may now be accepted by the Clerks at the Table. An amendment paper containing all amendments tabled up until 6.15 pm today, and the names of signatories, will be available in the Vote Office and on the parliamentary website by 7 pm. Members may continue to table amendments up until the start of proceedings in Committee of the whole House. If necessary, an updated amendment paper will be made available as soon as possible during proceedings in Committee. For the benefit of everyone, however, I would encourage Members to table their amendments as soon as possible. The Chairman of Ways and Means will take a provisional decision on selection and grouping on the basis of amendments tabled by 6.15 pm, and that provisional selection list will be made available in the Vote Office and on the parliamentary website before the start of proceedings in Committee.

Sir William Cash (Stone) (Con): On a point of order, Mr Speaker. I wish to raise a point of order regarding the need for a money resolution under the Standing Orders in respect of the Bill. For example, if the Bill was to result in a very great extension, the cost could be £36 billion of taxpayers’ money. Fifty MPs have written to you, Mr Speaker, in my name and theirs, in the belief that a money resolution is required, particularly as the matter is apparently decided by the Clerks of the House of Commons. That raises a question for the Procedure Committee as to whether or not there should be a money resolution. I therefore ask you, Mr Speaker, first of all, what is your conclusion on that, as advised; and, secondly, whether the matter can be referred to the Procedure Committee, because in my judgment it is completely unacceptable for matters to be decided in this way?

Mr Speaker: I will respond to the hon. Gentleman, but I will first hear the point of order by the hon. Member for Bishop Auckland (Helen Goodman).

Helen Goodman (Bishop Auckland) (Lab): Further to that point of order, Mr Speaker. The contention of the hon. Member for Stone (Sir William Cash) that the Bill could cost £36 billion is, of course, highly controversial. It could equally be argued that crashing out with no deal would cost as much, if not more. In that case, it seems to me that what has happened hitherto and the advice from the Clerks has been wholly proper.

Sir Edward Leigh (Gainsborough) (Con): Further to that point of order, Mr Speaker. I do not want to get into the argument about what the Bill is going to cost, but as a member of the Procedure Committee I do think it is an arguable contention that when we are indulging in such constitutional innovations the matter should go to the Procedure Committee first. Otherwise, what is the point of the Procedure Committee?

Mr Speaker: I will take a final point of order, but I am quite keen to give a ruling on this matter.
Mr Speaker: It is not for the Chair to pronounce judgment on the attendance record of right hon. and hon. Members at Committees. Suffice to say that I have heard points of order from the hon. Members for Stone (Sir William Cash) and for Bishop Auckland (Helen Goodman) and the right hon. Member for Gainsborough (Sir Edward Leigh), and the House has heard what they have had to say. If there are no further points of order—I beg the pardon of the hon. Member for North East Somerset (Mr Rees-Mogg).

Mr Speaker: That is true, but I say to the hon. Gentleman that there is no automatic or compelling obstacle to the House treating of the matter now. I judged, in consultation with the hon. Member for Stone, that it might be for the convenience of the House—particularly a relatively full House, at this time—for me to say something about the matter now on the back of what he has said. The alternative was for him to expatiate on this point in the course of any speech that he might make on Second Reading.

Of course, the two are not mutually exclusive, but I am sure that the hon. Member for North East Somerset would agree that for me then to interrupt the Second Reading debate to respond to the point would be a rather ungainly way in which to proceed. I thought it better to treat of the matter now, before we embark on Second Reading. I have heard his point, and I respect it, but I do not think it is conclusive.

Mr Vara: On a point of order, Mr Speaker. I seek your advice, because many of the people who wish to have the debate that we are about to have argue that the mandate—Mr Speaker, I am trying. They argue that the mandate given by a margin of a million people in a referendum was not sufficient. They also argue that a 4% margin was not sufficient, in percentage terms. Could you therefore advise me as to the appropriateness of carrying on a debate that has got through on one solitary vote?

Mr Speaker: Yes, I can. The answer is that procedural propriety in the House has got absolutely nothing to do with numbers for or against a particular proposition, either in a referendum or in a general election. I say to the hon. Gentleman with great courtesy, because he is among the most courteous Members of this House, that he has made what might be thought by some people to be a very good polemical or campaigning point, but—I think he and I did O-levels, and I say this to him with some trepidation, because he is an extremely intelligent man—in procedural terms, I am afraid his observation would not warrant anything better at O-level than an unclassified. I am sorry. He has made an important campaigning point, but not a procedural one; I do not say that in any spirit of unkindness.

Mr Vara: For the record, Mr Speaker, I got better than unclassified in politics.

Mr Speaker: I am absolutely certain that the hon. Gentleman got vastly better than unclassified in everything. As I said, he is a very clever man. My point was about this issue, not about his intelligence.

If there are no further points of order on this matter, I will now give a definitive ruling on which, as I have been advised, no further points of order will arise. We will then proceed to the business before us.

As the hon. Member for Stone knows, the view taken by the Clerk of Legislation, who decides these matters in the first instance, is that neither Queen's consent nor any financial resolution is required for the private Member's Bill presented by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). Under the terms of the Bill, if enacted, the Prime Minister “must” move a motion agreeing that she should seek an extension of the negotiating period under article 50(3) of the treaty on European Union to a specified date. The Bill requires the Prime Minister to have the approval of the House before agreeing an extension of the negotiating period. An extension could come into effect only if the European Union 27 decided unanimously to agree an extension with the UK.

As the House will recall, no Queen's consent was required for the contents of the European Union (Notification of Withdrawal) Bill, which was introduced in January 2017 after the UK Supreme Court decision in the Miller case. My ruling is that as no prerogative consent was required for the Bill in 2017 giving parliamentary authority to the Prime Minister to take action under article 50 of the treaty on European Union, there is no requirement for new and separate prerogative consent to be sought for legislation in 2019 on what further action the Prime Minister should take under the same article 50 of the treaty on European Union.

I recognise, colleagues, that extending the period under article 50 would, in effect, continue the UK's rights and obligations as a member state of the EU for the period of the extension, which would have substantial consequences for both spending and taxation. I am satisfied that the financial resolutions passed on Monday 11 September 2017 give fully adequate cover for the exercise by Ministers of their powers under section 20(3) and (4) of the European Union (Withdrawal) Act 2018 to move exit day in order to keep in lockstep with the date for the expiry of the European treaties, which of course is determined by article 50 of the treaty on European Union. This has been demonstrated by the European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019, with which I know the hon. Member for Stone is keenly familiar, and which
were laid before this House on 25 March and approved by the House on 27 March. Accordingly, my ruling is that the European Union (Withdrawal) (No. 5) Bill does not require either a Ways and Means motion or a money resolution.

Sir William Cash rose—

Mr Speaker: Order; Forgive me; I have treated the hon. Gentleman with the utmost courtesy, as I always do; and I am happy to discuss the matter further with him. However, that is a ruling on advice, to which very careful thought has been given, and we cannot debate it further. We must now proceed with the business.

6.5 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I beg to move, That the Bill be now read a Second time.

I start by welcoming some of the words of the Prime Minister from yesterday. She said as part of her announcement:

"This is a difficult time for everyone. Passions are running high on all sides of the argument", and that debate and division is "putting Members of Parliament and everyone else under... pressure... and... doing damage to our politics."

I think we all recognise the pressures that she is talking about and the efforts that Members on both sides of the House, and with all kinds of different views on Brexit, are making to do the right thing in the national interest, to do the right thing whatever their different views on Brexit, and to do the right thing for their constituents. I hope that the very respectful and thoughtful tone of the debate that we had on the programme motion will be continued in this debate.

We have put forward this cross-party Bill to avert no deal on 12 April. We have done so for fear of the damage that no deal would do to all our constituencies. We understand that the Cabinet Secretary and National Security Adviser to the Government, Sir Mark Sedwill, told the Cabinet yesterday that no deal would make our country “less safe”. The Cabinet has a responsibility to listen to that advice and I am extremely glad that it did. We understand, too, that the Cabinet was warned that food prices would go up by 10% in the event of no deal. Again, I am glad that it listened to that advice because that would have a huge impact on overstretched families across the country.

Andrew Percy (Brigg and Goole) (Con): I endorse and thank the right hon. Lady for the tone in which she has brought in the Bill. However, given that she has been one of the people who has most vociferously argued for long periods of scrutiny over our decision to leave the European Union, why does she think that it is acceptable to take off the table a way out of the EU that very many people who voted to leave it believe to be the way in which we should leave? Given her previous demands for a long scrutiny process, why is this all being done with only a few hours of debate in this place?

Yvette Cooper: The hon. Gentleman is right that there is a tight timetable for the Bill. That is because there is a tight timetable for the House, facing the deadline of 12 April and the European Council meeting that will take place. I will be honest: I could never have imagined when we started these debates that we would be in a situation where, nine days from Brexit day, nobody knows what is going to happen. That is causing huge concern and anxiety for businesses, families and people across the country. I will come on in a minute to the damage that no deal would do to my constituency and many others. We have a responsibility to ensure that we can avert it.

Several hon. Members rose—

Yvette Cooper: I will give way a couple of times, but I am conscious that I want to make some progress as well on the Bill itself.

Toby Perkins (Chesterfield) (Lab): I share my right hon. Friend’s frustration that there was no time for more scrutiny, but would it not have come better from someone who had not just voted against an amendment that would have allowed us to discuss the matter again on Monday?

Yvette Cooper: It would have been better to have further discussions on Monday, but we are where we are. What is important today is ensuring that we can debate no deal.

Several hon. Members rose—

Yvette Cooper: I will give way just three more times, and then I will make rapid progress.

Ms Nadine Dorries (Mid Bedfordshire) (Con): I have the greatest respect for the right hon. Lady’s endeavours today and for what she is trying to achieve, but may I draw attention to one of the things that we have to do in the House, which she mentioned at the beginning of her speech? We are all used to battling for our ideologies here, and for our beliefs and for what we want. Is this not one of the rare occasions when it is appropriate for us to think not about what we believe in and what we fight for, but about what is right for the country? Some of us, both remainers and arch-leavers, need to compromise and meet somewhere in the middle.

Yvette Cooper: I completely agree. In fact, I proposed a cross-party commission to oversee the negotiations immediately after the referendum and again after the general election, because I was fearful that we would end up in gridlock, and I thought that the task would be performed best in a way that would build consensus.

Emma Reynolds (Wolverhampton North East) (Lab): Surely we would not be in this position had the Prime Minister not run down the clock, and we would not be in this position had she reached out across the House sooner.

Yvette Cooper: The truth is that we have been trying to squeeze into a few days a process of consensus building that should have taken two years. It should have started a long time ago. That is why I think it so important to ensure that, just at the point at which we are trying to come together and build some consensus, we do not tumble off the edge of a cliff and end up doing unfair damage to our constituents.
Mr John Baron (Basildon and Billericay) (Con): The right hon. Lady is being very generous in giving way, and I appreciate the manner in which she has introduced the debate, but may I gently remind her that predictions about the consequences of voting to leave or no deal have proved very wrong in the past? We heard dire economic predictions in 2016—for instance, it was predicted that by Christmas that year 500,000 more people would be unemployed—but the economic reality has been very different. The predictions were wrong then, and I suggest to her that they are wrong now.

Yvette Cooper: I think the hon. Gentleman is talking about the assessments of the impact on confidence that were made immediately after the referendum. Those were very different from the assessments of the impact of, for instance, World Trade Organisation tariffs, which are very practical, because it is clear what the impact will be on numbers, or on border capacity if customs checks are necessary. Those practical measures have not yet come into being, and I hope that they will not, because frictionless trade is important to our constituencies.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I am pleased to co-sponsor my right hon. Friend’s Bill. I am pleased that it has had cross-party sponsorship from all the Members who want to prevent no deal because they have been listening to the CBI, the TUC and all the voices in our constituencies. Whatever our views on where Brexit goes, we all believe that we must avoid that catastrophic no deal, and whatever the progress of the Bill tonight, the House has resolved to avoid that.

Yvette Cooper: My hon. Friend is entirely right. Let me quickly tell the House about some of the points that have been made to me about why this is so important. No deal would mean that we would immediately lose access to the European arrest warrant and to crucial criminal databases. A Castleford police officer told me what no deal would mean and said “It is going to be incredibly difficult for me to do my job properly. Obviously with more serious offenders such as sex offenders who will travel, this is going to cause serious concern.”

No deal will also mean the kind of border delays that have led the NHS to stockpile. A friend told me in Pontefract that he is waiting for radiotherapy for his cancer and does not know whether that treatment will be delayed because short-life isotopes cannot be stockpiled. Major manufacturers and producers in our area such as Burberry, Haribo and Teva have told me how hard they would be hit by WTO tariffs, customs checks and border delays. We should be standing up for British manufacturers abroad, not holding them back. Local small businesses in particular have told me how much they fear being dependent on imports. They simply do not have the margins and could end up going bust if their stock is delayed. Local trade unions have warned about the impact on jobs.

Perhaps what I fear most of all is the impact of no deal on some of the most overstretched families in my constituency. We have had to set up “hungry holiday clubs” for kids on free school meals who may go hungry in the Easter holidays. In Airedale, we have had support and free lunches for families and those families are going to struggle if there is a 10% hike in food prices; it is simply not fair on them.

Yvette Cooper: I am going to make some progress before giving way again because I have given way many times. Therefore, I think we have a responsibility. I know that there are Members across this House and people across the country who say they would like to see no deal happen and to see it happen as soon as possible. I simply say that it will hit other people’s lives and it is not fair. For the sake of the Castleford police officer, the Airedale families, the Pontefract and Normanton manufacturers and the small businesses and cancer patients across the country, we have a responsibility to make sure we have a system in place to prevent no deal on 12 April, just nine days away.

Several hon. Members rose—

Yvette Cooper: Let me say something about the Prime Minister’s process, and then I will give way again.

The Prime Minister has announced her intention to pursue an extension, but the reason for continuing with this Bill is that there is no clear process for how the decisions will be taken about the length of the extension and the context, and this Bill does the following. It provides some clarity about how those decisions about the length of the extension will be taken. It gives a role for this House in that process. It also ensures we do not just slip back into facing no-deal cliff edge almost by accident because of the nature of the difficult conversations and the complexity of what we are all facing. Crucially, it will demonstrate to the EU parliamentary support for what the Prime Minister is asking for, and to be fair to the EU, given the turbulence we have had in this House at every stage of this process, it is quite reasonable for it to ask whether the Prime Minister has the support of the House in the things she is asking for.

Anna Soubry (Broxtowe) (Ind): I congratulate the right hon. Lady on her Bill and the progress she has made thus far. She speaks clearly, based on evidence, and I am delighted that, as I expected from her, she has clearly listened to business. Does she agree that we can only assume that the Secretary of State for Business, Energy and Industrial Strategy has also listened to business, and of course he has looked at the Government’s own impact assessment of no deal and he claims it would be “ruinous” for our country? Does she think he is right?

Yvette Cooper: I think we should take seriously that assessment, and not just from Government Ministers but also from the CBI and the TUC, who have come together in a powerful way to say very strongly the damage that would be caused by us being simply left with no deal. Therefore many of us have been trying to make this process work and trying to come together, whether through proposals we have made through Select Committees for different Brexit policy options or the work we have done calling for consensus or putting forward indicative votes and options. A lot of work has been done but I hope we all share the view that we should avoid a no-deal Brexit.

Several hon. Members rose—

Yvette Cooper: I am conscious of needing to finish. I will take just a final few interventions, as otherwise it would not be fair on those who wish to speak.
Joanna Cherry (Edinburgh South West) (SNP): The right hon. Lady knows I support the broad thrust of this Bill, but I am concerned that it does not say when the Prime Minister has to ask for an extension, and it also does not seem to provide for a situation where Parliament has asked her to go for an extension longer than 22 May but she does not want to do so. It does not seem to have enough teeth. Can the right hon. Lady address those points?

Yvette Cooper: It sets out that:

“On the day after the day on which this Act receives Royal Assent, the Prime Minister must move a motion in the House of Commons”.

It also provides for the Government to be mandated by what the House has voted for. This is a two-clause Bill and that is all it is; it is very simple. It requires the Prime Minister to put the motion to Parliament proposing an extension of article 50. It asks the Prime Minister to define in the motion the length of the extension. Parliament can debate the motion and can seek to amend it in the normal way, and the conclusion is binding on the Government. The Prime Minister has to take that to the EU. If the EU Council agrees, then that is resolved; if the EU Council proposes a different date, the Bill proposes for the Prime Minister to come back to the House with a new motion.

The Bill simply provides for a simple, practical and transparent process to underpin the Prime Minister’s plan. It ensures that the extension has the support of the House of Commons, but also that we keep the parliamentary safeguard in place. So whatever is agreed by any further talks or indicative processes, or by the Prime Minister’s approach, she herself has said nothing can be implemented by 12 April. She has recognised that she cannot implement anything in only nine days, which is why the extension is needed. This is a hugely important Bill.

Tom Brake (Carshalton and Wallington) (LD): The right hon. Lady has clearly had conversations with senior police officers about the impact of leaving the European arrest warrant. Apparently, it takes an average of six weeks to process cases now, but that would become an average of six months. Would she like to speculate on the impact of that sort of delay on processing serious cases?

Yvette Cooper: The right hon. Gentleman is right. I have also heard that we can access criminal records using the European Criminal Records Information System—ECRIS—in a matter of days at the moment, but that could take weeks as a result of leaving the EU. That evidence was given to the Select Committee.

Sir William Cash: Can the right hon. Lady tell the House how long the extension will be, because that is also a matter of principle? It is not just a matter of committing to it. What does she expect the words in square brackets in the Bill to be? Three months? Nine months? Two years? Secondly, does she agree that it is extraordinary that such an extended period would cost the British taxpayer billions and billions of pounds?

Mr Speaker: Order. I gently point out that there are three Front-Bench speeches to be heard, and that a number of other hon. and right hon. Members wish to speak in the debate. There is therefore a premium on brevity.

Yvette Cooper: Thank you, Mr Speaker.

The Bill deliberately does not specify that, because it should be for the Prime Minister to make a proposal. She has to go into the EU Council and do the negotiating. She also has to lead the process around indicative votes, so I think it is right that she should put this forward and that the House will then decide.

Caroline Flint (Don Valley) (Lab): Will my right hon. Friend give way?

Yvette Cooper: I am conscious that those on the Front Benches need to speak, so I shall make my final point.

It is really important for people to come together, both as part of this process and in how we go forward, because the challenges that we face from the threat of no deal are very significant. Three years on from the referendum, the biggest problem for all of us is that so little has been done to heal the national Brexit divide or to bring people together. This is a major constitutional change, and, to be honest, if we do not make the effort to bring people together, whatever we conclude today, tomorrow or next week will not last because we will not have done the work to build consensus. We all know that there is no consensus on the best way forward at the moment—we hope we can reach it, but at the moment there is no agreement—but let us at least sustain our agreement on ruling out the worst way forward. I commend the Bill to the House.

Several hon. Members rose—

Mr Speaker: Order. I have just had a message chuntered to me from a Government Whip that the Secretary of State is content to wait for a period. The hon. Member for Cleethorpes (Martin Vickers) is the beneficiary.

6.23 pm

Martin Vickers (Cleethorpes) (Con): Thank you very much, Mr Speaker. I was only just beginning to write my speech, but I shall muddle along. Needless to say, as an almost lifelong Brexit supporter, I shall be speaking against the proposal. I recognise that there are Members across the House who quite genuinely did not want to leave the European Union and who believe that the best interests of our country are served by being a member of that Union. That is a perfectly honourable position. What I find objectionable, however, is that some are quite deliberately seeking to frustrate the will of the British people that was so clearly demonstrated in June 2016. In my constituency, there was a 70% vote to leave the European Union, and of course I voted to leave on that occasion.

Andrew Percy: Will my hon. Friend give way?

Martin Vickers: I will happily give way to my neighbour.

Andrew Percy: Is it not the case that many of our constituents, nearly 70% of whom voted to leave the European Union, as my hon. Friend says, now think that there is a stitch-up trying to deny the referendum result? That is a problem with Bills such as this. It is perfectly fine for people to talk about coming together, but when legislation proposed by people on the other
side of the campaign would deny a way of leaving the EU, our constituents will only feel that this place is more out of touch with them and that this is all one massive stitch-up.

**Martin Vickers:** My hon. Friend and constituency neighbour is absolutely right in his analysis.

Moving on, some people argue for a second referendum, or a so-called people’s vote, as if the people did not vote on the first occasion.

**Neil Parish** (Tiverton and Honiton) (Con): I am not my hon. Friend’s constituency neighbour, but I thank him for letting me intervene. I agree that we had a people’s vote in 2016. I campaigned and voted for remain, but we must respect the vote and get on with leaving the European Union. However, many Labour Members are thwarting that even though they campaigned on a manifesto commitment to leave the European Union.

**Martin Vickers:** I thank my hon. Friend for that intervention. Although he is not my neighbour, he is of course welcome to visit Cleethorpes at any time. He will be made most welcome.

I was moving on to talk about a second referendum and the uncertainty and division that it would cause. I ask those Members who think that it would resolve the issue what would happen if a rerun with 16.4 million people voting remain led to them winning on a lower turnout. Would that satisfy the 17.4 million who voted to leave in 2016? Of course not. The uncertainty and division would continue, and we would be battling on for another 20 or 30 years about our future in Europe.

We must remember that the 2016 referendum was, to a great extent, an emotional vote. We had “Project Fear” telling the people that they would be worse off and that taxes would rise within days—hours, even—of a decision. However, the people said, “That’s fine. Let’s look at that.” We did not want to leave because of some potential downturn in our economy; it was a cultural issue. Our history, our structure of government, our Parliament and our judicial processes are all different, and we were having to make more and more changes to our established processes.

**Antoinette Sandbach** (Eddisbury) (Con): I am grateful to my hon. Friend for giving way. The vote itself was on our membership of the EU. It was not about our future relationship. All those emotional matters may well have been sold to the people during the campaign, but the vote itself was about our membership, so it cannot be prayed in aid when considering how our future relationship should be shaped.

**Martin Vickers:** Needless to say, I strongly disagree with my hon. Friend. The people voted to leave the structure of the economic union, and they wanted to slam the door closed. They wanted a clean break. They were not thinking about our future relationship; they said, “We’ve had enough of the existing relationship.”

**Mr Baron:** My hon. Friend is making an excellent speech. I am sure he will agree that in addition to the emotion the people were proved right, because despite the predictions of doom and gloom in 2016, the economic reality since is that we have had a strong period of growth, and those investment decisions have been made in the full knowledge that we could be leaving with no deal on WTO terms.

**Martin Vickers:** I entirely agree with my hon. Friend. They made that decision to leave, and they expected us to leave—they certainly expected us to be leaving in a lot less than three years. It has been suggested that if we go back and rerun the referendum, people will change their mind because of the economic arguments and so on. The reality is very different. We should recognise, as I recall the Attorney General saying on one of his outings in the House on this issue, that this has now come down to a political decision, and the political decision should follow the result of the referendum. There would be an enormous backlash against not just the party in power but the political classes if we are not seen to walk through the door before us marked “exit.”

I urge the House to vote against Second Reading and to continue the battle. If we end up with no deal, so be it.

**Several hon. Members rose—**

**Mr Speaker:** Order. I encourage colleagues to make speeches not exceeding three minutes. In fact, there will be a three-minute limit on Back-Bench speeches. The Front Benchers are going to be encouraged to be extremely brief. Lots of people want to speak and there is very little time.

6.30 pm

**Caroline Lucas** (Brighton, Pavilion) (Green): Thank you, Mr Speaker. I lend my support to this important Bill, which is a vital safety net to ensure that we do not crash out with no deal next week and that we have enough time to find a constructive way forward.

Many others have already spoken passionately about the impact that a no deal would have on business and on the most vulnerable. Of course, a no deal would hit the poorest communities hardest. I want to say a few words about two things. First, I think we would put the Good Friday agreement at risk if we did not pass this Bill, and we would risk greater insecurity and tension in Northern Ireland, which would be a criminal thing to do. I am inordinately shocked, even knowing what I know, that 14 members of the Cabinet appear to be positively enthusiastic about leaving with no deal—I cannot think of anything more irresponsible.

Secondly, a no deal would be a disaster for our environment. It would lead to a huge governance gap. Not only would we not have the environmental policies that have been key to protecting our environment in this country and that have come from Brussels, but we would also lack the crucial enforcement agencies.

**Alex Sobel** (Leeds North West) (Lab/Co-op): Will the hon. Lady give way?

**Caroline Lucas:** I will not give way because I have been told that I have only three minutes.

There are huge further concerns about a no deal, crossing everything from security to medicines, fissile materials and pharmaceuticals. We often hear from Conservative Members that, somehow, crashing out of the EU would make it easier for us to make trade deals. If other countries are considering whether we are a
of the pudding is in the economic reality. We would all and our top universities are more important, in aggregate, certainly within Europe—our research and development, in other countries, how much more flexible our labour low our corporation tax rates are compared with those talk about comparative advantage, factors such as how reason for that is that economic reality, trade and unemployment, record inward investment and record so much so that the Bank of England had to apologise. At the very least, this has to go back to the people. We cannot possibly pretend to be acting in their name unless we have the courtesy to go back and check that this is what they meant. Frankly, from everything I know from speaking to people across the country, they did not mean for the amount of devastation and destruction that would be caused to this country by crashing out of the EU with no deal, which is why this Bill is so important.

6.33 pm

Mr John Baron (Basildon and Billericay) (Con): I find it very strange, this condescending view that, “People did not know what they were voting for first time around, so we are going to give them a second vote. If we don’t like that result, we will give them a third and a fourth.” It is complete nonsense.

Tommy Sheppard (Edinburgh East) (SNP): Will the hon. Gentleman give way?

Mr Baron: No. Mr Speaker has told us to be brief, and I will be brief.

I ask the House to reflect for a moment and use moderation when it comes to this issue of so-called crashing out or falling off a cliff by leaving on no-deal WTO terms. I gently remind the House that in 2016 there were lots of dire predictions about what would happen if we voted to leave. We had predictions from the trade bodies, the business organisations and the Government—the Treasury Front Benches. We had predictions of 500,000 extra unemployed by Christmas 2016, and the CBI came out with a figure of 950,000 extra unemployed within a couple of years. They all proved to be wrong, so much so that the Bank of England had to apologise.

What has happened since? We have had record low unemployment, record inward investment and record manufacturing output. I suggest to the House that the reason for that is that economic reality, trade and comparative advantage trump predictions. When we talk about comparative advantage, factors such as how low our corporation tax rates are compared with those in other countries, how much more flexible our labour markets are, our financial expertise, which is unrivalled—certainly within Europe—our research and development, and our top universities are more important, in aggregate, than WTO tariffs and leaving with no deal. The proof of the pudding is in the economic reality. We would all agree that a low unemployment rate is terribly important, as high unemployment is one of the social evils in our society, and our unemployment rate is nearly half that of the EU average. That is the issue in point. We trade with many countries outside the EU, very profitably, on WTO, no-deal terms, so I suggest to the House that if we want to respect the referendum result, the triggering of article 50 and our election manifestos, we should be leaving the EU on 12 April on no-deal, WTO terms if we cannot agree a deal before then.

6.36 pm

Tom Brake (Carshalton and Wallington) (LD): I wish to say a few words about a conversation I had earlier today with business representatives from, among other places, Northern Ireland, who were worried—

Mr Speaker: About the European Union (Withdrawal) (No. 5) Bill.

Tom Brake: Absolutely. This was specifically about the impact of no deal—this Bill is clearly about ruling out the possibility of no deal—and the concerns of these businesses about the impact of VAT being applied. They went much beyond that in terms of the impact of no deal on Northern Ireland, extending to, for example, security and the issue that I referred to earlier—the European arrest warrant. No deal would have an effect on labelling; there would be uncertainties as to whether a company that manufactures here but also has shops in other parts of Europe would need to change its labelling. Clearly, the impact of no deal goes far beyond some of the issues that have been raised today. I hope that this Bill will provide clarity on the extension. I am open about believing that the extension needs to be a lengthy one, of the sort businesses were talking to me about earlier today. That is one way of ruling out no deal.

Finally, I wish to mention something related to the point made by the spokesperson for the Greens, on the legitimacy of the vote of three years ago. Trade union legislation requires ballots to be rerun after six months to ensure that they are valid and that the views expressed in a ballot six months earlier remain valid six months on. Clearly, that could equally apply to a ballot that took place three years ago. I hope that we will allow this Bill to proceed through its Second Reading. I know that we have a number of amendments in Committee, one of which applies to a people’s vote. I hope that we will get to debate that shortly, too.

6.39 pm

Antoinette Sandbach (Eddisbury) (Con): I support the Bill for this reason: we are seeing the revisionism of history by European Research Group members, who claim that 17.4 million people voted for no deal. That was not on the ballot paper; what was on the ballot paper was our membership of the EU.

Many of us in the House triggered article 50 on the basis that we were saying to the EU that we would not remain a full member, but wanted a new relationship, one that might look like Norway or Switzerland, or to be in EFTA. That is what Vote Leave campaigned for on the campaign trail, and its electoral registration made it absolutely clear that the decision on the future relationship would be up to Parliament. Voters were voting to leave the political institutions of the EU—out
of the European Court of Justice and the ever closer union—but not ruling out the single market or the customs union.

Why has this House ruled out no deal? That is because we have faced the reality of what leaving with no deal would look like. We are due to do that in just over a week, with no process in place. If we are to change that, we need to change the law. Parliament has voted by 400 votes to 160 against no deal. The Bill is not undemocratic; it implements that decision. We have not ruled out leaving the EU, and are still leaving other options open for our future relationship.

I have supported the Prime Minister’s deal three times. I have voted on behalf of my constituents to implement their decision in the referendum. The problem is the hard core of ideological WTO-ers who want to hold this House and the country to ransom. Distressed businesses in my constituency are saying that we must resolve this.

Sir William Cash: Will my hon. Friend give way?

Antoinette Sandbach: I am sorry, my hon. Friend has spoken many times. Distressed employers in my constituency who are responsible for thousands of employees want a resolution. The Bill will give Parliament a proper say, in the event that we cannot get a resolution in the timeframes currently set out. Far from being undemocratic, this is about putting a process in place that allows us to implement a decision and to have time to look at the best way in which to implement our future relationship with the European Union. That is why I shall be voting for the Bill.

Mr Speaker: The time limit is reduced to two minutes.

6.42 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a real pleasure to follow the hon. Member for Eddisbury (Antoinette Sandbach), who has been one of the voices of sanity from the Government Benches throughout this debacle. Others, I am afraid, are living in cloud cuckoo land if they still believe that no deal will not be a disaster for the economy of these islands.

My constituency has the second biggest financial sector in the United Kingdom; two major universities, Heriot-Watt and Edinburgh Napier; and many businesses, small and large, which are concerned about the impact of a no-deal Brexit. And of course my constituents did not vote for Brexit at all: 72% of them voted to remain in the European Union.

I therefore support the general principle of the Bill. It has some serious shortcomings, but it is all that we have at the moment—our only insurance policy against a no-deal Brexit. I would have preferred to have seen something with far more teeth in it, such as my proposal on Monday, and I have a number of questions about the Bill that have yet to be answered.

I am worried that the Bill does not say when the Prime Minister is to ask for an extension of time. The European Council is next Wednesday, but the Bill does not state specifically whether she has to ask before then or on the day. What happens if the European Council gives us an extension with conditions attached, such as with a longer extension? Or what happens if the Prime Minister will not contemplate extending beyond 22 May when Parliament has forced her to ask for a longer extension? The Bill seems to imply that she could sit on her hands. The Bill is ripe for a bit of amendment, and the SNP will certainly table some if we get to that stage.

Mr Speaker: I will call both remaining Back-Bench Members, but each will have no more than two minutes. The hon. Gentlemen must be reseated by 6.50 pm.

6.44 pm

Sir William Cash (Stone) (Con): I shall be very brief indeed; I want to make a point to which I have referred before. As my European Scrutiny Committee report made clear back in March last year, this entire process is being driven by the guidelines and the Government and Prime Minister’s humiliating supplication to the European Union. That is true and clear. Furthermore, I point out the reversal of the position at Chequers, where the European Union (Withdrawal) Act 2018, which had been overtaken by events, was, on a pre-planned basis, turned into a new arrangement that became the withdrawal agreement.

My final point is this: there is profound humiliation for the British people in our being required to do what the EU says. The Bill will ensure that the EU dictates the terms. As Sir Paul Lever, I and others have made clear over the years, things will be decided by Germany in the Council of Ministers and the European Council. Sir Paul says, as do I, that this is a German Europe, run by Germany; that is the bottom line, and that will be the case in relation to this decision as well.

Mr Speaker: Well, that is one of the shortest speeches the hon. Gentleman has ever delivered in the Chamber.

6.45 pm

Mr Bob Seely (Isle of Wight) (Con): I will not support the European Union (Withdrawal) (No. 5) Bill, because it means delay without end. Business wants certainty above all. I do not believe all the scare stories; sadly, the Treasury has been proved wrong in most of its assessments of Brexit. This Bill will simply be the water torture of endless delay.

I base my decision on two points. First, we have to honour the referendum result. That means voting for Brexit. I do so because the country voted for it; because my Island, the Isle of Wight, voted for it; and because the best way of improving the reputation of politics is for politicians to do what we said we would. The problem is that we are not doing that. This chaos is self-induced by people who do not want Brexit.

Secondly, we have to live in the real world, and that means accepting that this Parliament has a remain majority. It has been obvious for months that we would not get no deal through, and while I respect my hon. Friend the Member for Stone (Sir William Cash) and many other Brexiteer colleagues, I cannot think of a more perfect example of snatching defeat from the jaws of an acceptable victory. There has never been a chance of getting no deal through, as we are finding out.

We are not theologians. We need to cut a deal, not philosophise on the nature of Brexit perfection.

Sir William Cash: Rubbish.
Mr Seely: Thank you. I am flattered to have been criticised by Members on both sides; I know I am right. I do not think the deal is too bad, and a vote on alternatives in a Strictly Come Brexit dance-off next week would be another well-meaning shambles. It is truly obvious—at this stage, mind-numbingly, stupefyingly obvious—that if we want to leave with a deal, we should vote for one.

6.47 pm

Peter Grant (Glenrothes) (SNP): On 18 July 2018, the SNP became the first party in this Parliament to call for an extension of the article 50 deadline. The need for a real extension is more urgent now than it was then. Although we have a number of concerns about the wording of the Bill, we will compromise on those concerns just now, and support it. Hopefully, we can improve it at the next stage.

The Government are still trying to blackmail the House by insisting that the choice is between the Prime Minister’s rotten deal and no deal at all. That claim is simply not true; revelation is still an option. We hope to amend the Bill to make that perfectly clear. I commend my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) for the part she played in confirming that point in a court case on which Her Majesty’s Government spent £150,000 of our money; they sent lawyers to the European Court just to tell it that the Government did not have a view on the matter under discussion, which seemed a good use of money.

Ironically, in the long term, possibly the best way to get the Brexit that people actually voted for would be to stop this insane process and start all over again before it is too late. I was disappointed that Labour did not fully support a motion that my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) put forward that would have done that. I hope that Labour accepts that that was a mistake, and will support a similar motion if they get the chance. Our concern is that the Bill leaves too much in the hands of a Prime Minister who cannot be trusted to get anything right; we will seek to get that amended as well.

We need a clear reason for the extension, and that will dictate how long the extension has to be. Our preference would be for an extension to allow a people’s vote—not a rerun of the 2016 referendum, but a different vote on a different question. If the Government were confident that their withdrawal agreement had the support of the people, they would not run away so quickly from the chance to give people a say.

Earlier this afternoon, my right hon. Friend the Member for Ross, Skye and Lochaber held up a copy of “Scotland’s Place in Europe” in the House, and it was howled down by the Conservatives. They can laugh at it, but Scotland’s place is in Europe, and Scotland will retain its proper place as a full, sovereign member of the family of European nations.

6.50 pm

Paul Blomfield (Sheffield Central) (Lab): I thank my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and the right hon. Member for West Dorset (Sir Oliver Letwin) for their work on the Bill, and the way in which they introduced both the business motion and the Bill to the House.

Labour supports the Bill because it is necessary to fulfil the wishes of the House, which has voted down the Prime Minister’s deal on three occasions and has also voted against leaving without a deal on three occasions.

Catherine West (Hornsey and Wood Green) (Lab): Can my hon. Friend think of another time when the TUC and the CBI have both been as emphatic as they have been about the dangers of a no-deal Brexit?

Paul Blomfield: I cannot, and that underlines the importance of this Bill, which provides for the further extension of article 50, which is now inevitable. The Bill offers a legislative framework through which the House can have an effective role in the process of determining that extension.

Clearly, the Bill sits in the new context of the Prime Minister’s statement late last night, in which she said that she was seeking talks with my right hon. Friend the Leader of the Opposition. Those talks have now begun. We welcome what the hon. Member for Grantham and Stamford (Nick Boles) described as a “late conversion to compromise”, although we regret the damage that has been done to the economy and the credibility of this House by the Prime Minister not compromising sooner. It is an approach that she should have adopted long ago.

The Prime Minister could have adopted this approach almost three years ago, after the referendum, when the country decided by a painfully narrow margin to leave the EU, but not to rupture our relations with our closest neighbours, key allies and most important trading partners. She could have done so after the election, when she went to the country saying that Parliament was obstructing her and seeking a mandate for a hard Brexit, but lost her majority and failed to get the mandate. She could also have done so on any of the three occasions when her deal was defeated by the House, but she chose not to. We have consistently called on the Prime Minister to reach out to the sensible majority in the House and to unite the country, recognising that the people of this country include both the 52% and the 48%. But better late than never.

We also welcome the way in which the Prime Minister distanced herself last night from those kamikaze colleagues who, as she said, “would like to leave with No Deal next week.”

The House has expressed its clear view on leaving without a deal, and this Bill provides the legislative lock to ensure that the will of our sovereign Parliament is not frustrated. It also provides for the flexibility to ensure that we can accommodate whatever comes from the discussions between our parties and across the House over the next few days.

We have set out clearly the framework on which we will be seeking the compromise that the Prime Minister talked about last night: a permanent and comprehensive customs union; close alignment with the single market; dynamic alignment on rights and protections; clear commitments on participation in EU agencies and funding programmes; and unambiguous agreements on future security arrangements. We have also been clear in our support for a confirmatory public vote on any deal that comes about at this very late stage. We look forward to the further discussions on these issues, and we are pleased to give our full backing to this Bill.
6.53 pm

The Secretary of State for Exiting the European Union (Stephen Barclay): We will oppose this Bill. It is being passed in haste, and the fact that we have a time limit of two minutes for a number of speeches this evening is an indication of the fact that the Bill is being passed in haste. It is constitutionally irregular and, frankly, it fails to understand the decision-making process by which any discussion of an extension or agreement of an extension at the European Council will be reached. I will come to that in the limited time I have in which to speak.

It is not just me who has concerns about the Bill on behalf of the Government. Objections to the Bill have been raised by the Chair of the European Scrutiny Committee, my hon. Friend the Member for Stone (Sir William Cash); the Chair of the Procedure Committee, my hon. Friend the Member for Broxbourne (Mr Walker); and the Chair of the Select Committee on Public Administration and Constitutional Affairs, my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin). All have raised concerns about the Bill—particularly the fact that it is being rushed through haste. It is constitutionally irregular and, frankly, it fails to give way. Who ran down the clock?

The Bill also calls into question the royal prerogative. It has been a long-standing practice that Heads of Government can enter into international agreements without preconditions set by the House that would constrain their ability to negotiate in the national interest. Let me give an example of how such constraints could have adverse effects and, in particular, given that the House has voted against no deal, how the Bill could increase the risk of an accidental no-deal exit. On Wednesday 10 April the European Council could propose an extension of an alternative length, yet under the Bill the Prime Minister would then have to return to the House on Thursday 11 April to put that proposal to the House. However, by 11 April the European Council will have concluded and the leaders will have returned to their member states. We would then need to confirm the UK’s agreement to the European Council's decision and get its approval for that by 11 pm on 12 April.

At the heart of this is the fact that last Friday the House voted against the withdrawal agreement, which was the only legal right the House had to an extension to 22 May, which, as I understand it, Mr Speaker, was at the heart of your decision to grant that vote, because, as the Attorney General set out, that was an additional right bestowed on the House as a result of the previous extension. We have no automatic right to a legal extension. That right was forgone as a result of the House's decision last Friday. Yet the Bill would put the House in the position of having to agree after the European Council has concluded and the leaders have returned to their member states.

Tom Brake: The right hon. Gentleman is generous in giving way. Who ran down the clock?

Stephen Barclay: It is not usualy my practice to quote from The Guardian, but I suspect that it is the right hon. Gentleman's newspaper of choice. We all remember its front-page headline, ““No. No. No. No. No. No. No. No.””—it was quoted by many EU leaders—because this House failed to agree on the various options.

The Prime Minister has sought to compromise. Indeed, part of the challenge she has had with her deal is the fact that people on both wings of the debate feel that it is too much of a compromise. She has sought to compromise in the national interest, reflecting the fact, as Members have said, that 48% of the public did not vote to leave. That is why she reached out to the Leader of the Opposition, but for several weeks he refused to meet her. Indeed, he even refused to meet just because the hon. Member for Streatham (Chuka Umunna) happened to be in the room, which was apparently beyond the pale. I am pleased that today I was able to join the Prime Minister at a meeting with the Leader of the Opposition.

The fact that the House has consistently voted for what it is against, rather than what it is for, and indeed its decision on Friday not to approve the withdrawal agreement, is the very essence of running down the clock, because it waived our right to an extension to 22 May and therefore allowed an extension only to 12 April. It is very odd for the right hon. Member for Carshalton and Wallington (Tom Brake), having voted for that reduction in time, now to complain about it.

We are passing the Bill in haste and do not have adequate time to debate it in the manner that I would like us to—there is only one minute left on the clock. There are problems with the speed of its passage, the constitutional principle of it and the way it will interact with any decision reached by the Council that differs from the earlier decision taken by the House. I hope that the constitutional experts in the other place will address some of the Bill’s flaws. It is because of those defects that the Government will oppose the Bill, and I urge Members to oppose this defective Bill.

7 pm

Question put, That the Bill be now read a Second time.

The House divided: Ayes 315, Noes 310.

Division No. 404

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzie, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana (Proxy vote cast by Mr Chris Leslie)
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Boles, Nick
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom

Brennan, Kevin
Brine, Steve
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Buller, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalamous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbourne, Thangam
Dent, rh Emma
Dhesi, Mr T anmanjeet Singh
Djanogly, Mr Jonathan
Docherty-Hughes, Martin
Dodds, Annelise
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elford, Clive
Elliot, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Geithins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greening, rh Justine
Greenwood, Lilan
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Griffiths, Stephen
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harrington, Richard
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobbouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollett, Kate
Hosie, Stewart
Howarth, rh Mr George
Hu, Dr Rupa
Husain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren (Proxy vote cast by Kerry McCarthy)
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilien, Gied
Kinnock, Stephen
Kyle, Peter
Laide, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, lan
Law, Chris
Lee, Karen
Lee, Dr Phillip
Leslie, Mr Chris
Lettwin, rh Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerr
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C., McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, rh Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, rich Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
O’Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, rh Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheeran, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast
by Vicky Foxcroft)
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Owen
Smyth, Karin
Smell, Gareth
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Tulley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Nick Smith

NOES
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Question accordingly agreed to.

Bill read a Second time; to stand committed to a Committee of the whole House (Order, this day).

Mr Speaker: Under the Order of the House of today we shall now move to Committee of the whole House.

Sir William Cash: On a point of order, Mr Speaker.

Mr Speaker: Yes, I will take the point of order before we go into Committee.

Sir William Cash: I have just been to the Vote Office and, most unfortunately, for some reason that we cannot understand, the copy of the Bill we should be getting actually malfunctioned in some way or another, so, as I understand it, it cannot be obtained from the Vote Office.

Mr Speaker: I am not sure that a Bill is itself capable of malfunction. My imagination, which is quite vivid, is being stretched. It may well be that there has been some malfunction that has caused the absence of the Bill, which the hon. Gentleman wishes to see and of which he would want a copy. That is unfortunate and I hope the matter can be speedily remedied. [Interuption.] I have just been advised—I am grateful to the hon. Member for Harwich and North Essex (Sir Bernard Jenkin) and the right hon. Member for Rayleigh and Wickford (Mr Francois)—that it was the amendment paper that was not forthcoming. However, I gather that honour is served. The amendment paper is here, the Chairman of Ways and Means is in his place, he has made his selection and the House is going to hear it.

7.20 pm

Clause 1

DUTIES IN CONNECTION WITH ARTICLE 50 EXTENSION

Amendment proposed: 13, page 1, line 6, leave out “section 2” and insert “section 1”.—(Sir Oliver Letwin.)

This corrects a drafting error in the Bill as published.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): On a point of order, Sir Lindsay. Unfortunately, with the noise of people entering and leaving the Chamber, I did not catch which amendments had been selected, and I wonder whether you could clarify that for the Committee.

The Chairman: They are amendment 13, amendment 20, amendment 21, Government amendment 22, amendment 1, clause 1 stand part, amendment 14, amendment 6, clause 2 stand part, new clause 4, new clause 5, new clause 7 and Government new clause 13. I hope that that helps the Committee. [Interuption.] Somebody just won the bingo call.

Tom Brake (Carshalton and Wallington) (LD): On a point of order, Sir Lindsay. For the benefit of the Committee, is the grouping available for Members?

The Chairman: I thought it was available, and it should be available. If not, it is still being done. I think the problem we have got is that with the tight timescale, we are trying to play catch-up a little bit. That is why I am trying to help.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): On a point of order, Sir Lindsay. Thank you for repeating the list of amendments that have been selected. Could I ask you to repeat them again a little bit more slowly, because we could not get through the amendment paper fast enough?
The Chairman: I am hoping that the lists have arrived.

Sir Oliver Letwin (West Dorset) (Con): On a point of order, Sir Lindsay. Would it not make sense to suspend the sitting for 10 minutes to make sure that all Members present can have a copy of the amendments and the selection list that you have spoken about?

The Chairman: I am just trying to see if we can get an indication of where we are up to with the printing and duplication, and why the lists have not been handed out. Nothing is yet forthcoming. Rather than suspend, I will repeat the list and see whether we can make progress with the numbers. The amendments that have been selected are 13, 20—

David Linden (Glasgow East) (SNP): Bingo!

The Chairman: We have already had that joke, Mr Linden. Repeat jokes do not count. The other items on the selection list are amendment 21, Government amendment 22, amendment 1, clause 1 stand part, amendment 14, amendment 6, clause 2 stand part, new clause 4, new clause 5, new clause 7 and Government new clause 13. For the benefit of the Committee, I will run through it once more: amendment 13, amendment 20, amendment 21, Government amendment 22, amendment 1, clause 1 stand part, amendment 14, amendment 6, clause 2 stand part, new clause 4, new clause 5, new clause 7 and Government new clause 13. Does that help Members?

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Sir Lindsay. Thank you for clarifying which amendments you have selected. Will you just be absolutely clear on how they have been grouped? Are we debating them all as one large group or in separate groups?

The Chairman: As one single group and, as I said, we will take all the votes at the end. That should help the Committee. Are there any other issues?

Mary Creagh (Wakefield) (Lab): On a point of order, Sir Lindsay. There are no more lists of amendments available from the Vote Office. Can you ask that more are made available urgently so that Members are able to have some?

The Chairman: Yes, we are trying to get the lists as quickly as possible, and we are playing a bit of catch-up. We know where we need to start and we could make a start while the documents are being distributed. We are up against it a bit with time. I want to see who wishes to speak, so I am looking around the Chamber to see who will stand.

Yvette Cooper rose—

Sir Nicholas Soames (Mid Sussex) (Con): On a point of order, Sir Lindsay. In the spirit of the new regime of bringing the whole House together on these difficult matters, and while you are waiting to get these amendments circulated, I thought it would be helpful if I was to let the House know that the Grand National will be won by a horse called Tiger Roll. [Laughter.]

The Chairman: I call Mr Hanson.

David Hanson (Delyn) (Lab): On a point of order, Sir Lindsay. To be helpful and while we are awaiting the formal written list, could you advise us at what stage you will take Third Reading before 10 o’clock? It would be interesting to know how long we have to discuss the amendments, which will be forthcoming shortly.

The Chairman: If the Committee takes up all the time, there will be no Third Reading. That is up to the Committee, which is why I want to make progress and get to some of the speeches. I am looking around to see who wishes to speak.

Sir William Cash (Stone) (Con): On a point of order, Sir Lindsay. I think you just called amendment 13. In the selection list, it says “Yvette Cooper”. As it happens, I have here a list of tabled amendments and amendment 13 is in my name.

The Chairman: Just to help the House, on my sheet of paper, which we are working to, amendment 13 is in the name of Yvette Cooper.

With amendment 13 it will be convenient to consider: Amendment 20, page 1, line 11, at end add “, and that date shall be no later than 30 June 2019.” Amendment 21, page 1, line 21, leave out subsections (6) and (7). Amendment 22, page 2, line 3, at end insert—

“(8) Nothing in this section prevents a Minister of the Crown from seeking, or agreeing to, an extension of the period specified in Article 50(3) of the Treaty on European Union otherwise than in accordance with this section.”

This amendment ensures that the Bill does not limit the powers that a Minister of the Crown would otherwise have to seek, or agree to, an extension of the Article 50(3) period.

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

“(8) But the Prime Minister may not agree to any extension of the Article 50 period proposed by the European Council which is later than 22 May 2019.”

Clause stand part.

Amendment 14, in clause 2, page 2, line 5, leave out “2018 Act” and insert “the European Union (Withdrawal) Act 2018”.

This clarifies the title of the previous Act being referred to.

Amendment 6, page 2, line 7, leave out from “force” to end of line 7 and insert “subject to the approval of the Northern Ireland Assembly, the Scottish Parliament and the National Assembly of Wales, on such day as a Minister of the Crown may by regulations appoint.”

Clause 2 stand part.

New clause 4—Amendability of motions—

‘Any motion brought forward under section 1(1) in the form set out in section 1(2) may be amended in line with section 1(3) only to include a date.’

This new Clause would prevent further amendments to standing orders etc.

New clause 5—Amendability of motions (No. 2)—

‘Any motion brought forward under section 1(1) in the form set out in section 1(2) may be amended in line with section 1(3) only to include a date no later than 22 May 2019.’

This new Clause would prevent further amendments to standing orders or business of the House of Commons etc and impose a maximum duration of the extension period.
New clause 7—European Elections—

‘No extension of the period under Article 50(3) of the Treaty on European Union may be agreed by the Prime Minister if as a result the United Kingdom would be required to prepare for or to hold elections to the European Parliament.’

New clause 13—Procedure for ensuring domestic legislation matches Article 50 extension—

In paragraph 14 of Schedule 7 to the European Union (Withdrawal) Act 2018 (regulations amending the definition of “exit day” to be subject to approval by each House of Parliament) for the words from “may” to “each” substitute “is subject to annulment in pursuance of a resolution of either”.’

This new clause changes the procedure for regulations, under section 20(4) of the European Union (Withdrawal) Act 2018, altering the definition of “exit day” from affirmative to negative procedure.

Yvette Cooper: If I may, I will briefly speak to the drafting amendments in my name and that of the right hon. Member for West Dorset (Sir Oliver Letwin). I will respond to the other amendments at a later stage in the debate, once other hon. Members have had an opportunity to speak to their amendments.

These are two minor drafting amendments. The first simply corrects something in clause 1, page 1, line 6—instead of referring to “section 2”, it should refer to “section 1”. The second amendment—amendment 14—would ensure that rather than referring to the “2018 Act”, the Bill would properly refer to “the European Union (Withdrawal) Act 2018”.

These are simply for clarification.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I looked through the right hon. Lady’s Bill last night and at the drafting of clause 1(2). I had not seen her proposed amendment, but is this not the difficulty of trying to make law on the hoof? We have had only 55 minutes for Second Reading and there is a most obvious drafting error in her original Bill. There was a simple mistake, getting the section wrong, and reading through it I simply did not understand at all which Bill she was referring to. Does this not show the danger, such an important constitutional change, of trying to make law on the hoof?

Yvette Cooper: Sadly, this is the consequence of us being nine days away from Brexit day. That is not a situation that any of us wanted to be in—to have the clock run down this far—with no agreement in place. The Prime Minister did not put any withdrawal agreement to Parliament until January, and it has been put back several times since then, so we have not had a clear plan. That is the situation we are in.

Mr Steve Baker (Wycombe) (Con): On a point of order, Sir Lindsay. It may help the House. I have just inquired in the Vote Office, and the correct amendment paper, the one that we should be looking at, is the one with 15 printed pages. There has been some confusion, which would explain the point of order from my hon. Friend the Member for Stone (Sir William Cash).

The Chairman: That is correct.

7.30 pm

Yvette Cooper: Thank you, Sir Lindsay.
It is all well and good to argue against no deal—and that, we have been told, lies behind the Bill—but it is clear that if Members wish to be sure of securing the extension to stop no deal, particularly those who will not entertain revocation of article 50, there needs to be a duty not only to request an extension, but to request it for the purpose of what will lead to our being granted the extension that we require, namely a people’s vote.

**Mike Gapes (Ilford South) (Ind):** Is this not even more serious given that the Prime Minister and the Leader of the Opposition are cooking up some plan today that also does not refer to the people’s vote?

**Chuka Umunna:** I completely agree with my hon. Friend. This is so important and we have been brought to this point because our democracy is deadlocked. We are faced with a perfect storm created by a clash of mandates: we are trying to work our way through dealing with a clash of mandates between views expressed by a majority of people who participated in a referendum in 2016 and views expressed in a general election which has led to a hung Parliament and the chaos in this House of Commons.

**Mr Kenneth Clarke (Rushcliffe) (Con):** The hon. Gentleman is correct in saying that we would have to produce a reason for wanting an extension, but does he agree that the reason that would command wide support here is so that we could clarify the political declaration and develop the ideas of some sort of customs arrangement and some sort of regulatory alignment mapping out here so that we could clarify the political declaration and develop the ideas of some sort of customs arrangement and some sort of regulatory alignment? Does he agree that most of the European nations would welcome that development, our future relationship? Does he agree that the reason that would command wide support here is so that we could clarify the political declaration and develop the ideas of some sort of customs arrangement and some sort of regulatory alignment?

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**Chuka Umunna:** I wish my amendment had been selected, but my point is that the purpose for which the extension is sought is not stated as being necessary in terms of European elections. After all that is called a revocation, in frustration that a people’s vote might be three years ago? What are we saying to the 6 million people who marched on the streets of this city? For in the duties of the Bill, what are we saying to the 1 million people who participated in a referendum but did not have a say? We ignore the fact that a people’s vote is not provided for in the duties of the Bill, and we are at that stage in the process where I think that that is what the public expects. Introducing a provision within the Bill for the purpose of a people’s vote is, I would argue, a compromise, in part because there are ways of carrying out a people’s vote that would take account of all the different views in this House. That would involve compromise. For example, we do not like the Prime Minister’s withdrawal agreement or the framework for the future relationship, but we would be prepared not to stand in the way of them if they were put to a confirmatory vote.

**The Chairman:** I should say to the hon. Gentleman that, in fairness, I too only got it minutes before, so it is much harder for both of us to try to deal with this.

**Chuka Umunna:** Absolutely; I was just making an observation.

Ultimately, there is a need for compromise, and we are at that stage in the process where I think that that is what the public expects. Introducing a provision within the Bill for the purpose of a people’s vote is, I would argue, a compromise, in part because there are ways of carrying out a people’s vote that would take account of all the different views in this House. That would involve compromise. For example, we do not like the Prime Minister’s withdrawal agreement or the framework for the future relationship, but we would be prepared not to stand in the way of them if they were put to a confirmatory vote.

I shall finish by explaining why I was so keen to crowbar these points into the debate. If we do not address these points, and if, through a backroom deal, we ignore the fact that a people’s vote is not provided for in the duties of the Bill, what are we saying to the 1 million people who marched on the streets of this city? What are we saying to the 2 million young people who now have a say on this whole issue but did not have a say three years ago? What are we saying to the 6 million people who signed a parliamentary petition arguing for a revocation, in frustration that a people’s vote might
not happen? And what are we saying to the majority of people in this country who certainly did not vote for this mess? That is why it is important, if we are going to seek an extension, that we make it clear that we want to do so primarily to give those people a voice so that they get a final say on whether we go ahead with this disaster or whether we seek to change our country in a different fashion.

George Eustice (Camborne and Redruth) (Con): I thank the House of Commons Clerks for the immense amount of work they have put in to ensure that we have these amendments in order and ready to be debated. This is clearly a rather unprecedented type of Bill to bring before Parliament. In common with my right hon. Friend the Member for Newbury, I have been somewhat supportive of the attempts by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) to create space on the House’s agenda to discuss indicative votes. Indeed, I have tabled amendments of my own during the debates on those votes, and I abstained on a business of the House motion to enable those votes to take place. I did not do that today, however, because like my right hon. Friend the Member for Newbury, I believe that this is a very different reason for taking control of the House.

I rise to speak to my two amendments: amendments 20 and 21. Amendment 20 seeks to add to subsection (3) of clause 1 a maximum date of 30 June 2019 to that elected by the Government. Amendment 21 would delete altogether subsections (6) and (7) of clause 1, which make provision for how the House would deal with a situation in which the European Union had rejected an approach by the Government to seek an extension and had instead made a counter-offer. My reason for tabling both those amendments is that, as a number of hon. Members have pointed out, this legislation is indeed rushed. We all have our views on the reason for that, and we are indeed at the eleventh hour of the process of leaving the European Union. That means that this is an unusual Bill, in that it seeks to bind the hands of the Government on a decision that would normally be a matter of prerogative power and a matter for the Executive to take to negotiations in international forums. Both amendments recognise the fact that the Bill has now had its Second Reading and is therefore in play, but they nevertheless seek to place a restriction on its scope and power.

While any date can be placed in a motion under clause 1(2), amendment 20 seeks a maximum of 30 June 2019, making it impossible for the Government, or someone else by amendment, to set a date beyond that. That is an important principle given the rushed nature of this legislation. It would enable both this House or the Government to seek a short extension, as the Prime Minister has already indicated she would, but it would prevent this House or the Government from electing for a long extension, which might effectively lead to the revocation of article 50.
issues with the European elections and that if we were
to go for a long extension, we would have to consider
whether to fight those elections and start fielding candidates.
My own view is that, by selecting 30 June as a maximum,
the amendment would not preclude the Government
from choosing a date of, say, 22 May, but if, for instance,
it were thought necessary to go slightly longer, to go to
30 June, it would be open to all parties, both the UK
Government and the European Union, to have a
conversation about whether it is indeed necessary to
hold European elections in this country, given it would
be only a short extension for another month.

I am aware that the British civil service has considered
whether, in a short-term, interim arrangement, it might
be possible to send delegates from this House to represent
the UK in the European Parliament.

Mike Gapes: Is it not a fact that the European Union
has made it absolutely clear that the maximum extension
available—an extension has to be agreed, unlike a
revocation—is to 22 May, unless there is a long extension
of potentially 21 months or more? In those circumstances,
we would have to fight the European elections. If the
hon. Gentleman's proposal were agreed, it is unlikely to
be accepted by the European Union, which could lead
to us crashing out with no deal.

George Eustice: I simply say to the hon. Gentleman
that amendment 20 is generous to the Government and
would give them the option, should they believe it
necessary under EU law, to set a date of 22 May under
subsection (2), but if it were felt necessary by all parties,
including the European Union, that—in order to get a
withdrawal agreement over the line—an extra month
would be needed beyond May, it is not beyond the wit
of man to do so and to put arrangements in place so it
would not be necessary for us to hold European elections
in this country.

I would further contend that one of the biggest
problems we have had throughout this negotiation is a
tendency to get over-obessed with the intricacies of
so-called European law. My right hon. Friend the Secretary
of State for Environment, Food and Rural Affairs
recently told me of a meeting he had had with Ministers
from other European countries, at which they made the
point that, if the politics require it, it is always possible
to amend or disapply European law for the short term,
should it be necessary and expedient for all parties, to
get a sensible resolution to a difficult crisis.

Anna Soubry (Brockton) (Ind): With respect, I think
the hon. Gentleman will find that in treaty, in international
law, EU citizens are entitled to vote in European elections
and to be represented in the European Parliament.
Although I agree that, often, where there's a will there's
a way, especially with the European Union, my
understanding is that a change to an international
treaty would be required to extend the date to 30 June
without holding those elections. That is why the EU is
very keen that, if the date is extended, the extension
should be much longer.

George Eustice: I understand the right hon. Lady's
point. I simply say that Sweden, unlike Denmark and
the UK, never had an opt-out from joining the euro, but
it held a referendum that decided it should not join
the euro. As a result, technically speaking, Sweden has
been in breach of international law and European law
ever since.

It is simply the case that if it were felt necessary to
find a way of extending our membership to get the
withdrawal agreement through—for a period of one
month under amendment 20—I cannot believe it is
beyond the wit of man for that to be accommodated,
notwithstanding what might be said in some treaty or
other. It would not be the first time that the European
Union has done this.

As I pointed out earlier, if the Government believe
that the treaties are, indeed, inviolable and cannot be
changed, even for a period of four weeks, it would be
open to them to select a date of 22 May. My amendment
is generous in giving them the option, should it be
possible to get agreement with the European Union and
other parties, to go for a slightly later date.

Craig Mackinlay (South Thanet) (Con): Let me assist
my hon. Friend. This question of the date has been a
vexed one. Obviously, we are not in favour of any
extension, but the Commission tends to think that
22 May is a key date. I had a meeting with Guy
Verhofstadt in Brussels and he tends to recognise the
30th as a cut-off date, so I think we are into a period of
ambiguity and my hon. Friend is right to give this sort of
latitude.

George Eustice: I thank my hon. Friend for all that.
One problem with this whole negotiation is getting
hung up over some clause or other in some EU treaty
when we all—we or the EU—face a much bigger dilemma:
how do we settle this political crisis? We have to consider
how we find a resolution to this dispute and achieve a
reconciliation in our country and an outcome to this
debate that can settle the Brexit argument and deliver
the referendum result from 2016.

David Hanson: Does the Bill, as drafted, not give the
Prime Minister—I am surprised at myself for saying
this—the flexibility to discuss with Opposition parties
and come to a conclusion as to the best date, in the
interests of achieving the very objectives the hon. Gentleman
has set?

George Eustice: Yes, but it does so through a Bill and
it gives the Prime Minister the opportunity to make her
case to Parliament, but without any constraint on that.
Given that this is a very novel legal approach—a
rushed piece of legislation, with a Bill being driven
through the House in one day—we should be cautious
at all. Given that this is a very novel legal approach—a
rushed piece of legislation, with a Bill being driven
through the House in one day—we should be cautious
about the scope we attach to that Bill. Attaching an
ability to go for a very long extension of several years—
potentially five years if Parliament decided that is what
it wanted—is worthy of further deliberation.

Seema Malhotra: I understand the hon. Gentleman’s
perspective on the politics of this and the policy outcome,
which would be a limit of 30 June in terms of what this
Bill could achieve. I want to clarify something with him,
because my interpretation of his amendment is more in
line with that of my right hon. Friend the Member for
Leeds Central (Hilary Benn). Amendment 20 would put
a date of

"no later than 30 June 2019"
in clause 1(3). It seems to me that that is superseded by
subsection (5), and if the hon. Gentleman wanted to achieve
his intended outcome he should have tabled a further
amendment, proposing another date in subsection (5). He has not done that, so it would override and be able to amend a date in a motion tabled under subsection (2).

George Eustice: I strongly disagree with the hon. Lady’s reading, as subsection (3) sets out the terms in which anything can be offered under subsection (2) and amendment 20 places a clear limit in subsection (3) of 30 June. Subsection (5) then says:

“If the motion in the form set out in subsection (2) for the purposes of subsection (1) is agreed to with an amendment to change the date”

and so on. The issue I have is that subsection (3) says that the date has a time limit, so it would not be legally possible under subsection (2) to have a date that contradicted the requirements set out in subsection (3). That is my contention and I disagree with the hon. Lady. If she and the right hon. Member for Leeds Central were right, they would not have had subsection (3) at all.

Sir William Cash: My hon. Friend made a remark that goes to the issue of the money resolution that I raised earlier. He said, and I am going to take his word for it, because no doubt as a recent former Minister he has followed this carefully, that the extension in question could be as long as five years. Let us think about that. If we multiply five by £18 billion of taxpayers’ money, which is the amount we pay every year in gross contributions to the EU, we find that it works out at £90 billion. That is his assessment, and I am simply asking him to ask the Minister vicariously whether he is aware that this Bill could cost £90 billion of taxpayers’ money? I think—I hope—the media will pick up on that.

8 pm

George Eustice: My hon. Friend makes an important point. It is why, given the rushed nature of the Bill—we all understand the reasons for that—it is necessary to place constraints on the scope of its operation, to limit precisely the kind of financial liabilities to which he alludes.

My contention is that any suggestion of a longer extension beyond 30 June, perhaps to 21 months, two years or even longer, should surely be the subject of another Bill. After all, we have demonstrated today that we can introduce Bills of this sort in short order. If the future of this House is to be that any decisions of this House can introduce Bills of this sort in short order, I do not think that they would be able to do so. Instead, it would seem to me that the scope in which the powers may be exercised, an unusual type of Bill, and that is why the two amendments I tabled seek to place some restrictions on the scope in which the powers may be exercised.

Amendment 21 would simply delete subsections (6) and (7) altogether.

Sir William Cash: On a point of order, Dame Rosie. Given the complete rubbish that the Bill contains, is it possible for us to find out who drafted it? Was it drafted by parliamentary counsel or by some ad hoc person? That is quite important.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Am I to understand that that was a point of order?

Sir William Cash: I am looking for an answer to my question. After all, the House authorities are responsible for bringing forward Bills. We have had nothing but trouble—on the amendments and on other things—since these proceedings began. I am not criticising; I know that things were done at tremendous speed, which is why the Bill is so inappropriate. The question really is what we are trying to legislate for; that is what these Committee proceedings allow us to ask. I am beginning to observe that this Bill is complete rubbish. It is therefore important for us to know who drafted it.

The Second Deputy Chairman: I think the hon. Gentleman is expressing a debatable opinion about the Bill. The Public Bill Office is always available to advise Members on the drafting of the Bill. I think we will leave it there.

George Eustice: I put on record my enormous respect for my right hon. Friend the Member for West Dorset. I appreciate that through all the measures that he has tabled, he is trying to deal with the incredibly difficult and complex situation that the country faces. From the time I was first involved with the party, I have worked with him closely. He has been the anchor-man for...
several leaderships in the Conservative party. Whatever differences Members may have on this issue, he deserves the respect of all Conservative Members.

Amendment 21 would delete subsections (6) and (7) of clause 1, which provide for the House to consider a counter-offer from the European Union. If the Prime Minister were to seek an extension until 30 June 2019 and the European Union made a counter-offer, the question would arise of what should happen next. My contention is that at that point, the Government should bring their own proposals to the House. If the House then felt that it wanted to bind the Government’s hands on what should happen next, that would surely be a matter for a future Bill, given that we have today demonstrated our ability to pass legislation in a speedy and efficient fashion.

Sir Oliver Letwin: I am grateful for my hon. Friend’s kind remarks, but I wonder whether he means to remove subsections (6) and (7). If we did not pass the Bill and the Prime Minister went to the European Council, as my hon. Friend envisages, with a request for something less than 30 June, and it said, which I think would not suit him, and might well not suit me, that there should be a 21-month extension, there would be nothing to prevent the Prime Minister accepting that, using the prerogative power. It would of course be necessary, as things stand, for the House to agree a statutory instrument changing the exit date in the European Union (Withdrawal) Act 2018 to reconcile UK law with the position in international law, but the House would not have much choice about that, because we would be out of kilter with international law if we did not make the change, as we discovered when the original SI was made.

Of course, when the Prime Minister made the original application, she did not seek the approval of the House; she was able to make it, perfectly properly, under the prerogative power. If my hon. Friend removes subsections (6) and (7), the effect is not, as he might imagine, to stop the Prime Minister doing something that he would regard as a mischief—namely accepting then and there a very long extension—but to continue to enable her to do that.

George Eustice: I am sure that my right hon. Friend is aware of the reason that I resigned from the Government, which is that I genuinely believe it is right that the Executive should, as a general rule, retain control of these types of decisions. If we got into a position where 650 or so MPs were trying to participate in a negotiation with the European Union, I would say we were in quite a bit of trouble.

This is a question of the balance of risk. My view is that, confronted with an unpalatable decision—a demand for, say, a two-year extension from the European Union as the only deal on offer—I would still rather take my chances with the Cabinet to show some backbone than take the risk with this House, and I say that having resigned from the Government. That is as simple and as honest as I can be.

Sir Oliver Letwin: In that case, I withdraw what I was saying in the sense that my hon. Friend would be achieving exactly what he wants; he would be leaving the Prime Minister with untrammelled prerogative power, and of course that is a perfectly possible choice to make.

Michael Tomlinson: Following on from the intervention by my constituency neighbour, my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is it not the case that in any event, notwithstanding whatever is in the Bill, the Prime Minister would still retain the prerogative power? The Bill may seek that the Prime Minister asks for a certain date, but in fact there is nothing preventing her from adopting a parallel track or making a third request. Even if this Bill is passed unamended, which my right hon. Friend clearly does not want to happen, the Prime Minister could still chart her own course.

George Eustice: My hon. Friend makes a good point, but the way in which this Bill is crafted—linking back to the European Union (Withdrawal) Act, as it does in clause 1(2)—means that it does have legal force. Therefore, it does bind the House and constrain the ability of the Government to exercise those prerogative powers. That is why the two amendments that I have tabled would accept that the Bill has passed Second Reading—and, therefore, that this House has voted to constrain those prerogative powers—but would nevertheless place constraints on the scope within which the House can exercise those powers. My hon. Friend is absolutely right that, were amendments 20 and 21 agreed to, it would still be open to the Government to use their prerogative powers to make agreements beyond that scope.

Sir Oliver Letwin: I apologise for continuing a triangular discussion through my hon. Friend, but in response to the point made by my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson), I think that the answer is actually no. The prerogative power is subject to statutory limitation. This Bill would limit statutorily the prerogative power in that respect. We can know that for sure because that is the view of the Government lawyers. Government amendment 22 seeks to reintroduce the prerogative power because the Government recognise—that is the discussion that I have been having with the Government during the course of the day—that the Bill currently limits the prerogative power.

There is a choice for the House. We may obviously take different views about how to make that choice, but just as a matter of plain fact, there is a choice to be made. One option is the position advocated by my hon. Friend the Member for Camborne and Redruth (George Eustice), which is one of reinstating the full prerogative power. That could otherwise be achieved by Government amendment 22, so there are two ways to do that. The other option, which I would prefer, is to limit that prerogative power by statute so that the House has the ability to constrain, to some degree, what the Prime Minister accepts by way of an extension from the EU.
George Eustice: I think my right hon. Friend’s comments were directed at my hon. Friend the Member for Mid Devon and North Poole (Michael Tomlinson), rather than directly at me, so I will not become engaged in this discussion.

Regarding the provisions for subsections (6) and (7), the question still remains of what would happen if there were a counter-offer from the European Union. My contention is that that should then be a matter for the Government to bring before the House in a statement, to be challenged in the usual way. If at that point the House was unsatisfied with the Government’s proposal, it would still be open to it, through an initiative of the sort we have seen today, to introduce a Bill placing a further constraint on the Government, perhaps by requiring them to accept a counter-offer, for instance of a two-year extension, so that we could have a fuller, longer and perhaps more considered debate on what in my view would be a really big decision, because we would have gone five years since the first referendum and achieved nothing. The risk of not leaving the European Union at all and ending up arguing about a second referendum would grow. I believe that opting for such a lengthy extension would be a very big decision, and one that would warrant a separate Bill with a separate, much longer and much more detailed discussion.

8.15 pm

David Hanson: I hope that the Committee will bear with me, because the amendments were tabled only very recently. However, I think that they deserve exploration. I support the drafting amendments tabled my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and the right hon. Member for West Dorset (Sir Oliver Letwin). Having served on nearly 50 Public Bill Committees during my time in the House, I know that Governments bring forward amendments to correct drafting errors during the course of proceedings, and there will be an opportunity for further such amendments when the Bill is considered in the Lords. What my right hon. Friend and the right hon. Gentleman are seeking to do, in principle, is to rule out a no-deal scenario, and that is vital for the House.

The Bill, as currently drafted—in clause 1(2)—leaves open the date for leaving until the Prime Minister brings back a measure. The amendments that I wish to speak against tonight are those indicating that there should be definitive dates for the closure of that discussion by the Prime Minister. As I said when I intervened on the hon. Member for Camborne and Redruth (George Eustice), I find myself in a strange position tonight, in the sense that I want to give the Prime Minister maximum flexibility to join together the House and the British people by achieving a deal that satisfies the British people, the Government and Opposition Members. My constituency voted to leave and I voted to remain. There is a settlement that the Prime Minister needs maximum flexibility to achieve that settlement. What the House has been very clear about is that no deal should not be an option, and that is what the Bill seeks to rule out.

The amendment tabled by the hon. Member for Camborne and Redruth would set a date of 30 June, and the amendment tabled by the hon. Member for St Albans (Mrs Main) would set a date of 22 May. Amendment 6, tabled by the hon. Member for Stone (Sir William Cash), seeks the agreement of the Northern Ireland Assembly prior to any settlement being agreed, despite the fact that currently, for reasons I find disappointing, the Northern Ireland Assembly does not meet. There is no definitive date in the hon. Gentleman’s proposal. All those amendments would restrict the Prime Minister’s opportunity to make a difference and achieve a deal in this House.

Alex Sobel (Leeds North West) (Lab/Co-op): My right hon. Friend is making an excellent speech. Is it not also true that the Prime Minister has invited the Leader of the Opposition to discuss the political declaration and the withdrawal agreement? The amendments tabled by the hon. Member for Stone (Sir William Cash) would effectively curtail those discussions. Should we not pass the Bill cleanly in order to maximise the opportunities for that process?

David Hanson: I accept fully what my hon. Friend says. The Leader of the Opposition has this very afternoon met the Prime Minister in Downing Street, at her request, along with my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), to set out positions on a customs union and a single market, and potentially even a confirmatory vote, for the Prime Minister to consider. The Bill does not fix a particular date, which provides the flexibility needed to give time for that process. The amendments, which I have only had a cursory look at, fix dates of 30 June and 22 May.

I recognise that there is a problem: the European elections are the elephant in the room. When I was the Minister of State for Northern Ireland, we regularly passed legislation to establish or not establish elections in the Northern Ireland Assembly within a day or two days. The Prime Minister is going to the European Council on 10 April to discuss what the House has decided. The House may well decide that this Bill should have an open date, or we can let that discussion by putting a date in place. I want to give the Prime Minister the maximum flexibility.

Mrs Main: I will be speaking to my amendment, but I do not think that the right hon. Gentleman desires flexibility to deny Brexit altogether, given that he represents a leave constituency. The point of my amendment, which I hope he will look at a little more closely, is to stop the Prime Minister agreeing anything that may be unacceptable to the House. The date I have picked is the one currently being discussed by the European Union. Therefore, should the Prime Minister agree a date that the House finds unacceptable, she would have to come back to the House to suggest it, rather than being able to do what she can at the moment, which is to pick a date that this House may find unacceptable. That is the point of my amendment.

David Hanson: That is an interesting point. The amendments are fresh, but the key thing for me is that the House has shown in the last three months—certainly in the last two to three weeks—that it will not accept unilaterally what the Prime Minister wants to bring back to the House, and this House has many ways in which it can check the Executive’s decisions.

The simple point I make is that, in my constituency in north Wales, the manufacturing businesses that make cars have said that no deal would cost them £10 million per day; the farmers who produce lamb would not be able to export in a no-deal scenario; and Airbus, which
makes the best planes in the world, would have difficulty exporting in a no-deal scenario. The Cabinet Office has said that prices would rise—it is not me saying that, it is the Government’s own estimation.

My right hon. Friend the Member for Normanton, Pontefract and Castleford mentioned the European arrest warrant and the SIS II agreement on sharing information. We do not know whether those would exist in their current form in a no-deal scenario. In the Select Committee on Justice, on which I sit, neither the Secretary of State for Justice this morning nor the Solicitor General yesterday could give assurances about the future relationship on important matters of security and justice in a no-deal scenario.

James Cleverly (Braintree) (Con): The right hon. Gentleman makes a compelling case on people’s concerns about what may happen in a Brexit without a withdrawal agreement, but the European Union has explained to us on many occasions that the withdrawal agreement is now basically a hermetically sealed box, and many of the things he discusses in relation to the future relationship, such as trading, are encompassed in the political declaration, which cannot be binding—we have been told that many times. I genuinely fail to understand why, if he is so concerned about our leaving without an agreement, he does not just vote for the withdrawal agreement and then set about making his case for what should be in the political declaration, which cannot be binding until we have formally left the European Union.

David Hanson: With due respect to the hon. Gentleman, we have had that argument over the last three or four weeks, and the House of Commons has spoken. That is why his party leader has invited my party leader to discuss the next steps. I will wait to hear what the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), says about the Government’s amendments, because we need to be clear about those. However, the lettering of the process by the dates stated in the amendments would cause great difficulty for the objective of my right hon. Friend the Member for Normanton, Pontefract and Castleford, which is to ensure that next week, whatever happens with our discussions, we have a date determined by the Prime Minister for when we will leave with a deal, rather than crash out without a deal in the future.

Mrs Main: The right hon. Gentleman has been saying that he would like to have certainty—I completely accept the worries about a possible no deal and not knowing what is going on, which is crucial for businesses—but, in relation to the amendments restricting exactly how long the Prime Minister can agree to on her own, how will he feel if the Prime Minister comes back and says, “I have accepted, because I am able to, a two-year extension”, and all the uncertainty for his constituents about what will happen is magnified for two years?

David Hanson: Let me say to the hon. Lady that we have to have some trust in this process now. This House has to compromise and have some trust. The Prime Minister has made a genuine offer to my right hon. Friend the Leader of the Opposition—much to my surprise—to get herself and indeed, with due respect to the hon. Lady, the Conservative party out of a giant hole. Let us leave the Prime Minister unfettered in determining the date, because that is the important matter in discussing our objectives today.

Ben Lake (Ceredigion) (PC): On the points the right hon. Gentleman has made about amendment 6, does he not agree with me that, as opposed to representing a sincere interest in and respect for the devolved Administrations, it is a very clever way of preventing the quick and effective enactment of this Bill?

David Hanson: The hon. Gentleman will know that I want the Welsh Assembly and the Welsh Government—and the Scottish Parliament—to be consulted, to have a say and, I hope, to join in with the settlement, in whatever form it takes that can make the situation for my constituents and the country as a whole much calmer and better. He will know, and the hon. Member for North Down (Lady Hermon) will know—I am pleased to see her in her place—that the amendment would be a block in the event of the Northern Ireland Assembly not being restored. It is not even a block simply in relation to the Northern Ireland Government; it is a block even if direct rule is restored, for example, because the amendment refers to the Northern Ireland Assembly. We have no definitive date for that restoration, and while I would want it to happen tomorrow—it has been 12 years since I was the last direct rule Minister in Northern Ireland, and I would like to see the Assembly restored—ultimately, that is not going to happen.

Lady Hermon (North Down) (Ind): The right hon. Gentleman has made the point that the Northern Ireland Assembly has not been sitting. It has not been sitting since January 2017, and there is no expectation that the Assembly will be sitting any day soon. Further to that point, the right hon. Gentleman, as a former direct rule Minister in Northern Ireland, will know that it would be an unmitigated disaster for Northern Ireland if this country were to leave without a deal. It would be an unmitigated disaster in terms of security—he will know all about the threat from dissident republicans, and he will also know that Sinn Féin would use a no-deal Brexit to campaign for a border poll to take Northern Ireland out of the United Kingdom and into a united Ireland.

David Hanson: The hon. Lady speaks much more sense about this matter than I could possibly do, because she is up to date on the situation, but that is clear to me. Let me take the example mentioned by my right hon. Friend the Member for Normanton, Pontefract and Castleford—the European arrest warrant. We use the arrest warrant on numerous occasions to bring people who have committed crimes in the Republic into Northern Ireland and vice versa. If that is not in place, and in a no-deal scenario it would not be in place, the situation would be poorer, and we have no clarity on that whatsoever. The security of Northern Ireland would be in a worse place than it is now, and I am not prepared to vote for that.

Sir William Cash: The right hon. Gentleman has referred to the arrest warrant, and I have to say to him that I am well aware of a case in the county of Staffordshire. A person under an arrest warrant was convicted in his absence of murder, but it in fact transpired that he was
working in Staffordshire, and he was then found not guilty because he was actually working in a restaurant in England at the time when he was supposed to have committed the murder in Italy.

**David Hanson:** Well, the hon. Gentleman cannot get away with that, because people are found innocent or guilty on different occasions, but, ultimately, if someone has done something, they are convicted. At the moment, if an arrest warrant goes out to a country in the European Union, an individual will speedily be brought back to face justice and a trial, and may face conviction and imprisonment. Any change in the arrest warrant procedure will ensure that the procedure is slower, more cumbersome and clunkier.

If the hon. Gentleman wants to see that, he should listen to what the Deputy Chief Constable of Northern Ireland said only this weekend. He said that not having the arrest warrant would be clunkier, more difficult, more bureaucratic and slower, and would lead to a worse position. With due respect to the hon. Gentleman, I will take no lessons on the arrest warrant, which is about protecting my constituents and all citizens in this country, and ensuring that criminals are brought to justice. If we have a no-deal scenario, which this Bill is trying to stop, that will become more difficult.

I have said my piece; I hope that Government Members will reflect on the position. This Bill is about protecting us against no deal and ensuring a positive future on the range of issues involved—agriculture, business, transport, crime and security. Any lettering of the Prime Minister’s discretion on that will make it more difficult to achieve the consensus that I understand she is trying to achieve with my right hon. Friend. The Leader of the Opposition, to ensure that we achieve a better settlement in this House than we have managed in the last few weeks and months.

8.30 pm

**Mrs Main:** I would like to speak to amendment 1, standing in my name, which addresses similar themes to the proposal of my hon. Friend the Member for Camborne and Redruth (George Eustice), who spoke earlier.

I was quite horrified when I read this brief Bill, because it mandates the Prime Minister to seek an extension, but there is no date associated with that extension, as other Members have mentioned. On top of that, as we know, article 50 enshrined the date on which we would be leaving: 29 March. The Prime Minister, as was quite within her rights—my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) said it was her untrammelled prerogative—decided, when she went into her negotiations, that she would accept a new date, which was offered to her by the Prime Minister is quite within her rights to accept—or reject—the date on offer from the European Union.

I find that incredibly worrying. Depending on which side of the argument hon. Members find themselves, they could have the Prime Minister seeking a date in line with the House’s instructions, but not having to agree the date, even if the EU says that she can have it. That would be a rather bizarre scenario, but the Bill would not stop it, so whatever date the House fixed on could, in theory, only be asked for, but then be rejected.

The other side, which worries me far more, is that the Prime Minister could go along with a date—as yet unspecified by this House and with no associated justification—and be offered a date, let us say, two years in the future. I would suggest that at that point most hon. Members would have severe concerns about the legitimacy of whatever was being agreed by the Prime Minister—or any of us in this House—with the date set so far in the future.

Amendment 1, which stands in my name and that of 21 other hon. Members, simply proposes a date that has already been accepted by the European Union—I know that Guy Verhofstadt has talked about the end of June, but the European Union has suggested this date on many occasions—as a date that it would be comfortable extending to. It is also a date that would not oblige us, by default, to fight in the European elections. It would mean that the Prime Minister could accept the date offered to her—to the 22nd—but could not arbitrarily accept any other date offered without bringing it back and discussing with the House whether it met what the House wishes to achieve.

The right hon. Member for Delyn talked about not tying the Prime Minister’s hands, but if the House truly wishes to shape the next phase—I really do not like this process, but I am trying to look at it constructively—it is incredibly important that she does not have carte blanche to sit in a room in Brussels, meekly accept a date that is fixed, and then come back to the House, which will not be able to alter that date. I picked the 22 May date, because she can agree anything up until that point. After that date, with which we are all familiar, we will not have the Prime Minister accepting a date that may end up coming to this House and not finding favour. We are then back in the long grass. We are back to arguing about the date. We are back to arguing ad infinitum, to the great uncertainty for the many businesses who feel that what is going on here today is beyond a farce.

Other Members who have a better legal brain than mine—I have no such qualifications whatever—are looking at the Bill line by line and saying it is shoddily and poorly drafted, and that it does not stand up to scrutiny. The argument that comes back—I have heard it a few times this afternoon—is that, “Well, we haven’t had a lot of time and this is to stop no deal.” My amendment does not do anything to harm the Bill’s objectives. It gives the Bill belt and braces to ensure that the Prime Minister, to whom everyone says, “Let’s give her some latitude and trust”, is not able to accept something that is certainly beyond the wishes and scope of this House or the people who voted to leave the European Union.
I hope my amendment is given serious consideration, since we are now supposed to be engaging constructively with the process in a cross-party consensual way to try to get something through. I would be far more comfortable if the Prime Minister was not allowed free rein, or untramelled prerogative, as my right hon. Friend the Member for West Dorset said. As the House may have observed, we have already tried that and it has not got us terribly far. I therefore ask Members please to consider this amendment. It is very small. It does not stop anything. It simply might stop what some Members have maybe not thought through too well, which is the date.

Michael Tomlinson: I applaud my hon. Friend’s ingenuity. I am minded to support her amendment this evening and I hope she presses it to a Division. May I ask her about another extension? Clause 1(2), as drafted, does not mandate or order the Prime Minister to do anything—that comes later on in the Bill—but no timeframe is given either. My hon. Friend mentions a timeframe up to 22 May, but, as drafted, the Bill effectively gives no specified time period within which the Prime Minister needs to seek any extension in any event.

Mrs Main: My hon. Friend is absolutely right. The Clerks were very helpful when I was trying to draft my amendment. I said, “Surely we can’t have this open-ended situation?” Very helpfully, the Clerks said to me that the Bill can say what it likes, but at the moment the Prime Minister, in the untramelled way that my right hon. Friend the Member for West Dorset said, can do what she likes. That is the situation. We are in fact sending off a Prime Minister who will be reluctant to deliver this proposal.

The Bill is supposed to be incredibly flawed, but what I do not want it to be, as we discovered from the Gina Miller challenge, is a nightmare going through the courts. Our businesses deserve better than to have a piece of cobbled together legislation that is rammed through—I gather it will be rammed through the other place, too—just to make sure we avoid no deal. Have hon. Members not done anything up recently? This House is the tail that is now wagging the dog. There is no pretence on the Government Benches that this is going to be an easy ride—not for this stage, the next stage or any other stages coming down the road. There might be fears from Opposition Members, but they seem to be able to exercise an awful lot more muscle on the political agreement than we can on the Government side of the House; they in effect have the whip hand over the Government. The true nature of the House is that it does not really desire to leave. The House will have masses of opportunities over the coming months to ensure that the political agreement is shaped in a fashion that they would like. That is the one thing about which the European Union has said, “We can open this, that, no trouble.” What the EU will not open is the withdrawal agreement, and a withdrawal agreement will be required to achieve many of the things that the House wants to achieve. That is why I reluctantly agreed to support the withdrawal agreement when it was separated from the political arrangements.

The Bill that we are considering is poor, and badly drafted. I accept the reasons why, and I accept that we are all scrabbling around to try to improve it, but I am disappointed that the Lords may not have much time to consider any amendments that are made tonight. I hope that the other end of the building does not function like a rubber-stamp machine and say, “It doesn’t matter; this Bill is going through regardless.”

The Bill will come back to haunt the House. If the procedure that we have followed today ends up creating a lawyers’ charter and a nightmare in the courts, it will do huge damage to our industries. Believe me, for every Gina Miller out there launching challenges to make sure that a public vote is listened to in a proper legal fashion, there will be lawyers picking over the Bill and saying that it does not stand up, so can we please ensure that sensible amendments are made tonight?

I would like to think that my amendment is sensible because, as the hon. Member for Streatham (Chuka Umunna) has pointed out, the only date that the European Union will accept is 22 May. I believe that if we put that date in the Bill, we would be picking a date that the European Union was comfortable with. The House would have the security of knowing that the Prime Minister could not unilaterally accept any other date that the EU came up with, but would have to bring it back for Members’ consideration. If the House chooses to adopt it, fine, and if the House says, “Go back and try harder”, fine, but there will be certainty. I hope that Members on both sides of the argument will support this amendment, because it would give them the certainty of knowing there will be no jiggery-pokery and no clever shifting of dates or times. My amendment would oblige the Prime Minister to come back to the House with any new date, and she would not be allowed to accept a date that did not reflect the will of the House. Surely, that is what the House wishes to achieve.

Tom Brake: I thank the hon. Member for Camborne and Redruth (George Eustice), who is not in his place, for tabling amendment 20, because it gives me the opportunity to speak against it. In the amendment, he attempts to set 30 June as a date beyond which the Government cannot seek an extension. As the hon. Member for Ilford South (Mike Gapes) said in an intervention, it is clear that if the UK wants to secure an extension beyond that date, it will have to embark on a general election or a people’s vote, or go to the EU with a concrete, credible proposal that would enable the EU to give us a longer extension.

Frankly, I do not think the Government can do anything that will enable them to hit the date of 22 May, or even 30 June, so it would be regrettable to preclude that possibility. I imagine that every Member here has been contacted by their local authority returning officer to confirm that they have all been asked to start the process of preparing for European elections. Whether the Government like it or not, preparations are being made for that at this very moment.

The amendment would also preclude the Government from responding to business concerns. I mentioned earlier this evening the contact that I had today with businesses in the retail sector. They were adamant that leaving on 12 April would be catastrophic, leaving on 22 May would be catastrophic and even leaving on 30 June would not allow them to make the preparations that they need. They were talking about an extension until at least March 2020 to enable them to prepare properly. Arbitrarily setting a cut-off date of 30 June would be extremely unhelpful.
I am grateful to Change UK Members for tabling amendment 16, which has cross-party support, about a people’s vote. A cut-off date of 30 June would, of course, preclude a people’s vote as well. People who have looked at the matter estimate that something between 20 and 22 weeks would be required to legislate for and hold a people’s vote, so a cut-off date of 30 June would prevent that from happening.

Mike Gapes: Even if these amendments were passed, the issue surely is that the Government would have to take them to the European Council next week. If the proposal is for 30 June, we know that that will not be acceptable, because the EU made that absolutely clear. Therefore, instead of resolving this issue before the European Council, if we adopted that amendment, we would have to come back next week and vote on 11 or 12 April on the same matters yet again.

Tom Brake: I thank the hon. Gentleman for that intervention. I guess that would just add to this picture of chaos and confusion and of running down the clock that has become a feature of this place in the last few months.

Mrs Main: Can the right hon. Gentleman not see the merit in what I am saying, whereby that very scenario would not happen? It is just that the Prime Minister cannot agree the date. I am sure—given that he has just mentioned 20 weeks or so to get together a people’s vote or whatever—each person’s agenda has a timescale associated with it. Therefore, if the Prime Minister is offered a date, surely she ought to bring that date back here and ensure that it meets whatever it is that people wish the date to achieve. We are doing this the other way around in the Bill. We are sending her off with a date and mandating her to seek it. I do not see why—that seems ridiculous.

Tom Brake: The Bill specifically does not include a date, but it enables the Prime Minister to go with a date that she has in effect inserted in the “[…]”, so it is within her control.

I will draw my remarks to a conclusion by saying that I am not sure whether the hon. Member for Camborne and Redruth—he is not here, so I would not want to cast aspersions—intended the amendment as a means of ending up with no deal. We know that seeking an extension until 30 June would not be well received by the EU, because it does not enable anything to happen in the time that is left. I hope that that was not his intention, but if this amendment is pushed to a vote today, I and the Liberal Democrats will oppose it.

Michael Tomlinson: On that figure of £90 billion, has my hon. Friend received any advice recently about whether the Bill would or would not require a money resolution?

Sir William Cash: I certainly have. The Speaker has ruled on the matter, and I take the view that if the Speaker has ruled, even if I am unhappy with the ruling, that means that I need not go into all the details. I could spend the next 20 minutes giving all the reasons that I believe that there should be a money resolution, but I will resist the temptation because I want to get on to the meat of the Bill. The fact that it is known that it could cost as much as £90 billion is, I should have thought, enough to alert a great many people and make them seriously worried about whether they should vote for it, and I hope that they will not.

Clause 1(1) is mandatory, and gives rise to the important constitutional question whether Parliament can direct a Prime Minister to move a motion. That is constitutionally ridiculous. In clause 1(2), to which my new clause 4 refers, the “form of the motion” is not mandatory, stating that the House “agrees for the purposes of section 2 of the European Union (Withdrawal) Act 2019 to the Prime Minister seeking an extension”.

If passed, the provision would permit the Prime Minister to seek an extension, but that in itself would not force her to ask for it. However, neither clause 1(4) nor clause 1(5) sets any time limit relating to when the Prime Minister must seek the extension, or explains how that would be achieved. Is enough time available for all this to be done? The answer is clearly no.

I assume that Royal Assent would be given after the Bill had been to the House of Lords. God knows what the House of Lords is going to make of it. The House of Lords has a Standing Order, Standing Order No. 72. What have the Government done, no doubt with the connivance—if that is not an inappropriate expression—of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin)? They have simply knocked out Standing Order No. 72, which is an outrageous and completely unconstitutional act.

Sir Bernard Jenkin (Harwich and North Essex) (Con): My hon. Friend has questioned the ability of the Act to be enforced. My Select Committee, the Public Administration and Constitutional Affairs Committee, put that question to Lord Judge, the former Lord Chief Justice. I asked:

“How would this be enforced?”

He replied:

“I think it could only be enforced politically by the House of Commons. Please do not think for one moment that anybody should be able to seek a judicial review. Not only would it be ludicrous for the judiciary to be involved in deciding a political question, but they would have a way out if anybody took that
step, by saying that there is an alternative remedy—to go back to the House of Commons. That is the only way it could possibly be enforced, in my view. It would be up to the House.”

Is this not a completely useless piece of legislation?

Sir William Cash: It is not only completely useless, but it is rubbish. I see that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) has just come into the Chamber. Let me ask him, if I may, whether he drafted this Bill. He drafted a great many amendments during the passage of the withdrawal Bill itself back in 2017-18, and I noticed that quite a lot of them were so bad that they had to be junked.

Mr Dominic Grieve (Beaconsfield) (Con): I have to tell my hon. Friend that I did not draft the Bill, but I think that it is quite fit for purpose. I also note that there are some Government amendments that relate to “exit day”, and which exactly echo the points that I made in the House last summer about the folly of putting “exit day” on the face of the European Union (Withdrawal) Act 2018.

Sir William Cash: The motion cannot be carried until 12 April at the earliest. That means that the Prime Minister is obliged at some stage to seek an extension, but she is not obliged to do so immediately. Unless she does so on 12 April and it is agreed before 11 pm that day, the United Kingdom is out. It will be “Leave, leave, leave.”

Clause 1(6) and (7) are I suppose intended to deal with a situation where the European Council meets on 10 April and seems to volunteer to offer an extension to a certain date. I mentioned earlier—perhaps in a point of order—the role of the European Council in all this. The reality is that the procedure being followed puts the ball back in the European Council’s court. It is possible that nobody will be sensible enough to veto this extension, although they have the power to do so and I trust that one or other of them, or perhaps several, will.

My objection to this arrangement is contained in the European Scrutiny Committee report we put forward last March—a whole year and one month ago. We raised grave concern because the European Council, which is driving a lot of the negotiations, set out the terms of reference and the guidelines and the sequencing. The fact is that the Government gave in on all that and supplicated and went along on bended knee to the European Council and asked, “How much can you possibly let us get away with? What can we be allowed to do that you will agree with?” There were also all the monstrous negotiations conducted by Olly Robbins, who appeared in front of my Committee, and Tim Barrow and others. The reality is that submitting ourselves under this Bill to the decision-making processes and the clout of the European Council is not only completely humiliating to this country, but has put us in an impossible situation under the withdrawal agreement.

Article 4 of the agreement—which is directly relevant to everything we are discussing here because it is about the governance of the European Union in relation to the UK on leaving—stipulates in terms of the UK that we will be subjugated to the decision making of the Council of Ministers.

I hope somebody on the Opposition Front Bench will take this on board. The Council of Ministers will be making laws for probably up to four years, when this House, as I said the other day, will be politically castrated in relation to the European treaties, which will have entire competence over us and all laws. We will not be able to pass a single law in contravention of them, and our courts will not be able to defend our voters—our taxpayers—from any of the decisions taken while we are put at the mercy of our competitors during the transitional period, however long that may be.

I have already made the point that the transitional period could cost £90 billion; I do not know the sum, because we do not know what date will be settled on yet. What I do know is that this House will be subjugated—completely neutralised—in the transitional period. I see that the Minister is shaking his head. I invite him to appear in front of my Select Committee and answer on that; I would like to cross-examine him on the question of who will be governing this country during that period, because it certainly will not be this Parliament, I can tell him that.

Mrs Main: Does my hon. Friend share my concern, which is why I tabled my amendment, that the House seems to happily think it can put a date on this Bill and the Prime Minister will go off and secure the date, but the House seems to have lost sight of the fact that we will probably have to take what we are offered—or maybe not be offered anything at all? This Bill seems to me to assume that the European Parliament will take notice of what we wish to happen.

Sir William Cash: Absolutely; the idea of our subjecting ourselves to the European Council as well as to the European Parliament is about as humiliating as anybody could imagine. I suppose we are not supposed to say this but it happens to be true: we saved Europe twice in the last 100 years, yet we are now, as a result of this withdrawal agreement and these provisions, subjugating ourselves to the decisions taken by 27 other member states by majority vote.

9 pm I see that the Opposition Front-Bench spokesman is chuntering. Perhaps he would like to come to the Dispatch Box and make his point. No, he is not going to, because he cannot understand what I am talking about, because he has not actually got the competence to do so. That is the problem. He does not understand what I am saying and therefore cannot tell his constituents about the “control over laws” issue or the fact that qualified majority voting on the law-making in this country is going to be conducted for a significant number of years without our being able to do anything at all about it. There is no veto power in this arrangement; we are entirely subject to it. That might be a reason the Front Benchers of the official Opposition are voting against this, among other things. Maybe they realise how dangerous it is. It is certainly dangerous for a lot of workers and trade unionists, as we found out in the ports regulation, which went through even though every single trade union in every port objected to it. This is going to mean continuous activity in the Council of Ministers into the indefinite future, or certainly for the next few years.

What will the Prime Minister do, given that clause 1(6) seems to assume that a resolution will already have been passed or at least proposed? As that cannot happen before 12 April, there will then be a motion, after which we have to ask what the Prime Minister is going to do and what the European Council is going to insist on.
But that is not what the Bill proposes that she should do. Frankly, I cannot see how she can do this without getting parliamentary approval. The Bill merely talks about the Prime Minister having to seek an extension, not having to agree to one that is gratuitously offered by the European Council. This is complete madness. In short, the Bill is a complete and total rubbish dump. If it is enacted tomorrow, I will be fascinated to know what the Government will be able to do about it. It will become the law of the land, and I cannot imagine what will happen. I think it was Alice, in “Alice’s Adventures in Wonderland”, who said, when asked about things being possible or impossible:

“Why, sometimes I’ve believed as many as six impossible things before breakfast.”

This is a perfect example of that.

Then there is the issue of UK law and exit day. At the moment, exit day has been redefined in the statutory instrument that went through—I believe unlawfully, but we will park that one for the moment—and it is now 12 April unless the House of Commons approves the withdrawal agreement. This Bill assumes that that will not happen, so exit day has to be 12 April under UK law. The Bill says nothing about changing that, and as I read sections 20(3) and (4) of the European Union (Withdrawal) Act 2018, a Minister cannot propose a change to exit day by laying a statutory instrument until the proposed extension date has been agreed with the EU. So unless all this is tied up on 11 April—which seems impossible, as I have just said—how is the UK law to be changed? It must be changed by UK law in those circumstances, of course.

Sir Oliver Letwin rose—

Sir William Cash: I would love to give way to the person who generated this rubbish.

Sir Oliver Letwin: I thought it might be productive to intervene on my hon. Friend’s remarks, with literally all of which I disagree profoundly. On this one point, I think it might be productive because there is a fact about this that he will see if he looks at the amendment paper. The Government have tabled new clause 13, which many of us feel is a very sensible proposal and whose acceptance we therefore recommend. It specifically provides for a negative resolution statutory instrument to be substituted for an affirmative resolution SI, in order that it could be made immediately upon being deposited, rather than awaiting the approval of the House. That could obviously be subject to revision later under the negative resolution prayer procedure, but we would all have to be a gang of lunatics not to keep the exit day in line with international law if, as a matter of fact and for better or worse, the Prime Minister had agreed a given date of exit.

Mr Baker: Will my right hon. Friend give way on that point? [Laughter.]

Sir Oliver Letwin: Alas, my hon. Friend the Member for Stone has the floor. There has been a discussion about all this, and the Government’s new clause 13 is a perfectly sensible way of solving the one serious point that he has raised.

Sir William Cash: My right hon. Friend says that I have made one serious point, but he is in serious trouble. Every time he gets up and starts interpreting his Bill, that is likely to be taken into account if there is any judicial review of any of the provisions, as enacted. As all Ministers ought to know—he is the Minister in charge of this day and the various other things that he seemed to have assumed—every time he opines on the question of interpretation, the interpretations that he is making in in a rather fulsome manner could be used as a means of interpreting what is meant by the Bill. He ought to be a little more cautious, but I have waited until this point to say so, because he has said quite enough to put himself in serious difficulty on that account.

Having said that, with regard to new clause 4, any motion brought forward under clause 1(1) in the form set out in clause 1(2) may be amended in line with clause 1(3) only to include a date. In a nutshell, new clause 4 would prevent further amendments to Standing Orders and so on.

Moving on to new clause 5, because I want to get my points on the record—

The First Deputy Chairman of Ways and Means (Dame Eleanor Laing): Order. Just before the hon. Gentleman moves on to new clause 5, I know that he has a lot to say about the amendments and new clauses, which the House must hear, but I hope that he may do so in an expedited fashion. We do not have a lot of time left, and I am sure that the hon. Gentleman wants to hear what the Minister and others have to say.

Michael Tomlinson: On a point of order, Dame Eleanor. You mentioned the time, and a question was asked earlier about the timing for Third Reading. Are you able to advise the Committee at this stage at what point Third Reading will happen?

The First Deputy Chairman: No. When Third Reading is likely to occur is not up to the Chair, but to the House. Based on how things are going at present, my estimate is that a Third Reading debate will not occur, because the Committee stage is likely to take up all the available time. However, that is entirely up to the House. If the people who still wish to speak do so for a short time, we will have a Third Reading debate. If they speak for a long time, we will not.

Sir William Cash: With respect to you, Dame Eleanor, the Bill’s stages have been truncated. You know what I am talking about. It has been rushed through. Not only is the Bill an abomination in its own right, but it is gravely unconstitutional and offends Standing Order No. 14 and so many other conventions, so I am not going to fail make the points that need to be made. I am so sorry, but I these points must be made. It is only 9.8 pm and we have until 10 o’clock, so although I have great respect for you, Dame Eleanor, I am going to make my points. Furthermore, they are matters that are germane to trying to sort out the rubbish that this Bill is generating for the British public. That is my point.

New clause 5 relates to the amendability of motions. Any motion brought forward under clause 1(1) in the form set out in clause 1(2) may be amended in line with clause 1(3) only to include a date no later than 22 May 2019. The new clause would prevent further amendments to the Standing Orders or to the business of the House of Commons and would impose a maximum duration on the extension period. Given what I said earlier to my hon. Friend the Member for Camborne and Redruth...
about how this Bill would otherwise cost £90 billion, I think we would be doing a great service not just to the House, which is pretty chaotic these days, but to the taxpayer and our constituents by restricting the length of the extension period. If the extension went to five years, according to the potentiality of this Bill, it would cost £90 billion—that is just a statement of fact—which is a very good reason for voting against the Bill.

New clause 5 would place a maximum duration on the extension period, which would be an enormous step in the right direction. In fact, it would be a fundamentally vital provision in the context of this Bill.

New clause 7 deals with the question of European elections, another hot potato:

“No extension of the period under Article 50(3) of the Treaty on European Union may be agreed by the Prime Minister if as a result the United Kingdom would be required to prepare for or to hold elections to the European Parliament.”

I would have thought that many Members would be delighted to support this new clause. I am doing the Government’s job for them by seeking to impose a restriction. I see the Minister slightly nodding his head, which I think means he might quite like this amendment. The bottom line is that, yesterday, I heard the Prime Minister say that we would not want to have European elections.

Michael Tomlinson: As my hon. Friend rightly recollects, the Prime Minister herself made this very point. Would it not be a catastrophic failure of our politics if, three years after the vote to leave, we held elections to the very institution we voted to leave? Is that not why this amendment must be pressed and made?

Sir William Cash: It is axiomatic, and it goes to the very heart of what we are leaving and how we are leaving. The idea that we would hold European elections, which, but for my proposed amendment, are liable to take place, makes me think that this House really ought to vote for new clause 7. I therefore urge the House to consider it as an important, sensible amendment.

Craig Mackinlay: My hon. Friend has ably set out the cost of a potential long extension as being £90 billion, or whatever it might be. Has he considered the cost to the public purse of running European parliamentary elections for what might be a very short time in office for those so elected?

Sir William Cash: I have heard it mentioned that the elections would cost £100 million, which is quite a lot of money for nothing. In some constituencies, as it happens, there have been turnouts of about 19%. European elections are a complete farce anyway. In fact, I think the European Parliament is a complete farce. Frankly, getting rid of the elections altogether would be a massive step in the right direction, and this Bill is the opportunity to do that.

Mrs Main: The public have had no real engagement in the process. I cannot imagine it would be good for democracy if we say to the public that these people will not be around for five minutes because we are all trying to get rid of them.

Sir William Cash: My hon. Friend is absolutely right about that. I could enlarge on the reasons why we would not want to have any European parliamentary elections and why we would not want to have any MEPs—they cost a fortune as well. Furthermore, a lot of them are, by all accounts, engaged in activities that are either useless or very expensive. I will not dilate on that, but it is a matter of fact.

9.15 pm

The European Parliament is a body that has to make decisions about whether or not we leave. I hear Mr Guy Verhofstadt opining and pontificating a lot. I do not know quite what they are going to do about this all when it comes to the decision that has been conferred upon them. There is another thing I find offensive: if we want to leave, we should be allowed to leave without having the sanction of the European Parliament or of the European Council. If one thinks about it, one sees that article 50 prescribes an arrangement where one leaves the EU under the law. It so happens that this is under the European law but it is also under our own domestic law, because the Lisbon treaty Act, as I call it, is itself a domestic enactment that binds us. So for practical purposes the European elections will be taking place within the framework of our leaving the EU under our own domestic law. Why on earth should we imagine that we are going to be caught up in them or even remoterly accept the idea that we would be completely escapes me.

When we entered into the article 50 revocation, we did so as a country that was an equal party to the other 27. Yes, there are 27 of them, but in law, because we are the country that is leaving, we are on an exactly equal footing to them, which is why we should never have allowed ourselves to be trapped into the arrangements of the guidelines, terms of reference and sequencing laid down by the EU. As far as I am concerned, it is very simple: we cannot possibly be part of the European elections.

My last proposal, amendment 6, relates to Northern Ireland, Wales and Scotland. I think it would appeal to the Scots nationalists quite a lot, as well as to the Members of the Northern Ireland Assembly and the Assembly of Wales. It proposes to leave out from “force” in clause 2, page 2, line 7 and insert “subject to the approval of the Northern Ireland Assembly, the Scottish Parliament and the National Assembly of Wales, on such day as a Minister of the Crown may by regulations appoint.”

David Hanson: When does the hon. Gentleman expect the Northern Ireland Assembly to meet next?

Sir William Cash: That is a very good question, because it may well be after exit day—on my proposals. That is the point. I am proposing amendments intended to provide that democratic element, which is needed by the people of Northern Ireland, Scotland and Wales.

Peter Grant (Glenrothes) (SNP): I am grateful to the hon. Gentleman for being so clear about what is in Scotland’s best interest. Will he remind us as to whether he supported the need for a legislative consent motion for the consent of the Scottish Parliament before the European Union Referendum Bill was passed, before the article 50 Act was passed or before last year’s great repeal Bill, all of which he supported? It seems to me
that he supported an awful lot of EU-related legislation that has been extremely damaging to Scotland, not caring a jot as to what the Scottish Parliament or the other devolved institutions thought about it. Why is it that he now suddenly wants to invoke the right of the Scottish Parliament to be consulted, given that he and his party have trampled over that right ever since the Brexit referendum was thought of?

Sir William Cash: I want to make some trouble. The people of Wales, Scotland and Northern Ireland might well have strong interest in the extent to which they are involved in this process. My amendment is a means to provide them with that opportunity. I will not contradict what the hon. Gentleman says. Under our constitutional settlement, there is a Scottish Parliament, a Northern Ireland Assembly and a National Assembly for Wales, so I would have thought that they will be extremely interested to know whether they were being cut out of the process prescribed in the Bill. It is not my fault that the Government made proposals and had all the joint committees that the various leaders of the devolved Assemblies complained that they had not been properly involved in. I am giving them a chance to be involved. He may be right about the legislative consent point, but I am right to think that in relation to this crazy Bill it would at least be useful for the people of Northern Ireland, Scotland and Wales to be able to make their contributions in their devolved legislatures. I think that point is worth making, and I therefore intend to press amendment 6 to a vote. Of all the amendments I tabled, that is the one that I want to move most.

Sir Bernard Jenkin: I will be as brief as I can. I want to speak against clause 1 stand part. The clause is the heart and strategic intent of the Bill. It is trying to put this House in a position to stop the United Kingdom leaving the EU on the date on which the Government might want us to leave. There is no question about that.

I very much agree with my hon. Friend the Member for Camborne and Redruth (George Eustice) who made the point that the process of attrition in this House to limit the Government’s negotiating freedom in the end very much undermined their ability to get a better deal and to negotiate from a position of strength. If people cannot walk away from a negotiation they are in, and they have to agree something at the end of it, the other party simply calls the shots. That certainly strengthened the hand of those who want us to have a bad deal. I have made some points in the debate on one of the earlier business motions about the constitutional propriety of this whole process.

I also invite the Committee to reflect on what this House looks like tonight as we discuss such highly technical issues. The British people expect us to be discussing the big principles of whether we should leave without a deal on WTO terms or sign up to the withdrawal agreement. This particular debate, however, seems particularly obscure and unavailable to voters. It will make this House look particularly out of touch, especially because the Bill is somewhat otiose.

I have argued for some time with colleagues on the Conservative Benches that the Prime Minister has demonstrated little intention of ever leaving without a withdrawal agreement. The fact that the Government have spewed out a whole raft of information basically about why they do not want to leave without a deal underlines that point. I therefore think that the Bill is unnecessary.

In my comments to my hon. Friend the Member for Stone (Sir William Cash), Chair of the European Scrutiny Committee, I pointed out that the Bill is also unenforceable. Just look at the wording of subsection (4), which is that “the Prime Minister must seek an extension of the period specified in Article 50(3) of the Treaty on European Union”. What does “seek” mean in the circumstances? What happens if the Prime Minister makes a telephone call asking for an extension, says “Thank you very much” to what is offered, and puts the phone down again? How will that process be scrutinised and made accountable? How do we judge what is a serious seeking in good faith, and what is a mere technical seeking? That underlines the total futility of the House attempting to legislate in this way. Our system of government is not set up for Parliament to legislate for detailed instructions on how Ministers should carry out their duties. We tend to make laws on a much more general basis than that. That is why the system just does not work.

Michael Tomlinson: My hon. Friend makes a really important point that builds on other points made during Committee. Has not a further defect been pointed out? There is no timeframe. The Prime Minister is not mandated to “seek” in any manner, or within any particular timeframe, so she could do nothing until 13 April and still intend to comply fully with the Bill.

Sir Bernard Jenkin: Yes, and we absolutely know why the Bill is framed in these very vague terms— it is precisely to avoid its falling foul of rules that require a money resolution for a Bill that gives more specific instruction.

Sir William Cash: My hon. Friend—a good friend—is making very good points. This also gives rise to the question of scrutiny, which he mentioned. My Committee will undoubtedly have to try to work out how to deal with these scrambled eggs; and how will the House of Lords deal with this, given that it has disallowed Standing Order No. 72? Will it truncate its business to such an extent that it will not be able to get this right? Who will get this right?

Sir Bernard Jenkin: I will not attempt to answer that question, because it answers itself. Nobody will be held accountable for what goes wrong as a result of the Bill.

If the Prime Minister goes to the European Council for an extension—I have long been reconciled to the expectation that she will—what really matters are the conditions that come with it. Where is the accountability for the conditions that will apply? Or will she simply accept an enforceable agreement with conditions, and bring it back to the House as a fait accompli, as she did originally?

Mrs Main rose—

Sir Bernard Jenkin: I will press on, if my hon. Friend will allow me.

I have addressed the enforcement point, but let me come back to the question of legitimacy. The issue is not just the illegitimacy of the whole process, and the
concept of the House legislating to instruct Ministers in a way that is outside the control of Ministers. As I said, there has been a huge Government campaign—some might call it a fear campaign—supported by the second referendum campaign and other very well funded lobby groups and business interests. The arguments in favour of leaving without agreement have pretty well been disposed of by default. They do not get a hearing. One can think of one or two broadcast outlets that delight in ridiculing perfectly respectable arguments.

I have a document here called “30 Truths about Leaving on WTO Terms”. It goes through all the canards, and it sets out how leaving without an agreement would leave us with an extra £39 billion to spend on our priorities, which over a couple of years would increase the GDP of this country by about 2%; how it would end uncertainty much more quickly; and how every party involved with the Irish border has said that there will be no infrastructure there in the event of a no-deal Brexit. So it goes on. I shall not detain the Committee with those arguments now, because this is not the time to make them; I just make the point that these arguments have simply not been made. Despite that, a very recent poll conducted by YouGov shows that where an extension is an option, 55% would support no deal. Only 11% would support an extension, though 36% would still support remain. The point is that the most popular option in the polls at the moment is leaving without a deal, so who does the Bill represent? This is despite the deluge of propaganda that has been emptied—[Laughter.] Opposition Members laugh, but no effective leave campaign has been conducted in favour of no deal, and the Government, who pretended to say they agreed that no deal is better than a bad deal, have not conducted a campaign to reassure voters that leaving without a deal is a sensible option. Despite that, the British people want to leave.

Who in this House was elected to put this Bill through Parliament? Who is this House was elected by saying, “When I am elected, I am going to put a Bill through the House to delay article 50”? The right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), who is promoting this Bill, was not elected by saying that. She was elected on a manifesto to leave, and she is now defying that manifesto and voters in her own constituency, who voted to leave. When the extension option is removed in the YouGov poll, the percentage of people in favour of the no-deal option goes up to 44%, against 42% who are in favour of remaining. No leave campaign has been conducted in this country for the past two or three years, yet that is what the British people think.

9.30 pm

Just imagine if this country had a Government who were really enthusiastic about leaving the European Union and had conducted their policy positively, explaining the benefits of leaving the European Union, if necessary, on WTO terms. Such a Government would be by far the most popular option in the polls today. I believe that if the Government took us out of the European Union on WTO terms, even at this late stage, our party would enjoy a huge leap in credibility with the British people. [Laughter.] Oh, not in this House, because this House is full of people who voted to remain and who want to stop Brexit, despite the vote of the British people in the referendum.

Peter Grant: Well, how do I sum that up in 10 minutes or so? I think that “a pile of mince” would do it, in a handful of words.

I want to address some of the absolute nonsense that we have heard from the no dealers across the Chamber, but let me first welcome the fact that they are finally coming out for who they really are. These are the people who campaigned for the various leave campaigns, promising us that we would leave with a good deal—that we would still remain part of the customs union and the single market. That is what the leave campaign was saying. As for the story that there has been no leave campaigning recently, has the hon. Member for Harwich and North Essex (Sir Bernard Jenkin) not seen the revelations in the media in the last couple of days about intensive, targeted social media campaigning, funded from who knows where? SNP Members do not know, but I wonder how many people on the Conservative Benches know where that money is coming from.

As for those who complain that we have not had enough time to debate the big issues of Brexit, these are the people who did not want Parliament to have any say at all. They went to court to prevent Parliament from being allowed to see the Prime Minister’s deal before it was too late to change it, and now they come along and complain that there has not been enough time to scrutinise it. These are the people who allowed 19 minutes of debate before the biggest power grab from Scotland ever seen since the introduction of the Scottish Office—19 minutes of listening to the Conservative Minister droning on, and then the measures were pushed through. How many Conservative Members complained about the lack of time then?

I am disappointed—although I obviously accept the decision—that the amendments that would have given some kind of firm reason for extending article 50 have not been selected. The House will need to come back to that in due course. I hope that at some point the House will agree not only that article 50 needs to be extended, but that whatever deal the United Kingdom intends to leave under is put to the people, so that they can confirm whether it is what they thought was meant by Brexit. I can tell the House what most of them did not think was meant by Brexit: they did not think that Brexit meant no deal, because even the leave campaign never said it was campaigning for that.

I will not go through all the individual amendments, but we will oppose anything that says that the extension can only be for a matter of days or weeks, because it is nonsensical to think that the Prime Minister’s bad deal will get significantly better in a matter of weeks. If there is going to be an improvement to the deal, it can come only if we get a longer extension and reset the whole process. The Prime Minister can then do what she should have done almost three years ago, as soon as she became the leader of a minority Government. She can act like a leader of a minority Government, and talk to politicians and parties across the House to find areas of agreement and consensus, before she starts to draw her red lines and paint herself into a corner. Let us remember that the EU has never said that the current agreement is the only one possible; it has said that it is the only one possible given the Prime Minister’s red lines.

The hon. Member for Stone (Sir William Cash) was so enthusiastic about his amendment 6 that he spoke to it for over half an hour—and it felt just like as long
again when he intervened or raised points of order—but he forgot to mention that its real purpose is not to give Scotland, Wales and Northern Ireland a chance. If he was that bothered about giving the devolved nations a chance, he would have moved similar amendments to all the legislation that is leading to us being dragged out of the European Union in the first place.

The crux of amendment 6 comes right at the end, when it proposes that, consent having been given by the devolved Assemblies—including the one that does not exist at the moment—the Act will come into force on such a day as a Minister of the Crown may decide. Even if Parliament imposes its will on the Government, the Government could completely ignore the Act simply by not bothering to bring it into force. The amendment has some sugar coating to try to fool the Scots, the Welsh and the Northern Irish, but we are not going to be conned by that. We will not support the amendment.

I also have a big problem with new clause 13, which would effectively allow the Government to change the date unilaterally. I hope that the Minister can offer some kind of assurance on the circumstances in which that power would be used. We know that instruments have previously been prayed against by hundreds of right hon. and hon. Members, yet their objections have been ignored and the instruments have been implemented anyway. Can we therefore have an assurance that, if the instruments are prayed against by any of the major Opposition parties, or by a given number of individual Members of Parliament, the Minister will guarantee, on his honour and that of the Government, that they will not be proceeded with? We need something as firm as that. It is one thing to get promises from this Prime Minister, but we do not know who will be Prime Minister when the provisions will be considered.

One amendment is intended specifically to ensure that we cannot take part in European parliamentary elections, which have been described as a waste of time. Who on earth is scared of taking part in elections? Who would want the entire nature of our future relationship with the European Union to be defined purely by the fact that we had to get out before—horror of horrors—we gave our people a chance to participate in its democratic processes? Brexiteers have been telling us for 10 years that those democratic processes do not exist, because they deny that the European Union is a democratic institution.

David Linden: Brexiteers say that the 2016 referendum was about giving back control to the people, yet we see the Conservative party running scared of the electorate. Is that not just going against the wishes of the people in 2016?

Peter Grant: Absolutely. As for the idea that we should not take part in the elections because we do not know how long our MEPs will be there, let us remember that some of them are never there anyway. I remember the Scottish regional elections in 1994, which we knew were for councils that would exist for a very limited time, but they actually had a higher turnout than was previously the case, because people were energised and motivated and understood what they were about. If the hard-line Conservatives do not want to take part in European parliamentary elections, that is entirely up to them, but I do not want my constituents to be denied an opportunity to vote for their representatives in Europe, whether that is for two days, two years or a full parliamentary term.

We will certainly support the drafting amendments tabled by the right hon. Members who introduced the Bill—given how many Lords amendments are often required to sort out the mistakes in Government legislation, despite all the resources that the Government have at their disposal, it is a bit much to be nitpicking about the fact that there were a couple of drafting errors in this Bill. It would have been nice not to have to rush the Bill through the House in such a hurry. It would have been nice if the Government had actually listened to what Parliament has been saying, in Back-Bench business debates and Opposition day debates, for the past three years. They have refused to listen, which is why the only way to make them listen is by Act of Parliament. That is why we will support the two amendments I have mentioned, and I hope to see the Bill go through to Third Reading.

Paul Blomfield (Sheffield Central) (Lab): I will not repeat the general points I made on Second Reading, but I want to briefly outline the Opposition’s views on the amendments.

We will obviously support amendments 13 and 14, which are helpful drafting amendments, and will vote for clauses 1 and 2 to stand part of the Bill. We will support the Government’s new clause 13 with a clarification from the Minister. Normally we would support the affirmative procedure, but we accept the Government’s reasoning in this case, given the fast-moving situation and the need to ensure consistency between EU and UK law. We will support the new clause subject to an assurance from the Minister now that if one of the principal Opposition parties prays against the statutory instrument, the Government will urgently facilitate a debate on the Floor of the House.

We will oppose all the other amendments. Let me explain briefly why. Amendments 20 and 1 and new clause 5 seek to impose different dates. We should have learned from the withdrawal Act that putting exit dates in statute denies the flexibility we might need, and those amendments are clearly designed to frustrate the Bill’s objectives. We oppose amendment 21 because we believe it is right for the Government to come back to the House if the EU offers a different date. We oppose Government amendment 22 because it undermines the purpose of the Bill in relation to parliamentary approval to seek or agree an extension.

We oppose amendment 6 because it is designed to frustrate the process and, as Members have pointed, the Northern Ireland Assembly is not sitting. We oppose new clause 4 because it would limit Parliament’s opportunity to shape decisions. I am surprised that, after his lengthy contribution, the hon. Member for Stone (Sir William Cash) is not here to hear our views on these points.

We oppose new clause 7 because it seeks to put a date in the Bill without saying so. It puts the cart before the horse. We should determine what extension we need and then deal with the consequences—even if that means elections, although that is not ideal—and not limit ourselves in that way. If we need a longer extension, we will presumably want the UK to have a voice in EU institutions—not simply the Parliament, but the Council.
and the Commission—and a judge in the Court of Justice. On that basis, we oppose that new clause and the other amendments that I have identified.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I shall be brief, as this briefest of Committee stages demands. The Government continue to oppose the Bill, but given that it has reached Committee, I will speak to the Government amendments.

As the Secretary of State set out earlier, the Government have no choice but to improve the Bill and limit its most damaging effects. Our amendment 22 addresses the dangerous and perhaps unintended constitutional precedent that could be set by the Bill, which calls into question the Government’s ability to seek and agree an extension with the European Union using the royal prerogative. It is a well-established constitutional principle that Heads of Government are able to enter into international agreements without preconditions set by the House that constrain their ability to negotiate in the national interest. The Government’s authority in this matter must not be undermined, as the Secretary of State and my hon. Friend the Member for Camborne and Redruth (George Eustice) said.

Exit day in international and domestic law is 12 April. The Bill creates a real risk that we could be timed out and be unable to agree an extension with our European partners and implement it in domestic law. The Bill as drafted actually increases the likelihood of an accidental no deal—an outcome that the House has repeatedly voted against. The new process created by the Bill could mean that we are timed out and no extension could be agreed. For example, on 10 April, the EU could propose an extension of an alternative length. Under the Bill, the Prime Minister must then return to the House to put forward that proposal, but by 11 April—by the time the House has had time to consider that—the Council would be over. We would need to confirm UK agreement to the EU proposal and get an EU Council decision before 11 pm on 12 April, and I struggle to see how we could carry out such a negotiation through correspondence in the 24 hours before we leave. The Bill therefore increases the likelihood of an accidental no deal. We seek to avoid that through amendment 22, which would ensure that the Government can agree an extension, regardless of the process set out in the Bill, in the national interest.

9.45 pm

Amendment 22 protects the Government’s ability to reach agreement with the EU on the extension of article 50, and I must remind the House that any extension must be agreed jointly between the UK and the EU. I am concerned about the restrictions that the Bill as currently drafted seeks to impose. I understand that earlier drafts of the Bill contained a provision very similar to the one that the Government are putting forward in this amendment. In her summing up, could the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) address the reasons why that was taken out?

The Government amendment simply seeks to clarify the position on the royal prerogative, ensuring that nothing in the Bill could prevent the Government from being able to seek and agree an extension of article 50, which I believe is what supporters of the Bill actually want. It is also the hoped-for outcome of the process of talks that have been taking place between the Government and the Opposition, so that we can agree the shortest possible extension to leave with a deal. For those reasons, I urge hon. Members across the House to support the amendment.

To move on to Government new clause 13, I repeat that we have tabled our amendments not because we support the Bill, but because we feel it is important, given that we are in Committee, to improve the Bill and to limit its most damaging effects. Again, the new process created in the Bill means that we could be timed out and that no extension could be agreed. As I think the hon. Member for Sheffield Central (Paul Blomfield) accepted, the logic of the new clause is to remove the risks of an accidental no-deal situation.

Patrick Grady (Glasgow North) (SNP): Will the Minister clarify how he intends to use the power under new clause 13? By my reading of it, the Government could negotiate a very long extension, put it through using the negative procedure and then cut it very short indeed using the negative procedure. What reassurances can he give us that this will not become a power that either this Government or some future Government could abuse to undermine the will of the House and force us into a no-deal Brexit?

Mr Walker: I think the hon. Gentleman misunderstands the nature of the power, which is simply to reflect in the UK the agreement that would by this stage have been reached with the EU on any extension. It is not about setting a completely different date; it is about reflecting that agreement.

To come to the assurances sought by both the SNP and the Opposition Front Benchers, if a statutory instrument under the negative procedure was prayed against, we would of course facilitate an urgent debate in that context. However, we have to bear in mind the reason why we are seeking this change of moving from the affirmative to the negative procedure, which is simply to provide the speed that I think this House would want in the context of a deal having being agreed.

I do not intend to detain the Committee much longer on this issue, but it is worth bearing in mind that the current arrangements require an SI to be debated and approved in both Houses under the draft affirmative procedure, the time for which could put at risk the critical process of approval. New clause 13 therefore seeks to amend the parliamentary scrutiny procedures applying to the power in the European Union (Withdrawal) Act 2018 that can be used to amend the definition of exit day. The scrutiny will be changed from the draft affirmative to the draft negative procedure. It is only prudent that we are able to make the SI under the negative procedure to ensure that our statute book reflects what is agreed in international law, avoiding a crash-out exit. For those reasons, I urge right hon. and hon. Members across the House to support the new clause.

However, I continue to urge Members to reject this Bill, which is not needed to avoid no deal because the Government have already undertaken to seek an extension to ensure that we avoid no deal. Like many colleagues, I urge Members today. I want that extension to be a technical one to ensure that we leave with a deal. With that, I am keen to hear from the right hon. Member for Normanton, Pontefract and Castleford.
Yvette Cooper: I want to respond briefly to what has been a thoughtful debate on the detailed amendments that have been tabled.

To pick up where the Minister left off, I am happy to follow the Labour Front-Bench recommendation to accept new clause 13, given the tight timetable that the Minister will be operating on. It is not a core part of the Bill.

I believe that we should oppose amendments 20 and 1 and new clauses 5 and 4. They all, in different ways, attempt to restrict the Prime Minister’s flexibility to put a proposal to this House. Once the Prime Minister has put her proposal to the House, it will at that point be up to the House to reject or amend it. All the points made by hon. Members wanting to restrict the primary legislation can be argued when that motion is put forward. That is the proper time to debate those points.

On new clause 7, I understand the concerns about the European elections, because I personally do not think that it makes much sense for departing member states that are part of the article 50 process to be covered in the same way. However, I draw Members’ attention to the legal opinion drawn up by Lord David Anderson, QC, and five other top lawyers, which says:

“The right to participate in EP elections may be derogated from under EU law,” and lists a series of other points. I understand that there will be political debates about that; I also think that all hon. Members will consider that the most important thing is for us to get this right, rather than be constrained by this issue. Therefore, I do not think that it is appropriate to accept new clause 7. Nevertheless, Members and the Government should take seriously that legal opinion, which lists a series of ways in which it is thought possible, short of treaty change, to avert the UK having to participate in European elections.

Let me turn to amendment 21, in the name of the hon. Member for Camborne and Redruth (George Eustice), and Government amendment 22, which is an important one. The Minister asked me why a similar provision had been included in previous drafts of the Bill. The reason was that in previous attempts we thought that we would be legislating at a much earlier stage and that therefore there might be a period of weeks in which the Prime Minister should not be restricted from seeking an extension of article 50 in advance, if that was thought necessary in order to prepare. We did not want to restrict the Prime Minister’s hand in that way. Our concern about how the provision is framed now is that it appears to undermine the purpose of the Bill, and I am not sure whether that is the Minister’s intention. Therefore, we should perhaps have further discussions if his amendment is not passed. I would resist it tonight, because I do not want to undermine the purpose of the Bill, although it is obviously important to ensure complete clarity about the Prime Minister’s flexibility to take decisions in the European Council, which of course she has.

Mr Robin Walker: I am grateful to the right hon. Lady for that clarification. The Government will still press amendment 22, and we feel it right to do so to protect the powers under the royal prerogative. I can assure her that it is about providing that flexibility. Of course, the process that those on her party’s Front Bench and our Front Bench are engaged with might require that flexibility, whatever the House chooses to do on this legislation. We obviously continue to oppose the Bill, and I should also mention, as I did not mention it in my speech, that we encourage colleagues to support amendment 21.

Yvette Cooper: I would argue that Government amendment 22 and amendment 21 should both be opposed at this stage, but if they do not pass and the Bill passes to the other place, I would be keen to have further discussions with the Minister about how we can ensure appropriate clarity for something that I think we all want to see and ensure that the Government can do this in an orderly way.

On that basis, I hope that we can support the drafting amendments to which I have referred. I will personally support new clause 13, but would urge the Committee to resist the other amendments and hope that there can be further constructive discussions to ensure that the Bill does what we want it to do, which is simply to support the Prime Minister’s work to avert no deal and to ensure that we do not end up putting our constituents at risk during the important process that the Prime Minister has instigated, which we hope can successfully achieve agreement on a way forward.

Amendment 13 agreed to.

Amendment proposed: 21, page 1, line 21, leave out subsections (6) and (7)—(George Eustice.)

The Committee divided: Ayes 304, Noes 313.

Division No. 405] [9.54 pm

AYES

Adams, Nigel
Afolami, Bim
Afiyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Akins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breton, Jack
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Dochezry, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyele-Price, Jack
Drax, Richard

Mr Robin Walker: I am grateful to the right hon. Lady for that clarification. The Government will still press amendment 22, and we feel it right to do so to protect the powers under the royal prerogative. I can assure her that it is about providing that flexibility. Of course, the process that those on her party’s Front Bench and our Front Bench are engaged with might require that flexibility, whatever the House chooses to do on this legislation. We obviously continue to oppose the Bill, and I should also mention, as I did not mention it in my speech, that we encourage colleagues to support amendment 21.

Yvette Cooper: I would argue that Government amendment 22 and amendment 21 should both be opposed at this stage, but if they do not pass and the Bill passes to the other place, I would be keen to have further discussions with the Minister about how we can ensure appropriate clarity for something that I think we all want to see and ensure that the Government can do this in an orderly way.

On that basis, I hope that we can support the drafting amendments to which I have referred. I will personally support new clause 13, but would urge the Committee to resist the other amendments and hope that there can be further constructive discussions to ensure that the Bill does what we want it to do, which is simply to support the Prime Minister’s work to avert no deal and to ensure that we do not end up putting our constituents at risk during the important process that the Prime Minister has instigated, which we hope can successfully achieve agreement on a way forward.

Amendment 13 agreed to.

Amendment proposed: 21, page 1, line 21, leave out subsections (6) and (7)—(George Eustice.)

The Committee divided: Ayes 304, Noes 313.

Division No. 405] [9.54 pm

AYES

Adams, Nigel
Afolami, Bim
Afiyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
Andrew, Stuart
Argar, Edward
Akins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Breton, Jack
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Dochezry, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyele-Price, Jack
Drax, Richard
Dudridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
François, rh Mr Mark
Frazier, Lucy
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gauke, rh Mr David
Garnier, Mark
Fysh, Mr Marcus
Gauke, rh Mr David
Ghani, Ms Nusrat
Gillan, rh Dame Cheryl
Grill, rh Mark
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Mr Robert
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hand, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hepburn, Mr Stephen
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Hughes, Nigel
Hughes, Eddie

Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, rh Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jennings, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, rh Mr Marcus
Kawcynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Mr Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leacatt, rh Andrew
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Locsin, Julia
Loprest, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mark, Alan
Malthouse, Kit
Mann, Scott
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Millington, Amanda
Mills, Nigel
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Mundell, rh David
Murray, rh Mrs Sherryl
Murison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, rh Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Royston
Soames, rh Sir Nicholas
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Symes, Sir Robert
Thomson, Ross
Throup, Maggie
Tollhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Vara, Mr Shai
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, rh Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whtingdale, rh Mr John
Wigg, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Wragg, Mrs William
Wright, rh Jeremy

Tellers for the Ayes: Wendy Morton and Craig Whittaker

NOES
Brake, rh Tom
Brennan, Kevin
Brine, Steve
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
European Union (Withdrawal) (No. 5) Bill

Proceedings interrupted, (Programme Order, this day).

10.11 pm

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

Amendment proposed: No. 22, page 2, line 3, at end insert—

“() Nothing in this section prevents a Minister of the Crown from seeking, or agreeing to, an extension of the period specified in Article 50(3) of the Treaty on European Union otherwise than in accordance with this section.”—(Stephen Barclay.)

This amendment ensures that the Bill does not limit the powers that a Minister of the Crown would otherwise have to seek, or agree to, an extension of the Article 50(3) period.

Question put, That the amendment be made.

The Committee divided: Ayes 220, Noes 400.

Division No. 406] [10.11 pm

AYES

Adams, Nigel
Afolami, Bim
Aldous, Peter
Allan, Lucy
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Badenoch, Mrs Kemi
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, rh Karen
Breereton, Jack
Brine, Steve
Brookman, Bob
Brooke, Sir Peter
Browne, Andrew
Bruce, Fiona
Bruce, Mark
Buckland, Robert
Burghart, Alex
Cairns, rh Alun
Carmichael, James
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Cleese, James
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Davies, David T. C.
Davies, Glyn
Davies, Mims
Dinenage, Caroline
Docherty, Leo
Donelan, Michelle
Dorries, Ms Nadine
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duguid, David
Duncan, rh Sir Alan
Dunne, rh Mr Philip
Hopkins, Kelvin
Howell, John
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sayeed
Jennick, Robert
Johnson, Dr Caroline
Jones, Andrew
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lefroy, Jeremy
Leigh, rh Sir Edward
Lewis, rh Brandon
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopresti, Jack
Loughton, Tim
Madecan, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, John
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Miller, rh Mrs Maria
Milling, Amanda
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, David
Morris, James
Mundell, rh David
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Pawsey, Mark
Penrose, John
Percy, Andrew
Perry, rh Claire
Philip, Chris
Pincher, rh Christopher
Pouler, Dr Dan
Pow, Rebecca
PRENTIS, Victoria
Prisk, rh Mark
Quin, Jeremy
Robinson, Mary
Ross, Douglas
Rudd, rh Amber
Rutley, David
Scully, Paul
Selley, rh Mr Bob
Selous, Andrew
Sharma, Lok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, rh Julian
Smell, Gareth
Soames, rh Sir Nicholas
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Ian
Stewart, Rory
Street, Sir Gary
Stride, rh Mel
Stuart, Graham
Sunak, Rishi
Sym, Sir Robert
Throup, Maggie
Tohur, Kelly
Tomlinson, Justin
Tredinnick, David
Truss, rh Elizabeth
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Whately, Helen
Wheeler, Mrs Heather
Wiggin, Bill
Williamson, rh Gavin
Wood, Mike
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes: Wendy Morton and Craig Whittaker

NOES

Ashworth, Jonathan
Bacon, Mr Richard
Bailey, Mr Adrian
Baker, Mrs Rebecca
Bardell, Hannah
Baron, Mr John
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Rayner, Angela
Redwood, rh John
Reed, Mr Steve
Rees, Christina
Rees-Mogg, Mr Jacob
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Rodd, Matt
Rosindell, Andrew
Rowley, Danielle
Rowley, Lee
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Shah, Naz
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Simpson, David
Skinner, Mr Dennis
Slaughter, Andy
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Henry
Smith, Laura
Smith, Owen
Smith, Royston
Smyth, Karin
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sturdy, Julian
Swayne, rh Sir Desmond
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewlis, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thompson, Ross
Timms, rh Stephen
Tomlinson, Michael
Tracey, Craig
Trevelyan, Anne-Marie
Trickett, Jon
Tugendhat, Tom
Turley, Anna
Turner, Karl
Twig, Stephen
Twist, Liz
Urmunna, Chuka
Vaizey, rh Mr Edward
Vara, Mr Shaihesh
Vaz, rh Keith
Vaz, Valerie
Vickers, Martin
Villiers, rh Theresa
Walker, Thelma
Watting, Giles
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whithfield, Martin
Whitford, Dr Philippa
Whittingdale, rh Mr John
Williams, Hywel
Williams, Mr Paul
Williamson, Chris
Wilson, Phil
Wilson, rh Sammy
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Wragg, Mr William
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Nick Smith and
Jeff Smith

Baron, Mr John
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bradley, Ben
Brady, Sir Graham
Braverman, Suella
Bridge, Andrew
Bruce, Fiona
Burns, Connor
Campbell, Mr Gregory
Cash, Sir William
Caufield, Maria
Chishi, Reham
Chope, Sir Christopher
Clarke, Mr Simon
Clifton-Brown, Sir Geoffrey
Courts, Robert
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Philip
Davis, rh Mr David
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Double, Steve
Drax, Richard
Duddridge, James
Duguid, David
Duncan Smith, rh Mr Iain
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Field, rh Frank
Francois, rh Mr Mark
Fysh, Mr Marcus
Gillan, rh Dame Cheryl
Girvan, Paul
Goldsmit, Zac
Gray, James
Green, Chris
Griffiths, Andrew
Harper, rh Mr Mark
Heaton-Harris, Chris
Henderson, Gordon
Hoey, Kate
Hollonbone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Hughes, Eddie
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Gareth
Jones, rh Mr David
Kawczynski, Daniel
Knight, rh Sir Greg
Lamont, John

Latham, Mrs Pauline
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Dr Julian
Little Pengelly, Emma
Lopez, Julia
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Main, Mrs Anne
Mann, Scott
McPartland, Stephen
McVey, rh Ms Esther
Metcalfe, Stephen
Mills, Nigel
Moore, Damien
Morriss, Anne Marie
Murray, Mrs Sheryl
Murrison, Dr Andrew
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paternson, rh Mr Owen
Penning, rh Sir Mike
Percy, Andrew
Pitchard, Mark
Pugslove, Tom
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Ross, Douglas
Rowley, Lee
Shannon, Jim
Shapps, rh Grant
Simpson, David
Smith, Henry
Smith, Rhoyston
Stewart, Bob
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomson, Ross
Tomlinson, Michael
Tracey, Craig
Trevelyan, Anne-Marie
Vara, Mr Shaihesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Warman, Matt
Whittingdale, rh Mr John
Wiggan, Bill
Wilson, rh Sammy
Wragg, Mr William

Tellers for the Ayes:
Ms Nadine Dorries and
Andrew Rosindell

NOES
Amesbury, Mike
Amess, Sir David
Andrew, Stuart
Antoniazzi, Tonia
Argar, Edward
Ashworth, Jonathan
Atkins, Victoria
Clause 2

**INTERPRETATION, COMMENCEMENT, EXTENT AND SHORT TITLE**

Amendment made: 14, page 2, line 5, leave out “2018 Act” and insert “the European Union (Withdrawal) Act 2018”.—[Yvette Cooper.]

This clarifies the title of the previous Act being referred to.

Clauses 2, as amended, ordered to stand part of the Bill.

**New Clause 4**

**AMENDABILITY OF MOTIONS**

‘Any motion brought forward under section 1(1) in the form set out in section 1(2) may be amended in line with section 1(3) only to include a date.’—[Sir William Cash.]

This new Clause would prevent further amendments to standing orders etc.

Brought up, and read the First time.

**Question put.** That the clause be read a Second time.

**The Committee divided:** Ayes 105, Noes 509.

**Division No. 408**

**AYES**

Adams, Nigel
Afriyie, Adam
Bacon, Mr Richard
Baker, Mr Steve
Baron, Mr John
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bradley, Ben
Brady, Sir Graham
Braverman, Suella
Bridgen, Andrew
Burns, Conor
Campbell, Mr Gregory
Warman, Matt
Watling, Giles
Watson, Tom
West, Catherine
Western, Matt
Whately, Helen
 Wheeler, Mrs Heather
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Whittaker, Craig
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Williamson, rh Gavin
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Wood, Mike
Woodcock, John
Wright, rh Jeremy
Yasin, Mohammad
Zeichner, Daniel

**Tellers for the Ayes:**

Nick Smith and Jeff Smith

Question accordingly negatived.

Clause 1, as amended, ordered to stand part of the Bill.
Elections for the Ayes:  
Wragg, Mr William  
Wilson, rh Sammy  
Whittingdale, rh Mr John  
Warburton, David  
Trevelyan, Anne-Marie  
Vara, Mr Shailesh  
Vickers, Martin  
Villiers, rh Theresa  
Warburton, David  
Whittingdale, rh Mr John  
Wiggin, Bill  
Wilson, rh Sammy  
Wragg, Mr William  

Tellers for the Ayes:  
Mr Mark Harper and Mr Jacob Rees-Mogg  

Berger, Luciana  
Betts, Mr Clive  
Black, Mhairi  
Blackford, rh Iain  
Blackman, Kirsty  
Blackman-Woods, Dr Roberta  
Bloomfield, Paul  
Boles, Nick  
Bottomley, Sir Peter  
Bowie, Andrew  
Brabin, Tracy  
Bradley, rh Karen  
Bradshaw, rh Mr Ben  
Braun, Trefor  
Brogan, Tracy  
Brock, Deidre  
Brokenshire, rh James  
Brown, Alan  
Brown, Lyn  
Brown, rh Mr Nicholas  
Bruce, Fiona  
Bryant, Chris  
Buck, rh Sir Jeffrey  
Buckland, Robert  
Burden, Richard  
Burghart, Alex  
Burton, Richard  
Burt, rh Alistair  
Butler, Dawn  
Byrne, rh Liam  
Cable, rh Sir Vince  
Cadbury, Ruth  
Caims, rh Alun  
Cameron, Dr Lisa  
Campbell, rh Sir Alan  
Carden, Dan  
Carmichael, rh Mr Alistair  
Cartidge, James  
Chalk, Alex  
Champion, Sarah  
Chapman, Douglas  
Chapman, Jenny  
Charalambous, Bambos  
Cherry, Joanna  
Churchill, Jo  
Clark, Colin  
Clark, rh Greg  
Clarke, rh Mr Kenneth  
Cleverly, James  
Clwyd, rh Ann  
Coaker, Vernon  
Coffey, Anna  
Coffey, Dr Thérèse  
Collins, Damian  
Cooper, Julie  
Cooper, Rosie  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Costa, Alberto  
Cowan, Ronnie  
Cox, rh Mr Geoffrey  
Coyle, Neil  
Crabb, rh Stephen  
Crausby, Sir David  
Crawley, Angela  
Creagh, Mary  
Creasy, Stella  
Cruddas, Jon  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Cunningham, Mr Jim  
Daby, Janet  
Dakin, Nic  
Davey, rh Sir Edward  
David, Wayne  
Davies, Geraint  
Davies, Glyn  
Davies, Mims  
Day, Martyr  
De Cordova, Marsha  
De Piero, Gloria  
Debbonaire, Thangam  
Dent Coad, Emma  
Dhesi, Mr Tanmanjeet Singh  
Dinenage, Caroline  
Djungloy, Mr Jonathan  
Dochearty, Leo  
Dochearty-Hughes, Martin  
Dodds,高昂eelose  
Donelan, Michelle  
Doughty, Stephen  
Dowd, Peter  
Dowden, Oliver  
Doye-Price, Jackie  
Drew, Dr David  
Dromey, Jack  
Duffield, Rosie  
Duguid, David  
Duncan, rh Sir Alan  
Dunne, rh Mr Philip  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Ellis, Michael  
Ellman, Dame Louise  
Ellwood, rh Mr Tobias  
Elmore, Chris  
Esterson, Bill  
Evans, Chris  
Evannett, rh Sir David  
Fallon, rh Sir Michael  
Farrell, Paul  
Farron, Tim  
Fellows, Marion  
Field, rh Frank  
Field, rh Mark  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flin, rh Caroline  
Ford, Vicky  
Foster, Kevin  
Fovargue, Yvonne  
Foxcroft, Vicky  
Frazer, Lucy  
Freer, Mike  
Frim, James  
Furness, Gill  
Gaffney, Hugh  
Gale, rh Sir Roger  
Gapes, Mike  
Gardiner, Barry  
Garnier, Mark  
Gauke, rh Mr David  
George, Ruth  
Gethins, Stephen  
Ghani, Ms Nusrat  
Gibb, rh Nick  
Gibson, Patricia  
Gill, Preet Kaur  
Gillan, rh Dame Cheryl  
Glen, John  
Glindon, Mary  
Godsiff, rh Mr Roger  
Goodman, Helen  
Goodwill, rh Mr Robert  
Gove, rh Michael  
Grady, Patrick  
Graham, Luke  
Graham, Richard  
Grant, Bill  
Grant, Mrs Helen  
Grant, Peter  
Gray, Neil  
Grayling, rh Chris  
Green, rh Damian  
Green, Kate  
Greening, rh Justine  
Greenwood, Lilian  
Greenwood, Margaret  
Grieve, rh Mr Dominic  
Griffith, Nia  
Grogan, John  
Gwynne, Andrew  

NOES:  
Abbott, rh Ms Diane  
Abrahams, Debbie  
Afzal, rh Bim  
Aldous, Peter  
Ali, Rushanara  
Allen, Heidi  
Allin-Khan, Dr Rosena  
Amesbury, Mike  
Amess, Sir David  
Andrew, Stuart  
Antoniasson, Tonia  
Argar, Edward  
Ashworth, Jonathan  
Atkins, Victoria  
Austin, Ian  
Badenoch, Mrs Kemi  
Bailey, Mr Adrian  
Baldwin, Harriet  
Barclay, rh Stephen  
Bardell, Hannah  
Barron, rh Sir Kevin  
Bebb, Guto  
Beckett, rh Margaret  
Bellingham, Sir Henry  
Benn, rh Hilary  
Benyon, rh Richard  
Donaldson, rh Sir Geoffrey  
Donnelly, Stephen  
Dowden, Oliver  
Drew, Dr David  
Dromey, Jack  
Duffield, Rosie  
Duguid, David  
Duncan, rh Sir Alan  
Dunne, rh Mr Philip  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Ellis, Michael  
Ellman, Dame Louise  
Ellwood, rh Mr Tobias  
Elmore, Chris  
Esterson, Bill  
Evans, Chris  
Evannett, rh Sir David  
Fallon, rh Sir Michael  
Farrell, Paul  
Farron, Tim  
Fellows, Marion  
Field, rh Frank  
Field, rh Mark  
Fitzpatrick, Jim  
Fletcher, Colleen  
Flin, rh Caroline  
Ford, Vicky  
Foster, Kevin  
Fovargue, Yvonne  
Foxcroft, Vicky  
Frazer, Lucy  
Freer, Mike  
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Garnier, Mark  
Gauke, rh Mr David  
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Glindon, Mary  
Godsiff, rh Mr Roger  
Goodman, Helen  
Goodwill, rh Mr Robert  
Gove, rh Michael  
Grady, Patrick  
Graham, Luke  
Graham, Richard  
Grant, Bill  
Grant, Mrs Helen  
Grant, Peter  
Gray, Neil  
Grayling, rh Chris  
Green, rh Damian  
Green, Kate  
Greening, rh Justine  
Greenwood, Lilian  
Greenwood, Margaret  
Grieve, rh Mr Dominic  
Griffith, Nia  
Grogan, John  
Gwynne, Andrew
EUROPEAN UNION (WITHDRAWAL) (No. 5) BILL

3 APRIL 2019

Jones, Andrew
Johnson, Diana
Johnson, Dr Caroline
Jenrick, Robert
Jarvis, Dan
Jardine, Christine
James, Margot
Jack, Mr Alister
Huq, Dr Rupa
Huddleston, Nigel
Howell, John
Howarth, Mr George
Hollern, Kate
Hollingbery, George
Hollinrake, Kevin
Hosie, Stewart
Howarth, rh Mr George
Howell, John
Hudson, Nigel
Hunt, rh Mr Jeremy
Hug, Dr Rupa
Hurd, rh Mr Nick
Hussain, Imran
Jack, Mr Alister
James, Margot
Jardine, Christine
Jarvis, Dan
Javid, rh Sajid
Jenrick, Robert
Johnson, Dr Caroline
Johnson, Diana
Jones, Andrew
Jones, Darren (Proxy vote cast by Kenny McCarthy)
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Mr Marcus
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keegan, Gillian
Keeley, Barbara
Kendall, Liz
Kennedy, Seema
Kerr, Stephen
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Knight, Julian
Kwarteng, Kwasi
Kyle, Peter
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lamont, John
Lancaster, rh Mark
Lavery, Ian
Law, Chris
Leadsom, rh Andrea
Lee, Karen
Lee, Dr Phillip
Lefroy, Jeremy
Leslie, Mr Chris
Letwin, rh Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, rh Brandon
Lewis, Clive
Lewis, Mr Ivan
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Linden, David
Lloyd-Thomas, Helen
Lloyd, Tony
Long Bailey, Rebecca
Lopresti, Jack
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Maclean, Rachel
Macdonald, Angus Brendan
Madders, Justin
Maimhoor, Mr Khalid
Maimhoor, Shabana
Mak, Alan
Mahotha, Seema
Mallhouse, Kit
Mann, John
Marziliano, Gordon
Martin, Sandy
Maskell, Rachael
Masterston, Paul
Matheson, Christine
May, rh Mrs Theresa
Maynard, Paul
Mc Nally, John
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLoughlin, rh Sir Patrick
McMahon, Jim
McMorris, Anna
Mearns, Ian
Menzies, Mark
Merriman, Huw
Miliband, rh Edward
Miller, rh Mrs Maria
Milligan, Amanda
Milton, rh Anne
Monaghan, Carol
Moon, Mrs Madeleine
Moore, Damien
Morgan, Layla
Mordaunt, rh Penny
Morgan, Stephen
Morris, David
Morris, Graham
Morris, James
Morton, David
Murrison, Dr Andrew
Nandy, Lisa
Neill, Robert
Newlands, Gavin
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
Norris, Alex
O’Brien, Neil
O’Hara, Brendan
O’Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onurah, Chi
Opperman, Guy
Osamor, Kate
Owen, Albert
Pawsey, Mark
Peacock, Stephanie
Pearce, Teresa
Penning, rh Sir Mike
Pennycook, Matthew
Penrose, John
Perry, rh Claire
Phillips, Jess
Phillipson, Bridget
Philip, Chris
Picock, Laura
Pinner, rh Christopher
Platt, Jo
Pollard, Luke
Poulter, Dr Dan
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Quin, Jeremy
Quince, Will
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Robinson, Mary
Rodda, Matt
Ross, Douglas
Rowley, Danielle
Ruane, Chris
Rudd, rh Amber
Russell-Moyle, Lloyd
Rutley, David
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, rh Liz
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shah, Naz
Shapps, rh Grant
Sharma, Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Shelbrooke, Alec
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Simpson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Chloe
Smith, Eleanor
Smith, rh Julian
Smith, Laura
Smith, Owen
Smyth, Karin
Snell, Gareth
Soames, rh Sir Nicholas
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Spencer, Mark
Starmer, rh Keir
Stephens, Chris
Stephenson, Andrew
Stevens, Jo
Stevenson, John
Stewart, Iain
Stewart, Rory
Stone, Jamie
Streeter, Sir Gary
Streeting, Wes
Stride, rh Mel
Stuart, Graham
Sunak, Rishi
Sweeney, Mr Paul
Swinson, Jo
Swire, rh Sir Hugo
Sym, Sir Robert
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Throup, Maggie
Timms, rh Stephen
Tohurston, Kelly
Tomlinson, Justin
Tredinnick, David
Trickett, Jon
Truss, rh Elizabeth
Tugendhat, Tom
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
The Speaker resumed the Chair.

Brought up, and added to the Bill.

The Speaker resumed the Chair.

Bill, as amended, reported.

Mr Charles Walker (Broxbourne) (Con): On a point of order, Mr Speaker. The House of Commons is about to pass a major piece of legislation without a Report stage or a substantive Third Reading. If the Government did this, the House would rightly be deeply irritated with them, so the House should find no virtue in its actions this evening.

Mr Speaker: The hon. Gentleman has made his own point in his own way and with his usual sincerity. The matter of virtue is not to be adjudicated by the Chair, but his point is on the record.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. You are our defender of the rights of this Parliament. Surely it is within your gift to make this farce stop and say there can be no Third Reading—no more votes!

Mr Speaker: The hon. Gentleman invests me with powers that I do not possess. I do not know whether I should be grateful to him. If he were right, perhaps I would be, but he isn’t, so I can’t. I fear we will have to leave it there, but I have heard his dulcet tones, and they will ring in my ears for some considerable time to come. I thank him for what he has said.

Bill, as amended in the Committee, considered.

Question put forthwith (Order, this day), That the Bill be now read the Third time.
European Union (Withdrawal) (No. 5) Bill

1213
McGinn, Conor
McFadden, Pat
McDonald, Stuart C.
McDonald, Andy
McCarthy, Kerry
McCabe, Steve
McNally, John
Maskell, Rachael
Martin, Sandy
Malhotra, Seema
Mahmood, Shabana
Mahmood, Khalid
MacNeil, Angus
Madders, Justin
MacNeil,ướng
MacMillan, Cat
Mackay, Douglas
Kennedy, Peter
Khan, Dr Rupa
Khan, Dr Rehman
Khan, Dr Imran
Hendry, Derek
Hendry, John
Hendrick, Sir Mark
Hendry, Drew
Hermyn, Sue
Healey, John
Hendrick, Sir Mark
Hendry, Drew
Hermyn, Sue
Hill, Mike
Hiller, Meg
Hobhouse, Wera
Hodge, Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Howarth, Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Dan
Johnson, Diana
Jones, Darren (Proxy vote cast by Kerry McCarthy)
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevin
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, Mr David
Lavery, Ian
Law, Chris
Lee, Karen
Lee, Dr Phillip
Leslie, Mr Chris
Letwin, Mr Sir Oliver
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, John
McFadden, Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorin, Anna
Mearns, Ian
Milliband, rh Edward
Monaghan, Carol
Moon, Mr Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Graeme
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
O’Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pitch, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sandbach, Antoinette
Savile Roberts, rh Liz
Shah, Naz
Sharro, rh Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (Proxy vote cast by Vicky Foxcroft)
Slater, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Owen
Smith, Karin
Soubry, rh Anna
Spellar, rh John
Spelman, rh Dame Caroline
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Geoffrey
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaizey, rh Mr Edward
Vaz, rh Keith

Adams, Nigel
Afzal, Bim
Afrinie, Adam
Aldous, Peter
Allan, Lucy
Amess, Mr Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Stephen
Baron, Mr John
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, rh Sir Graham
Braverman, Suella
Brereton, Jack
Bridgen, Andrew
Brokenbrough, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, Mr Gregory
Campbell, Mr Ronnie
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin

Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr David
Williamson, Chris
Wilson, Phil
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Nick Smith

NOES
Clark, rh Greg
Clarke, Mr Simon
Cleverty, James
Clifton-Brown, Sir Geoffrey
Coffey, Mr Thérèse
Collins, Damian
Cooper, Rosie
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Downen, Oliver
Drake, Jackie
Draught, David
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, rh Mr Philip
Ellis, Tony
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Frank
Field, rh Mark
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark

European Union (Withdrawal) (No. 5) Bill

3 APRIL 2019
Question accordingly agreed to.

Bill read the Third time and passed.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): On a point of order, Mr Speaker. Given the strong feelings that there are on this issue and the tightness of the vote, it is important to say how welcome it is that this has been a very considered and thoughtful debate throughout today. I am sure that is the way that we want all the debates on this to take place.

The House has tonight voted again to make clear the real concern that there would be about a chaotic and damaging no deal and to support the Prime Minister’s commitment to ensure that we do not end up with no deal on 12 April. I am sure that we will be very keen to work with the Government to make sure that this legislation progresses in a way that is sensible and works in the national interest.

Finally, I thank the right hon. Member for West Dorset (Sir Oliver Letwin) and the hon. Member for Grantham and Stamford for their work on this Bill and on previous Bills to make sure that we could get this far, and, I hope, to help the Prime Minister to persuade her Cabinet and others how important this is.

Mr Speaker: I note what the right hon. Lady has said and I thank her for it.

Mr Mark Francois (Rayleigh and Wickford) (Con): On a point of order, Mr Speaker. I have heard what the right hon. Lady has said, but it is difficult to argue that...
European Union (Withdrawal) (No. 5) Bill

3 APRIL 2019

we have had an extremely considered debate when the Bill has been rapped through the House of Commons in barely four hours. That is not a considered debate; that is a constitutional outrage. It went through in the end by one vote. That, to me, does not represent the long-term, settled will of the House of Commons. [Interruption.] Someone shouts from a sedentary position “52:48”. There is a difference between a majority of 1.4 million and one. All I would say to hon. Members opposite is that the public will not be impressed by this. Forgive them, Father, for they know not what they do.

Mr Speaker: I note what the right hon. Gentleman has said. He speaks for himself and conceivably for others as well, and there are people who take a different view, but he has put it in a perfectly orderly way. There is, however, nothing disorderly about these proceedings.

Mr Steve Baker (Wycombe) (Con): On a point of order, Mr Speaker. Of course this has been a quality debate, but an altogether too brief one. I know how their Lordships feel about ill-considered and briskly prepared legislation going up to their Lordships’ House in an inadequate state, as I am sure this Bill is, so I place on the record my fervent hope that their Lordships will examine this Bill line by line and explore every possibility for amendment of this legislation for as long as they think is necessary.

Mr Speaker: I note what the hon. Gentleman has said. I am sure that the other place will become aware of his words and will make its own judgment, as he rightly suggests.

David Linden (Glasgow East) (SNP): On a point of order, Mr Speaker. We started the process of voting at 9.54 pm, and it has taken us until nearly half-past 11 to complete it. I am, of course, making my usual point about electronic voting and how much more efficient the process could be, but there is also a serious aspect in that the catering staff, the Clerks and all the other staff of the House have been required, and it has been provided. I thank all the Clerks at the Table, and many others who are not currently in the Chamber, for the work that they have done.

Mr Speaker: The hon. Gentleman is nothing if not persistent in making that point. He knows, because I have indicated it on other occasions elsewhere, that I happen to have great sympathy for his point of view: I have indicated it on other occasions elsewhere, that I am sure this Bill is, so I place on the record my fervent hope that their Lordships will examine this Bill line by line and explore every possibility for amendment of this legislation for as long as they think is necessary.

Mr Speaker: I note what the hon. Gentleman has said. I am sure that the other place will become aware of his words and will make its own judgment, as he rightly suggests.

Yvette Cooper: Further to that point of order, Mr Speaker. I apologise to the hon. Member for Sleaford and North Hykeham (Dr Johnson). It is late.

Hilary Benn (Leeds Central) (Lab): On a point of order, Mr Speaker. I wonder whether it would be in order to place on record the House’s thanks to, in particular, the Clerks and the staff of the Vote Office for the way in which they have received, marshalled, typed up, printed and distributed the papers that enabled us to consider the Bill this evening.

Mr Speaker: That is typically courteous of the right hon. Gentleman, and perhaps enables us to conclude the proceedings on a note of some amity. I entirely endorse what he has said, and I think that that other colleagues will do so as well. Extreme professionalism has been required, and it has been provided. I thank all the Clerks at the Table, and many others who are not currently in the Chamber, for the work that they have done.

PETITION

TV licences for over-75s

11.32 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I rise to present a petition which states:

The petition of the residents of East Kilbride, Strathaven and Lesmahagow,

Declares that free TV licences to householders with someone aged over 75 should remain for the foreseeable future; notes that this scheme should remain in governmental hands rather than being privatised via the BBC; further that the removal of the free TV licences will have a negative impact on some of the poorest pensioners in the constituency and across the country; further notes that one of BBC’s proposals in the consultation is means-testing the concession by linking the free licences to Pension Credit; further that the Department for Work and Pensions’ own estimates show that nationally 40% (two in five) of those entitled to receive Pension Credit are not in receipt of the benefit and would be excluded; further that access to media, especially if frail or housebound, can reduce loneliness in older age and improve wellbeing.

The petitioners therefore request that the House of Commons urges the Government to reverse the planned decision to end the funding of the free TV licence to households with someone aged over 75 and the privatisation of this to the BBC.

And the petitioners remain, etc.

[P002444]
Packaging: Extended Producer Responsibility

Motion made, and Question proposed. That this House do now adjourn.—(Mr Jack.)

11.34 pm

Anna McMorrin (Cardiff North) (Lab): I am grateful for the opportunity to raise the important issue of extended producer responsibility for packaging, and may I thank colleagues for staying so late after a very busy and exhausting day?

This may sound like a technical debate, and we can make it as technical as we want, but to me the principle of extended producer responsibility is pretty simple. It means that producers of packaging—manufacturers and brand owners—are responsible for the products, and any associated packaging they make or sell, from the beginning of their lifecycle until the end.

Plastic and packaging is everywhere. It is in our oceans, in our rivers and even in our food. We are waking up to the scale of the problem, but we still need to do so much more. With retailers, brands and supermarkets producing far too much plastic and packaging, it is time for an overhaul of the system and for holding those who do not take responsibility to account. The world has seen the horrific footage of trapped turtles and pregnant whales washed up on the beaches of Sardinia with stomachs full of plastic. This is what plastic and packaging are doing to our environment.

Ruth George (High Peak) (Lab): My hon. Friend is making an excellent speech. Will she pay tribute to producers like Buxton Water in my constituency who are seeking to use recycled plastic as much as possible? Does she also agree that we need Government and local government to do a lot more to make sure we can sort plastic so we get enough fully recycled good quality plastic that can be used by such producers?

Anna McMorrin: I thank my hon. Friend. Friend for making an excellent point. We do need to see that systemic change across all levels of Government.

I saw on a recent visit with the Environmental Audit Committee to the Arctic the impact plastic waste is having there, with bottles and plastic waste on those pristine shores.

Alex Sobel (Leeds North West) (Lab/Co-op): I also went on that Committee visit. In the Arctic in 2017, a new garbage pile was discovered to rival the one in the Pacific. That is our waste going north. Does my hon. Friend agree that we need Government and local government to do a lot more to make sure we can sort plastic so we get enough fully recycled good quality plastic that can be used by such producers?

Anna McMorrin: I thank my hon. Friend for making an excellent point. We do need to see that systemic change across all levels of Government.

I saw on a recent visit with the Environmental Audit Committee to the Arctic the impact plastic waste is having there, with bottles and plastic waste on those pristine shores.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I completely agree and it is imperative that we in the UK take that action because it is our waste that is ending up on those pristine shores.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on securing this debate; even at this late hour the importance of this issue cannot be underlined too strongly.

Local councils have a very important role to play, as has been said. My local council of Ards and North Down Borough Council, and Ards Borough Council before that, brought in the blue bin recycling project. It was extremely successful not just because the council brought it in, but educationally at school level where the children went home and said to their parents, “Let’s do the recycling.” So there are two ways of looking at this: through the councils but also through education.

Anna McMorrin: The hon. Gentleman is absolutely right, but this needs to come from more than local councils; it needs to come from the Government as well, and that is what we are addressing here.

Rachael Maskell (York Central) (Lab/Co-op): I am glad my hon. Friend has secured this debate. Having gone plastic-free during Lent, plastic is now just staring at me everywhere, and I have started working with manufacturers in York. Does she agree that we must start through the food supply chain in particular and work with manufacturers to see packaging change?

Anna McMorrin: I agree: we need to see that change everywhere, but there is a broken system at present, and that must change.

We have seen this not only in the Arctic: in the Antarctic too there is that changing climate and environment. It is having an equally horrifying effect. Almost 90% of the glaciers have retreated since the 1960s when my father spent two years there with the British Antarctic Survey, but I am hopeful that the McMorin glacier, which was named after him, will still be there when my children are older. The natural world and his time in Antarctica shaped him, and I remember the stories he told me about that vast and beautiful landscape when I was growing up. They have instilled in me his passion and determination to help to change things.

When I was an adviser in the Welsh Government, I saw the impact that waste pollution was having on wildlife and natural resources, and the effect that it was having on climate change. I was lucky then to be part of a Government who acted quickly and helped to ensure that Wales was the first country to introduce the 5p charge on single-use plastic bags, which has resulted in a 71% reduction in their use since 2011. Unfortunately, it took the UK Government four years to follow suit in England. I have watched the statistics on waste get worse and worse, and this is even more worrying when studies have shown that the UK Government figures have been known to drastically underestimate how much plastic packaging waste Britain generates. A study by the specialist organisation Eunomia estimates that just 31% of plastic waste in the UK is currently recycled.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I completely agree with what my hon. Friend is saying and I commend the Welsh Government for the excellent steps that they have taken on this issue. Does she agree that it is shocking that some of the plastic we think we are sending to be recycled often ends up in landfill sites thousands of miles away in developing countries on the other side of the world, where it causes pollution by leaching into the surrounding ecosystems?

Anna McMorrin: I thank my hon. Friend for making that excellent point. That is absolutely what we are seeing, and we have to stop it by fundamentally reforming the system.
We have seen growing public awareness of the problems with waste, especially since the broadcast of David Attenborough’s “Blue Planet II”. Three quarters of a billion people worldwide watched that harrowing footage of albatross parents feeding their chicks plastic, mother dolphins potentially exposing their new-born calves to pollutants through contaminated milk, and the whale with a bucket caught in its mouth. Those images were hard-hitting, but necessary to bring about change.

Matt Western (Warwick and Leamington) (Lab): My hon. Friend is making important points on this critical subject. I, too, want to pay tribute to the BBC natural history unit, which is based in Bristol, for its extraordinary work. Back in 2007, it highlighted this problem in the Midway Islands in the Pacific, where we saw the plastic debris that was being found among the dead birds there. I should also like to emphasise the point that things can be done. Companies such as Fortress Recycling in Leamington recycle a great deal of plastic, but black plastic is a real problem for them.

Anna McMorrin: My hon. Friend is completely correct. We have to find ways of recycling all waste, or of limiting its use. That is at the heart of the change that we need to make. “Blue Planet II” has inspired changes up and down the nation, with people increasingly moving from single-use plastic bottles to reusable bottles, increasing their use of travel cups and moving away from plastic straws and cutlery.

Wayne David (Caerphilly) (Lab): Straws can provide examples of extremely good practice. A company in my constituency has won a £1 million contract to provide paper straws to McDonald’s. Does my hon. Friend agree that that is a good example?

Anna McMorrin: That is a fantastic example, and I hope that businesses in my own, neighbouring, constituency will be able to follow suit. We have had some fantastic local campaigns in the constituency. The initial plastic-free Rhiwbina campaign has now spread to plastic-free Llanishen, plastic-free Pontprennau and plastic-free Whitchurch. Those are all local communities with worried residents and children who are keen to make a difference in their own way, but this only goes so far. The brilliant “Packet-in” campaign from Rhiwbina and Coed Glas primary schools has seen the children collect packets that cannot be recycled and send them back to the chief executives of the manufacturers, accompanied each time by a letter demanding to know why they are not doing any better. However, we know that the reason why is that the issue needs structural, systemic change at Government and industry level. To do that, we need to legislate to incentivise big business and packaging producers to take responsibility for their waste and to ensure that the right infrastructure is there. That is why I introduced my Packaging (Extended Producer Responsibility) Bill, which, if passed, would require producers of packaging products to assume 100% of the responsibility for the collection, transportation, recycling, disposal, treatment and recovery of those products.

My Bill would be a much-needed reform to the broken UK waste system, which is not fit for purpose. Introduced by the Conservative Government in 1990, this piecemeal and disjointed system sees a few large companies benefit and masses of waste shipped overseas out of sight, as my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) said, and in all probability dumped into our oceans.

There are two main problems with the current system. First, waste collection is based on a producer responsibility note or PRN scheme. Under the current provisions of the producer responsibility obligations, businesses that handle packaging must fund the recovery and recycling of packaging material in proportion to the amount they have placed on the market. In other words, the more that packaging producers make, the more they pay, which sounds quite fair.

Unfortunately, the implementation of the PRN scheme is far from fair and disproportionately places the burden of waste collection on local councils. PRNs and PERNs—packaging export recovery notes—allow companies to comply technically with the law, as opposed to following the spirit of the law. What I mean by that is that if companies are in possession of a PRN or a PERN, they have the legal evidence needed to state that they are complying with the law, but PRNs and PERNs then become a substitute for businesses meeting their obligations through their own recycling efforts. That then places the burden of big business’s waste squarely on to local councils and the British taxpayer. There are no financial incentives for businesses to stamp out the bad practice, because the current costs in the system are so disproportionately low compared with the cost of recycling waste.

To put that in context, the UK’s PRO fees are among the lowest in the EU and leave British taxpayers to cover around 90% of the costs of packaging waste disposal. The way that PRNs and PERNs are sold on an open, fluctuating market means that the price can fluctuate based on supply and demand. Due to market volatility, the growth of UK recycling capacity is then restricted. Instead of investment in UK recycling, much of the growth in the waste disposal sector has been achieved through exporting waste and through a growing dependence on export markets.

To put things bluntly, between 2014 and 2016, the average revenue from compliance with the system was about £60 million a year, but the estimated cost of recycling services for a local authority was nearly £700 million. That is not sustainable. We need to act now to make our waste collection systems fit for purpose, and many producers agree.

Since I introduced my Bill, I have built acoalition of industry around the positive change that is needed. This has included producers, manufacturers, supermarkets, industry bodies and non-governmental organisations. They all acknowledge that the system needs to change and that they need to take more responsibility for their own waste, but they need several things to happen.

Our councils cannot keep funding the costs of the broken system, especially when they are reeling from the austerity agenda of successive Tory Governments. Due to local government cuts, more than half England’s councils have had to cut budgets for communications and collections for kerbside plastics recycling. We need to act now to make our waste collection systems fit for purpose, and many producers agree.
First, any new extended producer responsibility scheme must have transparency at its core to ensure it is clear where the fees collected from producers and retailers are being spent. The fees should be put back into the UK’s recycling and reprocessing infrastructure, and into any communication programmes surrounding it, to make it work. Funds raised within the system must stay in the system, and a single not-for-profit organisation could be established to make that happen.

Secondly, local authorities should not be out of pocket for any recycling or waste collection they undertake. Thirdly, charges on producers should be modulated, varying based on the recyclability of packaging, and with higher fees for using more environmentally damaging materials.

Fourthly, any new scheme should encourage innovation in packaging design and be capable of responding flexibly and swiftly to improvements in packaging production. Finally, local authorities should be supported to improve the consistency of material collected for recycling.

I welcome the much-awaited resources and waste strategy, which was recently published by DEFRA.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): With the much-awaited legislation expected in 2021, with implementation in 2023, does my hon. Friend share my concern that we heard over the weekend that two thirds of DEFRA staff have been transferred to work on Brexit matters? This must not suffer as a result.

Anna McMorrin: I thank my hon. Friend for making that excellent point. I am very concerned about this, and it seems this legislation has a long lead-in time. We have been waiting for it for a long time. The system needs systemic change now, and we are all waiting for it. All our constituents are waiting for this.

I am pleased to see my suggestion of a single body to implement fundamental reform, as outlined in my Bill, has been included in the consultation. DEFRA acknowledges that a “producer pays” proposal to cover 100% of the costs would “incentivise producers to think carefully about using less packaging, and to switch to using packaging that is easier to recycle.”

I am also glad to see modulated fees included in the consultation, but I believe it can go further and faster.

We need to get rid of one of the big flaws of the current system: the huge range of PRN and PERN compliance schemes. There are 52 such schemes, creating a market within themselves. It has been proven that having a vast array of schemes has led to the breakdown and abuse of the system, which needs to stop. A single centralised body could play that role in implementing the new EPR reforms, in ensuring that industry plays a key role, perhaps by sitting on the body’s board, and in ensuring accountability within that structure.

We must introduce higher targets so that at least 80% of packaging can be recycled, with the target moving upwards as schemes become more successful. There must also be clear reporting of recycling rates. A broader range of materials should also be included within the scheme. Materials being considered for EPR could and should be expanded to include, for example, the soft plastic around frozen food. The scope could change in future, being flexible as the system becomes more sophisticated.

We must not forget the devolved Administrations. While the Welsh Government will be working with the UK Government on implementing these EPR reforms, the Scottish Government are storming ahead with their own proposals on a deposit return scheme. It is vital that England and Wales catch up and work together across the UK, avoiding any disruption to producers, consumers and business.

In conclusion, several things in this DEFRA consultation have a lot of potential. Again, I encourage the Minister to look to my Bill. In the light of the Intergovernmental Panel on Climate Change’s recent damning conclusions on climate change, radical proposals are desperately needed, and the Government can afford to be far more ambitious. How many more dying whales do we need to see before we take the radical action we need? What will it take for Governments to listen and for us to clean up our climate? We cannot just leave this for our children to sort out. It is our duty to take the action that is needed now. We must use our positions to do that, and I hope the Minister and this Government will use theirs.

11.55 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): Our 25-year environment plan, published last year, committed us to being the first generation to leave the environment in a better state than we found it. In line with that, the plan includes a commitment to ensure that resources are used more efficiently and kept in use for longer, in order to minimise waste and reduce its environmental impacts by promoting reuse, remanufacturing and recycling. This is explored further in our resources and waste strategy, which I note several Members welcomed and which was published in December.

The strategy sets out how we will preserve our stock of material resources by minimising use, promoting resource efficiency and moving towards a circular economy.

A central element of the resources and waste strategy is a core set of principles that will act as a framework for reviewing our existing producer responsibility schemes and developing new ones. These include producers bearing the full cost of managing their products at the end of their life in line with the “polluter pays” principle; and using modulated fees or other measures to encourage producers to make more sustainable design, production and purchasing decisions. In accordance with those principles, we made a commitment to reform the current packaging producer responsibility system as an immediate priority, and in February we published a consultation on how we propose to do that. We are consulting jointly with Scotland, Wales and Northern Ireland, as our preference is to continue with a UK-wide approach to packaging producer responsibility. But, of course, it has been open to any devolved Administration to develop their own regulations and their own new systems if that is what they wish to do.

Why do we want to reform the current packaging producer responsibility system? In the current regime, packaging producers are obligated to provide evidence that they have met their share of annual packaging recycling targets, which they purchase from accredited re-processors and exporters of packaging waste. As the
hon. Lady pointed out, this is a market-based system, and it has succeeded in ensuring that the UK has met its wider packaging recycling targets at the lowest possible costs to producers and, therefore, to consumers. The UK has reported to Eurostat that 64.3% of UK packaging waste was recycled in 2018, surpassing the 55% total UK-wide labelling scheme that provides clear information to help consumers recycle.

The consultation document therefore includes a proposal that producers would label their packaging with wording to the effect of “Recyclable” or “Not Recyclable”. We are consulting on proposed new packaging waste recycling targets for 2025 and 2030. Those are broken down into targets for specific packaging materials and for total packaging recycling. We are seeking views on four options for governance of the reformed packaging producer responsibility system. One option includes having competitive compliance schemes with oversight provided by a central board. A second option, similar to that suggested by the hon. Member for Cardiff North (Anna McMorrin), is based on a single market organisation. A third option is a hybrid version of the first two. The fourth option involves a single market organisation to manage a deposit return scheme.

Finally, we are seeking views on proposals for ensuring that packaging waste exports are managed fairly and responsibly, and for how a reformed system can be more transparent and the changes to the current compliance monitoring and enforcement regime ensure that a reformed system operates fairly, transparently and to reduce the opportunity for fraud. The consultation closes on 13 May.

As the hon. Member for Wakefield (Mary Creagh) has said, the 30% recycling tax mentioned by my right hon. Friend the Chancellor could be a game-changer. The problems of plastic and packaging elsewhere, in particular in export markets, were referred to. Our biggest export to China for waste is through paper. I am conscious of the changes that have happened to plastic and paper, but other markets have appeared. It stimulates the opportunity for secondary markets to develop further in this country.

On the litter that ends up in the marine conservation areas that we all cherish, I want to place it on the record that I was delighted that the Prime Minister asked me to present a Points of Light award to Jason Alexander recently for his work on improving littering and bringing that issue to wider attention. It is also Great British Spring Clean Month, Mr Speaker, and I am sure that you have been out in Buckingham, working with people there. We should pay tribute to the litter heroes.

I assure the hon. Member for Cardiff North that we are working on the proposals, as she recognised. I am confident that together, across the House and indeed across the UK, we can bring those elements to reality.

Question put and agreed to.

12.4 am

House adjourned.
Parliamentary elections.

UK participation in the forthcoming European elections.

What plans the Government have made for potential participation.

Secretary of State agree?

the Conservative party. Is that not right and does the result and inflict untold damage on the reputation of Brexit to be delayed so that we took part in the European party chairmen—made it clear in February that were party national convention—the meeting of all local election if the House refuses to support a deal.

Stephen Barclay: It should be clear to all Members of the House that asking the public to participate in elections for an organisation that we are meant to have left would damage trust in politics. However, there is no guarantee that the UK will not participate in European parliamentary elections if the House refuses to support a deal.

Mrs Lewell-Buck: So no real plans then. Participation in the EU elections will be the death knell for the British public’s waning faith in our democracy. The fact that this week councils were advised by the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, the right hon. Member for Aylesbury (Mr Lidington) to prepare for EU elections is yet another example of the dire consequences of the Prime Minister and the Government’s failure to secure a deal that commands the majority of the House. Is that not true?

Stephen Barclay: With respect to the hon. Lady, that is a rather confused question, given that she—as I understand it—voted against the withdrawal agreement, which gave us a legal right to leave on 22 May. It is odd to vote against the means of departure and then criticise the absence of a departure.

Mr Philip Hollobone (Kettering) (Con): The Conservative party national convention—the meeting of all local party chairmen—made it clear in February that were Brexit to be delayed so that we took part in the European elections, it would be a betrayal of the referendum result and inflict untold damage on the reputation of the Conservative party. Is that not right and does the Secretary of State agree?

Stephen Barclay: I agree with my hon. Friend that to have European parliamentary elections three years after the country voted to leave would be damaging for our politics as a whole, but he will also have seen the vote in the House last night, which sought to take the option of leaving without a deal off the table. He will also be aware that the House has today refused to back any of the options for a deal that have been put to it.

Hilary Benn (Leeds Central) (Lab): Whether we participate or not depends on the progress of the talks currently taking place between the Prime Minister and my right hon. Friend the Leader of the Opposition. If those talks do not succeed, the Government have committed to giving the House the opportunity to hold a series of indicative votes. Can the Secretary of State clarify whether the propositions before the House will be drafted and presented solely by the Government, or will Members on that occasion have an opportunity to submit their own motions for discussion and vote?

Stephen Barclay: The right hon. Gentleman, as Chair of the Select Committee, is usually an expert on these matters, but I must, with respect, take issue with the statement within his question. It is not subject to the discussions with the Leader of the Opposition. The vote last Friday in which the right hon. Gentleman and his colleagues opposed the withdrawal agreement means that it is no longer the sovereign right of this Parliament whether we leave: it will be a matter to be agreed at the European Council, because the right is affixed to the withdrawal agreement, not to whatever the House decides in votes in the coming days.

Patrick Grady (Glasgow North) (SNP): Is it not simply the case that for as long as we are members of the European Union we have rights and responsibilities that go with that, and participating in democratic institutions such as the European Parliament is crucial? Can the Secretary of State confirm exactly what process is needed to trigger the elections? Will there be a debate on a statutory instrument, in the House or in Committee, or is it simply a stroke of the pen by the Chancellor of the Duchy of Lancaster?

Stephen Barclay: The hon. Gentleman is right in terms of the legal position. If we are a member of the European Union, under treaty law we will be required to have European parliamentary elections. Again, there has been some confusion in the House previously, with ideas such as rolling over the existing Members of the European Parliament or having them on a ratio similar to the composition of the House. If we were to still be a member of the European Union, which is not the Government’s intention, we would need to have European parliamentary elections.

NHS

2. Dr Rupa Huq (Ealing Central and Acton) (Lab): What discussions he has had with the Secretary of State for Health and Social Care on the effect on the NHS of the UK leaving the EU.

6. Karin Smyth (Bristol South) (Lab): What discussions he has had with the Secretary of State for Health and Social Care on the effect on the NHS of the UK leaving the EU.
The Secretary of State for Exiting the European Union (Stephen Barclay): DEEUEU Ministers and officials hold regular discussions with the Department of Health and Social Care. The safety of everyone who uses the NHS health and care services remains a key priority and is reflected in our planning for all scenarios.

Dr Huq: As if the fact that the NHS is down by 8,000 nurses since December 2016 was not bad enough, 47% of them in a recent survey cited Brexit as the reason. Reports from Ealing show a similar exodus from the social care sector—distinctly unglamorous but important given the demographic time bomb coming down the track and the Government’s obsession with high-skilled migration. What is the Secretary of State doing to head off a crisis in that Cinderella sector?

Stephen Barclay: I think the hon. Lady mischaracterises the position. The number of staff recorded as EU27 nationals working in the NHS trusts and clinical commissioning groups in England increased by more than 5,200 between June 2016 and December 2018—there has actually been an increase in EU nationals. She also omits to mention the record investment—£20.5 billion a year extra—that this Government are making in the NHS, the NHS apprenticeships we are bringing through, and the change in tier 2 visas for talent around the world in order to attract more doctors and nurses to the NHS.

Karin Smyth: In my former job, before I came to this place, I was an emergency planner for the NHS locally in Bristol. The NHS has had to put in contingency plans and major incident plans to cope with a no-deal scenario and the future. What compensation will the Government give local NHS bodies for the time and money they have spent and wasted on incident planning that probably will not come into effect because of the Government’s incompetence?

Stephen Barclay: I know from my time as a Health Minister that the hon. Lady always asks very pertinent questions in respect of health matters. She will be well aware of the statement issued by the Royal College of Paediatrics and Child Health, which said how well aware of the statement issued by the Royal College of Paediatrics and Child Health, which said how well

Alex Burghart: I thank the Minister for his answer. Has his Department conducted any analysis of the costs of running a second referendum, and will he confirm that a second referendum is not Government policy?

Mr Walker: I can certainly confirm the latter. A second referendum would create further uncertainty and division. We do not think it is the right way forward.

David Hanson (Delyn) (Lab): Has the Minister had a chance to discuss with the Transport Secretary the full cost to the taxpayer of Seaborne Freight, given the extension to article 50 and the costs incurred accordingly?

Mr Walker: As the right hon. Gentleman will know, this was a contract where it was supposed to be payment by results, so that full cost is extremely limited.

Martin Vickers (Cleethorpes) (Con): What estimate have the Government made of the cost to the public purse and the potential damage to the economy if this has prevented them from implementing their manifesto commitment to leave the customs union?

Mr Walker: I direct my hon. Friend to the Government’s own published cross-Government analysis, which looks at a range of different scenarios. It is clear that there are opportunities for pursuing international trade that we can take only if we are outside a customs union.

Jim Shannon (Strangford) (DUP): Will the Minister further outline the essential nature of the work to provide support and guidance to businesses, and the vital nature of support to the business community throughout the United Kingdom of Great Britain and Northern Ireland?

Mr Walker: The hon. Gentleman makes a very important point. There has been a huge amount of engagement across Government, particularly from our Department, with businesses, both on a no-deal scenario and the contingency planning that has to continue until we have secured a deal, and on the potential for the future partnership. We will continue that engagement with businesses large and small. Of course, a huge amount of information is now on the gov.uk website, which I encourage businesses to look at to see what steps they might have to take in the event of no deal.

Visa Arrangements

4. Nigel Huddleston (Mid Worcestershire) (Con): What plans do the Government have to negotiate visa-free travel between the UK and the EU for short visits after the UK leaves the EU. [910213]

9. Sir Desmond Swayne (New Forest West) (Con): What recent progress has the Government made on visa arrangements between the UK and the EU after the UK leaves the EU. [910218]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): The UK and the EU have committed to discussing the reciprocal provision of visa-free travel for short-term visits under
the future relationship. Both sides have also said that they do not intend to require visas for short-term visits in a no-deal scenario.

Nigel Huddleston: EU countries are some of the biggest contributors to our inbound tourism industry. We had 6 million visitors from the EU in the last three months of 2018 alone, and we are always pleased to welcome hundreds of thousands of them to Worcestershire. Does the Minister agree that the continuation of visa-free travel is vital to our tourism industry, which sustains 3 million jobs in the UK?

Mr Walker: My hon. Friend is absolutely right. Last year, EU residents made 25.6 million trips to the UK, spending more than £10 billion. Like him, I would like to see more of them come to beautiful Worcestershire and admire our part of the world.

Sir Desmond Swayne: They will want us to go there and spend our money, won’t they?

Mr Walker: Absolutely. My right hon. Friend is right. That is the indication we have heard from all member states and from the European Union. They will want to continue to welcome UK tourists.

Neil Gray (Airdrie and Shotts) (SNP): Why then, have the Government not considered sorting out the problems that they have created with the post-study work visa?

Mr Walker: The hon. Gentleman will know that the recent suggestions from the Migration Advisory Committee included specific recommendations for lengthening the opportunity for people to stay after study. It determined that the best way to do that was to reform the existing system rather than institute a different one.

Jeremy Lefroy (Stafford) (Con): Short visits are vital for business as well, whether it is for servicing aircraft engines, installing software or so much else. What plans do the Government have for ensuring that those reciprocal arrangements can continue?

Mr Walker: My hon. Friend raises an excellent point. As he will know, we set out to achieve a labour mobility framework that will allow for travel for short-term business visits. This is an important part of the next stage of the negotiations. The absence of a requirement for visas for short-term travel is a useful backstop to that for both the UK and the EU.

Political Declaration: Dynamic Alignment on Rights and Protections

8. Mike Amesbury (Weaver Vale) (Lab): What recent discussions he has had with his EU counterpart on including dynamic alignment on rights and protections in the political declaration on the framework for the future relationship between the EU and UK. [910217]

The Secretary of State for Exiting the European Union (Stephen Barclay): The United Kingdom has a tradition of exceeding EU standards. We do not need to follow EU rules to continue to lead the way. An example of that is that UK maternity entitlements are nearly three times greater than the minimum EU standard.

Mike Amesbury: Does the Minister agree with the TUC that the Government’s proposals on workers’ rights after Brexit are nothing but “flimsy procedural tweaks”? How will they be strengthened during current negotiations with the Leader of the Opposition?

Stephen Barclay: As the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) knows, we had discussions yesterday and there will be further discussions today. I am sure that workers’ rights will be among a range of issues that we will discuss. The hon. Gentleman will know that the Prime Minister has already said that she will bring forward a package of measures to strengthen enforcement of workers’ rights, and that is in part following discussions that we have had with a number of Opposition Members.

Paul Blomfield (Sheffield Central) (Lab): The Secretary of State talks about the Government being committed to exceeding EU standards, but practice does not seem to match his words. His Conservative colleagues in the European Parliament voted against the amendment to the posting of workers directive, which strengthens workers’ rights and addresses many of the concerns expressed about freedom of movement during the referendum. He will know that our obligation to transpose it into domestic law continues as long as we are EU members and during the transitional period. When are the Government going to do that?

Stephen Barclay: There is a real inconsistency here. Night after night we are told that we should trust the votes of the House of Commons. The Prime Minister has made a commitment not to lower standards below the current levels for workers’ rights and the environment, and our proposals on immigration go further than the commitments found in standard free trade agreements. It is odd that Opposition Members have so little faith in this House to protect the rights that workers need.

Article 50 Extension

10. Kevin Brennan (Cardiff West) (Lab): What recent discussions the Government have had with the EU on the possibility of an extension to the article 50 negotiations. [910219]

The Secretary of State for Exiting the European Union (Stephen Barclay): The Prime Minister agreed the terms of a short extension at the March European Council. Were the House to have approved the withdrawal agreement by 29 March, we would have had an extension until 22 May. Given that the hon. Gentleman and his colleagues voted against that, he will be aware that we do not have that right, and the current right will be terminated on 12 April.

Kevin Brennan: We are moving inevitably towards a situation in which we need an extension in order to have a confirmatory referendum. If, a trade union negotiated an exit from a deal, it would go back to its members and ask them to confirm that that was still what they wanted, and to confirm the terms. Is that not a logical, sensible and inevitable outcome of this process?
Stephen Barclay: I would have thought it was logical for the hon. Gentleman to follow his manifesto, which said that he would respect the referendum result. Going back to square one and asking the same question again is not consistent with the manifesto on which the hon. Gentleman stood at the last election.

21. [910234] Tom Brake (Carshalton and Wallington) (LD): Let us see if I can get an answer from the Secretary of State. A recent poll highlighted that six out of 10 people favour a people’s vote, and an extension is required for one to take place. I do not know how many times the Prime Minister has said there will not be a people’s vote, but should the Government not face reality and accept that there will be one and that they might as well start planning for it now?

Stephen Barclay: I do not know which selective poll the right hon. Gentleman is quoting from, but in our democracy we address these issues through the ballot box. In 2016 we had in essence the ultimate poll and 17.4 million people cast their vote to leave. The key message we get in our constituencies and very clearly from the business community—I do not need a poll for this—is that people do not want this process to drag on further. They want it to come to a resolution, and they want the House, instead of being against everything, to come to a decision. It is time we moved on and got this delivered.

Matthew Pennycook (Greenwich and Woolwich) (Lab): Last night, the House voted to prevent a disastrous no-deal Brexit and to exert greater control over the process of extending article 50. The Secretary of State’s views on an extension are well known, but will he confirm that when the European Union (Withdrawal) (No. 5) Bill returns from the other place, he and the Government will comply with the spirit of it and dutifully seek a further extension of article 50 beyond 12 April?

Stephen Barclay: I am very happy to confirm that, as set out in the “Ministerial Code”, Ministers will abide by the law. If the law of the land dictates a certain course of action, Ministers will, under the code, follow the law. The hon. Gentleman gets slightly ahead of himself, because the Bill passed Third Reading with a majority of only one last night, and it was passed in such haste that many of my colleagues had as little as two minutes to speak on Second Reading. I pointed out to the House flaws in the Bill, which I am sure their lordships will wish to explore. We will need to see what consideration takes place in the other House before any further deliberations are necessary in this place.

Matthew Pennycook: The House will have noted—I think with disappointment—the Secretary of State’s attempts to undermine the clear will expressed last night. The Opposition have no doubt that the Lords will discharge their duties quickly and efficiently in the circumstances. Given the clear will of the House as expressed in the Bill’s passage last night, I ask him to set out his view at this stage about what the Government believe the role of this place will be in the event that the European Council proposes a date different from that set out in a motion approved by the House, or if the Council agreed to the proposed date but attached conditions.

Stephen Barclay: That is an odd response, if I may say so. The hon. Gentleman started by saying he was disappointed by my answer, in which I said I will follow the law and the ministerial code—I thought the Opposition would have expected that. He then said that he had “no doubt” that the Lords will pass the Bill, which was carried in the Commons by just one vote. That is pretty condescending to the other place. By having no doubt that their lordships will simply approve the Bill, he takes for granted the scrutiny process in the other place. Given the many constitutional experts there are in the other place, I would have thought that their lordships would want to scrutinise this Bill, which was passed in haste with its constitutional flaws.

No Deal: Prevention

11. Marion Fellows (Motherwell and Wishaw) (SNP): What recent steps has he taken to prevent the UK from leaving the EU without a deal?

17. Martyn Day (Linlithgow and East Falkirk) (SNP): What recent steps has he taken to prevent the UK from leaving the EU without a deal.

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): On Tuesday, my right hon. Friend the Prime Minister set out a process through which we will seek to agree a plan to leave the EU with a deal. She has asked for a short extension in order to do that. The best way to avoid no deal, as the House well knows, is obviously to agree a deal. While no deal remains the legal default, the Government must go on preparing for this scenario as a contingency.

Marion Fellows: All of the leave campaigns promised that we should leave with a deal. Last week, no deal was rejected by over 71% of MPs, and the Prime Minister’s deal has also been overwhelmingly rejected. Will the Government finally admit that there are alternatives to leaving without a deal that can gain more support from Parliament than the Prime Minister’s deal?

Kwasi Kwarteng: The hon. Lady is absolutely right. If she has followed events this week, she will know that that is exactly why my right hon. Friend the Prime Minister has extended the negotiations to and engaged in conversation with the Leader of the Opposition. It is precisely to find a solution to the impasse.

Martyn Day: No deal did not appear on any ballot paper in 2016 and was ruled out by all the main leave campaign groups. Does the Minister therefore agree that it would be totally unacceptable to crash out without a deal, without first putting it back to the people?

Kwasi Kwarteng: The hon. Gentleman is quite right: the House has shown no inclination to leave the EU without a deal. That is why my right hon. Friend the Prime Minister is looking for a way forward and engaging with the Leader of the Opposition on precisely that issue.

Jenny Chapman (Darlington) (Lab): Leaving without a deal would affect everybody, not least our dentists. I hope you will find it in order, Mr Speaker, for me to raise the issue of dentistry in a no-deal situation at this
point. A third of the 6,500 European qualified dental registrants intend to leave UK dentistry. The British Dental Association chair, Mick Armstrong, has said: "Government has failed to even acknowledge the scale of the crisis".

I know that Ministers have recruitment and retention issues of their own at the moment, but is not the chair of the British Dental Association right, and what are the Government going to do about it?

Kwasi Kwarteng: I would like to pay tribute to my former colleague, my hon. Friend the Member for Daventry (Chris Heaton-Harris). He was a wonderful Minister and it is a shame that he has left us.

On the issue of professional qualifications, it is in the withdrawal agreement and it has always been the stated aim of the Government that there will be mutual recognition of qualifications. This is not controversial, and I think that it will assure many EU citizens in our country that they can continue to pursue their professions without any interruption or uncertainty.

Peter Grant (Glenrothes) (SNP): The Government have had any number of opportunities to take no deal off the table. Last night, Parliament had to start the almost unprecedented step of passing legislation that is fiercely opposed by the Government to put Parliament and these islands where the Government should have put us a while ago. Last week, we had the astonishing spectacle of the Chief Whip going on the record to say that the Prime Minister had got it all wrong. Does the Secretary of State agree with the Chief Whip?

Kwasi Kwarteng: What my right hon. Friend the Prime Minister has got right is the fact that we need a solution to the impasse. That is why this week, she has very openly invited the Leader of the Opposition to talks to track a way forward.

Peter Grant: It is very noticeable that the Prime Minister is still refusing to talk to anyone who might say anything she disagrees with, but we will see what comes out of the talks. Given that it is the clear will of this House that no deal must be avoided and that this Parliament is in the process of passing legislation to prevent no deal from happening, is it tenable for any Minister of the Crown to continue actively to promote a no-deal Brexit that has been rejected by Parliament and was never endorsed by the people in the first place?

Kwasi Kwarteng: In respect of my right hon. Friend the Prime Minister listening to diverse views, my understanding is that she spoke to the First Minister of Scotland yesterday and has been engaged in conversations with her. The position of the Government has always been the same: we favour a deal. We want to leave the EU with a negotiated deal, but it would be irresponsible of the Government not to prepare for no deal, because that still might happen. Indeed, Michel Barnier said this week that it was likely. It is therefore exactly the right thing for the Government to prepare for the scenario of no deal.

Devolved Administrations: Discussions

12. Ronnie Cowan (Inverclyde) (SNP): What recent discussions he has had with the devolved Administrations on the UK leaving the EU.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I regularly meet Ministers from the Scottish and Welsh Governments. On Monday, I spoke to Graeme Dey MSP and Jeremy Miles from the Welsh Assembly. The Secretary of State also meets his counterparts in the devolved Administrations. Indeed, he met his Scottish and Welsh counterparts on his very first day in the job.

Ronnie Cowan: Scotland voted overwhelmingly to stay in the EU and to retain free movement of people, which is essential for our economy and social wellbeing. What account has been taken of those facts in developing the UK’s Brexit strategy?

Mr Walker: There has been a huge amount of engagement with the Scottish and Welsh Governments through the Joint Ministerial Committee and the Ministerial Forum, which I co-chair. A number of issues have been raised about Scotland’s place in Europe and our shared policy is to pursue, for instance, co-operation with Europe on universities. However, the hon. Gentleman will recognise that Scotland’s share of UK immigration is very low, and it is, as the Migration Advisory Committee has made clear, only really possible to have an immigration policy for the whole UK.

Legislative Proposals: No Withdrawal Agreement

13. Diana Johnson (Kingston upon Hull North) (Lab): Whether the Government plan to bring forward legislative proposals to prepare for the UK leaving the EU without a withdrawal agreement.

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): The Government have undertaken extensive work to identify the legislation essential to deliver our exit from the EU. In fact, as I speak, almost all the statutory instruments—93% of them—required for a functioning statute book on exit day have been laid before Parliament.

Diana Johnson: The Government have failed to pass the Trade Bill, the Agriculture Bill, the Fisheries Bill, the financial services Bill and the environment Bill, and they have even failed to introduce the EU withdrawal Bill. Does that not show those who think we are ready to leave in a no-deal situation on 12 April that the Government are not prepared for that at all?

Kwasi Kwarteng: I reject the assumption behind the question. As I stated, almost all the SIs required—93% of something like 600—have been passed. The hon. Lady is quite right that there are Bills currently in Parliament that are being discussed and that are going through both Houses. All those Bills provide for a range of negotiation outcomes, as she knows, including a no-deal scenario.

Stephen Timms (East Ham) (Lab): Is it not now inconceivable to pass a meaningful vote before the EU Council next Thursday and therefore unavoidable to seek a lengthy Brexit delay and to hold European Parliament elections?

Kwasi Kwarteng: Given what we have seen in the past few weeks, I would never say “inconceivable”; anything can happen, as the right hon. Gentleman knows. I am
confident that we will get a deal through. I am hopeful of that, because that is the only way that we will get a negotiated and orderly exit from the EU.

UK Manufacturing: Mutual Recognition of Regulatory Standards

14. Toby Perkins (Chesterfield) (Lab): What assessment he has made of the effect on UK manufacturing of the UK leaving the EU without mutual recognition of regulatory standards in that sector.

Kwasi Kwarteng: I will tell the hon. Gentleman about failure. What is actually crippling and increasing uncertainty for his manufacturing sector is his repeated rejection of the deal, which would actually have an implementation period and would give certainty and direction to the very companies he seeks to represent in the House.

Melanie Onn (Great Grimsby) (Lab): The Minister said that anything can happen. Total Lindsey oil refinery contacted me this week to warn me about the risk, in the event of no deal, of the equivalent of Chinese steel dumping but with US gasoline if we end up with 0% import tariffs. That will result in the loss or downgrading of up to 900 jobs in my area. Does he agree that that would irrevocably damage our local economy?

Kwasi Kwarteng: The question I ask myself—[HON. MEMBERS: “Answer!”] I am answering the hon. Lady’s question. Given that she has so much concern for manufacturing interests in her constituency, why on earth has she rejected, on three occasions, the only deal that would provide certainty and a degree of consistency for the companies she seeks to represent?

No Deal: EU Citizens’ Rights

15. David Duguid (Banff and Buchan) (Con): What steps his Department is taking to help maintain the rights of EU citizens in the UK in the event that the UK leaves the EU without a deal.

Kwasi Kwarteng: First, I would like to confirm to the House that we are not zombies. Secondly, Spelthorne has manufacturing interests, as the hon. Gentleman’s
constituency does. The manufacturing interests in my constituency always tell me, “Back the Prime Minister’s deal—back certainty. Let’s get this thing over the line and move on with our lives.” That is what they want.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): The highly integrated supply chains in the motor and aviation industries require convergence and regulatory alignment with product manufacture, both in the EU and in the UK. What guarantees can the Minister give that, in the event that the UK leaves the EU without a deal, we will have a role in shaping the future regulatory framework?

Kwasi Kwarteng: Obviously, it has been the Government’s repeated intention not to leave without a deal. The hon. Gentleman will know that part 3 of the withdrawal agreement deals extensively with the kind of regulations that would be in place in the implementation period, which, if the deal goes through, will give us another 20 months to negotiate a free trade agreement.

Second Referendum

18. Tom Pursglove (Corby) (Con): If he will make an assessment of the potential negative effect on his Department’s policies of a second referendum on the UK leaving the EU.

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): My hon. Friend will appreciate that a second referendum would have a very corrosive impact not only on our politics but on trust, which has been mentioned many times. A clear instruction was given in 2016 to withdraw from the EU, and that is what the Government remain absolutely committed to fulfilling.

Tom Pursglove: I am grateful to the Minister for that answer. Beyond that impact, what assessment has he made of the democratic and financial impacts of pursuing such a change in policy?

Kwasi Kwarteng: My hon. Friend is quite right: holding a second referendum would create enormous uncertainty that would undermine the strong economic achievement of the Government and of our businesses. It would essentially take us back to square one and result in more delay at a time when the public simply want politicians to deliver what they promised.

Sammy Wilson (East Antrim) (DUP): After the talks with the Labour party leader yesterday, the Chancellor said this morning that a second referendum is more likely. Are we seeing the start of yet another U-turn from a Government who have abandoned all their promises on going forward with no deal, having no border down the Irish sea and ensuring that we leave the EU on 29 March?

Kwasi Kwarteng: In respect of the second referendum, as I said to my hon. Friend the Member for Corby (Tom Pursglove), it is Government policy to honour the 2016 referendum. That is what we have been tasked to do, and that is what we are 100% focused on. The second referendum is a red herring, frankly. It is not something that we countenance. We want to deliver on the 2016 referendum.

Financial Services Sector

19. Tim Loughton (East Worthing and Shoreham) (Con): What recent assessment he has made of the potential effect on the financial services sector of the UK leaving the EU.

The Secretary of State for Exiting the European Union (Stephen Barclay): As part of the political declaration, the Government have negotiated an agreement on the future relationship for financial services that would be of greater depth than any other the EU has with a third country, while enabling our financial services sector to take up the global opportunities on offer.

Tim Loughton: Is the Secretary of State aware of the latest Reuters Brexit city tracker index, which revealed that no less than 7.6 million square feet of new leases were signed in the City of London last year, which is a record? The market is currently within 5% of its record high. Fewer than 2,000, or 0.5%, of City jobs have either relocated or been substituted elsewhere on the continent. When is this Armageddon because of Brexit going to happen?

Stephen Barclay: As a former City Minister, I take a close interest in these issues. My hon. Friend is absolutely right to draw the House’s attention to some of the developments we have seen in recent months in the City. The City has opportunities in growth areas of finance. Green finance is a key opportunity, for example, and FinTech is another. There are very good opportunities for the City in a post-Brexit world.

Vicky Ford (Chelmsford) (Con): There seems to be some confusion about customs unions. Can my right hon. Friend the Secretary of State confirm that a customs union would not cover how we regulate our financial services, how we fish, how we farm or freedom of movement? It should be perfectly possible to discuss a customs union without using any F-words.

Stephen Barclay: My hon. Friend is absolutely right. There is one tweak around fishing and fish, but other than that I absolutely agree with her. I remind the House that financial services alone contribute, from memory, around £71 billion in tax to the UK economy. With an economy that is 80% services, there is an opportunity post Brexit for us to take a more bespoke approach that will enable us to maximise the opportunities on offer.

No Deal: UK Citizens’ Rights

20. Rachel Maclean (Redditch) (Con): What steps the Government are taking to help ensure the protection of the rights of UK citizens living in the EU in the event that the UK leaves the EU without a deal.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): After much urging by the UK, we are pleased that all member states have given some public assurance to protect the rights...
of UK nationals. We will continue to call on member states to fully reciprocate our unilateral offer. The Government supported the amendment from our hon. Friend the Member for South Leicestershire (Alberto Costa) and have sought the EU’s views on ring-fencing the citizens’ rights parts of the withdrawal agreement. Michel Barnier has responded, and we are now considering our response to his letter.

Rachel Maclean: I thank my hon. Friend for his answer. I am deeply opposed to the legislation that was passed in this House last night. I strongly favour leaving with no deal if we cannot get a deal with the EU. However, I would be grateful if my hon. Friend updated me on the steps he is taking to protect the rights of our citizens in the EU and EU citizens in the UK, should we leave with no deal.

Mr Walker: Where I agree with my hon. Friend is that we should absolutely protect the rights of citizens and do everything in our power to do so. We have always been steadfast in our commitment to protecting those rights. Today, we have announced a further series of measures to protect UK nationals in the EU and those who choose to return to the UK after exit. There are important measures on social security co-ordination, a seven-year transition period for UK nationals in the EEA and Switzerland to continue to access student finance and home fee status in England, and a transition period for UK nationals who return to the EU with their non-UK family members for them to apply to the EU settlement scheme.

Greg Hands (Chelsea and Fulham) (Con): It was very welcome news this week that Germany will be unilaterally guaranteeing the rights of UK subjects in Germany. Will my hon. Friend tell us which if any of the EU27 are not known to be guaranteeing the rights of UK nationals?

Mr Walker: My right hon. Friend raises an important point. We welcome some of the steps that have been taken. He mentioned Germany, and the Czech Republic has been clear in reciprocating our unilateral offer. There is a varied playing field within the European Union, it is fair to say. Some member states have not been as generous as we might like them to be. We will continue to urge them to meet the generosity of our unilateral offer and continue to explore what we can do reciprocally to ensure that the best possible protections are in place for our citizens.

Topical Questions

T1. [910235] Mohammad Yasin (Bedford) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Exiting the European Union (Stephen Barclay): Since I last updated the House, my hon. Friend the Member for Daventry (Chris Heaton-Harris) has left the Government. I take this opportunity to pay tribute to his outstanding service as a Minister. He will be greatly missed in the Department and by his colleagues, but I know he will continue to serve his constituents in Daventry in an exemplary way.

Since our last departmental questions, we have not only had a large number of debates with the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), but votes, and the House has not yet been able to find something that it is for, as opposed to lots of things that it is against. That is why my right hon. Friend the Prime Minister set out on Tuesday that this division—this lack of conclusion—cannot continue and drag on. We have reached out to the Leader of the Opposition to see whether we can agree on a plan to leave the European Union with a deal. Those discussions will continue later today.

Mohammad Yasin: The public know that the withdrawal agreement is a long way from the Brexit that was promised. Does the Secretary of State agree that the public have been badly let down and that whatever agreement is drawn up by this Parliament should now be subject to a confirmatory public vote—on a real rather than a fantasy Brexit deal?

Stephen Barclay: The hon. Gentleman seems to confuse the winding-down arrangements—the withdrawal agreement—with a future deal. The EU has been clear: first, that any deal reached will need to include the withdrawal agreement; and secondly, that that withdrawal agreement is not open to renegotiation. Therefore, any deal to move forward in an orderly fashion needs to come with a withdrawal agreement. That is why it is so remarkable that the hon. Gentleman voted against the withdrawal agreement—whatever the deal to leave the EU, it will require a withdrawal agreement. The only conclusion is that perhaps he does not want to honour his own manifesto and perhaps he does not want to leave at all.

T3. [910237] David Duguid (Banff and Buchan) (Con): Will the Minister confirm that it is still the Government’s position to take us out of the common fisheries policy, with the UK participating in annual negotiations as an independent coastal state no later than December 2020?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Yes, I am very happy to confirm to my hon. Friend that that is our policy. It was good to meet the Scottish Fishermen’s Federation in his constituency to hear why it sees that policy as a sea of opportunity.

Keir Starmer (Holborn and St Pancras) (Lab): Normally I complain that in these sessions we do not get any of our questions answered. We have moved on this morning: instead of answering questions, the Ministers are now asking themselves questions, or inventing questions that they would like to answer and then answering them. I had better be careful how I frame this question for the Secretary of State.

Last week, the Prime Minister said: “unless this House agrees to it, no deal will not happen”.—[Official Report, 25 March 2019; Vol. 657, c. 25.]

That was a very important commitment, particularly now that we are eight days from 12 April. The simple question for the Secretary of State to ask himself is this: does he agree that, unless this House agrees to it, no deal will not happen?
Stephen Barclay: What the Prime Minister was referring to, which was played out in the debate in the House yesterday, was that when the House of Commons passes a law—subject to the other place—that is the position of the vote last night—then in law, bound by the ministerial code, Ministers will need to abide by it. At the same time, the Prime Minister has always been clear that the decision by this House to not approve the withdrawal agreement means that any extension will need to be agreed by the EU Council 28, which includes the United Kingdom, but it can be opposed by any member of the European Union. It is not solely within the control of this House whether we leave with or without a deal; it is also now subject to the decision of the EU 27.

Keir Starmer: When we do get a question and answer, it gets interesting. That is a rowing back on what the Prime Minister said. When she said that unless this House agreed to it no deal would not happen, that was not in the context of the Bill last night—that Bill had not even been drafted. She said it as a general proposition in the debate last week. I hope that the Secretary of State is not rowing back, and I would like him to confirm that he is not rowing back. Otherwise, we have elicited something here of some importance.

May I also go on to ask the Secretary of State whether he now regrets voting against an extension of article 50 in this House on 14 March—that was an extension beyond 29 March? Does he now regret voting against the Cooper-Letwin Bill last night? Had the House followed his vote, does he appreciate that it is highly likely that we would be in a no-deal situation right now?

Stephen Barclay: First, we have the oddity of the right hon. and learned Gentleman accusing the ministerial team of not answering the question, then pointing out that indeed we have answered it in an interesting way. Putting that to one side and going to the substance of his question, as I pointed out to the House, one of the defects of the legislation passed last night is the potential for it to increase the risk of an accidental no deal, where the EU Council decides to offer a different extension from the one agreed by this House. Under the terms of that legislation that would have to come back to this House for approval the following day, by which time the EU Council would have concluded. I do not think that was the intention of the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), but it is a possible outcome. It is subject to their lordships deciding whether they want to correct what I regard as a defect, although the right hon. and learned Gentleman’s shadow ministerial colleague says that, no doubt, their lordships will just nod it all through without scrutiny and without addressing that defect.

Regarding the right hon. and learned Gentleman’s second point, I was alluding to a statement of the law. I do not differ at all from the Prime Minister, who has always been clear that Ministers abide by the ministerial code, and I am sure that he would expect no less.

Thirdly, on the extension, we have addressed this issue in previous debates because the three amendments had all been defeated by the time we got on to the fourth vote. A further commitment had been given to an amendable motion for the following week, which was addressed. But the bottom line is that I want to respect the referendum result. I think asking people to vote for Members of the European Parliament three years after they voted to leave the EU is damaging to trust in our democracy. The question for Opposition Members is: why do they keep voting against everything when their own manifesto said they wanted to respect the result?

T6. [910240] Andrew Lewer (Northampton South) (Con): The digital single market copyright directive is on its way to becoming law in the EU. This could have significant implications for the UK’s intellectual property-rich creative industries, particularly publishing, whose successes are underpinned by the gold standard copyright system. How consistent will the UK’s copyright regime be with the EU’s when—perhaps I should say if—we leave?

The Parliamentary Under-Secretary of State for Exiting the European Union ( Kwasi Kwarteng): The UK’s IP regime does indeed represent a gold standard internationally, and that will not change as we leave the EU.

T2. [910236] Ruth George (High Peak) (Lab): The Prime Minister has confirmed that the future declaration is not legally binding, so what assurances can the Government give us on trade tariffs, rights at work, food standards and environmental protections that will be binding on whoever ends up negotiating our permanent deal with the EU?

Stephen Barclay: As the hon. Lady knows, there will be ample opportunity for the House to legislate during the passage of the withdrawal agreement Bill. As she also knows, there is legal wiring—for example, through article 174, which deals with best endeavours and good faith obligations under the withdrawal agreement, and how they connect. If it is one of the matters the House looks at in the future, it will be able to choose to put into legislation negotiating objectives. The point is that the hon. Lady has opposed the withdrawal agreement that the EU says is necessary for any deal, and we cannot get on to the future relationship without a withdrawal agreement.

T8. [910242] Sir Desmond Swayne (New Forest West) (Con): Regulatory alignment is a euphemism for their making the rules and us having to implement them, is it not?

Stephen Barclay: My right hon. Friend, as always, is short and to the point. He correctly identifies the risk of rule taking. We talked earlier about financial services and the tax take from that sector alone. The UK taxpayer, who underwrites the liabilities of a sector such as financial services, will have concerns if the rules are being set in countries in Europe, rather than in this Parliament.

T5. [910239] Dr Rupa Huq (Ealing Central and Acton) (Lab): When in 2017 the former Brexit Minister, the hon. Member for Wycombe (Mr Baker), claimed that so many DE&EU staff were on loan from elsewhere in the civil service because the nature of the Department was temporary, I bet he did not foresee his own departure, along with five other Ministers, the latest one being the no-deal Minister, the hon. Member for Daventry (Chris Heaton-Harris), who says his work is
Stephen Barclay: My hon. Friend is right that my Department will lead on the future trade agreement, the future economic partnership with the EU—but she will also be aware that my right hon. Friend the Secretary of State for International Trade will lead on our trade deals with the rest of the world, and he and I speak regularly. In respect of the lessons from phase 1, as in the corporate world, as in Government: there are always lessons. There are things that have gone well in phase 1 and things on which we can improve. It was a major new endeavour for the Government to undertake and we have had a number of discussions in the Department to ensure we take those lessons on board.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): North-east manufacturers have achieved great success as part of integrated, just-in-time pan-European supply chains, which mean that, as one manufacturer puts it, their stock room is somebody else’s delivery van. These manufacturers are now having to stockpile as a consequence of this Brexit chaos, and that has implications for their cash flow and finances. What help is the Minister looking to provide for them and what hope of future economic integration can he offer them in the case of there being a deal without a customs union?

Stephen Barclay: As the Prime Minister has already informed the House, the Department for Exiting the European Union will lead during the next phase of the negotiations. As the hon. Lady is well aware, we need to get on to those negotiations in order that the Department can undertake them. That is what businesses up and down the country want. They want this uncertainty to be brought to a close and they want us to get on into the implementation period for the certainty that that will bring. It is also what EU citizens living in this country and UK citizens in Europe want to see.

Mr Robin Walker: I am grateful to my hon. Friend for that question—it is important to make sure the scheme works as effectively and smoothly as possible. The Home Office is providing assisted digital support over the phone from more than 200 centres throughout the UK, and at home with a trained tutor. Applicants can have their identity verified by the identity document checkout at more than 50 locations, one of which I am pleased to see is in my constituency, as well as by post. I am pleased that my right hon. Friend the Home Secretary confirmed recently that Apple has said it will make the identity document check available on its devices by the end of the year.

Mr Walker: I absolutely disagree with the hon. Lady about the Government’s attitude to this group. We want to ensure that all those who are eligible for settled status, particularly children, are given a smooth and orderly process. I am certainly happy to take up her concerns with the Home Office, but I do not agree that the Government do not take their responsibilities in this regard extremely seriously.

Julia Lopez (Hornchurch and Upminster) (Con): Yesterday, in the International Trade Committee, we heard from the Minister for Trade Policy that, should we ever get there, it will not be DIT negotiating our future trading relationship with the EU but, I presume, DExEU. If that is the case, what lessons will be learned from the fundamental strategic flaws in this opening phase of negotiations? What detailed discussion is under way with DIT about the impact of whatever DExEU negotiates on our ability to build future trade agreements?
is why those Members in Northern Ireland get so agitated with Members on the hon. Lady’s Benches over their failure on the withdrawal process. We have a deal; it is on the table; and it is the only deal that the EU is willing to offer.

Mr Philip Hollobone (Kettering) (Con): The clear and solemn commitment in the Conservative party manifesto, on which the Secretary of State and I were elected, was:

“As we leave the European Union, we will no longer be members of the single market or customs union.”

Will he ensure that the Prime Minister does not renege on that commitment at the European Council next week?

Stephen Barclay: My hon. Friend correctly identifies that commitment in our manifesto. He will also be aware that the manifesto gives a commitment to have a deep and special partnership with the EU. It is that balance that we are trying to seek. That is why the Prime Minister brought forward a deal that delivered on the referendum result—on things such as control of our borders, a skilled immigration system, control of our fisheries, control of our agriculture, and putting an end to sending vast sums of money to the EU—but also respected the fact that 48% of the population did not vote for leave. It is that compromise that has not been pure enough for some Members on the Government Benches to support it.

Several hon. Members rose—

Mr Speaker: Order.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): On a point of order, Mr Speaker.

Mr Speaker: We will take points of order after the urgent question.
Gender Pay Gap

10.31 am

Dawn Butler (Brent Central) (Lab) (Urgent Question): To ask the Minister for Women if she will make a statement on Government action to close the gender pay gap.

The Minister for Women (Victoria Atkins): I am delighted that this urgent question has been called today because we are only a few hours away from the deadline landing for private sector employers to publish their gender pay gap results.

Last year, the Government introduced groundbreaking regulations that required large employers to publish, for the first time, the difference between what they pay their male and female staff in average salaries and bonuses. For the first time in this country’s history, the boards of large employers have had to have conversations about how they treat their female staff. By making this information publicly available, we have empowered employees to see the scale of the pay gap where they work, and hold their bosses to account. The vast majority of companies are eager to tackle the gender pay gap themselves. That is why the Government have provided guidance to help employers to develop action plans to close their pay gap.

Reporting is just the start. It is crucial that all employers use this data to identify the barriers that women face and take action to break down those barriers. We are supporting business in doing that by publishing evidence-based guidance on how employers can diagnose the cause of their gap, and the practical actions that they can take to close it. We recognise, though, that overturning structural inequalities in women’s pay cannot be done overnight. Most companies will not see a dramatic reduction this year, but what matters is that they are taking the right action to drive change in the right direction, and progress is being made.

Beyond reporting, this Government are actively working to support women in the workplace and to close the gender pay gap. We are supporting both women and men who have caring responsibilities, through increased childcare entitlements, promoting flexible working and shared parental leave. We are working with business to support and increase women’s progression to senior positions. We are leading by example, and aiming to make the civil service the country’s most equal and inclusive employer by 2020. We are helping women to access every profession, by working to increase the number of women taking qualifications in science, technology, engineering and maths.

Change will not be easy, but we have only to compare where we are now with even 10 years ago to see that a future of fair and equal pay is now within reach. That should be a source of pride for us all.

Dawn Butler: I am not sure whether the Minister has been reading the same statistics as me, but analysis so far has shown that the median pay gap has actually got bigger than it was last year. The companies that have been reporting this morning show that, on average, 78% reported a pay gap that favours men.

The Government and public sector should lead by example. As we know, the public sector deadline was 31 March, and initial analysis of this year’s public sector report shows that the pay gap has not narrowed. Shockingly, the Department for Digital, Culture, Media and Sport reported a 22.9% pay gap, compared with just 8.2% in 2017. The gender pay gap in the Department for Exiting the European Union increased from 8.9% to 14.5% in 2018—I could go on to mention the Department for International Development and the health service. Basically, the pay gap is getting worse, and I am sure that once we start looking at the race pay gap, we will find that even more distressing.

The Minister must stand at the Dispatch Box and say not only that improvements must be made, but that we must take the next steps to ensure that companies have action plans as part of their reporting procedures, and that if they do not try to close their gender pay gap, they will face additional fines. That is what a Labour Government would commit to do, because at the moment this is unfortunately just a tick-box exercise. I hope that the Equality and Human Rights Commission will be given more funding to issue sanctions.

Victoria Atkins: I am pleased that the hon. Lady asked this urgent question, but she has fallen into the trap of citing figures before the deadline has passed. That deadline passes at midnight, and as she will know—we had the same conversation last year—the last day of reporting is the day on which everybody suddenly realises that the deadline has arrived, and they send in their reports. Overnight we have already seen a 2% increase in private sector employers reporting, so we must not, and I will not, speak about the figures for private sector employers until the deadline has passed.

I am delighted that the hon. Lady mentioned the public sector gender pay gap, and I join her in admonishing those who have not yet reported. It is disgraceful that public sector bodies have not complied with the law in meeting the deadline on Saturday last week, and I am sure that after this urgent question, she will be straight on the phone to the chief executive of Brent Council which, as of this morning, had not reported. The deadline was Saturday and it has had some time to realise that it has passed, but it has not yet reported, so I hope the hon. Lady will communicate to her council the strong message that she communicated at the Dispatch Box.

Let me reassure the hon. Lady that after the deadline has passed I will write to every public sector employer to remind them not only that they must comply with the law, but that I expect them to issue action plans. If we are to tackle the gender pay gap, we must lead by example in the public sector. Once Brent Council has realised that it is acting outside the law, I am sure it will publish its gender pay gap figures and ensure that its action plan is as detailed as the hon. Lady expects.

In other news, more than 10,500 businesses are having a conversation about the gender pay gap and how they treat their female staff, and it is a delight to see so many hon. Members present today, keen to ensure that women are paid fairly and properly in their employment.

Several hon. Members rose—

Mr Speaker: Order. Several Members wish to catch my eye, but the Backbench Business Committee debates are heavily subscribed, and there is a business question to follow. There is a premium on brevity from Back and
Front Benchers alike, and I want to move to the business question no later than 11 o’clock. People should take their cue from the right hon. Member for New Forest West (Sir Desmond Swayne), whose succinctness is exemplary. I call Mr Philip Hollobone.

Mr Philip Hollobone (Kettering) (Con): Which sectors of the economy have the biggest gender pay gap, and which have the smallest?

Victoria Atkins: As I said, at the moment it would not be right for me to comment on the pay gap because the figures are still coming in. We know that half of women are employed in the education, health and retail sectors, so we are concentrating on those sectors when providing employers with guidance on how to address their gender pay gaps. We want action as quickly as possible to ensure that women are paid properly.

Angela Crawley (Lanark and Hamilton East) (SNP): Women are key to improving the economy—we already know that. As a member of the Select Committee on Women and Equalities, I, along with the right hon. Member for Basingstoke (Mrs Miller) and many others across the House, have sought to hold this Government to account.

The women in work index has found that closing the gender pay gap could boost the economy by £2 trillion, yet the UK Government have only shifted from 14th to 13th place on the index. Scotland has been a top performer on the gender pay gap in the UK. However, there is still a great deal more to do, including on greater pay transparency, increasing early years and childcare provision, and representation on public boards. The Scottish National party Government have committed to narrowing the gender pay gap by the end of this Scottish parliamentary term, and to tackling labour market inequalities. That is a bold aim and it must be matched by this Government. I call on the UK Government to go further than just auditing larger companies. Real action needs to be taken to ensure that those larger companies are taking the charge. Will the Minister support the SNP’s aim to lower the threshold to 150 employees and to introduce sanctions for employers who do not comply with the current law? Will she match the commitment made by the Scottish Government?

Victoria Atkins: The hon. Lady knows that last year was the first year for reporting gender pay gap figures and this is the second. Although I am impatient to get the gap closed, we have to acknowledge that it will take time for businesses and employers to close it. I would therefore like the data to settle, perhaps for another year or so, before we start looking at reducing the number of employees at which companies and businesses have to start reporting. We acknowledge that it is an extra bureaucratic responsibility for businesses. We want to make sure that the large employers are doing their best before we move it down, but I look forward to that work.

Mrs Pauline Latham (Mid Derbyshire) (Con): Labour Members had 13 years to tackle the injustice of the gender pay gap but failed to do so. Will my hon. Friend join me in welcoming the steps that this Government have taken to tackle this historical injustice?

Victoria Atkins: I am very grateful to my hon. Friend for her question. At this time in our nation’s great history, where the public expect us to collaborate and get on with our business and to perhaps lower the heat and anger in some of our debates, I very much hope that colleagues across the House will welcome the fact that 10,500 employers are complying with the law and meeting the expectation that they treat their female staff properly. I hope for more joy and collaboration across the House.

Christine Jardine (Edinburgh West) (LD): How does the Minister believe the Equality and Human Rights Commission can fulfil its commitment to monitor and act against firms that discriminate at a time when its budget has been so drastically reduced?

Victoria Atkins: I lay on the record my thanks to the EHRC, which did an excellent job last year of pulling in those employers who missed the deadline and ensuring that they reported—some businesses had just made a mistake or did not quite understand what they were supposed to do—and that is how we had 100% compliance by 1 August.

Luke Graham (Ochil and South Perthshire) (Con): Does my hon. Friend agree that it is important to check the gender pay gap right across the workforce, not just the boardroom? From my 11 years in industry, the biggest gaps often appeared at senior management level, but also among junior managers below boardroom level. We must have a range of information.

Victoria Atkins: My hon. Friend makes an excellent point. This is not just about board level, although of course that is important; it is also about ensuring that women are paid properly and fairly when they start their career. Work on the gender pay gap will help address that, because it forces employers to look at how they treat women throughout the entire structure of the business.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Minister talks of a future of equal pay, but she knows that that cannot happen as long as well-paid sectors such as engineering and science are dominated by men and low-paid sectors such as care are dominated by women. Will she therefore adopt Labour’s policy of sector-specific diversity charters, so that we can start to address the structural issues in some sectors?

Victoria Atkins: It starts much earlier than that. We must give girls the confidence to carry on with science, technology, engineering and maths in school. That is why we are doing so much work to ensure that girls are encouraged to continue studying those subjects. The hon. Lady is absolutely right to point to industries such as engineering. In fairness, many businesses in those very male-dominated industries are beginning to get more women in at the lower end of the pipeline, but this will take time and, as I have said, I want to bring business with us rather than dictate from on high how society should view female employees. This is as much about cultural shift as it is about structures and legislation.

John Howell (Henley) (Con): Will the Minister look at the situation at Christ Church, Oxford, where the dean has been suspended, allegedly for trying to introduce equal pay for men and women?
Victoria Atkins: I must not comment on individual cases at the Dispatch Box, but I would certainly be happy to discuss that with my hon. Friend in due course. The message to academia is that we expect our universities to reflect the society that they serve. We have a wonderful diversity of students now, and one would hope that our universities will reflect that.

Justin Madders (Ellesmere Port and Neston) (Lab): How can we lecture other employers on matters of equality when this place has yet to fully implement the recommendations of the Cox report on bullying and harassment?

Victoria Atkins: Of course, that is a matter for the House, but I make this observation. I spend a great deal of my time persuading women to take the big step of coming into public life. I think the attitude and atmosphere in Parliament at the moment is putting a lot of women off—it is pretty toxic. The predictability, or unpredictability, of Commons hours can also cause problems—my little boy started his holidays this week, and I had a bit of an “about-to” this morning trying to sort out childcare—but we will address this. We have to ensure that the Commons is more flexible in how it works so that we can encourage people from across our society to join us.

Tom Pursglove (Corby) (Con): Looking back at last year’s publication, what lessons were learned going into this year’s process?

Victoria Atkins: First, I think businesses realise that if they do not do as the public expect them to, they will face a great deal of public scrutiny and reputational damage. One employer, for example, did not include its partnership figures in its return. The public spotted that and called it out; and, in fairness to that employer, it revised its figures to include the partnerships. That sort of transparency and scrutiny will help businesses to comply with the law.

Nic Dakin (Scunthorpe) (Lab): I would have expected universities to show leadership on the gender pay gap, so I was surprised to hear it reported earlier this week that they had the widest gender pay gap. If that is true, what is the Minister going to do about it?

Victoria Atkins: I share the hon. Gentleman’s concern about that. As I say, I will be writing shortly to every public sector employer reminding them of their duty to meet the deadline but also to set out their action plans. I do not think there is any excuse, frankly, for public sector employers, who want to lead the world in the way that we conduct our business, not to have an idea of how they are going to address the sorts of gaps that he has described.

Nigel Huddleston (Mid Worcestershire) (Con): Does the Minister agree that there is not just a strong moral case for promoting gender pay equality, but a strong business and economic case for promoting diversity and equality in the work place?

Victoria Atkins: Very much so: drawing on a diverse pool of people for a business or organisational structure makes great business sense. The McKinsey report recently showed that having a diverse workforce can add as much as 15% to a company’s success compared with its competitors.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Minister might not be aware, but I have a vested interest: I have three daughters and four granddaughters. Progress has been made, but we need to accelerate it. This is a week of celebration: 20 years since the introduction of the minimum wage. Can I encourage the Minister to use the B-word? Tony Blair and the Labour Government introduced the minimum wage and did so much to bring more women into this place, so will she use the “Blair” word when she goes on the media?

Victoria Atkins: I was not expecting that question. I welcome anyone who is committed to the drive to ensure more women and people from different backgrounds and ethnicities in our workplaces, whether political, business or public service.

Mark Pawsey (Rugby) (Con): The Select Committee on Business, Energy and Industrial Strategy looked at the gender pay gap immediately after the first round of reporting last year and drew attention to the improvement in economic performance that could be achieved by fully utilising the talents of women in the workplace. The Minister has already spoken about the challenges that some businesses have faced in calculating the figures. We called for improved guidance for businesses to enable this round to be more easily undertaken by businesses. What progress has been made on that?

Victoria Atkins: My hon. Friend has raised an important point. My officials consult businesses regularly to ensure that our guidance is up to date and practical. We review it constantly, but if they are unhappy with any parts of it, I ask them please to let me know. We are very conscious that the calculations can be difficult and confusing, especially for businesses that do not have human resources departments.

Diana Johnson (Kingston upon Hull North) (Lab): Last year, 19 NHS trusts had median pay gaps of 20% or more; this year, 24 did. Why has that happened?

Victoria Atkins: This is exactly the challenge that we are facing. We know that healthcare is one of the three sectors that employ 50% of the total number of working women. The NHS trusts themselves should be looking into why those gaps have increased. As I have said, I shall be writing to all public sector employers asking for their action plans. We can help them to draw up those plans to ensure that they make a real difference.

Vernon Coaker (Gedling) (Lab): Next year is the 50th anniversary of the Equal Pay Act 1970, yet the gender pay gap is still too large. The Business, Energy and Industrial Strategy Committee recommended that employers should have mandatory action plans to show how they were going to close their pay gaps, but the Government refused to adopt its recommendation. Will the Minister say why, and whether she will look at the recommendation again?

Victoria Atkins: Thus far, just under 50% of employers who fall within the gender pay gap reporting regime have issued their own action plans voluntarily. Because we want to bring business with us, I would much prefer employers to ask themselves questions about the way in which they treat their female staff rather than conducting
a tick-box exercise, as is alleged to have happened. I will of course keep the position under review, and if we do not think that employers are making enough progress, we will act.

Ruth George (High Peak) (Lab): The Minister correctly observed that good-quality childcare is essential for women going back to work, but the number of nurseries closing has risen by 66% in the last year, and only just over 50% of local areas have enough childcare services for parents who wish to work full time. Will the Minister speak to the Secretary of State for Education about the impact that the state of our early years sector is having on women who want to work?

Victoria Atkins: The hon. Lady is right to raise this issue. That is why we were so keen to introduce free childcare for children aged three and above. I will happily raise the point about local nurseries with the Secretary of State, but we are trying to encourage businesses and employers to think more imaginatively about how they can retain the talent from which they benefit. They may have spent many years training and developing female employers through schemes such as flexible working and shared parental leave—bold schemes that will make a cultural as well as a practical difference.

David Hanson (Delyn) (Lab): Why have 100 health bodies across the United Kingdom increased their gender pay gaps in the last 12 months? If the Minister is writing to those health boards, what does she expect them to do on receipt of her letter?

Victoria Atkins: I expect them to look at the variety of diagnostic tools that are available on the gov.uk website, and to seek advice about how to better diagnose and then deal with their gender pay gaps. This is not an insurmountable problem, and health trusts need to understand that the gender pay gap expectation applies to them just as it applies to any large multinational company.

Jim Shannon (Strangford) (DUP) rose—

Mr Speaker: Ah! A sentence, please. Jim Shannon.

Jim Shannon: One sentence, Mr Speaker. Has the Minister had any discussions with the devolved regions about the implementation of reviews throughout the public and private sectors to get a clearer picture of how we stand?

Victoria Atkins: Yes, of course. We are very keen to work with all our colleagues throughout the United Kingdom to ensure that businesses and employers are treating their female staff fairly, regardless of where they happen to be in the United Kingdom.

Mr Speaker: Order. I think the shadow Minister for Women and Equalities wants to raise a point of order that relates to the exchanges that we have just had, and that point of order, and that point of order only, I am content to take now.

Dawn Butler: On a point of order, Mr Speaker. I have just contacted the chief executive of Brent Council, Carolyn Downs, and she has informed me that Brent Council submitted the gender pay gap report on Friday 29 March via the Government’s own portal. I wonder whether the Minister would like to stand and make an apology to Brent Council.

Victoria Atkins: Further to that point of order, Mr Speaker. That was not the information I had just before I walked into the Chamber. I am advised that it was not on the gender pay gap portal. Of course if Carolyn Downs has done what she should have done and followed the law I am not sure I will congratulate her; I am just pleased that she is following the law.

Mr Speaker: We will leave it there. Thank you.
**Business of the House**

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Andrea Leadsom): The business for next week is as follows:

**Monday 8 April**—Motion to approve a statutory instrument relating to the draft Electronic Communications (Amendment etc.) (EU Exit) Regulations 2019, followed by a motion to approve a statutory instrument relating to the draft Trade in Torture etc. Goods (Amendment) (EU Exit) Regulations 2019, followed by a general debate on UN International Day for the Elimination of Racial Discrimination. The subject for this debate was determined by the Backbench Business Committee.

**Tuesday 9 April**—Motion to approve the Burma (Sanctions) (EU Exit) Regulations 2019, followed by a motion to approve the Venezuela (Sanctions) (EU Exit) Regulations 2019, followed by a motion to approve the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019, followed by a motion to approve the Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations, followed by general debate on housing.

**Wednesday 10 April**—Motion to approve the draft Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2019, followed by a general debate on the 50th anniversary of the continuous at sea deterrent.

**Thursday 11 April**—General debate on the definition of Islamophobia. The subject for this debate was determined by the Backbench Business Committee.

As colleagues will be aware, discussions between the two main parties on the subject of EU exit are ongoing. Subject to the progress of those talks, there is the possibility that business will alter, and I will of course update the House as soon as possible in such an eventuality. We do want to enable all colleagues to have a break during holy week, but I would note that we will need to retain flexibility to potentially sit on Monday and Tuesday of that week—15 and 16 April—and I will, as always, endeavour to update the House about business as early as possible. In the same vein, it is likely that we may need to sit on Friday of next week, and I will update colleagues on this as early as possible next week.

Subject to the agreement of the House, Westminster Hall will not sit during holy week, following a discussion with the Chairman of Ways and Means, in order to make sure that as many House staff as possible get a well-deserved break.

Mr Speaker, yesterday was the third anniversary of the detention of Nazanin Zaghari-Ratcliffe in Iran. We continue to call for her release, and the Foreign Office is doing all it can to make sure that happens as soon as possible.

This week is also Autism Awareness Week, which gives me the opportunity to congratulate all those who have taken part in fundraising events this week, and to thank all those working so hard to support autistic people and their families.

Several hon. Members rose—

Mr Speaker: Order. Today is not as heavily subscribed as sometimes, but the first of the two Backbench Business Committee debates is very heavily subscribed, and of course there is a ministerial statement to follow, so I think the focus today is on brevity.

Valerie Vaz: I thank the Leader of the House for the business. I appreciate that it is difficult to have settled business, but this is yet another sign that the Government cannot govern, because again the Prime Minister has run down the clock. However, I have to say that we have not had an Opposition day—there are Backbench Business Committee debates and general debates—so may I ask again for an Opposition day?

Last week, I asked whether we could have a statement from the Government on the timetable for the progress of the key legislation that needs to pass through Parliament before exit day on 12 April, but the Leader of the House responded by just mentioning the progress of secondary legislation. There are important Bills that need to have their next stages, particularly the financial services Bill. There is cross-party support for the amendment tabled by the right hon. Member for Sutton Coldfield (Mr Mitchell) and my right hon. Friend the Member for Barking (Dame Margaret Hodge) calling for Jersey, Guernsey and the Isle of Man to have registers in place by the end of 2020. This is a crucial piece of legislation to tackle tax evasion. Her Majesty’s Revenue and Customs has confirmed that in a clampdown on offshore tax evasion in 2018, it received reports about the offshore financial interests of around 3 million UK residents or the entities that they controlled. Figures from Accountancy Daily show that this involved 5.67 million individual records detailing offshore financial bank accounts. When will the Government find time for the Report stage of this Bill?

Will the Leader of the House update the House on whether she is confident that all the necessary Brexit statutory instruments will go through the House before exit day? The Brexit process has been a shambles. There is no solution, and Ministers are resigning. The Prime Minister has now decided that she wants to stop speaking Klingon—or should I say ER Gon—to the European Research Group and start speaking to the Opposition. In her statement—made at No. 10 Downing Street, not to the House—she failed explicitly to rule out leaving the EU with no deal. The Bank of England estimates that the worst case scenario, involving border delays and a loss of market confidence in the UK, could result in the economy contracting by 5%. Nearly 30% of our food comes from the EU, and some imports are particularly high at the moment because they involve foods that we cannot grow ourselves at this time of year, such as lettuce, tomatoes and soft fruit. Academics at Imperial College say that two extra minutes spent checking each vehicle at Dover and Folkestone could lead to traffic queues of 29 miles on nearby roads.

In the meantime, my constituents want to know why spending per pupil has fallen by 8% since 2010. The Leader of the House has mentioned the fact that it is Autism Awareness Week. It was announced today that 17% cuts had been made for those with special needs in the past four years. Just last week, a constituent of mine was in tears because her 11-year-old daughter has to take two buses or have a 40-minute car journey to school because all the local schools are full. May we have a statement on school places?

We had Home Office questions on Monday, but no statement on knife crime. My hon. Friend the Member for Gedling (Vernon Coaker) had asked for a statement, but nothing was forthcoming. One question to the Prime Minister is not sufficient. This is more than a
public health issue; it is about giving young people facilities and community places where they can find their talents. So could the Leader of the House ensure that we have a statement, either from the Prime Minister or from the Home Secretary, on the knife crime summit?

It is the 20th anniversary of the national minimum wage, which was introduced by a Labour Government and opposed by the Conservative party. When will the Government implement the real living wage, which should be our goal?

We celebrate today the 70th anniversary of NATO. That treaty was signed by a Labour Foreign Secretary. The Leader of the House will be interested in the report published today by the Defence Committee entitled “Missile Misdemeanours: Russia and the INF treaty.” The Chair of the Committee, the right hon. Member for New Forest East (Dr Lewis), says that the continent of Europe is less safe as a result of the Russian decision to develop missiles in contravention of the intermediate-range nuclear forces treaty. We are not a party to the treaty, but the Committee says that the Government need to push NATO for a proportionate response that sends a firm message. Will the Leader of the House find time for a debate on this important report?

The Ministry of Defence has instigated an inquiry into the use of a picture of the Leader of the Opposition for target practice. I am sure that the Leader of the House will condemn that activity. While the investigation is ongoing, will she ensure that the following questions are put to the Secretary of State for Defence? First, what action will be taken under section 19 of the Armed Forces Act 2006 against the soldiers on the grounds of good order and service discipline? Secondly, will the commanding officers and officials higher up the chain in the Ministry of Defence take responsibility, and how will they prevent this from happening further? Thirdly, can they confirm who supplied the image, and can they confirm that there are no other such photos circulating among the armed forces? If the Secretary of State for Defence or the Prime Minister would like to apologise to the Leader of the Opposition, I am sure that that would be very welcome. In the meantime, we would like a response to those questions.

Will the Justice Secretary meet my hon. Friend the Member for West Lancashire (Rosie Cooper)? We rightly paid tribute to her resilience yesterday when she received the House’s appreciation. She may have some suggestions about improvements to the trial process, given the terrible things she was put under while she was waiting for the result.

I do not know whether you are aware of this, Mr Speaker, but BBC Parliament has had excellent ratings. I want to thank my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and the right hon. Member for West Dorset (Sir Oliver Letwin) for their great courage in ensuring that the Government do not put our economy at risk with no deal. Once again, I thank the talented and dedicated staff of the House for ensuring that our business was done.

Finally, it is cherry blossom time, so I urge hon. Members to go outside and look at the blossom.

Several hon. Members rose—

Andrea Leadsom: I can absolutely assure—[Interruption.]

Mr Speaker: Order. I do beg the Leader of the House’s pardon. People who came in after the statement was issued cannot expect to be called and should not stand. We really must observe the basic principle of respect. The Leader of the House delivers a statement and it is responded to, but people cannot wander into the Chamber and expect to be called. It is quite wrong.

Andrea Leadsom: Thank you, Mr Speaker. I was just going to say to the hon. Lady that I would love to be outside looking at the cherry blossom, as I am sure we all would. Maybe that is what some colleagues were doing before they wandered into the Chamber.

The hon. Lady asked about key legislation and the Brexit Bills, particularly the Financial Services (Implementation of Legislation) Bill. As she will know, we want to consider the amendments made in the other place carefully. That Bill is relatively straightforward and seeks to deal with in-flight files during the Brexit transition period, but one amendment would have a more significant impact on the rights of the Crown dependencies, so it is right for the Government to take a bit of time to consider that properly. However, we will bring the Bill back in due course.

The hon. Lady asked about other Brexit primary legislation, and she will be aware that, in addition to the European Union (Withdrawal) Act 2018, nine other exit-related Bills are in Parliament or have already received Royal Assent. The Nuclear Safeguards Act 2018, the Sanctions and Anti-Money Laundering Act 2018, the Haulage Permits and Trailer Registration Act 2018, the Taxation (Cross-border Trade) Act 2018, and the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 are all now law. The Bills still in the Commons or the Lords are the Immigration and Nationality Act 2019 and the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, the Agriculture Bill, the Fisheries Bill, the Financial Services (Implementation of Legislation) Bill, as has been mentioned, and the Trade Bill. Progress is being made, and they are all scheduled to receive Royal Assent before they are needed.

The hon. Lady also asked for an update on the secondary legislation. Almost all the Brexit SIs needed for exit day have been laid—around 515 of about 550. The programme of secondary legislation is in hand and is almost complete. The remaining SIs are planned for completion when they need it.

On schools, I am sure that the hon. Lady will want to celebrate, as I do, the fact that 1.9 million more children are being taught in good or outstanding schools. We created 920,000 more school places between 2010 and 2018, and the gap between disadvantaged pupils and others has narrowed. All those things are important to give young people a good start in life.

The hon. Lady asked for a statement on the knife crime summit. I will certainly take that request away, but I am sure that my right hon. Friend the Home Secretary will want to update the House.

The hon. Lady mentioned the national living wage, and I am sure that she will share in the delight that it went up on Monday by the highest rate since it was first introduced in 2015, increasing by almost 5% to £8.21 an hour.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Good old Tony Blair.
Andrea Leadsom: The hon. Gentleman shouts from a sedentary position, but it was actually George Osborne as Chancellor under a Conservative Government who introduced the national living wage—[Interruption.] No, I am talking about the national living wage. Full-time workers receiving the national living wage will now be more than £2,750 a year better off compared with 2015.

Finally, the hon. Lady raised the serious issue of a photograph of the Leader of the Opposition being used for target practice. That is utterly unacceptable, and I condemn it in the strongest terms, as I am sure all right hon. and hon. Members would. It is vital that anybody with any kind of role in public life is extremely careful about the sort of images and portrayals that they put forward. I understand that my right hon. Friend the Secretary of State for Defence has written to the shadow Secretary of State to respond to the points made to him.

Several hon. Members rose—

Mr Speaker: The brevity tsar himself, Sir Desmond Swayne.

Sir Desmond Swayne (New Forest West) (Con): You missed it, Mr Speaker, because your focus was properly on what was happening in the Chamber, but the prolonged demonstration in the Public Gallery was a function of the fact that, first, the police had to be called and, secondly, the police, frankly, have a different way of operating and different priorities. Our Doorkeepers are trained in the practice but no longer carry it out, because the House will not insure them. Can we have a statement next week on how this is to be remedied?

Andrea Leadsom: My right hon. Friend is absolutely right to raise this matter and I am tempted to mention the bare cheek of such a demonstration in the Public Gallery. The police certainly had to deal with a very sticky matter. I will be seeing the director general later today to talk about what more we can do.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for what would have been the first week of our Easter recess, which we are giving up for that. I just hope we will see some more substantial business that would justify our giving up time to be available for our constituents. The thing is she has absolutely no idea what will be discussed and considered next week.

Yesterday’s innovation should be commended, and this House should be proud that we delivered a piece of legislation within a few days that will underpin the seeking of an extension to article 50. Of course, most curiously, there are those among the take back controllers who do not want this House actually to take back control and who would prefer the Government to continue in their ways unfettered and to continue ignoring the decisions of this House. It has taken legislation to get this minority Government to do what the majority of this House wants them to do. Maybe now they know we can do this they will start taking the decisions of this House more seriously, but I seriously doubt that will be the case.

The great unelected ones in the House of Lords will now consider the Bill, and the message from this House to the aristocrats, the Church of England bishops, the cronies and the donors is that they should do nothing to thwart the progress of this Bill. We have already seen loads of amendments tabled down there, particularly, and curiously, by some Scottish Conservative Lords. They must do absolutely nothing that would stop the will of this House and the democratic will of this Parliament.

Can we have a debate about modern romance? There was a real Mills & Boon glow yesterday, as the Leader of the Opposition sat down with the Prime Minister so that she could share the blame for her Tory Brexit with him. Last week, the Prime Minister said that he was “The biggest threat to our standing in the world, to our defence and to our economy”.—[Official Report, 27 March 2019; Vol. 657, c. 313.]

He is now the saviour of her Brexit.

We in Scotland are watching very carefully the reinvention of Better Together—Better Together 2.0, the sequel, the latest in the Tory-Labour disaster franchise. This time they have come together to take Scotland out of the EU against its will. Scotland is sick of being ignored. The Scottish people are watching our nation being carved out and disrespected, and we will not sit idly by as the usual Better Together squad play their games with our nation and the European Union.

Andrea Leadsom: The hon. Gentleman will recognise that Better Together did quite well last time. As he will know, the Prime Minister is seeking to find a way to leave the European Union, and it is extraordinarily apparent to everyone that, so far, the House has not agreed a way in which to leave. It is right that the Prime Minister continues to seek a way to deliver on the referendum, which is why she is talking to the Leader of the Opposition, as the hon. Gentleman well knows.

Dame Cheryl Gillan (Chesham and Amersham) (Con): Can we have a debate on budgeting and the transparency of public projects and their finances, particularly in the light of the delay to the notice to proceed on High Speed 2 and the revelation that it is now spending millions of pounds on consultants tasked with trying to reduce, or even control, the mammoth costs of this project, all of which will be paid for by the taxpayer?

Andrea Leadsom: My right hon. Friend raises a very important issue. She will be aware that many of my constituents also have concerns about the cost overruns, and I have written to ask for reassurances on that. The Department for Transport assures us that the project is still working to its budget, but I am sure that my right hon. Friend will continue to seek her own reassurances.

Ian Mearns (Gateshead) (Lab): The demonstration in the Public Gallery has been referred to. I wondered whether it was a manifestation of a modern-day Rump Parliament—I’m here all week.

The Leader of the House mentioned that the business next week could be subject to rescheduling. I genuinely offer a hand of friendship and, if there is rescheduling, I hope there will be consultation with me and the Clerk of the Backbench Business Committee, so that we can fill any gaps due to business being moved.

I am a member of the Education Committee, and I wonder whether we could have a debate in Government time on school funding. Figures from the Institute for
Fiscal Studies show that school funding in real terms is 8% lighter than it was several years ago. The Minister for School Standards said at the Education Committee on Wednesday that the schools budget has been protected in real terms, like the Department for International Development budget, but the DFID budget is 0.7% of GDP and has been protected at that level—it has grown in financial terms. Education funding has diminished from 5.69% to 4.27% of GDP in only seven years. That is a real-terms cut from both the IFS’s perspective and the GDP perspective. We need to invest in our future if we are going to engage and be successful in the fourth industrial revolution.

Andrea Leadsom: I am glad that the hon. Gentleman took pains to flesh out the matter of the protests, but we now need to crack on a bit with the business of the day.

The hon. Gentleman offered to fill in any blanks in the business next week. Of course, if there are opportunities for Backbench business, we will always take them. He also raised the important matter of school funding. He will appreciate that the achievements in our schools are incredibly positive for improving young people’s education, and I pay great tribute to all our teachers’ professionalism. Nevertheless, he makes an important point about funding, and I encourage him to raise that directly with Ministers on 15 April at Education questions.

Sir David Amess (Southend West) (Con): Will my right hon. Friend find time for a debate on the difficulties that convert to Christianity are having in achieving asylum status in the United Kingdom? While I am sure the House understands that the Home Office has to be very careful, I simply do not understand its reluctance to approve those applications, given all the checks and balances.

Andrea Leadsom: My hon. Friend raises an interesting point. All asylum claims made in the UK are carefully considered on a case-by-case basis, taking into account individual merits against a background of relevant case law and up-to-date country information, which covers issues relating to freedom of religion and belief. I can assure him that the Home Office provides protection for all those who genuinely need it, in accordance with our international obligations under the 1951 refugee convention and the European convention on human rights.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Can we have a debate about the challenge we have in our constituencies and in this place in the way we treat one another and the language we use? Could the Leader of the House particularly bear in mind something very offensive that was said last night by the right hon. Member for Rayleigh and Wickford (Mr Francois) at this time, when we are in Lent and approaching Easter weekend:

“Forgive them, Father, for they know not what they do.”—[Official Report, 3 April 2019; Vol. 657, c. 1217.]

As a Christian and former parliamentary churchwarden, I found it deeply offensive for that phrase to be used in the context of a debate on Brexit. I hope we can have a discussion about what is and is not appropriate to say in this House.

Andrea Leadsom: As I have always said, it is vital that everybody in this place and in this Palace of Westminster treats each other with courtesy and respect and I completely uphold that. As the hon. Gentleman will be aware, behaviour in the Chamber is a matter for the Chair. On the other hand, I am sure you will also agree, Mr Speaker, that it is vital that everybody is treated with courtesy and respect.

Mr Speaker: Yes, that is absolutely fair and reasonable. I did not intervene at the time, as the hon. Gentleman will know. The right hon. Member for Rayleigh and Wickford (Mr Francois) felt extremely strongly and expressed himself with force, and I respect the right hon. Gentleman’s sincerity and integrity. I make no bones about that: I do—but moderation in the use of language and the importance of trying to keep the temperature down can hardly be overstated. I think the hon. Member for Huddersfield (Mr Sheerman) has served a useful purpose today, of which we can all take note.

Sir Mike Penning (Hemel Hempstead) (Con): Mr Speaker, you will be aware that I go on and on about the lack of accountability of NHS trusts in my constituency and around the country, and there are often lots of nods when I raise this. As the Leader of the House knows, I raised this before and she suggested that I get a Westminster Hall debate. I have got that, so I am back now—going on and on. May we have a debate in Government time about the lack of accountability of NHS trusts, which seem to ignore not just politicians and elected representatives, but the people they are supposed to be looking after?

Andrea Leadsom: My right hon. Friend is very passionate on this subject and he is absolutely right to be. If he has exhausted all his own means by which to achieve debates on this subject, I encourage him to go to the Backbench Business Committee and seek the support of other Members across the House. I am sure he would find that there were plenty of Members looking to support their own local hospitals.

John Cryer (Leyton and Wanstead) (Lab): I heard the Leader of the House’s answer on the knife crime summit and subsequent events, but it really is unacceptable that the Home Secretary has not been here reporting on the knife crime summit, while our constituents—our young constituents—are regularly being murdered. When will he come here and give a report? Further to that, he really should be coming to this Chamber on a regular basis to give those reports.

Andrea Leadsom: The hon. Gentleman raises an incredibly serious issue, as he often does, about the appalling nature of the rise in knife crime, the impact it is having on communities and the fear in communities. There are far, far too many examples of young people being stabbed and murdered. It is absolutely appalling. He will be aware that the knife crime summit on Monday was designed to look at what more the Government can do. There are a huge number of plans in place. We have already had two debates recently on serious violence and what the Government can do, as well as a number of urgent questions and statements on the subject. However, as I said to his hon. Friend the Member for Walsall South (Valerie Vaz), I will certainly go away and see whether we can organise a statement on the same subject.
Mr Peter Bone (Wellingborough) (Con): Mr Speaker, I hope you will accept that I am willing to call out the Government on occasion when they abuse Parliament—I voted for the contempt motion—but I thought there was a conspiracy to defraud Parliament itself yesterday. On a huge constitutional issue, we rushed the Bill through in a day. There was no time for proper debate. There was not even a Third Reading debate. Amendments were not down. It was a total farce and it was an abuse of Parliament. It seems to me that the solution to this—it was something that both the main political parties agreed to—is a business of the House Committee that is responsible for the timing of debates. The Backbench Business Committee has shown that it works really well. Seriously, will the Government now consider a business of the House Committee? Please, Leader of the House, do not blow this off again.

Andrea Leadsom: I entirely endorse the first part of my hon. Friend’s question. I draw the House’s attention to the fact that the article 50 Bill contained 58 words and it went through the entire parliamentary business and legislation Committee process. It was consulted on widely and it had five days of debate in this Chamber, compared with the under one hour on Second Reading for yesterday’s Bill. I therefore agree with him that it was extremely damaging to the way in which we carry out business in this place.

On the second part of my hon. Friend’s question, as I have said to him on a number of occasions, I do not believe that a business of the House Committee for determining business would have the necessary flexibility to be able to ensure that, as we are seeing at the moment, swift changes to business can be properly and reliably agreed. From time to time, the House needs to go through the usual channels with a very quick decision when emergency changes are necessary.

Mr Speaker: I do not want to dwell at any length on what the hon. Gentleman said and I completely respect his sincerity, but I think it is fair just to note, reputationally for the House, that many of the Members who are complaining about the paucity of time for the debate on the Second Reading of the Bill did nevertheless seem untroubled by the absorption of three hours on the business of the House motion. It was partly for that reason that there was so little time left for Second Reading. But there is an argument to be had about the matter and I respect the hon. Gentleman’s point of view.

I have heard what the Leader has said about a business of the House Committee. That is the Government’s position. The hon. Gentleman has been a keen and articulate champion of the cause of such a committee for many years, and, as he knows, I have joined him in that quest. It is a matter of recorded fact that the coalition Government were committed to the introduction of such a committee and Prime Minister Cameron—I say this as a matter of fact—reneged on that commitment. It is unarguable, it is incontestable, it is incontrovertible. That is the reality. He may think that the situation changed, but he promised it and he broke the promise. It is as simple as that.

Paula Sherriff (Dewsbury) (Lab): Last weekend proved to be the perfect tonic when I was joined by over 75 members of my constituency for the Great British Spring Clean. Next week I will be out again, in Mirfield, supporting the indefatigable community champion Ruth Edwards in her spring clean. Will the Leader of the House join me in welcoming the incredible work done by the likes of Ruth and others, and encourage our members to get involved in cleaning up their communities?

Andrea Leadsom: The hon. Lady is to be hugely commended for taking part in the Great British Spring Clean. My Parliamentary Private Secretary, my hon. Friend the Member for Banbury (Victoria Prentis), who is sitting behind me, is a huge fan of it and is yelling in my ear, “Fantastic, fantastic!” I think all Members would agree that it is a superb thing to be involved in a community clean-up. It sends a good message and it cheers us all up to get outside as well. I congratulate the hon. Member for Dewsbury (Paula Sherriff), her constituent Ruth Edwards and all those taking part.

Will Quince (Colchester) (Con): Working parents of children with a disability or serious illness often have to take their entire holiday entitlement off for surgery or hospital appointments. Will the Leader of the House allow a debate in Government time on what support the Government can give to those working parents and how we can ensure they get the quality holiday time that other working parents enjoy?

Andrea Leadsom: My hon. Friend raises a very important point. Parents often have additional responsibilities to holding down a job, particularly when they are caring for children with disabilities. It is absolutely vital that they get quality time to spend with their families. I encourage my hon. Friend to seek an Adjournment debate in the first instance, so he can discuss with Ministers what more can be done.

Martin Whitfield (East Lothian) (Lab): May we have a statement on the attitude taken by Departments, particularly the Home Office, when MPs telephone them? I telephoned the hotline seeking very urgent information and was given another telephone number. I was hung up on when I phoned it. When I phoned back later, they were unable to give me any information—I will be careful about what I say—about what I asked for. I have now emailed on two occasions and not received a response. The challenge is that my constituent faces an approaching deadline, and without that information I cannot advise him and he cannot take action.

Andrea Leadsom: I am genuinely very sorry to hear that. My own experience of the MPs’ hotline has been good with the Home Office, but I totally respect what the hon. Gentleman is saying. If he cannot get through to the right people and they are not responsive, that is absolutely unacceptable. I encourage him to perhaps take this matter up through a parliamentary written question, but if he wants to contact me, I can contact the Home Office on his behalf.

Greg Hands (Chelsea and Fulham) (Con): Could we get a bit more clarity on the business for the week after next? The Leader of the House said that it is possible that we will be sitting on Monday 15 and Tuesday 16 April, but for the benefit of Members and staff with Easter holiday and childcare problems to sort out,
could she perhaps be a bit more definitive about what might or might not happen on Wednesday 17 and Thursday 18 April?

Andrea Leadsom: My right hon. Friend is tempting me to get my crystal ball out. As all hon. Members appreciate, and I think we can all agree, we and certainly the staff of the House, need a break. We are very conscious of the need to try to ensure that people are able to meet prior commitments. As well as that, many colleagues have commitments in their constituencies that they need to fulfil. There is no doubt that the Government and I are extremely well aware of the need for colleagues to have a break. On the other hand, as we all know, the business is changing very rapidly. We are extremely keen to ensure that we can leave the European Union with a deal, with a majority of the House supporting it. In order to achieve that, it requires the next few days to be quite flexible. I can only repeat that I will keep the House as updated as possible, but certainly at the moment, as I said in my opening remarks, we need to retain flexibility to potentially sit on Monday 15 and Tuesday 16 April during holy week, but I will update the House as soon as I possibly can.

Jim Shannon (Strangford) (DUP): On Monday 1 April, the all-party group for international freedom of religion or belief, which I have the privilege to chair, hosted a parliamentary briefing investigating the ongoing farmer-herder conflict in Nigeria. Nigeria is awash with weapons. This conflict has claimed tens of thousands of lives since the turn of the century. It is one of the bloodiest in the world at the moment and, as both groups happen to be divided by religion, with farmers being mainly Christian and the herders being mainly Muslim, it threatens to escalate into a full-blown religious war. Will the Leader of the House agree to a statement or debate on this very pressing matter?

Andrea Leadsom: I am grateful to the hon. Gentleman for his question. The Government are concerned by the recurrent clashes involving pastoralists and local farmers. We continue to call for an immediate de-escalation of violence and for the Nigerian Government to demonstrate a clear strategy for resolving the conflict, ending the violence and ensuring that the needs of all the communities are taken into account. There is no doubt that these clashes have a devastating impact on lives and communities, as well as, of course, being a major barrier to Nigeria’s economic development.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I am very pleased that the Government are investing £290 million in improving the A1 road north of Newcastle to Berwick-upon-Tweed. Sadly, north of the border, 17 miles of the A1 still remain a single-track road. Transport policy is devolved to the Scottish Parliament and yet the Scottish Government are refusing to take the decision to duall the A1. For our part, UK Ministers and officials regularly collaborate with their counterparts in Scotland on issues of mutual interest, including cross-border connections, and they have previously discussed the dualling of the A1.

Vicky Foxcroft (Lewisham, Deptford) (Lab): I wonder whether the Leader of the House can provide us with a date when the Timpson review of exclusions will be produced. If she cannot provide a date, perhaps she can explain why we have had a delay since December last year.

Andrea Leadsom: I am grateful to the hon. Lady for her question. She has raised this on a number of occasions and, as I have said to her, I have chased for a date on which this report will be published. She is absolutely right to keep pursuing it and I am continuing to seek to get an answer for her—[Interruption.] She is asking “Why?” from a sedentary position. As I have tried to explain previously, the review is considering the difference in exclusion rates between areas and why that is taking place. That, therefore, makes the review quite complicated and time-consuming.

Martin Vickers (Cleethorpes) (Con): The Leader of the House will recall that three weeks ago, I raised with her the accountability of Network Rail. That particularly relates to its proposed closure of Suggitt’s Lane level crossing in my constituency. The accountability issue has become more serious, because the Grimsby Telegraph is reporting that when contractors moved in to lock the gates, they hauled away cars parked near the crossing. Surely Network Rail should not have the powers to haul away private vehicles. Could we have a statement from the Department for Transport on this issue?

Andrea Leadsom: My right hon. Friend is tempting me to get my crystal ball out. Friend’s concerns sound very justified. Of course the safety of our railways is paramount, but as he knows it is a matter for Network Rail, working with the independent regulator, the Office of Rail and Road. I understand that an urgent meeting on the Suggitt’s Lane level crossing closure has been arranged for Monday between the rail Minister, senior representatives from Network Rail and my hon. Friend himself. I hope that there will be some progress as a result of that.

Mrs Madeleine Moon (Bridgend) (Lab): I thank the shadow Leader of the House for reminding us that it is the 70th anniversary of the signing of the Washington treaty. I also remind the House that London was the first home of the NATO alliance and that the first shots fired by NATO came during a peacekeeping mission in Bosnia in 1996. If the Leader of the House is short of business for next week, may I suggest that we celebrate the NATO alliance, which has kept peace and security across Europe and north America for 70 years?

Andrea Leadsom: The hon. Lady is absolutely right to pay tribute to the amazing achievements of NATO, which has been the cornerstone of our defence for 70 years, as she rightly points out. I will certainly take away her request for a debate in Government time and see what can be done.
Mr Paul Sweeney (Glasgow North East) (SNP): Given £10.3 billion to all causes in 2017. That cements the best for the event. The UK is undoubtedly a very fabrication. Sometimes I sit in Cabinet and hear one thing and read about it in the newspapers but it is not the same at all—it is someone’s interpretation.

The hon. Gentleman makes a serious point about how Cabinet commentary gets out into the press. There are interpretations on all manner of meetings that take place. What that really says to me, and what I always urge young people to understand when I go to universities and schools to talk to them about democracy, is that people should not believe everything they read—it is definitely not always true. People need to go to the source.

John Howell (Henley) (Con): I recently launched a new Saturday bus service in Henley. May we have a debate on buses to show how smaller, more local buses can help?

Mr Paul Sweeney: Congratulations to my hon. Friend—a number of hon. Members would love to do the same in their areas. He will be aware that the bus market outside London is deregulated and that decisions about service provision are primarily a commercial matter for bus operators. Individual English local authorities will make decisions on whether to subsidise bus services. The Bus Services Act 2017 provides the tools that local authorities need to improve local bus services and increase passenger numbers, but I am sure I am not alone in this place in thinking that we need to do more to provide better bus transportation for all our communities.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): May a debate be held on the urgent need to fund community-based projects to tackle climate change? North Glasgow Housing Association is the biggest community-owned housing association in Glasgow, and with Lambhill Stables it is doing fantastic work in all sorts of fields using climate challenge funding from the Scottish Government, including community swapshops for furniture and even using comics to educate young people. Unfortunately, that funding has not been renewed this year, so the projects cannot continue. May we have an urgent debate on the need to advance funding for community-based climate change initiatives?

Andrea Leadsom: First, I congratulate the hon. Gentleman’s constituents on their work. It is incredibly important that we do all we can to make people aware of the importance of climate change and the steps we can take to address it. He will be aware that our 25-year environment plan seeks to ensure that ours is the first generation that leaves our environment in a better state than we found it. Within that plan, there are many different initiatives. I encourage the hon. Gentleman to talk to Ministers in the Department for Environment, Food and Rural Affairs about what more they can do to support such initiatives.

Luke Graham (Ochil and South Perthshire) (Con): It was mentioned earlier that it is cherry blossom time. I encourage every Member of the House to come and see the Japanese garden in Clackmannanshire in my constituency, where recently I joined the Japanese consul-general to plant new cherry trees, whose blossoms we hope everyone can enjoy in the near future. May we have time to debate rural development? We spend a lot of time talking about our towns and cities, but our rural communities are working hard to improve prosperity and employment through schemes such as Can Do Crieff shared workspace, which was recently established in my constituency? Country is just as important as town, so may we have more time to debate rural issues?

Andrea Leadsom: I completely agree that the countryside is every bit as important as towns, and we need to do everything possible to ensure that our rural communities thrive. We have Housing, Communities and Local Government questions on Monday, and I encourage my hon. Friend to raise with Ministers what more can be done to support rural communities.

Colleen Fletcher (Coventry North East) (Lab): The Duke of Edinburgh’s volunteering achievement award has been presented to pupils in Coventry to celebrate 9,360 hours of voluntary service by the city’s young people over the past 12 months. We know that such volunteering efforts help young people to develop, build confidence and gain important life skills, while improving the health and wellbeing of the local community around them. Will the Leader of the House join me in commending Coventry’s young volunteers, and will she arrange a debate in Government time on the importance of volunteering and how it can inspire a generation of young people who care about where they live and are willing to make a commitment to improve society?

Andrea Leadsom: The hon. Lady always speaks up for Coventry, and she is right to do so. I definitely join her in congratulating all those young people. I think she...
quoted a figure of 9,360 hours of volunteering in the past 12 months. That is a superb record of which they can be very proud.

Vernon Coaker (Gedling) (Lab): Can the Leader of the House tell me where the Home Secretary is? I asked last week whether he was going to come and make a statement, and she said she would speak to him. We had a knife crime summit, but nobody has a clue what happened there; he has not bothered to come to the House of Commons to explain. We read in the papers about search powers being changed—not a word to the House of Commons about it. We read about extra money for all sorts of groups—not a word to the House of Commons about it. Will the Leader of the House go again to the Home Secretary and tell him to get over here and start making some statements to this House about the national emergency this country faces with knife crime?

Andrea Leadsom: I know the hon. Gentleman cares passionately about this issue, as do the many right hon. and hon. Members who raise it frequently at business questions. As a matter of fact, my right hon. Friend the Home Secretary was here yesterday, making a statement on Windrush compensation. He is of course always willing and keen to update the House as soon as some important breakthrough takes place. The hon. Gentleman will know that a tremendous amount of work has gone into our serious violence strategy, the Offensive Weapons Bill, the creation of knife crime prevention orders, the youth endowment fund and the recent discussions about making knife crime a public health matter, so that we can do everything possible to steer young people away from a life of knife crime and violence. I totally understand the hon. Gentleman’s frustration. I will again raise the issue with the Home Secretary, but he is willing to—indeed, has he done so very regularly—come to update this House whenever there is more to say.

Nic Dakin (Scunthorpe) (Lab): At his last meeting with the all-party group on steel, the then steel Minister, the hon. Member for Watford (Richard Harrington), committed to bring together all the key steel stakeholders to look again at how to progress a steel sector deal. May we have a statement from the Secretary of State for Business, Energy and Industrial Strategy on how we are to bring about this steel summit?

Andrea Leadsom: I was not aware of the commitment that was made, but if the hon. Gentleman would like to write to me, I can take the matter up with the Department on his behalf.

Diana Johnson (Kingston upon Hull North) (Lab): On my way into Westminster, I walk through the Canary Wharf Crossrail station on most mornings. It is a pristine station that cost £500 million. It was opened in 2015, but no trains will use it until at least 2020. It is a bit like the hospital in “Yes Minister”—the Leader of the House might remember—where there were no patients but it was seen to be a very efficient hospital. The Public Accounts Committee has said that the cost of Crossrail has spiralled out of control, at more than £18 billion and counting, and question marks remain over its completion. We cannot get new signage or the toilets sorted out in the railway station in Hull, let alone electrification of the line, so may we please have a debate on investment in rail in the north and not just in London?

Andrea Leadsom: I am sympathetic to the hon. Lady’s desire to see more investment in the north. She will be aware that the Government are investing significant sums in new rail infrastructure and in improving the experience of all train users.

With regard to Crossrail, work is now being done to deliver a revised schedule for the project, and the Department for Transport is working closely with the Infrastructure and Projects Authority and the National Audit Office to ensure that lessons are learned for the delivery of major projects. Once built, the new Crossrail line will provide a boost to the UK economy of up to £42 billion and enable 200 million journeys across London and the south-east. I absolutely understand that the hon. Lady wants to see more investment in the north, and that is also happening—it is not either/or but both.

Matt Western (Warwick and Leamington) (Lab): In the past fortnight, households up and down the country have received their council tax bills. Members will be well aware that people have seen significant increases of almost twice the rate of inflation and twice the rate of pay increases. In my constituency, there has been a 5% council tax increase and a 12% increase in the police levy, and residents are concerned that they are getting less for paying more. Against that backdrop, my local authority wishes to build a new council office. May we have a debate on the terrific One Public Estate programme, which was introduced in 2013, so that we can examine where we are with those sorts of programmes?

Andrea Leadsom: The hon. Gentleman raises the issue of council tax rises; he will be aware that council taxes have fallen since 2010 in real terms, under the Conservative and coalition Governments. It has been important to hold down those increases. At the same time, I am sure he will want to celebrate that this week there is more than £1.3 billion extra available for local councils, more than £1 billion extra for schools and of course, really importantly, a rise in the national living wage, which has given a full-time worker a £2,750 annual pay rise since its introduction. There is also another rise in the personal tax-free allowance, leaving a basic-rate taxpayer more than £1,200 a year better off than in 2010. I totally sympathise with the hon. Gentleman’s point about council taxes rising, but on the other side of the economy, the Government are taking steps to ensure that there are better services, that people get to keep more of their hard-earned income and that people in our economy are better off through job increases, wage increases and increases in their personal tax-free allowance.

Justin Madders (Ellesmere Port and Neston) (Lab): Some of my constituents have received letters this week informing them that the owner of their homes—the freeholder—has changed from one company based in Guernsey to another company based in Guernsey. We have had a very powerful Select Committee report and various vacuous pledges about what will be done to tackle leasehold abuses, but the fact remains that these kind of manoeuvres are making it harder and more expensive for my constituents to purchase outright the
freehold of their properties. May we have a statement from the Government about what they will do to protect existing leaseholders?

Andrea Leadsom: I certainly share the hon. Gentleman’s concern about the way in which some properties are being sold as leases and then those who have bought them are being charged additional sums on an increasing basis. That cannot be right. We have Housing, Communities and Local Government questions on Monday. I encourage him to raise the matter there.

Brunei

11.50 am

The Minister for Asia and the Pacific (Mark Field): With permission, Mr Speaker, I will make a statement about Brunei and sharia law.

I appreciate that this issue has been of widespread concern in the House and was the subject of two requests for an urgent question earlier in the week by the hon. Member for Edinburgh West (Christine Jardine). I apologise, too, that, given how late we sat last night, there are slightly fewer Members in the House today than there might have been, as many of them have an understandable desire to head off. I thought that it was worth making a full statement on this issue. There was no criticism of you, Mr Speaker, that you did not allow the urgent questions, not least because we were able to touch on this matter in the slightly unsatisfactory way that one does during Foreign and Commonwealth questions.

Brunei introduced sharia criminal law in 2014, to operate alongside the common law system in that country. Implementation of the final phases of the associated sharia penal code was delayed from 2014 until yesterday. These final phases now introduce the possibility of hudud corporal and capital punishments, which may include amputation for theft, and execution by stoning for witnessed adultery and anal sex.

The sharia penal code requires four witnesses or a confession from the offender for a conviction to be secured. It is a fairly tall ask, but that does not mean it is impossible to achieve. Under the common law in Brunei, homosexuality is already a criminal offence. Whippings are also quite frequently used as a punishment for a variety of offences, and the death penalty remains on the statute book—although it has not been enforced since 1992.

I want to be absolutely clear about the UK’s position on this: this Government consider it appalling that, in the 21st century, people anywhere are still facing potential persecution and discrimination because of who they are and whom they love. We strongly support and defend the rights of the LGBT+ community here in the UK and all around the world.

We absolutely oppose the death penalty in all circumstances and in all forms, and we do not believe that amputation or stoning are legitimate or acceptable punishments. Indeed, we consider them to be illegal under international human rights laws relating to torture or cruel, inhumane or degrading treatment.

We also note that, since the introduction of sharia criminal law in Brunei in 2014, the vast majority of crimes have continued to be brought to justice under the existing common law system, which runs in parallel in that country. However, if implemented, we believe that these extreme hudud punishments would contravene Brunei’s international commitments to respect human rights and individual freedoms. That is why we have expressed deep concerns to the Government of Brunei. I personally raised the matter with His Majesty the Sultan, the Minister of Religious Affairs and the Foreign Minister, Dato Erywan, when I visited the country in August 2018.

Last week, I wrote to Dato Erywan to re-emphasise our concern about the use of hudud punishments, which contravene the international standards and values that
the UK and Brunei both uphold. Earlier this week, our outstanding high commissioner Richard Lindsay also raised our concerns with senior Bruneian Ministers, including the Ministers of Foreign Affairs, Religious Affairs and Finance. He received assurances that common law would continue to be the primary means of administering justice and that the burden of proof under the sharia penal code has been set to be almost unattainably high, and, obviously, we welcome that. I understand that the Foreign Secretary will speak with the Bruneian Foreign Minister later today and urge the Government of Brunei to take further steps to ensure that those extreme punishments cannot be used, and to respect the rights and freedoms of all their citizens.

Colleagues may be concerned about the potential impact of sharia criminal law in Brunei on British nationals, for whom we have a specific consular responsibility. I assure the House that our travel advice has been updated to ensure that all British citizens are aware of the introduction of the new laws under the sharia penal code. Supporting British nationals remains our No. 1 priority, and we will continue to provide consular support for all British folk in Brunei should it be required. As many Members will be aware, we have a specific responsibility towards British military personnel and their families who are stationed in Brunei, including as part of our long-standing garrison agreement that dates from the coming into existence of Brunei as an independent state in 1962. I assure the House that necessary protections are in place with the Government of Brunei.

For historical and ongoing reasons we have a close friendship with Brunei, and from my experience both in Brunei and with Bruneians in this country, I know that they regard themselves—with good cause—as a generous, friendly and tolerant people, and they are worried to see the tarnishing of that reputation, given recent press in the UK and across the world. We have an important bilateral security relationship with Brunei, of which the garrison agreement is one part, but that has never prevented us from raising difficult issues. Indeed, I believe that the strength and richness of that relationship permits us to share our views and express those concerns—sometimes openly, sometimes more in private, but always frankly—as we seek to work together to address these issues.

I am sure I speak for the entire House when I say that this Government, our high commissioner and I will continue to urge the Government of Brunei to take all necessary steps to reassure their own people, the United Kingdom and the wider international community that they are fully committed to allowing all citizens and residents of Brunei to live with dignity, and free from violence, discrimination or persecution. As an integral part of our foreign policy work around the world, we will continue to oppose the use of the death penalty in all circumstances and promote the rights of LGBT+ people. Nobody should face punishment for who they are or whom they love. I commend this statement to the House.

11.57 am

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): I thank the Minister for advance sight of the statement, and for the concern and care that he has brought to this issue, just as he did for other issues including Kashmir and the Rohingya, as well as many other matters covered by his brief. My right hon. Friend the shadow Foreign Secretary spoke the other day about the former Minister, the right hon. Member for North East Bedfordshire (Alistair Burt), and said that we would miss both the substance and tone that he brought to our debates. As we have seen today, however, this Minister brings the same substance to our debates, and he knows how to set the tone for his Department.

What we have seen in Brunei in the past week with the proposed new laws has been shocking, shameful and deeply sad. Let me read the words of one staff member from our shadow Foreign Office team. She is a young English woman who grew up in Brunei, and when she heard the news she said:

“It breaks my heart that a country I would credit with opening my mind and my heart in my formative years, and deeply embedding in me a love of the world and the people in it, could now preach such utter hatred against people just because of who they love.”

That is absolutely right. Brunei is a beautiful country with a warm and welcoming people, and for a long time it has been home to a diversity of races and nationalities. For it to take such a backward step into the darkness, with these horrific proposals for people to be stoned and whipped to death just because of their sexuality, is truly heartbreaking and fundamentally evil. It is also a clear breach of Brunei’s obligations under the Commonwealth charter on human rights. If it presses ahead with the proposals, surely there must be immediate consequences for Brunei’s membership of the Commonwealth. The Commonwealth has stood for human rights when it comes to democratic abuses in countries such as Nigeria, Zimbabwe and the Gambia, but for far too long it has turned a blind eye to LGBT discrimination in Asia, Africa and the Caribbean.

It is time for the Commonwealth to draw a line in the sand on LGBT rights, and that line must be drawn now in relation to Brunei. We cannot be in a situation whereby a Commonwealth country announces plans to stone and whip LGBT people to death and the Commonwealth does nothing.

I thank the Minister of State for his words and I hope they will lead to action, whether that means suspending our support for Brunei’s armed forces or other measures. Above all, I hope it will include calling an immediate meeting of the Commonwealth Ministerial Action Group and agreeing that if Brunei does not drop its proposals it will, with great regret but as a matter of urgency, be suspended from the Commonwealth.

Mark Field: I thank the hon. Gentleman for his kind words but also his tone. At a time when so many debates in this House have been very fractious—on matters that we dare not discuss now—it is very important that we are able to unite and work constructively on an issue that is close to the hearts of many of us. On the issue of the garrison, we take very seriously the importance of security in the region, and obviously we are negotiating a range of safeguards for British nationals.

The main thrust of the hon. Gentleman’s contribution was to do with the Commonwealth, so I will touch on that. As he alluded to, the Commonwealth charter states specifically that members are “opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.”
At the Commonwealth Heads of Government meeting here in London last April, the Prime Minister was absolutely clear:

“Nobody should face discrimination or persecution because of who they are or who they love and the UK stands ready to help any Commonwealth member wanting to reform outdated legislation that makes such discrimination possible.”

I think I should put the issue in context. This is not in any way to justify what is happening specifically in relation to Brunei, but it is worth recognising that 30 Commonwealth member states have the death penalty, four have imposed a full or partial moratorium and 19 have abolished it. Obviously, we are working on trying to increase that number. There are 35 member states that still criminalise consensual same-sex relations, primarily as a result of colonial-era legislation, which does not apply in relation to Brunei, obviously. Since CHOGM 2018, two Commonwealth member states have decriminalised same-sex relationships, namely India and Trinidad and Tobago, which together account for well over 1 billion people. Two member states are able, in principle at least, to impose the death penalty for same-sex relationships. Brunei and some 12 states in the north of Nigeria have adopted elements of sharia law through a component of their legal system. That does not mean, of course, that the death penalty will necessarily be enacted.

Clearly, this is an issue on which we and Commonwealth countries have been working and will continue to do so. We would like to think that progress is being made. I very much agree with the sentiment of the House that the imposition of a sharia penal code is a backward step as far as Brunei is concerned, but progress is being made elsewhere and we will continue to work within the broad international community and the Commonwealth to ensure that countries come on board.

The best way to do that, rather than threatening to kick countries out of the Commonwealth, is to try to hold them close and recognise the strong connections. I would refer, at the individual level, to what the hon. Gentleman said about a close member of his Foreign and Commonwealth team staff, whose heart bleeds to see what is happening in Brunei, as it gives a misleading impression of what is a friendly and generous place. Indeed, the Sultan of Brunei has been a great friend of this country over many years. He has, I think, become a little more devout as he has got older, which is one reason why the sharia code—based, of course, on the Saudi Arabian sharia code—has been put in place. However, I am hopeful that we can continue to have a positive and constructive dialogue on this issue, with Brunei and with a number of countries that we would like to see making changes in future.

Tom Tugendhat (Tonbridge and Malling) (Con): Looking around the Chamber, I am reminded of some of the transformations that we have seen over generations, which have now become so normal and were so obviously the right decision. I think in particular of the freedom of women to have a say in our public life and in our private life.

One of the things that we have not yet seen is the normalisation of the equality of love. We do not see it totally in the United Kingdom, in cultural senses, and we do not see it around the world, in areas where we should. We are talking about this today because a friend of the United Kingdom has decided to turn in the wrong direction. I have heard, with my right hon. Friend the Minister has said, and I strongly support the words that he has been using. However, I urge him not just to press harder directly, but to use the regional approach, which he has deployed so successfully in many other circumstances, and talk to our partners and friends in other countries in the area.

Brunei is a country that we feel very warmly towards and that, as he knows more than anyone, has a battalion of Gurkhas who do an enormous amount of work in defending the monarchy and the people there. This is a moment when Brunei could step forward, change its mind and become again a bastion for peace and, in this case, an expression of equality and tolerance, as it has been in so many other areas.

Mark Field: I thank my hon. Friend, who knows that area of the world well, for his wise words, to which there is little that I can add. For those who have not visited, Brunei is a beautiful country, and it is a matter of regret for us all that this penal code has come on to the statute book. Because of the high bar for proof and the fact that Brunei has a common law stream in its legal system, I am fairly confident that little will happen in this regard. That is one reason why there has been such surprise in Brunei at the international abhorrence that has been expressed. However, we will do our level best, remembering that Brunei has been a strong friend. We want to encourage it to protect and promote values that I hope will become universal.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I thank the Minister for early sight of the statement. I also thank him and the shadow Minister for their robust denunciation of the tactics now being taken up by the Sultan—and also, I suppose, in some ways by the Government of Brunei—on sharia law and its implementation on a range of issues, not just LGBT issues. I admit that, as a gay man, it comes as no surprise to me that we live in a world in which people of my identity are still stoned, hanged and murdered because of their having sex with someone of the same gender, along with lesbian women, who are to be whipped.

But this is not just about LGBT issues; there are also the amputation laws, which are directed at children, who could face amputation. We need to be very much aware of that, so I wonder whether the Minister can say something about that. There are also a range of issues around religious freedom in Brunei, or the reduction of it, so I could not stand here and not call for more robust action, in particular through the Commonwealth. The shadow Minister mentioned the Commonwealth, and the fact that we are now at a moment when Commonwealth 2.0 rhetoric is being deployed by many in this place should not be missed either.

We also need to be clear that Brunei is one of 35 states in the Commonwealth where being lesbian, gay, bisexual or transgender is illegal. Indeed, the states that do not criminalise their LGBT citizens are in the profound minority. Given that the Scottish National party Westminster group has the largest number of LGBT Members in this place, I am sure that it will come as no surprise that we will be unbending in our support for
the fundamental human rights that are enshrined in European institutions—and this country is, at present, a member of the European Union.

Let me make it clear that while many Members may see a return to the days of laissez-faire economics and mercantilism as some sort of liberation, SNP Members will be looking very carefully at the way in which the Government deal with this issue through the institutions of the Commonwealth, with which they claim to have great influence.

Let me ask the Minister some direct questions. Will the Government ensure that they register their strongest objections through the Secretary General of the Commonwealth? Will they consider asking for Brunei’s suspension from the Commonwealth in line with the suspension of Zimbabwe, which was mentioned by the hon. Member for Birmingham, Perry Barr (Mr Mahmood)—not expulsion but suspension, until it gets its act together? Finally, will they protect the rights of members of the armed forces, who, if they are also members of the LGBT community, should not have to go to a place like Brunei and put themselves in direct danger?

Mark Field: I thank the hon. Gentleman for his words. Obviously, we will take this matter up with the Secretary General of the Commonwealth. Let me say a little about the broader Commonwealth position on LGBT rights, given the context that we have both discussed: more than half the members of the Commonwealth have, on their statute books, at least, what we regard as discriminatory legislation.

Using UK funding, the Equality & Justice Alliance is working to create a fairer, more equal and more inclusive Commonwealth for the LGBT community and, more widely, for women and girls. The project involves creating a cross-Commonwealth network and high-level champions, and the alliance is offering technical assistance with the reform of laws that discriminate against, or fail to protect, women and girls and LGBT individuals. We will also take action through the Commonwealth Ministerial Action Group. It is currently chaired by Kenya but, as the hon. Gentleman knows, we are members by virtue of our having been the Commonwealth Chair-in-Office since last April. That, I think, will provide a space for some very sensitive discussions, which—I hope—will in turn allow discreet engagement through, for instance, the good offices of the Secretary General.

Crispin Blunt (Reigate) (Con): As the Minister will recall, I raised this issue during Foreign Office questions on Tuesday. What struck me about his reply to my topical question then, and what strikes me now, is the utter paucity of any proposed Government action. I wonder whether the Minister can give us an explanation.

First, when were we aware that this proposal was coming down the track? It is not just about LGBT citizens. A third of the Bruneian population are not Muslim, and plainly the problem of death for apostasy presents a significant threat to anyone who professes a new belief, in a society in which many different belief systems are present. We have heard about the barbaric practices of amputation and the imposition of the death penalty for adultery. I take no comfort from my right hon. Friend’s reference to the requirement for a certain number of witnesses of those crimes, as confessions are obtained rather more easily in such circumstances.

This is an utter affront. We knew that it was coming, so why did we not divert it? What exactly are we going to do to ensure that Brunei at least pays a price that can be paid? It will not be paid through loss of its membership of the Commonwealth, given that two thirds of Commonwealth states still have anti-LGBT laws on their statute books.

Mark Field: The sharia criminal law came into being in 2014, and at that point—and certainly when I was in the country last summer—we were well aware that we were heading down a path towards the sharia penal code. We have tried to warn the Bruneian authorities throughout my time as a Minister, and possibly for some time before that.

I reiterate that the new sharia penal code does not supplant the existing common law, which will apply in most cases, and obviously to non-Muslims in Brunei. The burden of proof for conviction under sharia is incredibly high, and there will be no new intrusive efforts at enforcement. However, I understand the frustrations that my hon. Friend has expressed. I can only say that we have tried to give warnings through the diplomatic network, and that the international outcry caused by the imposition of a penal code has probably come as a surprise to many in Brunei. We will continue to make those diplomatic representations. As I have said, I personally take the view that it would be better to try to keep the country within the Commonwealth, and to make the necessary changes through some of the initiatives that we have in play, than to issue threats of expulsion.

I am sorry that my hon. Friend—who takes a robust view on these and, indeed, many other matters—feels that we have been light and lily-livered. I can only reassure him that, certainly during my time as a Minister, we have been aware of the concerns that were coming down the track, and have done our level best to advise Brunei accordingly.

Thangam Debbonaire (Bristol West) (Lab): It is important to note that as well as punishing the other so-called crimes that have been mentioned—obviously they are not crimes—the sharia law prohibits women from having abortions, for which they are subjected to violent punishments, even though that is surely a health matter, and adultery, which is surely a private matter.

Article 1 of the United Nations convention against torture prohibits the use of intentionally inflicted pain as a form of punishment inflicted by a state actor. Brunei is a signatory to the convention, but has not implemented it. We have done so, and we are bound by article 3, which prohibits refoulement. That means that we should not return, expel or extradite anyone to another country if there are substantial grounds for believing that that person will be in danger of being subjected to torture or cruel punishment. What discussions is the Minister having with his counterparts in other Departments about ensuring that we are abiding by the principle of article 3?

Mark Field: I know that the hon. Lady will be leading a debate on this matter in Westminster Hall. Perhaps I will have a second bite of the cherry if, in discussing some of the technical issues, I do not get it right this time round.
[Mark Field]

This matter is currently being dealt with through the Foreign Office network rather than through other Departments. Clearly, however, in the light of the UK’s international obligations, it will need to be discussed more widely—with the Ministry of Defence in particular, given the number of UK citizens and Gurkhas who are in the garrison.

Mr Philip Hollobone (Kettering) (Con): ISIS pushes gay people off buildings, and now Brunei is threatening to stone gay people to death. Will the United Kingdom take the lead in the Commonwealth in making it clear that such punishments are simply incompatible with Commonwealth membership?

Mark Field: As I have said, at the Heads of Government meeting in London last April the Prime Minister could not have made clearer where we stood on these issues. As I have also said, we have tried to work constructively to ensure that changes are made to out-of-date legislation, some of which dates from the colonial era. Progress has clearly been made, although perhaps not as rapidly as some Members would like. I believe that trying to utilise the carrot rather than the stick may be the right approach at this stage.

Christine Jardine (Edinburgh West) (LD): I thank the Minister for giving me prior sight of his statement, and I welcome the tone that he has taken in recognising the inhumanity of these laws. However, I am disappointed by his willingness to accept that the bar may be set high for convictions, and that that might be acceptable. The fact of the law, and the threat of the law to people who are LGBT or young people who might be coping with recognising their own sexuality, are surely unacceptable.

Further to the comments that have already been made, may I plead with the Minister to try to take action through the Commonwealth? We should never forget that it was not an international outcry but action that defeated apartheid, and perhaps action is what we need here now.

Mark Field: I am not sure that the hon. Lady was in the Chamber at the very second when I was praising her. I knew that she had tried twice to secure an urgent question, and I thought that rather than her being disappointed by the Speaker on a third occasion, there should be a statement. I thank her for her kind words, but I too accept that action is needed. I am not trying to belittle the seriousness of the situation, but I am trying to put in context the likelihood of any of these punishments actually being carried out. It is a sharia penal code that has been introduced. But the hon. Lady makes a strong point, and we will try to work closely with the Commonwealth. She drew a comparison with apartheid; I am not saying we should do anything other than have a sense of urgency, but equally sometimes in international affairs there has to be patience. One need only look at the transformation in this country: we are not all the way there, but there has been a transformation in LGBT rights in this country even in my adulthood over the past 30 years. While I understand the frustrations many have in wanting to see all these things achieved immediately, equally sometimes we have to be patient and move in the right direction. I believe we are in a position to do that, but I will make sure the Commonwealth secretary-general is made well aware of the concerns raised in the House today.

Richard Graham (Gloucester) (Con): The reason, I suggest, why this House cares so much about the introduction of the sharia penal code in Brunei is partly that the kingdom of Brunei is a long-standing ally and Commonwealth partner, and therefore this is a great disappointment to us all, but partly too because Brunei becomes the first country in east or south-east Asia to introduce the sharia penal code. While the trend in the Commonwealth and the world in general is to liberalise—indeed, that is what the Commonwealth charter counts as a significant progress, we should all be very wary of the fact that there could be a backward movement.

Mark Field: My hon. Friend makes a good and wise point. There are obviously other countries in that region with majority Muslim populations, but there is possibly also a sense that there is an exception in the case of the Sultanate of Brunei: as my hon. Friend will be well aware, the connections between it and Saudi Arabian and Qatari doctrine are quite profound. But he makes a good point: whereas on related issues we have made significant progress, we should all be very wary of the fact that there could be a backward movement.

Sandy Martin (Ipswich) (Lab): I do not in any way doubt the sincerity of the right hon. Gentleman or indeed of Her Majesty’s Government; as he says, nobody should face punishment for who they are or whom they love. However, this situation does set up real difficulties for this country and our relationship with such a country, because of course it is entirely possible that we will have an LGBT member of HMG visiting Brunei on official business; how will we cope with that?

I remember the movement against apartheid, and I am sure the right hon. Gentleman remembers it as well from his childhood; it started when the South African regime refused to allow Basil D’Oliveira to play cricket in South Africa. What is our attitude going to be if the Brunei regime starts to make concerns felt about having LGBT members of our armed forces serving in Brunei? We cannot have a sensible relationship with a country that refuses to accept that some people are the way they are, and I feel strongly that the Government need to do more.

May I also add that I believe the right hon. Gentleman misunderstood my hon. Friend the Member for Bristol West (Thangam Debbonaire) when she was talking about people seeking asylum in this country? I believe the right hon. Gentleman needs to have a serious conversation with the Home Office—

Madam Deputy Speaker (Dame Rosie Winterton): Order. We still have a lot of business to get through this afternoon, including a heavily subscribed debate coming next, so I urge Members to ask short questions, and hopefully they will receive short answers as well.

Mark Field: Thank you, Madam Deputy Speaker.
I very much respect the hon. Gentleman’s heartfelt concerns. I hope I did not misunderstand what was said earlier; it was on a Home Office matter, and we have not been able to discuss it at length with that Department. He makes a valid point, however, but anyone who goes to Brunei will recognise what a welcoming and open place it appears to be, and that seems so at odds with the idea of having a sharia penal code with all of the potential punishments in place. However, please be assured that we will not be complacent about this matter and will try to ensure that we get some progress along the lines suggested by Members.

Will Quince (Colchester) (Con): I welcome the Minister’s statement and thank him for repeatedly raising concerns regarding these laws with the Government of Brunei. The penal code introduced in Brunei is nothing less than barbaric. What more can the British Government do to put pressure on the Government of Brunei and ensure the strength of opposition from across the world to the introduction of this punishment is felt?

Mark Field: I thank my hon. Friend for his question. The sheer strength of expression here, both in the press and in Parliament, will, I think, make a strong impression in itself. We will make sure our counterparts, and in particular our high commissioner Richard Lindsay, are made aware of the universal strength of opinion on this matter and the desire to ensure that we regularise our relations with Brunei partly by seeing genuine progress amidst the concerns raised here today.

Angela Crawley (Lanark and Hamilton East) (SNP): I echo the sentiments of my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes), and wish to express my own grave concerns about these changes to the penal code in respect of both stoning and amputation. As hon. Members have rightly outlined, this affects not only the LGBT community but potentially many young vulnerable children and women in particular. Will the Government continue to exercise their diplomatic and foreign policy efforts in condemning these practices, and at every opportunity call on Brunei to ensure its human rights obligations are upheld? Is it shocking and barbaric that in 2019 people can be stoned to death for their love, so I call on the Minister to simply make every effort possible to bring Brunei into compliance.

Mark Field: I thank the hon. Lady for her words, and I agree. It is important to stress that these threats against what seem like minorities are actually threats to us all—threats to the liberty of all of us. That is the single most important message we will endeavour to get across.

Ross Thomson (Aberdeen South) (Con): I welcome my right hon. Friend’s statement and fully endorse the actions he says he will take. Can he advise the House on what he will do to proactively engage with international allies, partners and organisations beyond the Commonwealth to lobby Brunei to reverse this abhorrent decision?

Mark Field: I thank my hon. Friend. In part we will try to work with a number of the countries that have already expressed grave concerns. Brunei has a number of other trading partners in the EU and elsewhere, and we will try to work together with them and within international organisations such as the United Nations. I will leave it at that, but we are trying to put together some sort of plan and may well say a little more at the Westminster Hall debate next Wednesday.

Sir Edward Davey (Kingston and Surbiton) (LD): I thank the Minister for his unqualified condemnation of these actions by the Brunei Government—these appalling new punishments that are an attack on the LGBT+ community and indeed on vulnerable men, women and children—but can we go further than words? We need to put our money where our mouth is. The Minister was on a trade visit to Brunei in August last year, and the hon. Member for Sutton and Cheam (Paul Scully), the British trade envoy to Brunei, was on a trade trip to Brunei at the end of last year. We have open trade talks with the Brunei Government; can we not just bring those to an end as a very clear signal that we will put our support for human rights and our opposition to human rights abuses above trade links, Brexit or no Brexit?

Mark Field: In fairness, my visit last year was more to do with the broader diplomatic relationship, which is extremely strong. It will sadden many people who know Brunei or have Bruneian blood, and who recognise how strong that relationship is, that this outrage has come forth over the last couple of days of the current issue. We do not import hydrocarbons from Brunei, although obviously it is a big oil nation, but we believe having open and honest discussions—rather than going down the route of boycotts, for example—is the best way to encourage Brunei to uphold its international human rights obligations and respect individual freedoms. The people-to-people connection is also important. I am very proud of the fact that we have had a good track record of achieving scholarships—getting young Bruneians to come to the UK. Perhaps that is one of the best ways of their understanding the different, but none the less positive, values we have in this country and returning to perhaps play a role in public life in that country.

Alex Chalk (Cheltenham) (Con): I am very concerned about the implications for the safety of British nationals who are either in Brunei or planning to visit Brunei, following the shocking introduction of these barbaric and retrograde laws. The Minister has said a little bit about the travel advice that has been provided, but may I press him on that? What is the advice now, and how can he be satisfied that British nationals will indeed be protected?

Mark Field: The travel advice obviously changed when it became evident that the penal code was likely to come into play. It simply explains that there is a penal code and that, under that code, certain behaviours could lead to a variety of punishments. We have raised, and will continue to raise, our specific concerns with the Government of Brunei. Hitherto, we have received reassurances that the common law, rather than sharia law, will continue to be the primary means of administering justice in Brunei. We shall continue to provide consular support to any British nationals, as needed. Some British nationals are working there, some are in the garrison, and others are visiting the country.
Kevin Foster (Torbay) (Con): When the right to choose who you love and to be who you are is taken away, other rights, including the right to believe in and follow your own God, quickly follow in being taken away. I welcome the Minister’s statement today. Will he make it clear to the Brunei Government that this is not about being devout, but that it is about being completely misguided?

Mark Field: I think we will try to find slightly more diplomatic language than that. We understand that a sharia code is in play, and that some in Brunei hold that close to their hearts, but my hon. Friend makes a fair point. We obviously want to see the universality of our values, and that is what we in the international community will continue to press for.

Luke Graham (Ochil and South Perthshire) (Con): Will my right hon. Friend tell us what can be done to champion the virtues of giving people equal rights? When these rights are denied, it is not just a loss for the individual; it is a loss for society as a whole. We have only to look at our own history to see the denial of the rights of individuals such as Alan Turing, and to see the impact that that had not only on our local communities but on our entire nation. Imagine how much further forward computing would be if we had not sterilised him and pushed him towards the destiny that he ended up fulfilling. How do we champion these rights internationally and pull people towards our vision of a more liberal society, so that individuals and society as a whole can benefit?

Mark Field: Amid all the frenzy of what is going on at the moment in British political life, it is worth remembering that just over 100 years ago, the big issue was the right of women to vote. It now seems absurd to us that there even needed to be a debate about that.

Many women are now legislators, and we have had two women Prime Ministers in the past 100 years. Hopefully there will be a few more to come. Equality has to be recognised, whether it is gender equality or equality in many other fields, not just for a country to fulfil its potential economically but for the fulfilment of the potential of all individuals. To be fair, we and many of our partners try to get that message across, and we will continue to do so.

Thank you, Madam Deputy Speaker. I am sorry that this has taken a little bit longer than we might all have hoped. I thank everyone for their contribution; it has been wonderful to see such unity across the House. I can see that my next-door neighbour, the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), is in the Chamber, and it is his birthday today. [HON. MEMBERS: “Hear, hear!”] He must have better things to do than being in the House of Commons on his birthday.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): On a point of order, Madam Deputy Speaker. I am grateful to the Minister, my next-door neighbour, for his best wishes, but it is very unkind of him to tell the whole world that it is my birthday—but at 67, I am still here.

Madam Deputy Speaker (Dame Rosie Winterton): Thank you for that point of order.

Robert Neill (Bromley and Chislehurst) (Con): Further to that point of order, Madam Deputy Speaker. I should like to tell my fellow West Ham supporting friend that there is nothing wrong with being 67, but I am glad that he has got there a bit before me.

Madam Deputy Speaker: It is nice to see an outbreak of good humour in the Chamber.
Loan Charge

12.34 pm

Ross Thomson (Aberdeen South) (Con): I beg to move.

That this House expresses its serious concern at the 2019 Loan Charge which applies from 5 April 2019; expresses deep concern and regret about the effect of the mental and emotional impact on people facing the Loan Charge; is further concerned about suicides of people facing the Loan Charge and the identified suicide risk, which was reported to HMRC; believes that the Loan Charge is fundamentally unfair and undermines the principle of the rule of law by overriding statutory taxpayer protections; expresses disappointment at the lack of notice served by HMRC and the delays in communication with those now facing the Loan Charge, which has further increased anxiety of individuals and families; is concerned about the nature and accuracy of the information circulated by HMRC with regard to the Loan Charge; further regrets the inadequate impact assessment originally conducted; understands that many individuals have received miscalculated settlement information; calls for an immediate suspension of the Loan Charge for a period of six months and for all related settlement information; calls for an independent review of the Loan Charge and an assessment of its impact; and further calls for the APPG, of which he is a member, found that more than 10,000 people representing more than 50,000 individuals have been affected, and about its tone and attitude. I will say more about that in my speech.

I want to thank the Backbench Business Committee for agreeing to bring forward this important debate. I also want to thank the members of the all-party parliamentary loan charge group for all their work and the many colleagues who have added their names to the motion before us today. The urgency of today’s debate cannot be overstated. As of tomorrow, tens of thousands of people and their families will face the huge cost, both physical and emotional, of the loan charge. HMRC has yet to show any regard to the enormous pain that this legislation has already inflicted on thousands of people across the country.

I represent Aberdeen South, which is Europe’s energy hub and the very heart of the UK’s oil and gas industry, and my surgeries have been inundated with people who are concerned about the damage that the loan charge will have on their financial security. Many of my constituents working in the oil and gas industry were actively encouraged by their companies and professional advisers to enter into these schemes, without a single peep from HMRC, and some did so for many years. The oil and gas industry is just one of many that has long relied on the hard work of contractors as a crucial element of its supply chains. These contractors provide a hugely valuable workforce, and concerns over the loan charge have driven away many of those who have worked in the industry and will deter people from contracting in the future. HMRC should be in no doubt this will be bad for business, bad for public finances and bad for the country.

Damian Green (Ashford) (Con): I echo my hon. Friend’s praise for the good work of the all-party parliamentary group on this. I am sure that he will come on to talk about retrospection. When my constituents approach me about this, the strongest point they make is that HMRC allowed these schemes to run for very many years and then disallowed them retrospectively, all the way back to the beginning, which is why the potential losses are so great. Does he agree that that is one of the worst aspects of what is happening?

Ross Thomson: I could not have worded it better myself. Having been part of the all-party parliamentary group’s inquiry, and having looked into the retrospective effect of the legislation, I am even more convinced that what is happening is wrong. People coming into my surgeries are quite happy that the Government legislate to change things if they believe them to be wrong, but they are concerned that the Government are going back in history in this way, as am I.

Sir Roger Gale (North Thanet) (Con): I congratulate my hon. Friend on securing this debate. The Financial Secretary to the Treasury, my right hon. Friend the Member for Central Devon (Mel Stride), is always meticulously courteous in his replies, and the Treasury has consistently taken the view that this is technically not retrospective. However, our constituents do not live in a technical world; they live in the real world, and this is causing them real distress.

Ross Thomson: I endorse what my right hon. Friend says about our Minister and good friend on the Treasury Bench, but he is right to say that our constituents have real concerns about the way in which HMRC has behaved, and about its tone and attitude. I will say more about that in my speech.

Sir Desmond Swayne (New Forest West) (Con): The Minister has today sent us some warm words about the lengths to which HMRC is going to accommodate those who have fallen foul of these arrangements, but today in The Times there is a report of tax inspectors putting pressure on people to pay up ahead of time, even beyond the arrangements that have been agreed.

Ross Thomson: My right hon. Friend is right. The all-party parliamentary group’s inquiry took a lot of evidence on the impact that the policy will have. The behaviour of some, particularly on the Government side, is making people feel like criminals, and this has driven them to a place where they feel broken, mentally and emotionally. I am glad that this is being reported, and we need to continue to highlight it.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I commend the hon. Gentleman for securing this important debate. Many of my constituents have got in touch and met me personally to express their distress and concern about the impact of the loan charge. Given that the inquiry by the APPG, of which he is a member, found that more than two thirds of those affected feared that their family relationships were breaking down, does he agree that the Minister must assure our constituents today that HMRC will support them with manageable repayments so that no one needs to be made bankrupt? Does he also agree that it is absolutely ridiculous that Her Majesty’s Treasury has downgraded the promised review of the loan charge to a report, as provisionally agreed by the House?

Ross Thomson: I thank the hon. Gentleman. I am sure that his constituents will be grateful to him for raising their concerns in the Chamber. I will refer to some of my constituents later on, because this matter is causing genuine concern, and I hope that those on the Treasury Bench will be listening to the various cases throughout the debate.
Several hon. Members rose—

Ross Thomson: I will take one more intervention before I make a little more progress.

Zac Goldsmith (Richmond Park) (Con): I congratulate my hon. Friend on securing this important debate. In normal times, I think it would be considered even more important and taken even more seriously than it is being taken today. Does he share my concern that some of HMRC’s language seems totally tone deaf? Its factsheet says that it has “no desire to make things difficult for taxpayers, and will always take a fair and even-handed approach to those who genuinely want to settle their affairs.” That is the opposite of the experience of some of my constituents who, based on good faith and professional advice, are being punished retrospectively and face utter ruin.

Ross Thomson: I could not agree more. My hon. Friend sums the situation up well. This is not just about HMRC being tone deaf, because I have found through my interactions with constituents that it has also been tin eared. I must admit that I am deeply concerned by some of the tactics that have been employed and how some normal people have been made to feel. It is not right at all.

Dr Matthew Offord (Hendon) (Con): Will my hon. Friend give way?

Ross Thomson: I will make a little more progress, but I am keen to take as many interventions as possible.

Nobody should be in any doubt that the loan charge has left people living in genuine fear of losing their homes, being unable to care for their families, and seeing their life’s work reduced to less than nothing. As we debate this matter, it should not be lost on us that we are dealing with people who were acting in good faith and professional advice, are being punished retrospectively and face utter ruin.

Ross Thomson: I could not agree more. My hon. Friend sums the situation up well. This is not just about HMRC being tone deaf, because I have found through my interactions with constituents that it has also been tin eared. I must admit that I am deeply concerned by some of the tactics that have been employed and how some normal people have been made to feel. It is not right at all.

I want to put it on the record at this point that we live in a time when politics is heated and is becoming more personal than ever before, and we have seen some disturbing consequences for some colleagues in this House as a result. However, I must make it clear that I have found the Financial Secretary to the Treasury incredibly helpful, supportive, engaging, and willing to listen to my concerns.

This debate has come about following the efforts of Members from across the House and the many campaigners fighting this injustice. The all-party parliamentary loan charge group recently launched a report following a long inquiry, and I commend it to Members because it contains truly worrying, emotional and harrowing responses.

James Cartlidge (South Suffolk) (Con): My hon. Friend is making some good points, which I do have sympathy with having met people in this situation. However, we must remember that if anyone using one of these schemes had gone to hospital, they would have expected not to wait any longer or less than anybody else who pays their taxes. These schemes were taken up because people wanted to reduce the tax they were paying. We must remember all the other taxpayers who pay their taxes legitimately without this kind of professional advice.

Ross Thomson: I thank my hon. Friend for his point. He talks about the legitimate paying of taxes, and I will touch on that later in my speech. The people who entered into such schemes, whether they were in oil and gas, social care or healthcare, did so legitimately and because they were advised to do so. Some did so because their employers asked them to.

Alex Burghart (Brentwood and Ongar) (Con): My hon. Friend is being generous with his time and is making some excellent points. Something that struck me from the correspondence that I have received from constituents is that they were often advised by accountants to enter into arrangements that would allow them to take home a large proportion of their income, and they were told that that was not illegal, that it was totally above board, and that any tax liabilities would lie with the employer, not the employee. Part of the problem is that we are dealing with people who were acting in good faith and yet feel that they are now being penalised.

Ross Thomson: I cannot add much more to that, because my hon. Friend is absolutely right.

Alex Chalk (Cheltenham) (Con): Does my hon. Friend agree that one of the problems with the situation in which some people find themselves is that the advice was given so long ago that the opportunity to seek redress from advisers who gave negligent advice may have gone? Those advisers may now be out of business or otherwise unavailable for litigation.

Ross Thomson: I echo my hon. Friend’s point. He is right that many of those who gave advice seem to have disappeared.

Mr Laurence Robertson (Tewkesbury) (Con): Does my hon. Friend agree that we have seen some terrible cases of people being misled and left with nothing?

Ross Thomson: I will take an intervention from the other side of the Chamber first.

Andy Slaughter (Hammersmith) (Lab): The hon. Gentleman is making an excellent speech and is capturing the mood on both sides of the House. Over 200 people in my constituency are affected by the loan charge, and the situation is unfair because the affairs were fully declared on their tax returns. HMRC was aware of what was happening. There was no attempt to hide. To characterise this as tax avoidance retrospectively seems wholly unjust.

Ross Thomson: The hon. Gentleman is right about HMRC being aware, because people even had to fill out disclosure of tax avoidance schemes, or DOTAS, forms.

Several hon. Members rose—

Ross Thomson: I will take one more intervention and then make a little more progress.

Mr Robertson: Following on from the point made by my hon. Friend the Member for Cheltenham (Alex Chalk), not only may advisers have gone out of business,
but there is a legal disjoint here. As I understand it, if someone were to seek redress, they can go back only six years, or maybe nine years if they have only just become aware of the problem, whereas HMRC is going back 20 years. There is a big difference between how they are being pursued and how they can obtain redress.

Ross Thomson: My hon. Friend is right. I do not know whether he has read today’s Financial Times, which has a good article about the effects of retrospection and how some of the legal safeguards for taxpayers that ensure continuity in tax affairs are being broken.

Several hon. Members rose—

Ross Thomson: I will make a little more progress, but I will take some more interventions.

I was talking about the APPG’s report. Of the 1,768 responses received by the APPG, nearly a third of people have received no information whatsoever from HMRC about the loan charge. That flies directly in the face of HMRC’s repeated claims that people were given three years’ notice of the impending changes to legislation. A similar number of respondents also believe that they have no possible means of settling their case with HMRC. The Government are leaving them to face bankruptcy—a fate facing more than half those affected. I receive new stories from constituents every day detailing the pain that they and their families are enduring with the threat of the loan charge hanging over them.

Joseph Johnson (Orpington) (Con): Will my hon. Friend give way?

Ross Thomson: I will happily give way to my hon. Friend, and I will then take an intervention from my hon. Friend the Member for Hendon (Dr Offord).

Joseph Johnson: I echo my hon. Friend’s words about the Minister, who has always been assiduous and diligent in all his dealings with me on this matter. I congratulate my hon. Friend on his work in leading the APPG inquiry, but does he agree that the time has come for HMRC to acknowledge that we must now have an independent inquiry led by an experienced tax judge?

Ross Thomson: I wholeheartedly agree. That is what today’s motion calls for, because it is the best way of giving our constituents certainty.

Dr Offord: In Hendon, 170 of my constituents have been affected by the charge, but many of them entered into the scheme in good faith. Just two weeks ago, a constituent came to see me at one of my surgeries, and she had been sent a bill by HMRC for £91,000, but it was revised down to £41,000 when she challenged it. There seems to be some discrepancy between the bills and the discretion that HMRC is showing in withdrawing its request for moneys.

Ross Thomson: My hon. Friend makes a good point that forms part of the evidence that we have gathered from the inquiry. It is deeply concerning that many of the demands sent to constituents have been miscalculated by HMRC, and that must be addressed.

Several hon. Members rose—

Ross Thomson: I will make some progress, but I will take some more interventions before I finish.

I receive stories from constituents every day detailing the pain that they and their families are enduring with the threat of the loan charge hanging over them. That is why we are here today, because it is about real people and real lives, not just lines on a spreadsheet.

One of my constituents recently wrote to me:

“The Loan Charge has very likely cost me my marriage and I stand to lose everything. I cannot believe that this is happening.”

That is far from an isolated case, and I am sure Members on both sides of the House have had similar stories from their constituents. The loan charge is breaking apart families before us, yet HMRC has remained both intransigent and tin- eared.

I have a simple request today: the Government should place the loan charge on hold to investigate the true impact these changes will have on countless families across the country. I have heard from colleagues who believe that those involved in such schemes are somehow devious, mega-wealthy people, but one constituent, at the end of a career working in health and social care, recently attended my surgery and told me of his guilt because he feels he has let his family down.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I am deeply aware of this. The all-party group took evidence from a family whose father had committed suicide. If the House will indulge me, I received this email from a constituent:

“I find all this massively worrying and stressful and I try not to discuss with my wife otherwise she would feel the same. At times I have considered suicide but realise that that will help no one and impact my family most.”

The loan charge is having a terrible effect on people’s mental health, isn’t it?

Madam Deputy Speaker (Dame Rosie Winterton): Order. A lot of people want to speak this afternoon, and I am sure the hon. Member for Aberdeen South (Ross Thomson) will bear that in mind.

Ross Thomson: I could not agree more with the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards). We have all heard harrowing testimony in our constituencies. My constituent talked about the stress and anxiety keeping him awake at night and his fear for his family’s future. He cannot escape the fear brought about by a crippling demand from HMRC that will leave him unable even to keep a roof over his family’s heads. He went on to say that the loan charge has removed all joy from his life, leaving him unable to concentrate on everyday tasks or even to enjoy time with his wife and young children.

My hon. Friends and I are proud of this Government’s record on mental health. However, we will jeopardise that hard work if we continue this cold approach to people in our communities who face this charge.

Neil Parish (Tiverton and Honiton) (Con): Will my hon. Friend give way?

Ross Thomson: Sorry, but I will continue to make progress.

This story is far from unique. More stories emerge every day from people who fear the break-up of their family and a future devoid of opportunities as they face lifelong payments to cover HMRC demands.
Another constituent wrote to me recently about his long work in oil and gas and how he has experienced the highs and lows of the industry for decades, but he told me that HMRC is now demanding nearly £200,000, dating back two decades:

“I am 59 in July this year. I have no assets, I will have 5 or 6 years of working life left, assuming that I get to work, even if I am lucky enough to secure a job for that period, trying to pay that amount of money really is mission impossible.”

Richard Burden (Birmingham, Northfield) (Lab): Will the hon. Gentleman give way?

Ross Thomson: Apologies, but I will make progress so that others can speak in this debate.

My constituent is facing financial ruin at the end of his long career in the oil and gas industry, which has seen him work hard during boom and bust. HMRC is turning a lifetime of work to nothing, delivering my constituent a bigger blow than the oil market ever could. It cannot be ignored that over half of those who responded to the APPG inquiry believe these changes will place their chosen career in danger. The loan charge is driving people away from industries in which they have long played an important part. This is intolerable.

I fear there has been a complete breakdown in trust between the people and the authorities that are responsible for upholding the rule of law. It is a sad reality that this breakdown in trust will not end with those who have been directly affected by the loan charge scandal. There will instead be lasting damage to the trust that the people of this country have long had in the very institutions they expect to serve them fairly. The stories I have shared today are but a drop in the ocean compared with the number affected. Each person acted in good faith, and each of them has been let down by HMRC. The fact that the Government continue to pursue the loan charge, without hesitation or thought for those who will be affected for the rest of their lives, greatly saddens me.

Many of the people who now find themselves facing retrospective charges were simply acting on the professional advice of employers and advisers. The tax arrangements that these individuals entered into were presented as entirely legal, legitimate and HMRC-compliant financial planning. None of us objects to people paying a fair share of tax. Indeed, we should be doing more to crack down on those complicit in tax evasion. However, that is not the case here.

HMRC is seeking to claw back tax and is breaking legal safeguards that ensure fairness. Those safeguards include time limits, and the Treasury Committee heard evidence from the president of the Chartered Institute of Taxation, Ray McCann:

“In reality, the retrospective effect actually displaces all the protections that taxpayers are given by Parliament in terms of getting certainty for their affairs”.

The behaviour of HMRC to date has greatly concerned me, and I know other colleagues will elaborate further.

Simply put, HMRC has demonstrated it is willing to pursue individuals for settlement, driving them into bankruptcy, breaking families apart and destroying hope for financial security in old age. HMRC has blatantly gone after the softest target—individuals who have the least to defend themselves—while largely ignoring those who are most culpable in proliferating these schemes.

Members will be aware that a number of people have now taken their life as a direct consequence of being unfairly pursued by HMRC. As part of the APPG inquiry, we heard the most harrowing, powerful and emotive evidence I have ever heard. The Government have been made aware of the risk that we will only see more cases of this nature, yet they have continued to refuse to halt settlements. The Government have the power to do something about this, and they have the ability to ease the suffering, pain and distress felt by so many. However, they have yet to do so. I hope the Minister will say that the Government are willing to change course. Our request is not onerous. A six-month delay and a review is not the end of the world for the Treasury, but a failure to do this is the end of the world for thousands of people across the country.

I am sure that Members on both sides of the House will join me in urging the Government, once again, to halt settlements and urgently to bring forward an independent review of the loan charge. Failure to do so would continue to put lives at risk, would break families apart and would fuel distrust in our institutions. Trust in the rule of law and our democratic system is at stake.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. As colleagues can see, a number of people want to participate in this debate. I will start with an eight-minute time limit.

12.57 pm

Nic Dakin (Scunthorpe) (Lab): It is a real pleasure to follow the hon. Member for Aberdeen South (Ross Thomson), who has so comprehensively put the case today. I congratulate him, other hon. Members and the Backbench Business Committee on allowing us to have this debate, which has clearly captured the attention of Members because it is very heavily subscribed, as Madam Deputy Speaker has observed.

As the hon. Gentleman said, this is about real people and real lives, not names on a spreadsheet. We should remain focused on that. I have serious concerns about the effect that the introduction of the loan charge is having on my constituents. Although my constituency cases are small in number, they are huge in impact. I am the first to say that people should pay their taxes and that tax avoidance is wrong, and should be stopped, and I am grateful that HMRC and the Treasury are taking steps to address tax avoidance.

Several hon. Members rose—

Nic Dakin: I will give way to a maximum of two Members.

Neil Parish: I thank the hon. Gentleman for giving way, and I very much agree with him. The biggest problem is the loan charge’s retrospective nature, because the tax situation, the way in which we pay tax and the attitude towards tax have changed so much over the years. Many people entered into these loan arrangements in good faith and, of course, they were brought on by
the employer, not the employee. As my hon. Friend the Member for Orpington (Joseph Johnson) said, a tax judge needs to look at this because it is wrong to ask people to pay massive amounts of money retrospectively.

Nic Dakin: The hon. Gentleman makes the point clearly; the retrospective element is particularly disturbing. I am concerned that a small number of ordinary working people who are not millionaires with broad shoulders, but who are on average incomes and have acted in good faith, are being hit by significant tax penalties implemented in the most unfair manner.

Teresa Pearce (Erith and Thamesmead) (Lab): Will my hon. Friend give way?

Several hon. Members rose—

Nic Dakin: I will make a bit of progress.

I have seen HMRC’s briefing pack on the loan charge, and I note the line in bold that says:

“HMRC has never approved tax avoidance schemes.”

I am glad to hear that, but I am not sure in this case whether I completely believe it, because when this law was passed in 2017, it applied a retrospective tax going all the way back to 1999. Notwithstanding the trouble with retrospective law in general, 18 years is a very long time to disapprove of something but not say that or act to fix it. The reality is that, by HMRC not speaking out or acting to prevent these loan schemes from being used for 18 years, while it did not give explicit approval, it certainly gave implicit acceptance.

Richard Burden: My hon. Friend makes a powerful point. At best, HMRC was woefully slow on this. Does he agree that, even at that late stage, the Treasury could have sorted this out when it accepted the amendment to the Finance Bill tabled by the right hon. Member for Kingston and Surbiton (Sir Edward Davey) in February by undertaking a proper review of this, so that it does not have the impact on individuals that my hon. Friend and the hon. Member for Aberdeen South (Ross Thomson) have talked about? It is woeful that HMRC and the Treasury did not conduct a thorough review, and that is why we need a proper, independent investigation.

Nic Dakin: I tend to agree with my hon. Friend, but fortunately the Financial Secretary to the Treasury is a good Minister, and I echo the comments made about him. I am sure he will respond in a positive way to the debate and that we can anticipate positive moves that will reassure people.

It is easy to see why people such as tax accountants, employers and even my constituents who were employed under these schemes and told they could not be employed otherwise thought it was okay to use these schemes—they believed they were perfectly legal.

Lee Ashcroft, who is one of my constituents impacted by the loan charge, is an engineer in the construction industry. He is a normal working man who happened to find himself, through no fault of his own, in a sector where businesses contracting workers obliged them to enter into these schemes if they wanted to work. To Mr Ashcroft, these schemes seemed unfair because there was no holiday pay or sick pay, but they seemed perfectly legal. He was told that they were perfectly legal by the company he worked for and by advisers with whom he checked it out.

Mr Ashcroft needed to work and accepted that this was the deal. He tells me that, in relation to £6,500 in loan payments, HMRC expects him to agree to settle a bill of £25,500—money he clearly does not have. He strongly disputes the amount he has to pay, which is vastly in excess of what he earned, but the clock is ticking. If he does not enter into an arrangement to pay by the upcoming deadline, he will be expected to pay the full amount with fines added on top. He is being forced to make an impossible decision: accept paying a huge bill that he thinks has been miscalculated and is morally wrong, or try to get HMRC to re-evaluate what he owes, and if he is unsuccessful, he will have to pay the full amount with fines on top. Either way, it will have a life-changing impact on his prosperity. Given the amount of worry that this has caused him, I think it has already had a life-changing impact, and Members will have stories of other constituents whose lives have been turned upside down by this.

It is unclear to me why HMRC is going after Mr Ashcroft in the first place. After all, it was his employer who forced people into these schemes. It is the employer who has benefited financially from this, yet it is the employees who are being left to pick up the tab, after HMRC waited 18 years to collect it and now wants it all in one dollop. These advanced payment notices are being relentlessly pursued by HMRC with no independent right of appeal. That does not seem to be playing fair.

Matthew Pennycook (Greenwich and Woolwich) (Lab): My hon. Friend makes an important point. One of the most iniquitous aspects of this is the fact that the promoters of these schemes are not being pursued. Does he know of any who have been prosecuted to date?

Nic Dakin: I do not know the details, but I think the Financial Secretary will be able to update us on that when he responds, and I think that that is being looked at. The reality is that people who wanted work were pretty much forced to go into these schemes, which they believed, having checked them out, were perfectly reasonable and legal. Many years later, they are picking up a big tab that does not seem to equate to the money they got at the time, but seems much bigger.

Teresa Pearce: Will my hon. Friend give way?

Nic Dakin: No, I will complete my speech, because other Members need to speak.

Another of my constituents, Jonathan Davidson, told me:

“The loan charge continues to be a real worry to myself and my family. HMRC have only now—this is a couple of weeks ago—“advised me of the actual settlement figures which are much higher than my expectations, as such I am being forced out of retirement even though my health is not great and I am now actively looking for employment.”

That is an example of what is happening to real people’s lives. For all my constituents affected, this issue is causing severe emotional and financial distress, which HMRC is neglecting and not taking note of. It is behaving as though it does not understand that this is
We need some common sense—I see the Financial Secretary as the personification of common sense. It is undoubtedly push ordinary working people into bankruptcy, restricting HMRC’s ability to recover these tax liabilities. That does not seem very sensible, and it will create pressures on the public purse in other areas.

Mr Davis: My hon. Friend is absolutely right, and I will come back to that point in a second.

This also rests on this point of judgment: how does an ordinary lay person forecast what HMRC will decide in 10 or 20 years’ time? We see this—unlike others, I am not going to butter up the Treasury Bench today—even in the responses of Ministers in previous debates and even in the letter we received from the Financial Secretary this morning. He talked about the reason for the definition of this scheme, and said it was for the “sole purpose of avoiding tax”.

Well, I have news for the House: I have at least a couple of ISAs—individual savings accounts—which are there for the sole purpose of avoiding tax. Are they now illegal? Is that the criterion we should apply? Well, plainly not.

There is a real issue about the approach of HMRC, and I am going to be rather harder than the all-party group in my recommendations. I think it is being just a little bit too reasonable, and I will come back to that in a second. [Interruption.] I think a number of Conservative colleagues are threatening to sue me for calling the right hon. Member for Kingston and Surbiton (Sir Edward Davey) reasonable.

Before I come to my main point, I want to go back to the report on this subject carried out by the House of Lords Economic Affairs Committee. We all have very emotional cases impacting on our judgment, but we cannot say that about the House of Lords. The House of Lords looked at this incredibly dispassionately. Its Members do not have constituents, so they can in a way be viewed as much more dispassionate than us. Let me remind the House of a few of the Committee’s findings.

The Committee found that the Public Bill Committee for the Finance (No. 2) Bill in 2017 “did not adequately scrutinise the loan charge.” That is incredibly important for something that will be retrospective, but it did not properly scrutinise the loan charge. I think it was spoken about only by the Minister and the Opposition spokesman, and by nobody else.

The Committee said that many witnesses told it that they had joined these schemes—this is the point made by my hon. Friend the Member for East Surrey (Mr Gyimah)—without being aware of HMRC’s attitude towards them. Many were assured by employers or promoters that these schemes were above board and, indeed, as he said, they could not have had the jobs if they had not accepted the terms.

George Eustice (Camborne and Redruth) (Con): Will my right hon. Friend give way?

Mr Davis: No, I am afraid not.

That is why we find not city slickers, bankers or finance specialists, but nurses, doctors, locums and careworkers caught up in this. All those people will...
never have the resources to pay back this money. It does not matter whether it is over two, five, seven or 10 years, they will just never have it.

Many witnesses said they had declared the schemes to HMRC. This really is the criminal aspect of this: someone declares a scheme, and then 20 years later or 10 years later, HMRC comes back and says, “Sorry, we haven’t closed your year, and you can pay now.” They are being asked to pay not a small amount, but £20,000 or £30,000 in the case of some my constituents.

In his day, on the justice of the taxes he was demanding, the King did not get something like that—I say this to the Treasury, please look at it”?

Sir Edward Davey (Kingston and Surbiton) (LD): I apologise to the right hon. Member for Haltemprice and Howden (Mr Davis) for being the chair of an all-party group that has produced such a reasonable report. We did it because we wanted to be constructive and to bring this House together. I want to draw attention to two points: first, the fact that this issue has brought the House together, and I will talk a little bit about that because it is in the power of this House to stop the Executive on this matter; and secondly, the nature of the retrospection, which is the issue that has caused me, as well as my constituents with such cases, to be so passionate about this issue.

First, on cross-party unity, I pay tribute to the hon. Member for Aberdeen South (Ross Thomson), a vice-chair, who opened the debate, and the hon. Member for Brentford and Isleworth (Ruth Cadbury) and all the other members of the all-party group, which represents six parties in this House. I thank all Members who spoke on Report of the Finance (No. 3) Bill, when we passed the amendment—quite unusually—because we had cross-party support from every side and political persuasion both between and within parties.

There is a reason why we got that support. It is because our constituents have come to us and we have seen the damage this is doing to their lives—real lives—but also because key principles of democracy are at stake; parliamentary sovereignty, if we can forget the Brexit debate for a minute, with respect to holding the Executive properly to account for the way they tax our constituents, and the rule of law. Those issues have brought this House together, and today we need to continue with that message and make it clear to the Minister and the Government that we are not going away until this is put right.

Stephen Lloyd (Eastbourne) (Ind): When my right hon. Friend opened, he spoke about cross-party support. As he knows, since I started early-day motion 1239, whenever it was—nine or 10 months ago—the cross-party support has been astonishing: 148 MPs from all parties, including many Conservative Members, have now supported it because they really do have concerns about the retrospection and the fairness. Does my right hon. Friend agree that Parliament is really coming together and saying, “There is a real problem and a real challenge here. Treasury, please look at it”?

Madam Deputy Speaker (Dame Rosie Winterton): Order. I will have to reduce the time limit to seven minutes.

1.17 pm

Several hon. Members rose—
Mr Jim Cunningham (Coventry South) (Lab): I agree with the right hon. Gentleman: it is about time that the Government listened. Regardless of the issue, retrospective legislation can be a dangerous thing. In some instances it might be justifiable, but by and large and in principle, it is a very dangerous thing. The other point that has emerged from this debate is that those who encouraged people in their employ to get involved in such schemes should be the ones to pay up, not the victim. Does he not agree?

Madam Deputy Speaker (Dame Rosie Winterton): May I just point out that interventions must be short? Please remember that interventions mean that other people have less time to speak.

Sir Edward Davey: I agree with the hon. Gentleman. Let me take his point on retrospection into the substance of my speech.

Everybody has paid tribute to the Minister and I join in that, but I urge him to look at the retrospection issue. The all-party group has spoken to tax professionals and has read a lot of material. There is a debate about whether aspects of this are retrospective or not, and about where the retrospection lies. One group has been hit by the loan charge where the retrospective nature has been proven beyond doubt: taxpayers who had their tax returned to the Treasury with DOTAS added—sometimes even without DOTAS added—and who have come clean on everything they have been doing. HMRC has accepted that and has not opened an inquiry. Their cases have been closed and time has passed. Under section 9 of the Taxes Management Act 1970, we have been giving taxpayers in that situation total protection from HMRC coming back to them. That has been true for decades. Indeed, we have signed international conventions to say that that is the way individuals should be treated. Yet here we are, going back on that. To be clear to the Minister, all the tax professionals we talked to believe that for closed cases, that was a transgression. Indeed, I asked them if they could find any example on the statute book ever of a Government passing a law to override taxpayer protections and they could not.

When the Government responded to that clause with a review, their argument against all the advice was that the charge was not retrospective because it was a charge on the loan as of now—the outstanding loan. That is interesting, because they had never before proven that loanable income. That was the whole point of this whole debacle. Moreover, the loans were taken out in the past. We might not call it retrospective and we might call it retrospective, but frankly it is the same thing for the ordinary person. The reply to the amendment to the Finance (No. 3) Bill was therefore simply not good enough; it was wrong. This is a breach in the rule of law, particularly for those people with closed tax years. At the very, very least, the Government should not apply the loan charge to them; that is the recommendation of the all-party group.

We then come to people with open tax years. Sometimes there has been an inquiry years before—15 or 20 years ago. For many taxpayers, it was not really clear what that was. There was a little form. They were not told what their rights were or what they should do in response. They just sat there, and some of them did not even know there was an open inquiry. Those open inquiries have lasted for years, with, as the hon. Member for Scunthorpe (Nic Dakin) said, HMRC doing nothing. Surely that is HMRC incompetence, not mistakes by taxpayers. They are now paying because HMRC could not administer the tax system over that period, and tried and failed to get the law right. I am sorry, but HMRC cannot penalise our constituents with tax bills of tens of thousands of pounds because it could not do its job properly. That is not acceptable.

Rushanara Ali: As the right hon. Gentleman rightly points out, HMRC has been looking at disguised remuneration since the late ’90s and opened hundreds of thousands of cases. Mary Aiston, at the Treasury Committee, said that

“at that time our strategy meant that we weren’t telling taxpayers enough about what we were doing on their case—so they would have had an open inquiry or assessment... We recognise that at the time our strategy meant we weren’t communicating regularly enough to keep them in the picture.”

Does the right hon. Gentleman agree that if that was done people could have dealt with those cases and paid up immediately, and not had tens of thousands—or, in cases in my constituency, hundreds of thousands—of pounds to pay back?

Sir Edward Davey: The hon. Lady is precisely right. That is what I think has offended people. Technically for people with open tax years it is not retrospection, but in practice—and, frankly, morally—it is. One thing that I will pursue after this experience is the use of open tax inquiries by HMRC. It goes against the whole spirit of the 1970 Act and of the way the rule of law should operate. I believe that in all parts of the House we stand to defend the rule of law. When we see an abuse of it we should get angry, we should get passionate and we should pledge to do something about it. I hope we will.

How should the Government respond? I think they should call a halt and delay. That would send a clear message to people who are suffering mentally and socially with their families and their homes. Announcing that today from the Dispatch Box would give them some relief. We have been telling them that their tax bills are not due until 31 January 2020. Nevertheless, according to the guidelines, if they do not talk to HMRC by this Friday they could suffer severe penalties. A delay would therefore help.

A judge-led inquiry is the only way we will bring people back together. Such an inquiry could look at all aspects. However—to speak to the right hon. Member for Haltemprice and Howden—I do not want a judge to be there. The policy should change now for people with closed tax years. There should be no debate about that. That is retrospection and an abuse of the rule of law.
For those with open tax years, as the all-party group's report says, a number of measures should be taken to reduce the pain and to ensure that they can get their tax affairs in order. This House is against abuse of the tax system. That is wrong and it should be stopped. But this House is also in favour of parliamentary sovereignty—the Government listening, upholding the rule of law and upholding long-standing taxpayer protections.

1.27 pm

Royston Smith (Southampton, Itchen) (Con): I do not intend to take all of my time, because I am nowhere near as qualified as the right hon. Member for Kingston and Surbiton (Sir Edward Davey) and my hon. Friend the Member for Aberdeen South (Ross Thomson), who have done a fantastic job in getting us here to this debate, so that we can make representations on our constituents’ behalf. I, too, pay tribute to the Minister. He has been very helpful in responding to all my queries and those of my constituents. Of course, not all responses have been to their liking, but he has always been available and I pay tribute to him for that. I hope he is as accommodating today as he has been so far.

My hon. Friend the Member for South Suffolk (James Cartlidge), who is not in his place any more, argued that people who use public services should pay for them. If we are talking about evasion versus avoidance then of course he is absolutely right, but self-employed contractors have a different tax regime from people who work with PAYE; they have a different structure. They will look to see whether they can make the best use of their tax situation, because they do not get sick pay or holiday and nobody is paying their pension for them. They will therefore look for the most efficient way to deal with their tax. Some of these schemes have been shown to be that for them. They asked the questions and we all know they asked the questions. There are very few people caught up in this who we think went deliberately out of their way to avoid tax.

Sir Henry Bellingham (North West Norfolk) (Con): I endorse what my hon. Friend said about the Minister, who has been extremely receptive, and we hope that he will take action. Is my hon. Friend aware that many of these people are well into their late 50s and many are over 60, and they have no chance of ever recovering their financial position? Some of my constituents specifically asked the Revenue whether everything was in order and proper. They were told categorically that it was not the answer. We should be finding out how this happened and discovering who is culpable, including HMRC.

Royston Smith: My hon. Friend is absolutely right. I think that we are finding a consensus across the House, in that we all agree with that. People did ask these questions. They were convinced by those who promoted the schemes that sometimes it was the only thing that they could do, but that the schemes were legal. Some of the people asked these questions of HMRC.

The worst of it is that it looks very much like we sometimes just go after the low-hanging fruit. It is easy to chase such people rather than those who promoted the schemes and landed them in this trouble. Everyone has said—I will say it too—that these are real people. When people affected first came to see me in my constituency, I did not know very much about this, but when they told me about it and the figures that they might have to pay, it was devastating. I could not believe what they have been told might happen to them. I thought, “What if that was me? What if someone came to me and said, ‘You owe tens of thousands of pounds’?”

Frankly, I would have no way of paying that amount without a significant change to my life. Fine—maybe if I deserved it I would have that coming, but if people did not know that, why should their life have to change so much, to the point where some have now felt that their life is no longer worth living? Driving people to bankruptcy is not the answer. We should be finding out how this happened and discovering who is culpable, including HMRC.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Does the hon. Gentleman agree that it would be a clear injustice if anybody innocently caught up in this, having sought advice for one of these schemes, were to lose their main home or indeed be made bankrupt as a result of this action?

Royston Smith: It would be an absolute tragedy. That is why I am very grateful to my hon. Friend the Member for Aberdeen South for securing this debate, enabling us to air this issue publicly. If anybody is made bankrupt by something that is not of their deliberate doing, it would be a travesty.

I do not propose to take much more time; I know that a lot of people are waiting to speak. I am not a great ask to the Minister to pause this, to review it independently and to give my constituents and everyone else in this House a bit of respite, so that they know that what has happened to them is right.

1.33 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): As one of the vice-chairs of the all-party loan charge group, I add my thanks to members of the Loan Charge Action Group for all their work in submitting evidence to us, and particularly to those few people who have worked their socks off in the past weeks to pull together the APPG report, which was released yesterday and is available online for anybody who wants to see it. I will focus on HMRC’s communications with taxpayers that

Robert Courts (Witney) (Con): My hon. Friend makes an excellent point. I have a great number of constituents who are very distressed about this. People cannot be treated and approached in a technical way, because this affects people’s real lives. The Treasury must bear some culpability, given that it has at least allowed these schemes to be used when everyone else has acted in good faith in investing in them.
have led to many of the appalling stories that Members across this House have been relating and will relate today.

Jim Shannon (Strangford) (DUP): I sought the hon. Lady’s permission to intervene beforehand. Many of my constituents have the same problems that everybody, including the hon. Lady, has referred to. They are asking for a six-month delay for a review of the loan charge. Does she share my real concerns about those who are purported to have committed suicide? There have been deaths, and people facing bankruptcy have had to sell their homes. The effect on people’s health is enormous.

Ruth Cadbury: Examples such as that—tragically, we heard from the family of somebody who committed suicide—have been mentioned today. The stress has been well related by Members today on behalf of their constituents.

I knew very little about this issue until I met a group of my constituents. They are normal people, if anybody is normal. They are specialists in their field and they are middle-aged, but they have had to put their lives on hold. One couple cannot get married and get a mortgage. Another are making plans for their children’s university education, and that is causing them real stress. Those who are still working are treading water. They are not investing, not employing people and not generating wealth for this country. All are profoundly anxious and depressed, and it is affecting everything about their lives.

What I have learned from the work that we have been doing in recent months is that there are, very roughly, two groups of people. The first group is professional freelancers who went into the scheme, starting up to 20 years ago. Generally, they are middle to high earners and took professional accounting advice about the options available in the post-IR35 world. This group, mainly professionals, went into loan schemes because for them, pay-as-you-earn employment was not an option and their accountants advised them that due to the regulatory complexity and disproportionate cost burden of IR35, it would be best to enter into a loan-based enumeration scheme. There was no uncertainty about the legality of the scheme back then. They made arrangements with umbrella companies to prevent them from inadvertently breaking the IR35 rules. Everyone I heard from who went into these schemes said that they did so not to save tax, but to save the administrative burden.

There is another group—an unknown number—of more recent joiners since the rules changed in 2016. They are working in public services, as nurses, doctors and social workers. The word “loan” was never mentioned to them by the scheme providers. They generally did not take separate professional accountancy advice, as they were signed up by a recruitment company that had links with the umbrella company. There appeared to be no choice, and “everyone we worked with was doing it”.

It is possible that many of these people do not know that they are caught up in this.
Many of the taxpayers who submitted evidence to our inquiry highlighted the stress and anxiety that they have experienced as the direct result of the language and tone of HMRC communication. Individuals who believed that they were acting within the law told us that they have been made to feel like criminals. The all-party parliamentary group on the loan charge agrees: it is wholly inappropriate for a Government department to intimidate individuals into settlements through threats and labelling.

The issue has had two consequences. One is the feeling of criminality. We heard about the family who read out the father’s suicide notes; he had kept the information from them as he was too embarrassed. He was too embarrassed even to see a tax consultant or his accountant; he could not admit that he might have done wrong. He thought he was going to prison. In that example, his liability was well within his means; he could have afforded to pay. But he was made to feel like a criminal—a man who had never done anything against the law in his life.

The other consequence is the threat to the homes and businesses of those who are likely to be made insolvent. This issue will affect their and their family’s lives now and in the future. We are talking about amounts that are often unjustified, unquantified and unexplained.

Dominic Raab (Esher and Walton) (Con): I thank the hon. Lady, who is making an excellent speech. Does she agree that there are three fundamental elements of the injustice? There is the retrospection, which undermines basic principles of justice; the devastating impact on ordinary people’s lives, which she has described; and the contrast between the arbitrary approach taken to those people and the sweetheart deals for the likes of Goldman Sachs. Does she agree that the retrospection must be ended and that the scheme must be reviewed?

Ruth Cadbury: I absolutely agree. The scheme needs to be paused for at least six months and should be reviewed by a qualified tax judge completely independent of the Government. I am also concerned that HMRC may have been acting without direct steerage from the Treasury and Treasury Ministers. Ministers have said they have been made to feel like criminals. The all-party parliamentary group on the loan charge agrees: it is wholly inappropriate for a Government department to intimidate individuals into settlements through threats and labelling.

I turn to what some of my constituents have said, to reinforce some of the points that have been made. One of my constituents used an umbrella company, which assured him that he was doing nothing wrong and that the scheme was HMRC approved. When, finally, the bill landed on his desk, the umbrella company asked him to appeal, which he did. He received letters for tax years other than the one in question, but always at least three years after he had sent in a tax return. In each case, HMRC not only requested the tax it said he owed, but three years’ interest as well.

Another constituent said:

“I am not a tax expert and the policy left me extremely confused...I didn’t know which way to turn. I was advised that I could use an arrangement that would ensure I was compliant with IR35. My primary motive was to abide by the law. I was told that the tax arrangement was HMRC and QC approved. HMRC are now saying that these arrangements do not work, yet at the time they did nothing to curb them. They allowed me to build up years’ worth of debt, signing off my tax returns and on some occasions sending me a tax rebate!”

I simply do not have the sums of money involved. I am not a wealthy person, I have worked hard and I have paid taxes. Over the 18 months, this situation has led to anxiety and stress.”

Sometimes, he has had suicidal thoughts. This person is a freelancer, so he has had no holiday pay, sickness pay, maternity pay, paternity pay, compassionate leave, pension contributions, career development, training or bonuses, and certainly no job security. He is suffering from sleep deprivation and has been thinking he could take out some sort of insurance so that if he ended his life it could secure his wife and children’s future. That is a terrible thing to have to say.

Another constituent said:

“I began receiving loans in late 2011 and they were always very clearly disclosed to HMRC within my annual Self-Assessment Returns. In mid-2012, HMRC reviewed the payroll arrangement and the loans provided to me and formally confirmed they did NOT constitute ‘tax avoidance.’”
When HMRC gives that sort of reassurance to the taxpayers of the United Kingdom, they should expect to be able to believe it. Much praise is heaped on Front Benchers and the Financial Secretary to the Treasury; I concur with it—my right hon. Friend is always polite, always replies and is assiduous in dealing with my constituency correspondence, for which I am very grateful. However, I am afraid that I agree with my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), who is not in his place, who said that we cannot pursue anything before 2017. I hope that the Minister will listen carefully.

I feel that HMRC has been trying to collect taxes aggressively but using what I consider to be a very tame audience. It should direct its attentions to the fraudsters and the mega-companies—not just the J.P. Morgan schemes, but the Googles and the Amazons. In some instances, our constituents are being asked to pay sums greater than what a company such as Amazon or Google has paid in a whole tax year.

I consider that this issue has been used as a loss leader by HMRC; it has put so much into administration costs that it is almost caught—it feels that it cannot go back and abandon its pursuit of these individuals. But I think it should. Treasury Benchers certainly now need to pay attention to the will of the House. The anarchy of what has happened to our Standing Orders has resulted in the House being taken over by people other than the Government. There is a strength of feeling across the House and across parties. If some mechanism has to be sought to try to get relief for our constituents, that is not now beyond imagination.

1.49 pm  

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I congratulate the hon. Member for Aberdeen South (Ross Thomson) and his colleagues in the all-party group on the way they have taken up and pursued this issue, and on the incredibly well informed report they have delivered. Many of the points I wanted to make have already been made, but I think one or two are well worth underlining and reaffirming.

The first point is on the retrospective approach taken. The people caught by the charge are, by and large, on natural justice. After 20 years, is totally unfair and defies all laws of natural justice. The Government need to do something about this problem. Astonishingly, it appears that, during those years, the Government had adequate legal redress available to them, had they wanted to take action. The loan charge legislation they introduced was designed to recoup the money simply, in a way that avoided the time and hassle involved in taking action under previous legislation. It smacks of trying to maximise income from the softest targets with the minimum of cost. The high volume of complaints that I have had about the process used to achieve that aim underlines that point.

It has been mentioned that the deadline is Friday for people to give evidence of how they will settle their outstanding bills. I have people in my constituency who are scared witless because they are not in a position to do that. It is not that they ignored HMRC; they provided it with the evidence, but they have not had the figures necessary to make the decision on how to settle their affairs. They are being threatened by HMRC that if you do not do that, penalties will be invoked, but HMRC has not provided them with the figures they need to do it. It is absolutely incredible, and it underlines the impression that HMRC is trying to maximise the amount of income that it can get from individuals who are trapped in this situation.

I looked at the HMRC document on the subject, particularly the “Supporting people” section. Unbelievably, it says that people must realise their assets, if necessary. I suppose that with a multimillionaire, that is a reasonable approach, but for ordinary people—especially retired people on low incomes, whose home may be their main asset—it is a totally inappropriate way to “support” people. One person who came into my surgery told me they think—they have not had the figures—that, after 5 April, they will have to sell their house. It is all right for HMRC to say people will not have to sell their house, but if that is their only asset and they have to realise their assets, they have no alternative.

The HMRC document goes on to say that people can remortgage. A retired person on a low income who goes to a financial institution and says, “I need to remortgage my property so I can pay off my tax debts” is unlikely to get a sympathetic response. Frankly, that document contains a lot of honeyed words that actually give no help or succour to those who are confronted with this potentially devastating and life-changing financial experience.

HMRC holds surgeries in the House of Commons that we can go along to. That is praiseworthy, but I went along with a couple of cases on loan charges and, unbelievably, there was no one there in a position to give me an answer. Given that this is the pre-eminent taxation issue that Members face at the moment, and HMRC is presumably trying to improve communication between constituents, MPs and itself, that is an amazing omission, which only underlines again the fact that HMRC appears to be totally indifferent to the plight generated by its processes and the culture that surrounds them.

I say to the Minister that there will be thousands of people watching us today, knowing that their future welfare, their livelihood and their happiness depend on the words of advice he gives at the conclusion of the debate. I just hope that his response will be favourable. Treasury Ministers do not often have a chance to make people happy, but here is an opportunity to do.
1.56 pm

Sir Mike Penning (Hemel Hempstead) (Con): I should not be here today. I should be at the funeral of my constituent Graham Smart. He was the chairman of Leverstock Green football club, and as his constituency MP and president of Hemel Hempstead football club—another community club—I desperately wanted to be there and had promised to attend. However, my place is here in this debate, making sure that I stand up for, initially, one of my constituents, who came to see me many months ago, which is when I joined the all-party group. I was informed this morning that I now have 100 constituents who are affected by the loan charge.

I sat in on some of the all-party group’s evidence sessions. There is a really important point to make here. We have Select Committees in this House and other Committees. All-party parliamentary groups can be a complete waste of time, or they can really make a difference. I jointly chair one of these groups—the all-party group on medical cannabis under prescription—and we managed to change the law. I truly hope that the all-party loan charge group, with the backing of the House, will be able to sway Ministers and the Treasury’s view on this, which I think is one of the great disasters that we are bringing on our communities.

More than 900 years ago, this House was formed to represent the people who paid tax. Admittedly, it was completely unelected in those days, but that remains our job. Unlike some of my colleagues, I have clearly upset the Financial Secretary to the Treasury. I was over-zealous defending my constituents. I have apologised to him privately and I apologise to him publicly now. I think that he is fundamentally wrong in what he said to me, but at the end of the day that is his opinion and, I am sure, the Treasury’s. In my opinion, what is happening here is that some of my constituents took advice from the companies—if they had not, they would not have got the job—and from some very large taxation accountants; they submitted completely openly that they were in one of these schemes; they had a registration number from Her Majesty’s Treasury; and now they are getting bills for hundreds of thousands of pounds, which, as we have heard, is completely and utterly destroying their lives.

Like lots of colleagues, I have had constituents come to me. I am not making it up, but I am not going to name these people, because—it is part of the problem we face—they are too ashamed to tell their loved ones that these bills are coming down the line. They are petrified of their employers knowing. Many of the people in my constituency who have come to see me and written to me are employed in the financial sector in the City. There is absolutely no doubt that they will lose their jobs and their livelihoods.

Sir Henry Bellingham rose—

Sir Mike Penning: I will give way twice: once to my hon. Friend and then to another colleague.

Sir Mike Penning: I am grateful to my right hon. Friend for putting forward a strong and moving case. I am aware that some early-retirement benefit schemes—so-called EFRBS, or employer-financed retirement benefits schemes—are also being unpicked retrospectively, causing an equal amount of pain and suffering to constituents, including one in my constituency who is having to pay back £175,000?

Sir Mike Penning: I do not agree with the way the Treasury has started to unpick people’s personal taxation schemes. This is not the big companies that frankly get away with murder because they can employ the right sort of lawyers, but the small people. They are the people who are getting messed about.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con) rose—

Sir Mike Penning: I will give way once more; then I will make some progress.

Sir Geoffrey Clifton-Brown: I am grateful to my right hon. Friend for giving way; I know he is short of time. He and the House might be interested in the reply given to me in the Public Accounts Committee by Jim Harra, the second permanent secretary at HMRC. He said: “Among the disguised remuneration users, there are undoubtedly people who have liabilities for years, where under the normal rules we do not now have assessing rights. In our settlement opportunity, we have asked those people to settle for all years, including the years for which we do not now have those assessing rights. If they choose not to do that—I can’t make them settle voluntarily for those years”.

Does my right hon. Friend not think that the Financial Secretary should formalise that tax advice?

Mr Deputy Speaker (Sir Lindsay Hoyle): May I just warn Members that because of the interventions the time limit will need to go down to five minutes to get everyone in?

Sir Mike Penning: On that basis, Mr Deputy Speaker, I will not give way anymore. It would be right and proper to let colleagues speak, no matter how short their contributions.

My hon. Friend makes a good point. Is there one rule on taxation in this country for one person—a small business—and another for others, or am I missing something here? For instance, a constituent came to see me who worked alongside a colleague who was in the same kind of scheme. Constituent A had had his scheme agreed and closed. He had disclosed everything, including the registration number and the DOTAS number, and it was closed—finished. He came to me because he sat next-door to a colleague who was doing exactly the same job under exactly the same contract and exactly the same kind of scheme, with exactly the same declarations, but for nearly 15 years this scheme had been left open. There is something fundamentally wrong in that.

The Lords Committee’s conclusions are eminently sensible. I agree with my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) that perhaps they could have been a bit stronger, but that might have lost some people on each side. We can work with them. I am slightly concerned about the reference to tax judges. Ray McCann, the president of the Chartered Institute of Taxation, has said that technically the charge is not retrospective—so that is the position the taxation people are going to come from—but he went on to say that it has an effect of being retrospective. That sounds like semantics to everybody else out there, but that is what a
specialist judge involved in taxation will look at when we argue the point. The point is that it is clearly retrospective, and that is where the Minister and I completely disagree.

The Minister has an absolutely golden opportunity to say, “Stop. Let’s see what the effect is here.” Why are we packing on these people who in many cases cannot pay—not will not pay but cannot pay. As we heard earlier, they are being advised to get loans. How are they going to do that? Where is the equity? Are they going to use their house? Many of them are of a similar age to me. They have absolutely no chance. They can pay through the nose on interest rates and borrow money from anybody, but do we really want to encourage that? Or, would we like to say, “We think something has gone wrong here.”?

The House has come together—I think the chairman of the all-party group, the right hon. Member for Kingston and Surbiton (Sir Edward Davey), said the group represents six parties—because there is something seriously wrong. These people are petrified. My constituent said to me, “If my wife finds out about this—she has suicidal tendencies, and we already have major problems.” Other constituents say they need to come out of retirement—“I’ve been out of the IT industry for about five or six years now. I have no chance of coming back into the industry.” Others work in the finance world and if their employers find out that action is being taken in this sort of way, they have had it. What are we doing, driving people into this sort of debt when they thought they were doing the right thing?

I say to the Minister in all candour: take a look around the House today, a Thursday on a one-line Whip. Even the Whips could not have got this many people in here from both sides of the House, given what is going on at the moment. [Laughter] I am really serious: I do not think the Whips could have got this many people in here on a Thursday, on a one-line Whip. What has driven us here is our constituents. It is our job. It is what this Parliament was set up to do—to defend the little guy against the big guy. The big guy is the Government, and we will defend the little guy.

Several hon. Members rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I call Jim Fitzpatrick on a five-minute limit.

2.5 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I am grateful to be able to contribute to this debate on an issue that affects many of my constituents. I am pleased to follow the right hon. Member for Hemel Hempstead (Sir Mike Penning). I congratulate the hon. Member for Aberdeen South (Ross Thomson) and other colleagues who bid for this debate, and I thank the Backbench Business Committee for affording the time for it. I commend the leadership of the all-party group and thank the hon. Gentleman for his excellent opening speech. I wish to concentrate on relaying a few constituents’ comments to those on the Treasury Bench, to show the strength and depth of feeling on this issue. They speak much more effectively for themselves than I could do on their behalf.

Marc and his partner John wrote to me to express their concerns. For them, the main issue is the retrospective aspect of the legislation, which stretches back over 10 years, yet the schemes were allowed to operate with no notification to members at the time. They fear the knock-on effect of bankruptcy to contractors, which means Marc will fail credit checks and is unlikely to work in financial sector ever again.

Another constituent, Vladimir, says his loan provider shared his DOTAS number with HMRC every year and disclosed the promoter name and the benefit in kind that the loan was providing him. Similarly, Daniel says that the loans he received were all disclosed on his tax returns.

Rony wrote:

“As I moved from permanent to contracting I used an agency ‘Aston Mae’ who advised me about the benefits of using a limited company or using an LLP. I also used a UK Chartered Accountant who was fully aware of the LLP I was working for.”

Amjad got in touch to say that

“this issue has taken over my life since I received the letter from HMRC last August”,

and makes the same point about fully declaring.

Another constituent who is facing serious trouble, Rehan, wrote,

“on a personal level, the threat of the Loan Charge has made me incredibly stressed and physically unwell”.

Like many in his position, Todd contends that

“there was nothing ‘disguised’ nor ‘conceived’ about the arrangements. Taxpayers described in detail exactly what their tax arrangements were under DOTAS.”

Another constituent, Abdul, said that

“if the schemes have always been defective, why did HMRC not write directly to affected individuals and advise them of this?”

Richard got in touch and what he said echoes the previous point. He said:

“HMRC and the Treasury say these arrangements are ‘defective’ and have ‘never worked’. Yet, not once did HMRC communicate that they believed the scheme was ‘defective’ or ‘never worked’”,

and that means he is now liable for more than £200,000.

Marie wrote:

“It makes my blood boil when I hear ‘you should have known better’. No one told me! I am not an expert on tax and am risk averse. I would not have entered into the arrangement if I even had a sniff that it was not legal. I have already had to sell my house to pay the first lot of APNs which came through and don’t have any savings or a home.”

The solid theme of frustration, confusion and bleak despair runs through every e-mail, letter and meeting I have had on this issue. HMRC and the Minister keep saying that this change is not retrospective, that the average amount is £13,000 and that everyone knew what they were doing. Clearly, that is not the case, and it has been emphatically contradicted by my constituents.

In conclusion, I thank the Loan Charge Action Group and its secretary, our former colleague Greg Mulholland, for their work on this issue. Three recommendations from the group’s report stand out for me, and they are certainly reasonable recommendations, as several colleagues have already said: first, the request for a six-month delay to the loan charge; secondly, a 24-hour HMRC-funded mental health helpline, to help prevent more suicides; and finally, a full and proper review led by an expert tax judge. I look forward to the Minister’s response. Given the unanimity of the opinion in the Chamber so far and
the number of compliments that the Minister has been paid by so many colleagues from all parties, my hopes have been raised.

2.9 pm  
Sir Paul Beresford (Mole Valley) (Con): I feel a little cautious in this debate as I do not have the full knowledge or experience of many Members here and I do not have many cases in my constituency.

I have had a considerable number of cases over the years in which I have had to deal with HMRC. Contrary to what many people have said, I have found that individual approaches to individual taxation experts in HMRC have been extremely positive: cases have been listened to, and we have secured some dramatic changes.

I have six cases of loan charges in my constituency, and one other case which, while not a loan charge, is slightly relevant. I was approached by an individual some years ago. He was divorced and his wife had moved, some years before, to New Zealand of all places. He paid a large monthly payment to her and support for the child, and she remained single—or so he thought. After a considerable number of years, he discovered that, in fact, she had got married and that all that maintenance he had paid over those years—vast sums—he should not have paid, so he stopped paying. HMRC came along and asked him why he was no longer making those payments, because they were tax deductible, and he explained. An HMRC official said, “Well, the money that you have paid that you should not have paid is now counted as profits and we would like tax on that plus interest.” This man was not suicidal, but he came close to considering murder. The ex-wife was still alive. We went to HMRC and got an agreement on this retrospective—or retroactive—payment. It was spread over time. The collector was eminently reasonable and the payments were managed. When the circumstances of this individual changed—he went to university—again we went back, and again they changed the terms.

What I am saying to my six loan charge cases, or to those who want help—only two of them do—is that I am prepared to take up their cases and work with them. Everyone in this Chamber will know that when we have that portcullis on our letters and we ask for a meeting, it happens. That has to be the best way through it. What I am prepared to do is to listen to, and we have secured some dramatic changes.

I have discovered in two cases that some of the information that the Inland Revenue and HMRC have been given does not match the real information. When we hear Members say, as we all have done, that communications have broken down and that the information that has been used has given rise to incorrect decisions, some of that is because officials are not being given—probably deliberately—every bit of information that they need to come to a fair and clear decision.

I could not believe that two of them, who were bright, independent professionals, had actually taken up their loans. I asked one of them to explain to me—I am fairly simple and can only count to 32—how it had happened. They said that they had been told that it was all right. I asked by whom. They said by the promoters. I asked them to describe the situation. They said that they had worked for whoever it was and that they had been given money, but it was not payment; it was a loan. I said, “Fine, what was the interest on it.” “Oh, there was no interest,” they said. I asked, “When will you pay it back?” “Oh, we’re not going to pay it back,” they said, “and we are not paying any tax on it.” I said that that was just too good to be true.

Julia Lopez (Hornchurch and Upminster) (Con) rose—

Sir Paul Beresford: I will give way just the once and very quickly.

Julia Lopez: I must confess that I share some of my hon. Friend’s mixed feelings about this issue, particularly as there is a disparity between what my constituents say to me and what the Minister says to me. Where there does seem to be culpability from HMRC from my perspective is that it knew full well about some of these loan schemes for a very long time and subsequently a political decision was made to call them in, and that political decision could have been taken much earlier so that we would not have seen some of this damage. That creates a lot of uncertainty within the wider tax system, which is very corrosive.

Sir Paul Beresford: I thank my hon. Friend for her intervention if for no other reason than she has given me a minute more. I will leave that for the Minister to answer. I can only go by the six cases that I have seen and what she says does not apply in any of them.

If I can say anything to Members it is this: please, put these cases together and consult an individual senior tax inspector. I have found the inspector and the collector to be really co-operative, which makes such a difference to these people’s lives. There is a look of relief on their faces when we come out of the meeting with those officials. There is also an acceptance that they will have to pay the loan. Some may call it retrospective, but I call it retrospective. I do remember the case of the divorced man who did not commit murder—his bill was way up over £100,000.

2.16 pm  
Sammy Wilson (East Antrim) (DUP): It is a joy to follow the hon. Member for Mole Valley (Sir Paul Beresford), although I disagree with much of what he said. This is not an issue of just getting people to sit down with the right tax inspector and sort things out. Today’s debate has shown that there is a deep-rooted problem right at the heart of this issue—people who were fully aware of the kind of scheme that they had entered into, and who had an understanding that it was fully legal, suddenly finding that they were faced with huge tax bills. Many people find themselves hitting their head against the brick wall of officialdom with frustration, anger and fear. As we have discussed today, this needs to be sorted out, not at some official level, but at Government level. A ministerial decision is needed.

The economist Adam Smith, who wrote the first economics textbook, laid down what were called the canons, or principles, of taxation. In answer to the question, “What should the basis of any tax system be?” he mentioned three things: first, that there should be certainty; secondly, that there should be fairness; and thirdly, that there should be convenience. If we look at what is happening with this loan charge, we can see that all those principles of taxation—the rules of good application of tax—have been broken.
Many of the people who entered into these schemes did so because they wanted to reduce their tax bills. That is perfectly legitimate. There is a difference between tax avoidance and tax evasion. I do not think that anyone here has advocated that if people have been evading their taxes they should not be pursued. But some people were forced to enter these schemes; they could not have secured employment otherwise. In fact, at the all-party group, we received evidence that even HMRC was taking on contractors, who in turn then took on employees and insisted that they were paid by these remuneration schemes. It seems that HMRC was quite happy to employ contractors on that basis, because the scheme was deemed to be legal.

Members have covered a number of issues. Let me reiterate just some of them. First, I do not believe that this scheme and the loan charge meet the criteria of ensuring that there is certainty for taxpayers. It is retrospective. No matter how the Minister tries to wriggle on this, the case is that if tax is imposed on a loan balance today, and that loan balance has been built up over a number of years, because people thought that it was okay to repay in that way, then the tax that is being demanded is retrospective.

Luke Graham (Ochil and South Perthshire) (Con):
The hon. Gentleman makes a point about the loan charge being a current liability, which is the Government’s argument. Does he agree that our constituents need clarity about what recourse they have to those advisers who told them to go for these schemes, as well as clarity from HMRC about the options for refinancing, and what protections they have as citizens?

Sammy Wilson: The other point about the retrospective nature of this is that many people thought they had put in their tax returns and given the information. They were not told that there would be an inquiry into their tax affairs, and they believed that what they were doing was perfectly legal, and that their payments would not be subject to additional tax.

My second point is about certainty. Many of those who gave evidence said that for years they were given tax bills that did not even work. They were given bills for sums that did not coincide with what they had earned, and in some cases they were told that the figure was just an estimate. One person said that when she queried the bill, HMRC said, “That is what most other people are paying.” That is how the tax bills were worked out in some cases. There was no degree of certainty, and often the bills were not related to the years that people had worked, or to their income.

Is it fair that none of those who promoted these tax schemes have been pursued? The people being pursued are the recipients of the schemes, who in some cases were forced into them, as they would not have got employment otherwise. Their employer said, “This is the way you will get paid, and that is what you have to do.” The promoters of those schemes—many of whom are based offshore or are no longer in business—are not being pursued, and those who needed to join these schemes in order to find employment are now faced with a tax liability.

Some evidence that we received suggested that if people did not settle, they might be taxed not just on the money they received, but on the fees taken by those who have now disappeared. Is that fair? My third point was about convenience. That is why we use pay-as-you-earn, and we pay tax on a monthly basis or whatever, rather than being hit with a huge sum of money all at once.

Neil O’Brien (Harborough) (Con): The point about people being asked for a huge sum of money all at once gets to the nub of the issue. Regardless of the rights or wrongs of the case, does the right hon. Gentleman agree that these people need huge amounts of time to pay, or in some cases debt forgiveness because they simply cannot afford to pay?

Sammy Wilson: I was just coming to debt forgiveness. When it comes to large companies, HMRC is prepared to negotiate and cut tax bills significantly. In these cases, however, it is a case of, “This is the sum owed. Enter into a discussion and settlement with us, or you will be hit by the loan charge.” For all those reasons, as the hon. Member for Mole Valley (Sir Paul Beresford) said, this problem does not simply require us to sit down with our constituents and a tax inspector; this requires action by the Minister. We have asked for reasonable action from a reasonable Minister, and I trust that is what we will get today.

2.23 pm

Crispin Blunt (Reigate) (Con): I apologise to the Minister if I am not here to listen to his response to the debate. I am flying to Rome to go to the Vatican for an engagement on behalf of the all-party group on global lesbian, gay, bisexual, and transgender rights. That goes to show how important those all-party groups can be, and I hope there will be a significant policy development in that area.

I congratulate my hon. Friend the Member for Aberdeen South (Ross Thomson) on his excellent speech and I thank the all-party loan charge group, which has done so much work in representing our constituents’ interests. None of us wants our tax system to be abused. We should all pay our fair share of taxes, and we must ensure a level playing field for the sake of the integrity of our economic model.

The interests of those who do not have the means to opt for or set up complex tax schemes should be as protected as the interests of those who can afford such advice. It is therefore right that in the Finance (No. 2) Act 2017 the Government sought to close the disguised remuneration loophole, but today we are questioning the way that the Treasury handled that closure. My right hon. Friend the Member for Haltemprice and Howden (Mr Davis) chaired the Public Accounts Committee during my first Parliament, and he was completely right in what he said about the change in culture inside the Inland Revenue and Treasury towards such issues over the past two decades.

Current Treasury policy is having an unfair retrospective effect, which is recklessly throwing the lives of thousands across the country into sheer chaos. Sadly, that also highlights some of HMRC’s own performance issues, as it appears to have failed adequately to inquire into notifications by honest taxpayers about their use of a scheme under DOTAS when it had the chance. I do not
understand why HMRC now thinks it is fair to go back over records that are up to 20 years old, and unexpectedly ask for sums in the tens and hundreds of thousands of pounds from ordinary, hardworking people. It completely baffles me. More to the point, who are these people? By and large, they are the most flexible and entrepreneurial workers in our system, and as we have heard, they were employed flexibly and did not receive holiday pay or allowances because of their employment conditions.

Our constituents are seriously distressed by the vast amounts of money that the Treasury is trying to claw back from them in a totally unexpected way. They have also experienced repeated delays in the handling of their cases, resulting in even more uncertainty and pressure. They have experienced consistently poor communication from HMRC. One constituent told me that an adviser on the dedicated helpline told him not to quote her under any circumstances. I am grateful for the letter, dated yesterday, that the outstanding Parliamentary Private Secretary to the Treasury made available to us. It states:

“I strongly encourage any of your constituents affected by this issue to contact HMRC as soon as possible before 5 April. I have enclosed a factsheet on disguised remunerations, and further information on the support available from HMRC”.

It seems a bit of a stretch to get that information to constituents by tomorrow, although I appreciate the Treasury’s putting out that message.

HMRC’s website states that it is estimated that 75% of income from this policy will come from employers and 25% from individuals, and that so far, 85% of that money has been raised by employers. That is not entirely surprising, because employers are not in the same position as individuals, and it is much easier for them to come up with funds if they are presented with a bill by HMRC. It is the little people who are on the receiving end of this policy.

One of my constituents who is facing bankruptcy articulates the issue clearly:

“In short, HMRC got tired of going for the scheme providers because they knew how to deal with them and were always one step ahead of them...Due to their inability to get any perceived tax they feel they are owed out of them, they have now shifted the focus further down the chain to people like me.”

The Minister has received plaudits from across the House, and I hope that the steel in his position—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order.

2.28 pm

Mohammad Yasin (Bedford) (Lab): It is an honour to speak in this important debate. In January last year, Labour’s shadow Treasury Minister said of the impending deadline for people to pay the loan charge by April next year:

“We cannot let vulnerable people who have been exploited end up with massive tax debts hanging over their heads for many years to come. If we see bankruptcies, failing businesses, repossession and even suicide, that will be because this Government have not done the outreach needed and not invested in adequate training.”


I am sorry to say that on 1 April we heard that HMRC had reported itself to the police over the death of an individual who had been notified of a loan charge bill. It was the first time that HMRC had felt it had been given sufficient evidence to link a death to the loan charge. I do not know any details about the case and I do not want to speculate, but it was a tragic loss of life and a reminder to all of us of what is at stake.

Bambos Charalambous (Enfield, Southgate) (Lab): Some constituents have told me that they will be severely affected by the retrospective loan charge if it is rolled out tomorrow. It will have a devastating effect on them and their families. Does my hon. Friend agree that the charge should be halted and that a review should be set up to investigate HMRC’s actions?

Mohammad Yasin: I thank my hon. Friend for making that very important point. I entirely agree with him. It is very important that we make sure that people do not suffer because of this very unfair loan charge.

I have a number of constituents whose lives have been turned upside down by changes made three years ago to tax legislation for disguised remuneration schemes. On the face of it, I support the Government’s move to clamp down on tax avoidance schemes, but the way in which the loan charge has been handled is confusing and cruel, and seems less guided by principle than by rushing through a badly designed process to reclaim tax.

The director general for customer strategy and tax design at HMRC told the House of Lords Economic Affairs Finance Bill Sub-Committee in October 2018 that

“the loan legislation was put in place because it was just too much time and trouble for HMRC to exercise its pre-existing powers conferred by Parliament”.

Seema Malhotra: My hon. Friend is making a powerful speech. Some 100 people have been affected in my constituency. I am grateful to Mr Salotra and Mr Jhaj from Hounslow West who came to the rally yesterday. They highlighted the fact that families are under great strain and stress and that the situation is one of policy failure. Does my hon. Friend agree that inadequate research on and an inadequate impact analysis of the policy have also contributed to the pain and strain on people who thought they were doing—and who want to do—the right thing, and that a delay and review are not just the right thing to do, but the human thing to do?

Mohammad Yasin: I agree with my hon. Friend, who makes a very important point.

One of my constituents recently wrote to me:

“Essentially, we have legislation being enacted because HMRC find it too difficult or troublesome to follow the rules and yet they expect taxpayers to follow the rules.”

No one disputes that HMRC has a right to challenge companies and individuals who have participated in tax avoidance arrangements. However, Parliament gave HMRC powers to do so long before the loan charge legislation was proposed. Those powers have not been exercised, making a mockery of the existing legislation and denying taxpayers their legitimate right to have their dispute resolved by the courts.

Many have no idea whether the schemes their employers were getting them into were effective or defective. It is completely unfair to penalise those people, who are innocent, and not those who designed and enabled these complicated and vague structures. We must distinguish between those who entered into these arrangements
with their eyes open and those who were entered into them by their employers. The legislation has resulted in thousands of people accruing a tax debt that had not been invented when employers invested in good faith. If nothing changes, thousands of people will be made bankrupt, families will be destroyed and innocent people will have their lives ruined.

2.34 pm

Justine Greening (Putney) (Con): Like many other Members, I have a number of affected constituents. When one of them first came to see me in my surgery, I listened. It was a complex tax case and it soon became clear that the way in which it was being handled was genuinely not how I had been used to seeing things dealt with during my time as a Treasury Minister. I and many of my colleagues, including my next-door neighbour, the Minister for Health, my hon. Friend the Member for Wimbledon (Stephen Hammond), are right to raise our concerns, not least because of the very personal impact the issue is having on thousands of people around the country who have this hanging over them without anything being done to resolve the situation, other than those who represent them setting out how much of an impact it is having on their lives.

I have young constituents who are contractors and have been unwittingly caught up in this. They did all the right things, including asking their accountant and checking whether a QC had approved a scheme. An older gentleman who is in his 70s and clearly has no ability to go back into the workplace to even begin to recoup some of the money that HMRC is now claiming he should pay.

There are a number of issues, but in the end it comes down to how we in this House, and HMRC, look at the concept of fairness in taxation. I think that HMRC has simply got it wrong and is striking the wrong balance. I agree that the Financial Secretary is a talented Minister, but in the end it is these more challenging areas of policy that make or break a reputation, rather than the ability to do a brilliant job from day to day on turning around constituency casework where, as others have said, he is almost unparalleled in his assiduousness. I hope that he will use his talent to find a way through and to come up with a compromise to achieve a quick resolution.

The approach being taken circumvents taxpayer protections on time limits on HMRC inquiries, as many have said. The bottom line is that, overwhelmingly, people declared these arrangements transparently. They sent in their tax returns and, as has been said, some were given tax rebates. They were given no indication that HMRC was ever going to come back to those years.

Greg Hands (Chelsea and Fulham) (Con): I am also an ex-Treasury Minister and my right hon. Friend’s neighbour. Could she comment on the unusual nature of the situation? One of my constituents has had £300,000 assessed, so the average of £13,000 can mask some of the very large numbers involved.

Justine Greening: My right hon. Friend is absolutely right. One of my constituents has done their own estimate and they believe that this could cost them £230,000. They say: “I was first contacted by HMRC in 2013/14 about income from just the 2008-2010 tax years and having accepted my appeal letter to their enquiries I haven’t heard anything from them since. So 5 years on, I still have no clear idea what HMRC believes I owe them and the real justification for it.”

As they say: “Communication from HMRC has been inconsistent and sporadic at best. In addition”—

I will come on to this issue—

“HMRC does not appear to be targeting the companies who were (and in some cases still are) providing these tax planning schemes, but rather the individuals who used them. Sadly, there are still people joining these schemes today, unaware of the impact it is likely to have on them.”

HMRC’s approach to the loan charge has been punitive rather than proportionate. For some constituents it has essentially grouped up to 20 years of charges and lumped them into one big sum that they are now being asked to pay. [Interruption.]

With the sound of a leaky roof in the background—this has been an interesting week for other events happening while Members have been giving speeches—I will conclude by asking a really important question. What on earth is being done to tackle those promoting the schemes? They are the people who have, effectively—and, I believe, knowingly in many cases—mis-sold schemes, got rich off the back of them and left the people who took part in them to pick up the pieces.

Sir Peter Bottomley (Worthing West) (Con): Over 10 years ago, Roy Faichney and David Perrin—non-accountants in an accountants tax firm—were arrested and later convicted, but their clients were not told that HMRC might come after them 10 years later. That strikes me as grossly unfair and out of time.

Justine Greening: I think that is right, and it would be good if the Minister was clearer about how many schemes HMRC is aware of, how many are currently being tackled by HMRC, how many remain unaddressed, what penalties have been issued in relation to closing down such schemes, how much that has totted up to, and what action has been taken against the directors who pursued and promoted those schemes, often in the knowledge that they were not compliant with HMRC. Will they ever be barred from being directors in future? They are clearly reckless and, I think, not fit to be company directors. We need to send out a message across the industry that such behaviour is not acceptable, that lost revenue will be sought to be recouped from the businesses and companies promoting the schemes first—that they are the ones at risk—and that then, perhaps secondly, there will be more clear-cut rules for people to understand when they are putting themselves and their assets at risk by participating in such schemes.

It really is time that HMRC did all the people caught up unwittingly in this loan charge issue a favour, set out a sensible compromise that draws a line in the sand and enables them either, where they still owe money, to settle or, where not, to move on with their lives and get clarity as soon as possible.
Sir William Cash (Stone) (Con): On a point of order, Mr Deputy Speaker. I just wondered what was going on. Is it hot air that is escaping from in here?

Mr Deputy Speaker (Sir Lindsay Hoyle): Some might say that there is a leaky Parliament at the moment, so we will take it from there.

Justin Madders: I am sure that many Cabinet meetings have similar difficulties.

My constituent tells me that, having submitted his tax returns each year when he was working, they have never been queried. He states that, by doing that, HMRC has at the very least implicitly, if not explicitly, accepted that any moneys that he received in the form of a loan were just that. However, it is the retrospective nature and long reach of the loan charge that is so hard for him to accept. I understand that it has been claimed that HMRC has always said that these arrangements were unacceptable, but I have not seen anything prior to 2016 to suggest that that was the case.

When the Minister responds, can he say whether in future I should advise my constituents that they should no longer consider HMRC responses to tax returns to be final, that they can be reopened at any point and that any schemes registered with HMRC can be overturned decades in future? Can he also advise me whether any companies that made loans will be pursued for employer national insurance contributions? What if the company is no longer trading? Will the employees' national insurance records be updated?

I also want to say a few words about the human cost of all this. HMRC has admitted in response to freedom of information requests that no assessment was made of the likely number of taxpayer bankruptcies that will result from this charge, yet the official HMRC statement—

[Interruption.]

Mr Deputy Speaker: Order. No photographs.

Teresa Pearce: I wasn’t.

Mr Deputy Speaker: You were holding your phone up.

Justin Madders: I will carry on.

The HMRC statement says:

“The government anticipates that some of these individuals will become insolvent as a result.”

It also says that the measure

“is not expected to have a material impact on family formation, stability or breakdown.”

I find that statement unbelievable on two counts. First, it is unbelievable how little understanding or empathy there is for those facing bankruptcy. Anyone who has spent more than five minutes in the real world will know that individual insolvency has a massive impact on families. My other huge reservation about that statement is that it appears to say that no assessment has been made of the number of bankruptcies, yet it claims that there will be “some” insolvencies. If people have to be made bankrupt, I think we are all clear that something has gone terribly wrong.

Finally—and before we get the paddles out—I would like to ask the Government to think about what kind of message this whole mess is sending out to entrepreneurs, the people the Conservative party used to consider the
bedrock of its support. Under this Government, those people are being left with the distinct impression that HMRC is prioritising the recovery of tax revenue over justice by targeting individuals rather than the promoters of the schemes, many of whom still enjoy generous contracts with Government. They knew what they were doing but appear to have accepted no responsibility for their actions and faced no consequences. The suggestion that some public sector employers were insisting that the people paying the price now would only be employed if they agreed to accept the kind of contract that HMRC is now declaring unlawful is an outrage.

Several hon. Members rose—

Mr Deputy Speaker: Order. I am going to suspend the sitting, and the bells will ring two minutes before we restart. [Interruption.] No photographs, please.

2.48 pm
Sitting suspended.

ADJOURNMENT

Resolved, That this House do now adjourn.—(Craig Whittaker.)

3.12 pm
House adjourned.
Westminster Hall

Monday 25 March 2019

[Mr. Graham Brady in the Chair]

Knife Crime

4.30 pm

Mike Hill (Hartlepool) (Lab): I beg to move, That this House has considered e-petition 233926 relating to knife crime.

It is a pleasure to speak under your chairmanship, Sir Graham. The petition, which was created by Mr. John Perrins, has attracted 104,271 signatures and specifically calls for people “found with a knife to get 10 years and using a knife 25 years in prison.”

At the outset, I would like to pay my respects to all the victims of knife crime and their grieving families. As we know from the tragic murders of 17-year-old Jodie Chesney in London and 17-year-old Yousef Makki in Manchester, the victims more often than not are younger people, and knife crime is often associated with that demographic. I would also like to take this opportunity to pay my respects to the family of Kelly Franklin, who was stabbed to death aged just 29 on 3 August last year in Hartlepool.

The Government responded to the petition on 14 March, stating in particular: “Conviction of a knife or offensive weapon offence—threatening or possession—is now more likely to result in some form of custodial sentence, and for longer than at any point in the last ten years.”

They went on:

“In 2015, we introduced minimum custodial sentences for repeat knife possession and offences that involve threatening with a weapon. Adults face a maximum of 6 months’ imprisonment whilst young people aged 16 or 17 face a minimum 4 month Detention and Training Order. Since the introduction of the minimum custodial term people caught carrying a knife or offensive weapon for a second time are now more likely than ever before to receive a custodial sentence for repeat possession offences. These offences carry maximum terms of 4 years’ imprisonment.”

The knife crime statistics for this year alone speak volumes. We are only in March, yet those statistics show there have been 39 fatal stabbings in Britain since the beginning of the year. Since last Friday there have been three more, including of another 17-year-old.

Ruth Cadbury (Brentford and Isleworth) (Lab): I thank my hon. Friend for introducing the debate and I congratulate John Perrins on organising the petition, as well as all those who signed it. A 17-year-old died in my constituency on Friday night after a spike in violent attacks in Isleworth. Does my hon. Friend agree that, although there may be a place for stronger sentences, there is a lot that all agencies can do, and funding is needed for schools, youth provision, police support and so on?

Mike Hill: I absolutely agree, and I will come to those points later.

Ministry of Justice figures released recently show that 21,484 people, including 4,686 here in the capital, were prosecuted or cautioned for knife offences in England and Wales last year. That is 2,000 up on 2016, 5,000 more than in 2013, and the highest number of arrests and prosecutions since 2009. No wonder people are beginning to describe the situation as an epidemic.

Whether or not they agree with that description, the Government have had to concede that there is a problem. Less than two weeks ago, in his spring statement, the Chancellor announced that the Government will award police forces an extra £100 million over the next year to pay for overtime and to support reductions in knife crime and violent crime.

Janet Daby (Lewisham East) (Lab): I thank my hon. Friend for giving way; he is making a significant start to the debate. Does he agree that, although investment in the police is good and well meaning, we need investment in other areas, such as youth services, schools and councils? We also need to invest in building relationships with parents and in working with them and their young people.

Mike Hill: I absolutely agree. In fact, part of the Petitions Committee system is outreach work, and on Friday last we went to a school in Hartlepool, where the young people repeated much of that argument.

Many will agree that that £100 million is too little, too late and compare it with the £2.7 billion that has been taken out of the policing system since 2010, but any money targeted at tackling and preventing knife crime is welcome. For the record, my police force, Cleveland police, has had its number of police officers reduced by 300-a 37% reduction in staffing, following cuts of £25.5 million since 2010. The Prime Minister may be of the opinion that there is no correlation between police cuts and knife crime, but senior figures in the policing community, such as Cressida Dick, disagree. Considering that officer ranks have depleted by 20,000 across England, small wonder that people make that link.

The net effect of policing cuts was writ large when my constituency became the focus of a BBC film, which was broadcast on the national news, exposing that, in a town with a population of 92,028 at the last census, only 10 police officers were on duty on a Saturday night. Such a lack of visible police on the streets has resulted in our communities feeling less safe and more under threat. There is a real perception that crime will rise unless the police are better resourced. Cleveland police saw an increase in cautions and convictions for knife crime last year, and there has been a 4% rise since 2015. The police and crime commissioner, Barry Coppinger, is doing excellent work on crime prevention and intervention, but without the necessary resources he is swimming against the tide.

There truly is an argument not only for resourcing the police better but for increasing the tariff on custodial sentences. Clearly, in the mind of the public, current tariffs are not sufficient to act as a deterrent to criminals. The petition reflects that. The fact that the maximum penalty of four years applies only to reoffenders and not to first offenders is deeply worrying.

Neil Coyle (Bermondsey and Old Southwark) (Lab): I congratulate my hon. Friend on introducing the debate so well. It is a pleasure to serve under your chairmanship, Sir Graham. Families in my constituency who have
suffered the tragedy of losing a loved one to knife crime say witnesses have not come forward as a direct result of their lack of confidence that those who committed the crime will receive lengthy convictions. Does my hon. Friend agree that the aims behind the petition would help address that concern by delivering longer sentences, encouraging witnesses to come forward and increasing the chances of securing prosecutions overall?

Mike Hill: I absolutely agree. If anything, the petition opens up a debate about that whole subject, including prevention.

The petitioners’ call for mandatory tariffs of 10 years for possession and 25 years for the use of a knife may be seen as excessive, but there can be no doubt that, in the mind of the general public, the courts need to play their part in preventing the proliferation of knife-related criminal activity and, frankly, the murders that occur on our streets day in, day out.

Sarah Jones (Croydon Central) (Lab): I congratulate my hon. Friend on his very good speech. I completely understand the public’s feeling that there should be longer sentences—I have heard that many times—but in 2015 the Government introduced a two-strikes policy, which means anyone over 18 who is caught twice gets a minimum six-month jail term. Despite that change, knife crime has rocketed. The number of people who are imprisoned for knife offences has increased at exactly the same rate as the number of people who commit knife offences, so that has had no deterrent impact at all.

Mike Hill: I agree and I thank my hon. Friend for her contribution as chair of the all-party parliamentary group on knife crime. She is correct that we need to find some real solutions. To go back to my earlier point, the demographic of those involved in the increase in knife crime tends to be those who are under 18. There needs to be a rethink about custodial and preventive measures.

Marsha De Cordova (Battersea) (Lab): I congratulate my hon. Friend—you are making an incredible and impactful speech. We are talking about harsher sentences, but does he agree that they do not always act as a deterrent? We need to focus on more of the drivers that lead our young people into a life of crime, including sheer desperation, pressure or other factors. Prevention is key when we look at those drivers.

Mike Hill: I thank my hon. Friend for her contribution and again I thank the young students at English Martyrs School in Hartlepool. They came out with exactly the same argument, mentioning the lack of youth services and poor mental health support. Young girls, two of whom had witnessed the display of knives in Hartlepool, were concerned about sexual assault as well as the use of weapons. Yes, you are absolutely right that we need to focus on those areas of prevention and gain an understanding of exactly where this problem has arisen.

I pay tribute to the staff of the Petitions Committee, who have engaged in educational and outreach work around the subject. As I have mentioned twice already, I also thank the students from the English Martyrs School in Hartlepool for their input and for adding their voices and opinions to the debate.

Sir Graham Brady (in the Chair): May I remind Members that they should address each other in the third person? Anybody who says “you” is talking to me, and I do not think that was what was intended.
about this kind of crime in city centres, but in areas like ours we are not used to it. It has come as a terrible shock that these crimes are coming out as far as areas like ours, and indeed further afield.

Such is the desperation felt that people from across Havering have established a community group called Take a Knife, Save a Life. They are a completely independent group of local people who are now patrolling the streets and local parks, talking to young people, spending time with them, trying to understand what is in their minds and giving them the opportunity to anonymously hand over any knives or offensive weapons. That shows how people are desperate to do something. There is not the police cover that we want or expect, so people are taking things into their own hands in a law abiding way.

Some people may think this is dangerous, but it is no longer sufficient to merely request that the public be more vigilant. More work must be done to tackle these criminals, who simply have no respect for the law, authority or the communities in which they live. It is an issue not just of funding and numbers, but of police policy. Most people in my constituency favour a much more robust approach to dealing with violent criminals. We now have gang culture and youths coming from outside Havering, causing fear on the streets. It has got to the point where the Metropolitan police violence reduction unit will have to come to Havering, as confirmed by my recent meeting with Sophie Linden, the Deputy Mayor for Policing and Crime.

I am glad that the Government’s push for knife crime prevention orders is taking place and I believe that the serious violence strategy is a step in the right direction, but we need a collective effort across London. It is no good just blaming the Mayor of London—I can criticise him, but I am not going to do so today, because this is good just blaming the Mayor of London—I can criticise him, but we need a collective effort across London. It is no good just blaming the Mayor of London—I can criticise him, but we need a collective effort across London. It is no good just blaming the Mayor of London—I can criticise him, but we need a collective effort across London. It is no good just blaming the Mayor of London—I can criticise him, but we need a collective effort across London. It is no good just blaming the Mayor of London—I can criticise him, but we need a collective effort across London. 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go down that route. I said, “Well, can Havering be an experiment, at least?” She did not agree, so I am disappointed, but we need to look at ways to channel resources to the best possible effect.

Sarah Jones: I agree that we need to look across politics to find the solutions. I just want to ask the hon. Gentleman to consider what organisations say about knife crime prevention orders. There is great concern among magistrates, lawyers, youth offending teams and a lot of charities. In fact, I have not found a single organisation that thinks the orders are a good thing—that they could be a replacement for antisocial behaviour orders, which the Prime Minister got rid of when she was Home Secretary. Actually, they will not work, and we could end up putting 12-year-olds who had committed no crime in prison. I agree with the intent, but will the hon. Gentleman look at the detail, and at the question whether more work is needed before the orders are brought to our streets?

Andrew Rosindell: Absolutely. I will certainly do that, but I am sure that the Minister could respond in his closing remarks. It is important that whatever mechanism we use is effective, not counterproductive. We all need to consider that.

I want to highlight the great success of the Police Scotland violence reduction unit, which has halved the murder rate in a 10-year period. Members will know that it worked closely with partners such as the NHS, education and social workers. However, its work went ahead in conjunction with a no-nonsense approach to education and social workers. However, its work went ahead in conjunction with a no-nonsense approach to those who crossed the line. I think that is what we need. I hope that we can replicate that in Greater London.

Low-level offences must be policed proactively, to challenge the culture of criminality and antisocial behaviour. That is why supporting the police is not just about resourcing. It is also about making sure they have the powers to get on with the job and be effective on the ground. I get deeply worried, as I am sure other hon. Members do, when I hear from constituents that they believe low-level crime such as shoplifting and burglary no longer gets taken as seriously as it should by the police. The Offensive Weapons Bill, which was introduced last year, will make it harder for young people to buy knives and acid online, and that is good. However, the public are wary of legislation that gives a tough narrative but leads to minimal action against violent offenders. In some cases, the problem is due to coercion, bullying and threats, which lead some young people to get involved in carrying knives. Does he agree?

Andrew Rosindell: I could not agree more. That is the route into much of the crime. There is a drug and gang culture. We see that across London, and although the right hon. Gentleman is not a London MP, I am sure similar cultures are building up in other parts of the country. As I said on the London section of “Daily Politics”, we have to crush that culture, no matter what community, town or borough we come from. If young people get into that culture, that leads to violence and ruins lives. We need to get underneath the problem and ensure that it is curtailed and stopped.

Although I hope that the serious violence strategy will deliver on its promise to provide more funds for such activities, we must provide legal powers to tackle this issue. The policies we put in place for knife crime prevention must not simply paper over the cracks.

I frequently request updates from my local police on Operation Venice, the operation launched to tackle moped-related crime. Naturally, I sought clarification on whether it was true that police were not giving chase to suspects on two-wheeled vehicles. I received countless reports from my constituents that the police were not being allowed to do their job and apprehend those hooligans.

I must tell the Minister that I was dumbfounded by the blame game that ensued. The Government said that guidance is provided by the College of Policing, yet police on the ground simply did not have comfort in the protections given to them. Eventually sense prevailed, and last November saw a massive crackdown on moped thieves, who were regularly threatening innocent people. Alongside the new confidence given to the police in using tactical contacts, the media covered the new approach widely. The result is that we have now seen moped-enabled crimes in the capital fall by 47% in the space of a few months.

A strategy such as that shows that we can tackle crime; where it is evolving and getting out of control, a strategy can be put in place and crime can be knocked on the head. A similar, much more radical strategy is needed to tackle knife crime in London.

Janet Daby: When we talk about knife crime among young people, we are talking about people who are often quite vulnerable. One of the things the hon. Gentleman mentioned was getting underneath the problem. In some cases, the problem is due to coercion, bullying and threats, which lead some young people to get involved in carrying knives. Does he agree?

Andrew Rosindell: I agree. There needs to be a restoration of police in schools; there are still police going into schools, but nothing like so many as there used to be. That has been reduced. Stop and search is also something that my constituents and I fully support. I do not think that any law-abiding person need fear. We all get stopped and searched at the airport, and members of the public are stopped and searched when they come in here. When we are seeing knife crime in our communities I think that, provided the police show respect and do it in a way that does not offend people—I am sure they are able to—that can be found and confiscated, which will make our communities safer.
Neil Coyle: I am glad to hear the hon. Gentleman’s support for Operation Venice, which has had incredible results in my constituency as well, and I totally support his call for greater action on this issue across the board. The Prime Minister suggested last week that Brexit was blocking Parliament from taking action on NHS, education and knife crime issues. Does he agree that that premise is unacceptable? It is not an either/or for any Government; knife crime must be acted on. Having met with the Prime Minister, as he has already outlined, when does he expect further action?

Andrew Rosindell: I cannot speak for the Prime Minister, although I am sure the Minister will be able to speak for the Government later, but whatever is going on with Brexit cannot be an excuse for doing nothing on knife crime. It does not necessarily require legislation; it requires strategies, more resources and communities working together, so a lot can be done without necessarily having to pass new laws. However, in this instance, we are talking about increasing the penalties for carrying and using a knife, and I am totally in favour of that.

I can tell hon. Members that there is not a single constituent in my area—I am sure my hon. Friend the Member for Hornchurch and Upminster will have had the same experience—who feels the current penalties are sufficient. They want to see much tougher action, much stricter penalties and a real deterrent, so that people fear being caught, apprehended and imprisoned for a long time if they carry and use a knife.

Returning to my comments, stopping low-level disorder and petty crime helps to curtail the invitation to more serious crime, which is why I hope that knife crime prevention orders will help. Yet we must not turn away from difficult questions. My constituents are particularly fortunate that Havering starts from a base of historically low crime, and they want to keep it that way. As legislators, we cannot throw money at a problem and expect that that will solve everything, that no questions need be asked and no reforms are required. That is simply not the answer; more needs to be done.

We must smash the myth on some estates that carrying a knife is a normal thing to do, and we should take a long hard look at compulsory custodial sentences for knife crimes. I hope the Minister will address that later. Law-abiding citizens, fearful for their children when they walk home from school or simply relax in a park with their friends, are sick of seeing soft sentencing for knife offenders.

I therefore call on the Government urgently to consider a minimum custodial sentence for a knife or offensive weapon offence. What do we say to the parent of a victim who is in despair at the cautions handed down to the perpetrators of these horrifying crimes? How have we arrived at the stage where a man who tries to smash a car window and attack an individual with a huge zombie knife in broad daylight is given a suspended sentence? The Minister needs to ask himself how that kind of sentence can be justified. The decision was only overturned after public outrage, when appeal judges replaced that notoriously lenient sentence with jail time.

Legislators and the courts are at real risk of becoming detached from public opinion on what is fast becoming a national crisis. We in this place have a duty to ensure that an effective deterrent exists to combat this evil culture, and to do everything in our power to prevent more young people from being slaughtered in our communities. We must now take action and, in so doing, honour the memory of Jodie Chesney.

Vernon Coaker (Gedling) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham. I congratulate my hon. Friend the Member for Hartlepool (Mike Hill) on his introduction to the debate.

I will start with this and get it out of the way: there is an issue with police resources and numbers of police, and there is an issue with the cuts there have been to local authority services and youth services. We will leave that for another day, but I do not want people to forget it, because there is a debate to be had. On neighbourhood policing, I say gently to the hon. Member for Romford (Andrew Rosindell) that there used to be huge numbers of neighbourhood and community police officers, backed by police staff, and that that made a huge difference.

In order to try to take this forward from where we are, and as my hon. Friend and other hon. Members will have heard me say countless times over the past few months, I say to the Minister that this is a national crisis. It is a national emergency. If it were any other type of national emergency, irrespective of what else was going on, the Prime Minister or the Home Secretary or the Secretary of State for Justice would be in the House of Commons at the Dispatch Box day after day after day, outlining what had happened and what the Government were doing about it.

That is why I called a few weeks ago for knife crime to be treated like terrorism—not to underestimate terrorism or decry the importance of dealing with it, but to give that sense of urgency. Instead, frankly, we drift on. As my hon. Friend the Member for Bermondsey and Old Southwark (Neil Coyle) alluded to, the Prime Minister promised a knife crime summit nearly three weeks ago at the Dispatch Box. We are now told that one will take place sometime next week. I say to every hon. Member present that, in the face of a national emergency, a month’s delay—as it will be by then—is simply and utterly unacceptable and will be bewildering to the people of this country.

Virtually certainly, three or four times a week, not just in London but across the country, people are killed, horrifically, and we have to do something about it. We have to speak up and speak out about it more. It is absolutely astonishing that the House of Commons Chamber does not reverberate with the roar of MPs demanding action from the Government. The Government will say, “We are doing this, we are doing that,” but—as was certainly said by my hon. Friend the Member for Hartlepool and I think by the hon. Member for Romford—where is the urgency? Where is the passion? Where is the anger? Where is the desire to get a hold of this? The public do not see that, and I do not feel it.

People say it is ridiculous, but I have said, as did former Prime Minister Tony Blair this morning, that Cobra should meet because, irrespective of resources, cross-Government co-ordination is lacking. I will say something about sentencing in a minute to illustrate what I mean. Solving this is not only about police numbers—that is ridiculous—but a long-term public health plan will not prevent somebody from being stabbed tonight. Increased police resources and an increased police presence on the ground will stop that. That is not
[Vernon Coaker]

the overall answer of course, but that is where we have to go in the short term—the increase that the Chancellor announced will help.

The Government’s evidence in the serious violence strategy and the leaked Home Office memo—I know that the Minister is a Justice Minister—show that hotspot policing reduces knife crime. That is evidentially based. It also does not displace that crime to nearby areas; it stops the crime, because it tackles the people who commit those offences. Am I saying, “Lock them up and throw the key away?” Of course not. All I am saying is that we have lost control and there is no short-term alternative. Where are the intervention and prevention measures that were there before? Where have the youth clubs gone? Where are the street workers?

The hon. Member for Romford is right: when I was the Policing Minister, the most effective people on the street, alongside police officers, were street pastors, and particularly the older ones. There are countless examples. They stop stupid incidents outside shops or in precincts, when there are issues between stupid kids and their stupid gangs. Somebody might look at somebody else, or bump into their bike—for Christ’s sake—and get stabbed. The street pastors get involved and prevent that. That sounds almost pathetic in the face of the huge rises in knife crime, but it actually works and makes a difference.

I will come to sentencing, but I would love the Minister to say that he and the Justice Department recognise that the Government have to more effectively co-ordinate what happens across Government rather than there being individual, compartmentalised elements. I hope the Minister brings the urgency I have seen in his reflecting on other things to dealing with this problem.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): My hon. Friend speaks with his normal passion and insight. He is right on exclusions from school and young people disappearing, but there is another problem. When some youngsters are sent to alternative provision because they are too much of a nuisance in school, some of it is very good, but some of it is nothing more than poor childminding. We need to urgently look at alternative provision.

Vernon Coaker: I absolutely agree. The Minister will know, because his Department will report to him, that some of the alternatives to prison or custodial sentences are rubbish, but other alternatives are brilliant. If we know what works, why are we not replicating it instead of the Justice Department funding alternative provision outside some schools or inside others? Why do we not replicate those things that work and that prevent young people who have been excluded from school from getting involved? I know that this is not a fashionable thing to say in a time of localism. Localism is absolutely right, but sometimes the Government have to pick it up and drive it. This is one area in which they should drive it forward.

Mr Howarth: My hon. Friend speaks with his normal passion and insight. He is right on exclusions from school and young people disappearing, but there is another problem. When some youngsters are sent to alternative provision because they are too much of a nuisance in school, some of it is very good, but some of it is nothing more than poor childminding. We need to urgently look at alternative provision.

All Governments, including the last Labour Government, write into every bit of legislation that courts have discretion to look at circumstances, but that is the bit of the mandatory sentencing guidelines that nobody reads. I am appalled by repeat cautioning and the fact that the courts seem in many instances to fail to act on persistent offending. However, even I can see that, if somebody stuffs a knife in the pocket of an idiotic 12-year-old lad but he cannot prove it, we have to let the court try to find out whether he deliberately carried the knife or whether somebody had put it on him, or had threatened to beat him up unless he took it. We have to be careful about saying that, in every single circumstance and in every single case, the first time a pathetic girl or boy—that is what they are—carries a knife, they should be jailed forever and the key should be thrown away. I do not accept the inability of the state or the Government to explain that to people. Everybody says, “We’re going to be tough. We’re going to have mandatory sentencing. We’re going to lock all of them up.” Of course, that does not happen, because rightly in a democracy we have the legal system and the independence of the judiciary. The judiciary, including any of us if we were
magistrates, would look at the circumstances of an individual case and say that in that instance they do not want to send the person to a place like that described by my right hon. Friend the Member for Knowsley (Mr Howarth), because they deserve a chance.

There are not many people in our Parliament who would not allow the courts discretion, but I say to the Minister—again, the Government should be shouting this—that he should explain that and tell people. He should not hide behind harsh rhetoric. He should do what I have just done and explain that, even in a national emergency—a knife crime epidemic—there will be circumstances in which the courts will want to exercise discretion. The Minister no doubt has that in the notes for his speech at the conclusion of the debate.

The legislation talks about mandatory sentencing except in exceptional circumstances. What does that mean? The Minister is brandishing the guidelines at us, but they are not interpreted across the judicial system in a fair and consistent way. That drives people mad—it drives me mad—and undermines the system. Alongside all the things that I have discussed, the sentencing by the courts is crucial. There has to be an expectation that people are jailed, whether they be young children, older children or adults, but there has to be more consistency. Figures were given by the hon. Member for Romford. It cannot be right that huge numbers of people are being cautioned again and again. It cannot be right that between different courts some people are going to jail and others are not. It cannot be right that nobody among the public properly understands what “exceptional circumstances” means—no Minister has properly gone out there to articulate and explain it. This Minister will have an opportunity to do that when he winds up the debate.

Mrs Hodgson: I am grateful to my hon. Friend for giving way again. When I was chair of the all-party parliamentary group on basketball, we did an inquiry into how basketball could be harnessed as a sport that appeals to certain demographics. It attracts a high number of inner-city and black, Asian and minority ethnic participants. Basketball could be used as a sentencing tool. That might seem a crazy idea, but evidence was given by police and crime commissioners in Leicester and in one of the London boroughs—I think it was Newham—which were using things such as basketball to sentence some of the young people who were at risk of being the ones to get into knife crime. They were looking for alternative provision, and basketball was one of the things that it was deemed would work, so much so that, in the London Borough of Newham there is an initiative called “Carry a Ball, not a Blade”. Does my hon. Friend think that more initiatives such as that should be looked at as a means of prevention in sentencing?

Vernon Coaker: I absolutely do think that more initiatives such as that should be introduced.

Let me finish with a personal account. I have been an MP for nearly 22 years. Before becoming an MP, I taught for 20 years, mainly in inner-city schools in Nottingham. They had the challenges that anybody here could recount. Much of the time, when I started teaching, it was possible for somebody to choose where they went. It was possible to say, “I would like to go here,” and I always said that I wanted to teach in an inner-city school. Some people stereotype me—for good reason or not—but talking in the way I do helped in Nottingham. This is a point for the Government. When we went there to raise standards—without being arrogant, in all the schools I worked at, we raised standards—we did certain things. Among the things that we put in place was certainty that, if someone broke the rules, there would be a consequence. It was not a case of locking somebody up and throwing away the key, but people knew that there would be a consequence.

There was a lot of the alternative provision to which my hon. Friend the Member for Washington and Sunderland West has referred. I was the harshest disciplinarian in the school. I was not going to have people coming in who were not in uniform. People may laugh about it, but the truth is that out on our streets the police need to ensure the same certainty. Alongside that we need the sort of provision that my hon. Friend has talked about and opportunities for young people to get work, to have social mobility and to prosper. That is what will stop knife crime. I say again to the Minister that this is a national crisis and a national emergency, and the Government simply have to treat it as such by co-ordinating and driving forward change, rather than just making a series of compartmentalised, well-intentioned announcements that do not have the passion, drive and enthusiasm needed to effect change in the country.

5.26 pm

Julia Lopez (Hornchurch and Upminster) (Con): It is a pleasure to serve under your chairmanship, Sir Graham. I am grateful for the opportunity to speak in this vital debate, which was secured by the hon. Member for Hartlepool (Mike Hill) and which is derived from the public outrage and utter despair about what is happening to young people on our streets and the intense worry felt by parents. I entirely echo the passionate view expressed by the hon. Member for Gedling (Vernon Coaker) that this is nothing short of a national emergency.

It is perhaps no surprise that my constituency topped the signature count for this petition, with the other two Havering constituencies not far behind. Three weeks ago, Hornchurch and Upminster saw the brutal and utterly senseless murder of 17-year-old Jodie Chesney in a Harold Hill park. We have heard this afternoon from my hon. Friend the Member for Romford (Andrew Rosindell) just how badly that has affected the community. The community response to Jodie’s murder has been profound, with marches and memorials, purple ribbons tied to trees, railings and lampposts in tribute to her, and a community vigil in Harold Hill. There has also been practical action, whether through support for a stronger Harold Hill street watch team or new initiatives such as the “Take a Knife, Save a Life” campaign, which seeks to collect weapons from the streets.

Havering remains, as we have heard, a comparatively low-crime borough. That partly explains the shock and utter outrage at Jodie’s murder. However, that kind of incident feeds into concerns that the kind of crime that we may once have associated with inner boroughs is seeping into the capital’s further reaches. I know that we were all hugely disheartened and worried by the fact that only last week in the Harold Hill area a young man was chased down a road and stabbed.

If young people begin to feel unsafe, the temptation only increases for them to carry a weapon too, so it is important not to let such perceptions escalate. On Friday,
I met Rachel Grimwood, who works on alternative provision in schools. She showed me photographs of the kinds of weapon that children are bringing into local schools; many are concealed as pens, hairbrushes and so on. That is creating such fear among the local school community. She also talked to me about how young people are being coerced into crime, which feeds into the whole idea of whether it is right immediately to issue a sentence when a lot of young people are finding themselves in very frightening situations in which they are being threatened with violence if they do not also engage in criminal activity.

It is no use quoting statistics at communities about comparatively low crime rates. These kinds of incident reverberate because of their severity and they lead to a particularly rapid loss of confidence in law and order in suburban areas. I think it is a tragedy that the Conservative party is losing people’s confidence in that respect.

I have been an MP not much longer than 18 months, but I have already met two parents who have lost a child to knife violence. Jamil Sarki from Hornchurch was murdered in January 2018. He suffered a fatal stab wound to his heart after accompanying a friend to recover money lost from a scam. He was a beautiful young man, an engineering graduate from a good family, with so much promise and so much life uniled. Jamil lost his life not in our borough but in Welwyn Garden City, and his case highlights the issue of the support levels available to families who are not connected into the community and systems of the area in which their child’s murder took place.

Today’s debate is fundamentally about the sentencing for carrying knives, however, and new sentencing guidelines brought in over the summer are expected to lead to more people going to jail for carrying knives, even though average sentences for such a crime have already been going up. There is a mandatory minimum sentence of six months’ imprisonment for an adult or four months for a young person if someone is convicted of a second bladed article offence, but if an offender is convicted of threatening with a bladed article, there is a prison sentence straightaway even if it is a first offence. The jail sentence can go up to a maximum of four years. As we have heard, the Government are bringing in new knife crime prevention orders, which are meant to give the police more tools in the fight, such as curfews, geographical restrictions and mandatory knife crime courses. However, I accept the need for caution as the orders are rolled out to ensure that they are a new solution rather than a new problem.

Many of my constituents want a far tougher regime, because they have lost confidence in the deterrent effect of the existing sentences. I appreciate that the Home Office and the Ministry of Justice may have concerns about getting the balance right, to give people a last chance to step away from crime and the criminal justice system. I would appreciate it if the Minister told us what has been done to review that balance, given that knife crime statistics are going in the wrong direction, and what intensive work is being carried out with young people who are caught for the first time carrying a blade.

In a previous debate on knife crime, I raised my concerns about referrals to youth offending teams—I have written to the Minister about that as well—and whether the young criminals who are sent down that route have any fear of it. I am keen to get the Minister’s comments on whether the effectiveness of YOTs is under review. I know from shoplifting that my constituency that all too many young people are now going into their stores with a complete sense of omnipotence when it comes to intimidating people, shoplifting and then mugging people on the streets.

Beyond sentencing, we must accept that there is an issue of resource and attitude, which is why I have focused on trying to secure additional police funding for the Met. Policing has become a much more complex activity over the past decade, with officers asked to carry out a much broader range of activities, as gangs’ business models adapt rapidly with technological change. Following private meetings with the Prime Minister and the Home Secretary, we have secured extra money for the Met, and the Chancellor has recently added an extra £100 million for knife crime since Jodie’s murder. That resource is welcome, and it is already making an impact, but we now need to see much more consistency in that funding, so that officers can plan much further into the future.

Constituents will always want more bobbies on the beat, and they are absolutely vital in gathering critical intelligence through the building of trust. However, we also need to ensure that the resource is going into the right places. I see it as equally important that we have officers who can work on collecting evidence and securing safe convictions. I noted the important intervention by the hon. Member for Bermondsey and Old Southwark (Neil Coyle) in that regard. Witnesses need to be confident that trials in which they testify will lead to convictions.

We also need to ensure that we are building robust cases against criminals much higher up the food chain who are ruthlessly exploiting young people as an expendable resource. Similarly, the police cannot be expected to plug gaps in other services, so the resourcing of social and children’s services is critical in stemming a young person’s descent into crime. However, as I have said before in this House, that resource must be accompanied by leadership at every level, to ensure that extra cash is directed in the right way and bolstered by a sense of political focus, which gives the police and all other agencies the confidence to use the full range of their powers. I asked about that directly in Prime Minister’s questions recently. I would be grateful for an update from the Minister on the knife crime summit that was committed to.

I do not seek to be partisan, so I will ask the same of the Mayor of London. The mayoral system was designed, in part, to bring greater democratic accountability to issues such as policing, and to provide drive, co-ordination and focus on performance when required. I appreciate that the Mayor is concerned about policing budgets, but I would also like to hear from him how he is articulating to Londoners what he is doing with his budget, and what his strategy is to change the weather on these issues.

When it comes to leadership and attitude, the police need to know that they are supported. In Havering, we are deploying greater use of stop and search, as well as facial recognition technology in our urban centres. However, there also needs to be a political focus on pulling all parts of the system together and making them talk to one another. From my work in the borough, it is clear
that councillors, policing teams, charities, community members and churchgoers are all doing fantastic work on school exclusions, family breakdowns and flagging at-risk youngsters.

Most recently, I met Hornchurch-based charities Say It With Your Chest and You and Me Counselling, which focus respectively on excluded children, and on parents who feel at a loss as to how to best handle their disruptive children. We need to ensure that such work is directed into a broader local strategy to ensure that it is not just piecemeal or overlapping with existing initiatives. Council consultation on youth violence, for instance, will carry much less weight if it is not engaging with the right people and the right young people in the area who are most affected by it. Those charities with a presence on the ground are much more likely to be able to identify and relate to those children.

When I carry out school visits I am struck by the consistency with which mental health is brought up as an issue. Young people are struggling to understand their purpose, worth and value. That is often derived from a negative family and home environment, and fuelled by a lack of belonging or greater community around them. That is why they are so often vulnerable to a gang structure, where they get sucked into a spiral of negative activity. I recently met one of our Harold Hill councilors, who herself experienced that sense of dislocation during her school years. She highlighted to me the need for engagement programmes that are relevant to the particular communities that they are trying to plug into. For instance, she was British-Nigerian, and she said that it is much more effective if people from those communities are talking to those communities, rather than having that sense of somebody trying to interfere from the outside.

Nobody should pretend that these issues are easy to solve, because they are not. After all, the perversive sense of entitlement that allows someone to see it as their right to take someone’s life in a brutal way, such as with the murder of Jodie Chesney, betrays a complete absence of values, decency and human empathy. However, we need to accept that we put a lot of people in prison and the proportion of people who are being sent to prison for knife offences had doubled in recent years? We lock up more people than any other European country. About 400 children are serving life sentences or sentences of more than 14 years in this country, compared with just two children serving life sentences in the rest of the EU combined.

The paper is completely right to describe the situation in the west midlands as a knife crime epidemic, with the number of cases up 20% over the last year. The points made by my hon. Friend the Member for Gedling (Vernon Coaker) are completely right, of course, but how can it be the case that criminals are being spared jail despite committing dozens of offences? According to media reports this week, a 34 year old offender was convicted 21 times for possession of a knife without being sent to prison and another committed 33 assaults before eventually being jailed for the 34th.

West Midlands Chief Constable Dave Thompson has declared knife crime across the region an “emergency”. He has implemented extensive stop-and-search powers in Birmingham following a spate of fatal stabbings. The force said that it had stopped and searched 408 people using its new powers over four days earlier this month, arresting 24 people and seizing 14 weapons.

Sarah Jones: My hon. Friend is highlighting the situation in the west midlands. Does he agree that the proportion of people who are being sent to prison for knife offences had doubled in recent years? We lock up more people than any other European country. About 400 children are serving life sentences or sentences of more than 14 years in this country, compared with just two children serving life sentences in the rest of the EU combined. Although I absolutely understand my hon. Friend’s point and his frustration, at a national level we need to accept that we put a lot of people in prison and so should carefully consider whether we increase that number.

Ian Austin: I commend my hon. Friend for her work with the all-party group. I understand her point but, in the end, if someone has been caught with a knife 21 times, or has been convicted of 33 assaults, I think they should be in prison. Frankly, as I will talk more about in a minute, there should be strong sentences and tough deterrents. Of course, we also have to have all those other things going on in society to prevent people from being sucked into crime, as she has talked about in the all-party group and I will go on to talk about as well.

When people use knives and behave violently there should be tough sentences. Society needs to send out a strong message that that is completely unacceptable. Although the number of people being imprisoned might have gone up recently, it is fair to say that it certainly fell in the previous few years under this Government.
According to Ministry of Justice figures, 1,182 people were cautioned or convicted by the West Midlands police for the possession of a knife or offensive weapon in 2018, but just 347—29%—went to prison. That represents a 7% drop on the previous year and is under the national average. Across the region, 326 knife criminals were handed a community order, 256 were given a suspended sentence and a further 99 were fined or discharged from court without a sentence.

One in four criminals cautioned or convicted were children. It is a tragedy that children are going out with knives.

The Minister of State, Ministry of Justice (Rory Stewart):
For the record, we have gone from approximately 40,000 people in prison in 1995 to 82,000 people in prison now. In that period, the British population grew by about 15%, but the number of people in prison doubled. We have one of the highest incarceration rates in the world, so we have to be cautious about the idea that we are somehow soft on justice in this country.

Ian Austin: I am sure the Minister will quote all sorts of figures as to why the knife crime epidemic is not the Government’s fault, is not the result of not sending enough people to prison, and is not because they have not kept the promises they made before they were elected eight or nine years ago—I will come to that. It is all well and good for the Government to claim that people caught with a knife are more likely to be jailed now than at any time in the last 10 years, but that is because the number of people being jailed fell after they came to power almost 10 years ago, despite all the promises they made so loudly and frequently in when they were in opposition. The promise was clear: anyone caught carrying a knife would go to jail.

In 2008, the then leader of the Conservative party gave an interview to The Sun, which said that: “anyone caught carrying a knife will be jailed under a Tory Government, David Cameron vows today. The Conservative leader declares automatic jail terms for carrying a dangerous knife is the only way of smashing the current epidemic gripping broken Britain”.

He repeated the pledge to relatives of high-profile victims, such as the father of Damilola Taylor and the former EastEnders star, Brooke Kinsella, whose brother was tragically murdered. The police and crime commissioner for the west Midlands says that the courts are still failing to hand out sentences that reflect the public’s demands for justice after criminals have been arrested and charged.

Despite a lengthy police investigation and a court case, nobody has been convicted for the death of Ryan Passey, the young man I mentioned earlier who was tragically killed on a night out in Stourbridge. That is a source of huge public concern in Dudley and the Black Country, and there has been a big campaign by his family and friends. Will the Minister meet me and the hon. Member for Stourbridge (Margot James), with whom I have been working, and the people campaigning about that case, so he can examine it in detail?

Of course we need schools, youth services, police support and more opportunities for young people, as my hon. Friend the Member for Gedling said, but people in Dudley also want to see more police on the streets, tougher sentences and proper punishments to prevent people from going out with a knife in the first place.

John Howell (Henley) (Con): It is a great pleasure to serve under your chairmanship, Sir Graham. I thank the hon. Member for Hartlepool (Mike Hill) for introducing the debate. I begin where I was going to end, by reinforcing to the Minister that, in this cross-party debate, we are taking the issue seriously, there is a huge amount of commitment to it, and there is an enormous strength of feeling in favour of dealing with it. If he has listened to all the contributions, he will understand that that is the feeling of the Chamber.

Depending on how one looks at the situation in my constituency, it is either not very good or too good. I recently looked at the neighbourhood policing reports for the Henley area and for a number of areas around Thame. In the Henley area, the neighbourhood report gave no examples of knife crime, and in the areas around Thame, there were two examples, so hon. Members may think that I am unable to talk about the issue. My constituency is in the middle of the national average. Across the region, 326 knife criminals were cautioned or convicted by the West Midlands police area, however, which includes Oxford, Abingdon, Reading and Slough. The Minister will be aware of a recent knife attack in Oxford, which brought the issue home to people there and in the surrounding area.

The figures show that the number of knife attacks in the Thames valley was marginally short of 1,300 in 2017-18, which is the highest figure since 2010. That is about a 50% increase on the number of knife crimes committed in 2012-13, which is a number that keeps on coming up in the areas that we are looking at. The Thames Valley police area is the largest area of knife crime in the south-east and far outstrips counties such as Kent, Sussex and Surrey. That stands in marked contrast to the calm and peaceful nature of the area as a whole.

Knife crime has played a part in seven murders, 40 rapes, 10 sexual attacks and 86 threats to kill, so it is not gang warfare, but a much greater set of crimes that involves us all. I agree with the hon. Member for Gedling (Vernon Coaker) that it is not a simple task to overcome that, because in the Thames valley, recruitment is up and a tremendous amount of work is being done to look at intakes. I agree with my hon. Friend the Member for Romford (Andrew Rosindell) that numbers will always make a difference to this situation, but we are asking, “Do they make the difference?” I agree with the hon. Member for Gedling that they do not, because we need to take into account a number of other things.

What the police want above all to tackle this problem is the certainty that the increase in numbers that they are seeing at the moment, which allows them to address recruitment, will continue. At the moment, they do not know that and they need certainty.

An equally big role that the police play—I think it has been mentioned—is in partnership with a number of other organisations. The agencies and organisations that the police are in partnership with include the NHS and others, but the one that I have the most sympathy for is the relationship that the police have set up with schools. There, they have a chance of breaking the link
of knife crime to drugs, and as our deputy police and crime commissioner has said, “Once a young person has a knife, it’s almost too late.” However, working with schools is a way of breaking that link.

We have also heard a lot about stop and search, which has increased dramatically in my area by just over 50%. I have a mixed feeling about stop and search. I have participated in a group that included police and crime commissioners, the police and other politicians. There was a tremendous backlash among the group, including the police, against just carrying on with stop and search as it was. They did not see that that would create a favourable climate in which to tackle this issue because of all the things that are associated with the history of stop and search. We agreed that any stop and search operation needed to be intelligence led, proportionate and appropriate, and I am very pleased that the Thames Valley police initiatives have all been intelligence led and are having great effect.

Yes, we can and should increase sentences, and we have a unique position in this House to be able to comment on new sentencing guidelines—the Justice Committee always comments on them. After what I have heard today, I will certainly take back to that Committee a determination to make a more concentrated effort to ensure that we are as blunt as we can be in giving that information to judges.

As I said in my intervention, we all have a role to play. That is why in my urgent question I asked what role we as MPs can play, because I have noticed that currently many MPs are very much in the role of observers and have not yet found a way to become participants in this. The Minister thought that I had uncovered a pot of gold in saying that. I wish I had and I wish there was a pot of gold. However, if he knows what has happened to that initiative, on which I think there has been some progress, it would be very nice if he told us.

5.54 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to be here this afternoon under your chairmanship, Sir Graham.

We were here just a few weeks ago debating this subject, and indeed knife crime has come up regularly—we had the urgent question on Friday in the main Chamber. It is also right, as my hon. Friend the Member for Gedling (Vernon Coaker) said in his extraordinarily passionate and persuasive speech, that it is several weeks since we first heard about the knife crime summit, which apparently will happen some time next week. In asking a Minister a question about that on Friday, I said that I sincerely hoped that the summit would not be a talking shop and that we would see resources and action as a consequence of it.

I am glad that we are at last taking this seriously and debating it on a regular basis—I just hope that these debates lead to action—but I cannot help but observe that, since the last knife crime debate in Westminster Hall, and since the knife crime summit was announced, there have been two murders in my borough: one was of a 17-year-old boy, who was stabbed to death needlessly and pointlessly in an ordinary street. It is often said—this is one reason we are now taking this very seriously—that for every one of these tragic murders, there are a hundred other stabbings and similar incidents. Some are not even reported to the police, and some are known only to the doctors who treat those involved. There could be thousands of instances of young people carrying weapons.

I do not want to exaggerate, because on the whole our constituencies are still safe places and walking around them at night, or at any time, is a perfectly safe and reasonable thing to do, but there is a cultural change and a change in how communities feel about knife crime. They feel that it is not just about one or two people, or gangs, or known criminals. They feel that it is now inculcating the atmosphere of where we live. That is why I do not think it is an exaggeration to say that knife crime is a national emergency or a matter for Cobra—we have to take it extremely seriously.

One of the young people who died in my borough, Ayub Hassan, was 17 years old. He was born and lived in my constituency, and he was killed in my constituency. As his mother told me, he was her best friend. She is inconsolable at his death. Although there is almost a pyramid, of which the killings are at the top, and although we worry about every offence, there is something absolutely significant about young lives being taken in this way, and the opportunity that is lost, and the way that people did not have a chance to live their lives, and about how it affects their siblings, their parents, their wider family and often the whole community where they live. We have to get to grips with knife crime. It is an incredibly complex, multi-layered issue, and will take a number of years to get right. However, it also requires urgent action.

This debate is about sentencing. That is an important aspect but, as we have heard in all the speeches so far, it is only one element. I suspect that my views on sentencing are probably closer to those of the Minister than they are to those of the hon. Member for Dudley North (Ian Austin). I am a former shadow Justice spokesman and have looked into this in some detail. I am not a big fan of mandatory sentencing. As has been pointed out, mandatory sentencing itself often has a degree of discretion of which the courts make due and proper use. There are sentencing guidelines, but we have to leave individual cases to the judiciary. We have a very competent judiciary—it is not a soft judiciary—in this country. As we have heard, we have one of the highest incarceration rates. Yes, there should be appropriate sentencing and, yes, people should be locked up for many offences, whether it is for carrying a knife, using a knife, or for any serious violence that results from knife crime. However, we will not solve this problem by sentencing policy.

[Geraint Davies in the Chair]

We need to start with something a number of Members have mentioned: proper community policing. The loss of that in London over the past few years has made a dramatic difference. When it started, it was an experiment—we were told it was about reassurance. Those were times of greater plenty as far as public funds go, and it was felt that, in addition to everything else that was happening, it was time to work, including response policing and detection, we could afford the luxury of putting police back on the streets—bobbies on the beat, community officers.
Then the police would have told us, “We’re not going to catch people doing crimes. We’re not going to solve crimes, but it’s an important community role.” Many senior police officers now admit that they were wrong about that, and that community policing has played a valuable role in reducing crime. A dedicated, in both senses of the word, group of police, even a small group—it was typically six per ward—got to know the community and which people were good and bad. The intelligence they collected and their knowledge of what was going on meant that it was not about just reassurance; it was about policing in the way we do best in this country, by consent and with the support of the community. It was resource intensive, and it is impossible for those who agree about that policing, whichever party they come from, not to acknowledge that the resources were just taken away.

The Mayor of London has done a very good job in putting resources back—we were down to one officer per ward at one point. It is a semantic thing to say that ward boundaries are the problem. The resources are the problem, and they need to be increased quickly. If that prevents further serious injury and death, it will go at least some way to turning this juggernaut around—all the indications are that we are going in the wrong direction.

I will make a pact with Government Members if they concede that resources have been cut back too far. Local authorities have lost 50% of their funding, meaning that things that are often discretionary, such as youth centres and youth funding, have been cut by even more than that. Most of the youth clubs in my constituency have closed over time. When they were being closed, it was fashionable for some politicians to say, “How on earth does youth work—diversionary activity—decide whether people will go out with a piece of metal and stab someone?” Such comparisons are crass. The opposite argument is that if young people are given something useful to do, are made to feel they are worth while and are shown that there is investment in them, their neighbourhoods and their communities, they have a different outlook on life. Life does not become hopeless. It does not become just a wasting of time and getting into trouble. If Members on both sides will admit that we must reverse that absolute drain on resources in our local communities, I will not make a party political direction.

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The second thing we need to do is engage some of the expertise and knowledge that is out there. Part of that is in our policing and our judiciary, and among our medics and the experts in the field, but part is in the community. I spent half an hour at surgery this morning with the mother of a young boy in my constituency. She had not come to ask me to do anything. In fact, the surgery was almost the other way around—I learned far more from her than she did from me.

We spent half an hour talking about exactly this problem. Her son had a very late diagnosis of special needs, and all the trouble he was having at primary school was put down to bad behaviour. He ended up being excluded from secondary school at an early stage and going into alternative provision, which, his mother said, was dreadful and dire. It was not just that he was not being properly educated and his needs were not being identified and no action taken; before he was a teenager even, he had been cast out—he was now excluded, no longer part of acceptable society.

The second thing that happened, of course, was that he was put with all the other naughty boys, and when naughty boys go around together, perhaps not doing terribly bad things to begin with, after a while one or two of them will get into trouble and get convictions for this, that or the other—a bit of criminal damage perhaps. My constituent’s son now has a conviction for carrying a knife. That comes about either from neglect, bureaucracy or lack of intervention by, or resources from, statutory bodies of all different kinds.

Where does that leave the parents? My hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury), who is no longer in the room—she tragically had a death in her constituency over the weekend—said to me, “Where is the support for parents of victims but also for parents who have tried to do their best to keep their children out of trouble and who worry every night about where their sons or daughters are?”

Mrs Hodgson: On my hon. Friend’s powerful point about who people come into contact with when they are first getting into trouble, if there was an automatic 10-year sentence on first arrest for carrying a knife, a young person who had not been in trouble at all could find him or herself not just in a young offenders institution but among the prison population, with some very, very bad people who had done much worse things. Turning someone who is carrying a knife because they are scared into a hardened criminal eventually could be an unintended consequence of what we hope to achieve with sentencing.

Andy Slaughter: My hon. Friend shows a lot of compassion and understanding.

I do not advocate a soft approach; on the contrary, we need rigour in the system, but not the knee-jerk reaction that we will suddenly cure this by sentencing. How often have we heard that in relation to every possible offence? Is that not what has driven the prison population to double, and the conditions in prisons and the assistance for those leaving to be so dire in this country that this is an international embarrassment?

I do not want to say much more. I believe not just that we are well-intentioned but that we are resolved to tackle the issue. The expertise is there, and part of that is listening to our communities.

I am almost dreading the summit next week, because I fear it will be a talking shop, a couple of press releases and not much more to get the Government through another week or two. I hope the Minister will tell us that that is not the case. I also hope that we will hear from him before 7 o’clock—I apologise, Mr Davies, that I will not be here after that. If I miss the end of his speech, I will read it diligently, as I always do. I know that it will be worth reading because he shares that view.

I respect what the people who drafted, motivated and signed this petition are trying to achieve, because they are expressing the same frustration as the mother who came to see me today: that Members are standing around,
Sarah Jones, to make a contribution.

Sarah Jones: Thank you, Mr Davies, and it is a pleasure to serve under your chairmanship. I congratulate my hon. Friend. Friend the Member for Hartlepool (Mike Hill) on having secured a really good cross-party debate, in which we are agreeing on a lot of issues. I wish that my hon. Friend the Member for Gedling (Vernon Coaker) had been my teacher; I had not realised that he was a teacher for 20 years, and I feel that I would have listened a lot more in school if he had been teaching me.

It is right for us to pay tribute to the family of Jodie Chesney, who Members have spoken about being from their area. I also want us to think about the people who have died in my constituency: Kelva Smith, Andre Aderemi and Jermaine Goupall, three people who lost their lives recently through knife crime. I am not going to talk about the need for funding, because we have established that, and I think we all agree on it. I will just say that there is a need to fund not just youth work and education, but housing. I currently have a mother and her eight-year-old daughter in my office who have been refused housing by everybody, and are completely destitute; we are desperately trying to get them somewhere to sleep tonight. Those wider issues massively impact on the life chances of our children, and we must never forget about them.

I will focus on sentencing, which is what we are debating. This issue is too important for us to not look at the facts about what impact sentencing has. We know that knife crime is at epidemic levels, with over 100 knife offences a day. Fatalities are at the highest level on record, with 285 people dead last year, and knife crime has gone up across virtually every area and police force in the country. Young people are disproportionately affected: 39 young people were killed last year, the highest level for 10 years, and according to NHS figures, there has been more than a 50% increase in stabblings of teenagers. More than 1,000 teenagers were admitted to hospital with stab wounds last year, and we know that many others do not go to A&E because they are scared of what might happen.

People are rightly concerned about this national crisis, but my view is that dramatically increasing sentences for knife offences is not the answer. We cannot enforce our way out of this problem by increasing sentences. We already have a tough regime for knife offenders, which has been getting tougher over the past decade. As I have said, we lock more people up than any EU country, and 400 children are in prison serving life sentences or sentences over 14 years. The proportion of people being sent to prison for knife offences has almost doubled: in 2010, about 40% of people caught with a knife were given a custodial sentence, but today, the proportion of knife possession offences receiving a custodial sentence is closer to 70%. Last year, more than a third of knife offenders received an immediate jail sentence, and in 2015, the Government introduced their two-strikes policy, which I mentioned earlier. That policy means that anyone over 18 who is caught twice gets a minimum six-month jail term. Despite those changes, knife offences have risen from 25,000 to over 40,000 since 2013. Contrary to what might seem to be the case, the evidence shows that tougher sentences do not deter people from committing crime.

Four main factors go into sentencing decisions: punishment, deterrence, public protection and rehabilitation. We are debating all those factors today. To begin with, punishment, people who commit knife offences—particularly attacks on other people—absolutely need to receive strict punishments, but those are already available under the law. The types of punishment we are debating are not proportionate or appropriate for the vast majority of knife crime, particularly as those involved are disproportionately young people. The majority of children carrying knives are extremely vulnerable, and it is increasingly evident that many are being criminally exploited, groomed and coerced. Punishing them with punitive sentences risks turning this generation of young people into a generation in prison.

Mrs Hodgson: Will my hon. Friend give some details about why some of those young people are carrying knives—details that she will have picked up through all her work in this area? I know there has been lots of coverage of that point in some of our news media, and fear seems to be the main reason, but I wonder whether my hon. Friend could give some more details.

Sarah Jones: I could, and I could speak for far too long about that issue. It is not possible to say “all young people carry knives for this reason”: everybody has a different story to tell. In many of the tales shared by the young people who I have met, vulnerability is given as a reason, and my hon. Friend is absolutely right that fear is another. We know that knife crime is contagious. It acts like a disease; it spreads. As I have seen in Croydon, if some people in a school are known to be carrying knives, others will start to carry knives. That results in situations in which people are not in gangs and are not dealing drugs, but are carrying knives because they feel that they need to, when there is a fight, instead of using their fists, they use a knife. There is a raft of issues involved; we have already talked about involvement in drugs and gangs, as well as violence in the home and in the family during a child’s early years. All kinds of things lead to people carrying knives, but fear is definitely a big one.

Turning to deterrence, a large body of research on knife crime over the past few years shows that simply setting longer sentences does not deter crime, as the Minister knows very well; I am sure he will talk about that. Research consistently shows that, if anything, it is the certainty of being caught that acts as a deterrent, not how severe the sentence is. A recent evidence review concluded that lengthy prison sentences and mandatory minimum sentencing cannot be justified on the grounds of deterrence. For sentences to be a factor in deterring crime, people need to know what the punishment for the crime is and then make a rational choice about whether to offend. However, awareness of sentencing is very low, and many people involved in knife crime—particularly young people—do not act rationally. People who have
been in and out of prison for carrying knives have attended meetings of the all-party parliamentary group on knife crime, and they say that prison is not a deterrent at all: it is a break from the streets, somewhere they can be safe for a while before they have to go back.

Public protection is very important; we must of course keep the public safe by making sure that dangerous people are not on our streets. Home Office research found that a 15% increase in the use of custody would be required to produce just a 1% decrease in crime, and as we have talked about, our prisons are already overflowing. Surely it would be better for the Government to build on their recent £100 million boost to police funding and set a strong new basis for police funding in the autumn statement, in order to deter people through policing on the streets, rather than funding a huge increase in custodial sentences that would lead to a very small decrease in crime.

When it comes to rehabilitation, we know that dealing with children and young people outside the formal justice system is more effective at reducing offending than punitive responses. Involving a young person in custody makes them more likely to commit crime in the future. Young people who spoke to us at meetings of the all-party parliamentary group on knife crime talked about prison as a training camp, as the things that their colleagues could teach them were likely to increase crime, rather than reduce it. As the Minister also knows, conditions in prisons do not lend themselves to positive rehabilitation. Young people can be locked in their cells for 23 hours a day, and research has found that they face “hunger, denial of fresh air, cramped and dirty cells, strip-searching, segregation, the authorised infliction of severe pain, uncivilised conditions for suicidal children” and bullying and intimidation.

Mrs Hodgson: I apologise for interrupting my hon. Friend’s excellent speech, but I would have thought that part of the problem with rehabilitation is the recidivism of repeat offenders. Does she have an opinion about the part played by our now poorly functioning privatised probation service, through which offenders are probably being rehabilitated as well as they should be?

Sarah Jones: I absolutely agree. There is a cycle. Surgeons in King’s College Hospital say that they are seeing the same children coming back again and again. The prison system says that the same children are going back time and again. There is the same cycle of going into prison, coming out of prison, committing a crime and getting stabbed. That is awful, and we need to break that cycle and get children and young people away from the situation they are in.

In terms of the four factors considered in sentencing, the evidence is just not there for harsher sentencing in this area. I will not talk about the public health approach and what we should be doing on prevention, but I want to highlight some work done in my borough of Croydon that paints the picture of where we need to go with our young people. Croydon completed what I think is a landmark report investigating the cases of 60 vulnerable adolescents. Those 60 children had all been involved in serious cases of violence or exploitation. Five had lost their lives. Three had been convicted of murder. One third of the boys had been victims of knife crime and three quarters were involved with gangs. More than half the girls in the cohort had been victims of sexual exploitation.

Of the 60 people who had been deeply involved in violence, half were known to children’s social services before the age of five. We knew who these children were from the very beginning. In all the cases, there were many interventions by the state, but they did not work. The state was involved in crisis management—when something happened, there was an intervention, but the state did not do the right thing to help those children.

Half those 60 children had witnessed or experienced domestic violence. We know that violence breeds violence. It is learned behaviour. If children see it in the home, they do it later on in life. Three quarters of the children had a parental absence on the father’s side, and a quarter had an absence on the mother’s side. There were many parental issues around drug or alcohol misuse and mental health funding. A third of the children had already been excluded by the time they left primary school, and every single child who was later convicted of a crime had been excluded from school.

I will not talk more about what that says, other than to say that they are vulnerable children growing up in difficult situations. That does not excuse the crime at all, but in so many of the cases I have come across, who is the victim and who is the perpetrator is the luck of the draw. It is not right to categorise some children as the evil ones perpetrating the crimes and some as the victims, because there is often crossover. In some cases, people are being harmed when they have absolutely nothing to do with anything, but in other cases, they are all in a difficult situation because they are all vulnerable. I would argue that putting them in prison for longer is not the answer. In Scotland, they are putting far fewer young people in prison and focusing on the ones who are there. In the youth offending prison, they are giving them lots of training, teaching them to read and write and giving them education and skills, and that has to be the right approach for the long term.

This is a national crisis. My hon. Friend the Member for Gedling put it correctly when he said that the Government need to come together to tackle the issue. In terms of this debate, sentencing is not the answer; many other things are.

6.23 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. It is a real delight to follow my hon. Friend the Member for Croydon Central (Sarah Jones), who has done so much detailed work in this area. I put on record the work of the Youth Violence Commission, which my hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft) has been working on during this Parliament. I also put on record how much I appreciate the passion with which my hon. Friend the Member for Gedling (Vernon Coaker) spoke about his personal experience. I remember attending his conference speech in 1999 in Bournemouth when he was Policing Minister. He had people along to talk about young people and positive involvement with the police. He has a wealth of experience in the area, and it is pleasing to hear that he has not lost that passion for young people and social justice.
I thank my hon. Friend the Member for Hartlepool (Mike Hill) for introducing this debate, in which we have had many interesting speeches from both Opposition and Government Members. I thank my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) for her interventions and her expert knowledge, particularly about young children, nutrition and all the elements that go to make up positive primary schools, which we hear make such a difference for people’s long-term outcomes and whether they are caught up in the criminal justice system.

The debate is about sentencing, but I want to talk about enforcement and prevention, just to set the scene. There can be no more difficult thing for a Member of Parliament than to meet the grieving family of a youngster lost to knife crime. On 22 February this year, Kamali Gabbidon-Lynck was stabbed multiple times and lost his life. That was a real tragedy. I have been very involved, going to the gold groups with the police and working with the council and the Wood Green business improvement district to talk about our high street and how we can use its physical surrounds to improve our environment.

At its heart, this is a tragedy not only for the young man’s family—his mother is grieving and his son has lost a father—but for all the youngsters who knew him and loved him. The hon. Member for Hornchurch and Upminster (Julia Lopez) has met relatives, too, and brings it home to us just how many more people are affected now compared with perhaps 10 years ago. Those of us who have been involved with public policy for 10 or 15 years remember when it was perhaps one terrible thing over a three or four-year period. Now, it seems far too regular. The number of people now facing the impacts of knife crime make this the national emergency we all agree it to be.

In the terrible case of Kamali Gabbidon-Lynck, he passed away from loss of blood, in a hair salon. There were a number of children having their hair cut or whose parents were having their hair cut, and they witnessed this dreadful loss of life and heard the young man’s last words. Those people just getting their hair cut—an eight-year-old, a four-year-old, a mother with a tiny baby—will never forget that. That points to this feeling that it has become the wild west, and we need to bear in mind the number of people now affected.

Our victim support works according to a rigid model. Those people were considered to be witnesses to a crime, but in actual fact they were victims of that crime, too, because they suffered trauma and stress. It took an intervention by me at a roundtable at my advice surgery to gain expert counselling support for those families. If I had not intervened, I do not believe they would be receiving the expertise and counselling that they need. Our victim support needs to be much more holistic in its approach and to look at who is affected by knife crime.

We have been through the statistics on the lack of police. As other Members have said, because we are in a national emergency, we need to look at the enforcement side and talk about sentencing, police numbers and the lack of police in our schools. In London schools, we always need to have a full-time police officer in the school who the children knew. That developed a great relationship of trust. Those officers are now spread much more thinly, and often it is not the same police officer in the same school all the time. We need to put that right. For what it is worth, my view on funding is that if we can spend £800 million a week on Brexit, we can spend more on the safety of our families and young people.

I want to briefly talk about the work being done throughout the rest of the criminal justice system. Like many Members who have spoken today, I believe the legislation is probably right. Given their expertise in this area, I trust their views. As it is the Prisons Minister who is with us, will he say what he thinks constitutes a positive prison experience? I am one of the Members involved in the MPs scheme to visit prisons. I look forward to my first visit to HMP and YOI Isis next Friday. What does the Minister feel is the key to a positive prison experience? Some people say a short experience in prison is worse than a longer one, because some of the excellent prison officers working in our prison system have a really positive impact on many of our young people, particularly in our youth offender institutions. I am interested in hearing the Minister’s views on that.

To expand on the view put by my hon. Friend the Member for Croydon Central, we know that literacy rates in our prison system are low. What is being done during sentences to push up the rates? Are there proper college courses? What are we doing so that when young people come out of prison they are ready to go into jobs and employment?

I cannot mention prisons without mentioning the use of drugs and how they have a negative effect on the staff inside prisons. Drug use can lead to attacks on staff, and staff themselves can become high as a result of Spice and other drugs being used in the prison system. The hon. Member for Dudley North (Ian Austin) mentioned that the Express has called for longer sentences. If longer sentences mean more low-quality experience with more drug use and attacks on staff, low morale and a lack of skills training, literacy or other meaningful, purposeful activities, I cannot support more and more and longer and longer sentences if they do not address the problem.

The National Audit Office has commented on the privatised service; it is poor value for money and is not leading to the outcomes that we want to see. We have very high rates of recidivism, as my hon. Friend the Member for Washington and Sunderland West mentioned earlier, and, unfortunately, a revolving-door system. I want to make a brief point about the prevention strategy. My hon. Friend the Member for Croydon Central mentioned social services’ involvement with young people, and my right hon. Friend the Member for Tottenham (Mr Lammy) and I work closely in the London Borough of Haringey. We met the Home Secretary several months ago and he promised to look at the resources and the interconnection between the numbers of police, the probation service and the prison experience, yet we still have a crisis on our hands. It is an absolute tragedy that we are not able to get a grip on the situation.

There is the bigger picture on funding when it comes to what local authorities can do. However, specifically on the point that has been made about even primary school children beginning a journey into a life of crime at the end of primary and the beginning of secondary school, I have sought a meeting with the Secretary of State for Housing, Communities and Local Government
to discuss Haringey. Incidentally, Haringey has the highest level of police resource of any London borough because of our problems. I want to ask him for a special fund for a buddying and mentoring scheme for the families described by my hon. Friend the Member for Croydon Central. Rather than a social services punitive approach, we need a friendly approach so that when the first letters come home from school saying that the youngster is not coping, the buddying and mentoring scheme can help the family and perhaps help with other siblings or whatever it is that stops that youngster thriving in school. We need to keep young people in school for as long as possible. We know that many of the prison population have been expelled or excluded from school from an early age.

Although it is tempting to jump on the bandwagon of longer sentences, I think the Minister has realised that what is important is the quality of rehabilitation in prisons and that we have to look much more closely at resources in schools and early intervention. We need also to look at what local strategies there are. A lot of good practice is carried out in Glasgow, which is certainly worth considering for other local authority areas. I want to emphasise that with Brexit costing £800 million a week, there must be more that we can spend on such a crucial situation.

I want to re-emphasise how pleased I am to see Members of all parties joining together to look at the problem as a national emergency. There is excellent police work in parts, but we must improve and increase that and bring together the passion that some Members have for this crucial area. We must not lose hope because that would be giving in. We must redouble our efforts to concentrate on the crucial question of young people and knife violence.

6.35 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I thank the petitioners and the Petitions Committee for bringing this urgent issue to our attention. I also thank the hon. Member for Hartlepool (Mike Hill) for his very able and comprehensive introduction to the subject, and I thank all hon. Members for their thoughtful and thought-provoking speeches. As others have done, I want to start by reflecting on the horror and the personal tragedy that each instance of knife crime represents. Our thoughts and our hearts go out to all who have been impacted, including whole communities such as Havering, Dudley, Hammersmith, Croydon, Wood Green and many others across the country.

The petition—like the debates that we might have tomorrow on the Offensive Weapons Bill—asks where the balance should lie between different policy responses to knife crime. The petitioners have placed their focus on sentencing, and that is entirely understandable, particularly for those who have experienced or been affected by knife crime. Of course, there must be proper and appropriate punishment of offenders. In Scotland, sentencing has been a small part of the response, as the hon. Member for Romford (Andrew Rosindell) mentioned earlier. Maximum sentences for possession have been increased to five years, and the average length of custodial sentences for knife possession and offences has increased, too, albeit without the introduction of mandatory prison sentences, about which I share the scepticism of the hon. Member for Hammersmith (Andy Slaughter).

The key point is that sentencing policy in Scotland is broadly in the same ballpark as that in England and Wales. I do not agree that the upsurge in knife crime in too many areas of England and Wales is down to a lack of appropriate sanctions. There is no evidence for that. As the hon. Member for Croydon Central (Sarah Jones) said, there is little or no evidence that increasing the length of sentences will have any significant deterrent effect.

I share the views of the hon. Member for Hammersmith. We tend to put far too much faith in sentencing and harsh sentences to fix all of society’s ills, whereas prison often causes more problems than it solves. Short sentences in particular often operate almost as a training camp, as the hon. Member for Croydon Central said. The focus should be on other policy areas, many of which were touched on during the debate and which I will refer to briefly now.

Policing numbers are also relevant, despite the Prime Minister’s protestations. Hon. Members have been almost unanimous about that today, and senior officers have said the same thing. Although I am always reluctant to compare apples and oranges—it can be a crude way to do things—I was struck when I read the other day that in September 2018 there were roughly 32 officers per 10,000 of the population in Scotland, compared with around 21 officers per 10,000 in England and Wales. That is a hugely significant difference. There might be other explanations for it, but if I were an MP in England and Wales, I would ask questions about how that gap had arisen. Members referred to the need for local policing or hotspot policing. That is necessary and we need to see resources invested in it.

I turn to austerity and resources more generally. Last week, witnesses before the Home Affairs Committee were clear that austerity and cuts to services were having a significant impact. The witnesses said that safe spaces, youth clubs and council-funded sports facilities and teams have faced the brunt of the cuts. Those are places where young people find diversion and meet role models, and the cuts undoubtedly have an impact. Services such as social work, employability and mental health are all buckling under the strain, and all those services count in the battle to stem the tide of knife crime.

Some hon. Members referred to stop and search. I agree that that can play a role, but it is far from an answer in itself, and it must be used extremely carefully and in a way that does not risk undermining trust in the role of police. It must be done on the basis of reasonable suspicion. “Intelligence led” and “proportionate” were the words that the hon. Member for Henley (John Howell) wisely used.

Tomorrow, or soon, we will debate knife crime prevention orders. We heard some differing views on that subject today. We do not have them in Scotland, and based on what I have heard so far I severely doubt that I would like them to be introduced. I am grateful to the hon. Member for Croydon Central for all the work that she does with the all-party group on knife crime, and for the event that she organised this lunchtime at which we heard from a range of actors about why knife crime prevention orders appear to be filling a gap that does not really exist and that lacks an evidence base. Instead, they risk seriously counterproductive unintended consequences.
Putting that aside, more generally I welcome most of the provisions in the Offensive Weapons Bill. However, it is a small piece of a much bigger picture, and the area where we can make a significant long-term difference is away from purely criminal justice measures. That is where Scotland has already seen some success, if only because we experienced horrendous levels of violence not so long ago that required an urgent response. It is important to remember just how bad the position was. As recently as 2005, the UN talked of Scotland as among the most violent countries in the developed world, and the World Health Organisation referred to Glasgow as one of the murder capitals of the world. Although we still have a long way to go, the evidence points to significant success in reducing violence, as the hon. Member for Romford pointed out.

Recorded violent crime in Scotland came down by 49% over the decade to 2016-17. The homicide rate halved over the decade from 2008 to 2018. Offending by young people has halved since 2008, and various other dramatic statistics show that a long-term public health approach can make a difference. Although other policies have undoubtedly played a part, including those related to sentencing, I think we all know that that public health approach has been responsible for turning the tide.

Such an approach is about addressing the underlying risk factors that increase the likelihood that people will become a victim or a perpetrator of violence. It means an evidence-based, whole-of-Government approach that seeks to tackle the causes of violence, rather than just the symptoms. It is about prevention and early intervention, rather than action after tragic events.

Members know about the work of the violence reduction unit, together with organisations and campaigns such as No Knives, Better Lives and Mentors in Violence Prevention. On the ground, it is about seeking opportunities to divert from prosecution, community alternatives to secure care and custody, and improving reintegration back into the community. That means improving life chances, promoting school inclusions, strengthening relationships and engagement, building life skills, improving health and wellbeing, and trying to improve employability.

None of that is new, much of it is common sense, and all of it has been learned from other cities such as New York and Chicago, and tweaked and honed to work in Glasgow and other parts of Scotland. I hope that the same thing can work over the longer term in parts of England. It is about not directly copying what has gone on elsewhere, but learning what works and what can work, and tailoring it to local circumstances. I welcome, for example, the fact that Mayor Khan has established a violence reduction unit in London.

The UK Government have published their serious violence strategy, which includes a move towards a public health approach. Whether that is a modest change of emphasis or a full-scale rethink, only time will tell; however, to save lives there should be a genuine and cross-Government commitment to pursue that approach, making available the funds that are needed.

I support what the hon. Member for Gedling (Vernon Coaker) said when he raised what seems almost to be a lack of urgency in the response to this national crisis—or epidemic, as hon. Members have described it. The problem has been getting worse for the best part of two years, but until now the response has largely been local and operational, rather than strategic and at a national level. If not through Cobra, there has to be another type of serious, cross-Government co-ordination. This matter needs national direction, and it needs it urgently.

6.43 pm

Imran Hussain (Bradford East) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. I too thank the petitioners and the Petitions Committee, and my hon. Friend the Member for Hartlepool (Mike Hill) for opening the debate and making very important points, along with the hon. Member for Romford (Andrew Rosindell), who rightly set a measured tone across the House. Some broader political points need ironing out, but today may not be the day for that. I will refer to them briefly, but in the light of what the hon. Gentleman said I have altered huge parts of my speech—I thought he made a good point about that.

I join many of my hon. Friends in remembering all the tragic victims of knife crime—those who have been mentioned, and those who have not.

Mrs Hodgson: It would be remiss of me not to mention two young people from Sunderland who were also victims. In the north-east, we do not have an epidemic of knife crime. There is a regional element to it, but none the less 31-year-old father Gavin Moon from my constituency was a victim, as was 18-year-old Connor Brown, from the neighbouring constituency of Sunderland Central. As my hon. Friend was talking about victims, I thought I should mention those two.

This has been an excellent debate. I did not intend to stay for long, but it has been so good I have stayed for the wind-ups.

Imran Hussain: I join my hon. Friend in remembering the victims she refers to, and all other victims. Our thoughts and hearts go out to the grieving families. These are tragedies beyond words.

We have heard moving accounts from hon. Members from their constituencies—from communities coming together to deal with the issues to the broader impact and trauma, which is sometimes not acknowledged, on society as a whole and on communities. All those things happen in the aftermath, and are sometimes not given as much thought as they should be. I thank all hon. Members for their valuable contributions.

The rise in knife crime and the number of young people who have been killed should keep us all awake at night. This is deeply complex. Although we support robust sentencing, the chair of the all-party parliamentary group on knife crime, my hon. Friend the Member for Croydon Central (Sarah Jones), made pertinent and persuasive points. I do not wish to repeat them, but I believe that she set the tone regarding the broader impacts by giving some hard facts. In particular, she referred to the record numbers of offenders sentenced for knife crime, with more people being given an immediate custodial sentence. She rightly pointed out that we must realise that we cannot achieve lower levels of crime through sentencing alone. We need an approach that is rooted in effectiveness. Only then can we begin to stop the rise in violent crime.

In taking such an approach, we need to understand what is driving knife crime. Although, as we have seen today, there is little consensus on what has been the
trigger for the marked increase in knife crime, the drivers and issues that have created the conditions in which this epidemic has been able to grow are difficult to dispute. The clearest is that, with such a dramatic rise in knife crime, young people are now more scared of becoming victims than ever. They have seen friends wounded or killed and fear that the same will happen to them. They even feel ignored by authorities when they raise that fear, particularly since those who are most likely to be victims live in high-crime neighbourhoods where police are sometimes seen as unable to protect them. That is compounded by a rise in violence and a fall in the proportion of crimes for which an offender is identified.

We cannot get away from the fact that police numbers have been slashed: there are 20,000 fewer police officers than there were in 2010, and police community support officers, who are so vital to building relations, have also been lost. At the same time, there are serious issues in our schools: as schools face significant funding pressures, interventions for vulnerable children are being cut and there has been a marked increase in exclusions and illegal off-rolling. We know that vulnerable children are more likely to be off-rolled or excluded, and the Children’s Commissioner has reported that those who are excluded are 200 times more likely to be involved in gangs, which demonstrates that we simply cannot ignore the correlation between the rise in exclusions and the rise in knife crime.

There have also been huge reductions in the services available for young people. Again, I am not making a political point out of this but just giving the hard facts. Some 3,500 youth service jobs have been lost and 600 centres have closed, with 130,000 places lost. There have been sweeping cuts to education, and teachers and vital early intervention services have been lost as councils face unprecedented funding cuts. Youth offending team budgets have been cut in half, curbing interventions and degrading services that help to prevent young people from becoming victims and offenders in the first place. All those services assist people who are already disaffected and vulnerable. It is no coincidence that victims and offenders are from areas of huge social disadvantage.

We cannot address the drivers of offending with more sentencing alone. We can address them only with an interdepartmental approach, because sentencing is a downstream solution that is applied when it is already too late. We need an upstream solution that identifies the root causes of crime, brings together organisations across central Government, local government, the police and the community sector, and is built on the well-documented public health approach that many hon. Members have referred to, which involves collecting data, identifying the factors at play, implementing solutions and rolling out the ones that work.

More broadly, solving the issue requires the stimulation of housing, employment opportunities and community facilities, as the Association of Directors of Children’s Services suggests. It also requires investment in young people, who are overwhelmingly the most affected, and a cross-departmental approach like that of Police Scotland’s violence reduction unit in Scotland, with close co-operation among partners in the NHS, education and social work. That will help to give young people the future they deserve and lift them out of the dire situations in which they find themselves, which all too often lead them to fall into a life of crime.

Such an approach is far from being soft on crime but, as the hon. Member for Cumbernauld, Kirkintilloch and Kirkintilloch East (Stuart C. McDonald) says, it gets results. The considerable success of the approach taken in Scotland, with homicide rates halving between 2004-05 and 2016-17, has led the Youth Violence Commission, the Select Committee on Home Affairs and the head of Scotland Yard to call for it to be implemented in England. Even the Home Secretary has said that we need to treat knife crime “like a disease”. Unfortunately, he has offered to tackle the symptoms—stabblings and possessions—but not the causes.

We need to do more. We need to shift the focus of our model away from purely specific interventions for high-risk individuals and cast the net wider, to focus on low and medium-risk offenders, from whom most of the cases arise, and avoid a prevention paradox. We need joint ownership to be taken of the problems that lead to knife crime, because responsibility does not lie just with police—we have to be clear about that. Ultimately, we need to adopt an approach that recognises violence as preventable, not inevitable. We need a meaningful public health approach that can address knife crime and its causes.

6.55 pm

The Minister of State, Ministry of Justice (Rory Stewart):

It is a pleasure to serve under your chairmanship, Mr Davies. I pay tribute to the hon. Member for Hartlepool (Mike Hill) for introducing the debate and to the hon. Member for Bradford East (Imran Hussain) for the compassion and empathy of his speech. In a debate that has lasted for two and a half hours now, I cannot help but reflect on how committed all hon. Members are to the issue. As a Justice Minister, I have learned an enormous amount, from many different angles. I pay particular tribute to my hon. Friend the Member for Romford (Andrew Rosindell) for the extraordinary passion with which he spoke about victims in his area, and to the hon. Member for Gedling (Vernon Coaker), who is a real firecracker—he made a great speech with huge energy and passion, and I am sure that the issues can only ever be gripped in the way that he described.

I have picked up the sense of frustration around this Chamber. The situation is very disturbing and has been getting steadily worse, so I completely understand why people feel infuriated and frustrated and want more action more quickly. I can reassure hon. Members on one particular question by confirming that the Prime Minister will hold the summit at Chequers next week. In her defence, there is a reason that in the past two weeks she has found it difficult to organise a meeting there: Brexit has not stopped everything else happening in the Government, but it has stopped many of the things that might otherwise be in her diary.

To get a grip on the situation, we have set up an inter-ministerial group on serious violence, which meets regularly and is chaired by the Home Secretary. I am a member of that group and we are making a lot of rapid progress; as the hon. Member for Gedling implied, such a Cobra-style approach is vital to bringing everybody together. In thinking about the problem, we need to be realistic and, above all, practical. The Government’s serious violence strategy contains any number of ideas—probably 200 or 300, all of which are good and all of which make a difference.
Sarah Jones: Interestingly, knife crime prevention orders are not part of that strategy. A lot of the organisations that I have spoken to suspect that the orders were partly a knee-jerk response to show that the Government were acting, and that they were never part of the strategy that the Minister is talking about, which is comprehensive in its diagnosis—if not in setting out a solution.

Rory Stewart: I will come back to knife crime prevention orders. The interesting thing about this debate is that although we all share a horror of knife crime, not everybody in this Chamber agrees on the particulars, such as knife crime prevention orders, sentence lengths or whether courts should have discretion. In a sense, the debate in this Chamber is a reflection of the debate among the public.

The core question is which of the dozens of suggestions in the serious violence strategy will make most difference as quickly as possible and be most effective. There may be many individual initiatives that are fantastic at a community level, but others may be even better, and those are the ones that we need to focus on. I want to focus on four areas in particular. The first is sentencing—this is a debate on sentencing, and I am here as a representative of the Ministry of Justice to talk about sentencing. It is true to say that following on from the 2015 two-strike rule, more people are now going to jail for knife possession offences, and they are going there for longer. My hon. Friend the Member for Hornchurch and Upminster (Julia Lopez) raised the question whether we have got that balance right, and it is a difficult balance.

The hon. Member for Gedling, a very experienced ex-Policing Minister, asked exactly how these exceptions are defined. They are defined quite closely. Some 82% of people found in a double possession will find their way towards a sentence. Who are the 18% who are not getting sentences? The guidelines stipulate very clearly what the mitigating factors are and lay them out. In extreme cases, it could be somebody with learning difficulties, mental health problems or a serious medical problem, or it could be somebody who has co-operated with the police—all these things are mitigating factors that might lead to someone not receiving such a sentence.

Vernon Coaker: The Minister talks about 82% of people being given a sentence by the court. Does he mean suspended sentences as well as custodial sentences?

Rory Stewart: I am including suspended sentences as well as immediate custodial sentences. In the case of a suspended sentence, if somebody breaks their licence conditions, they will be recalled to court for the remainder of their custodial sentence.

Ian Austin: What proportion of the 82% get suspended sentences, and what proportion receive immediate custodial sentences?

Rory Stewart: Out of that 82%, approximately 22% of the cohort do not receive a full custodial sentence. All that goes to the core of what the mitigating and aggravating factors in the judge’s hands are. As the hon. Member for Gedling pointed out, this is absolutely standard in any legislation that we bring forward—we leave some discretion for the judges.

One of the questions at the core of this issue has been raised again and again by the hon. Members for Croydon Central (Sarah Jones) and for Battersea (Marsha De Cordova): deterrence. In order to be practical, we need to focus on the fact that the main thing that the evidence suggests makes a difference to somebody who is considering committing a crime is their chance of being caught. Their receiving a six-month, nine-month or 12-month sentence, or even a five-year sentence, is much less likely to motivate their behaviour than the chance of being caught. In burglary, for example, it is almost certainly the very low rate of conviction, rather than the length of sentence, which has made the difference. If someone feels that they have a 3% chance of being caught, it does not really matter how long the sentence is, which is why most of our focus is now going into putting another £100 million behind the police to focus on knife crime, rather than on increasing this form of sentence length.

There is another reason that we have to be cautious in response to the suggestions for a 25-year sentence for using a knife and a 10-year sentence for possessing a knife: any sentencing needs to balance with other forms of sentencing, otherwise victims and their families will feel that justice has not been done. How do we do that? If someone gets a 25-year sentence for using a knife in any way—cutting somebody with a knife—while the minimum custodial sentence for murder is 15 years, it would be very understandable that a family would look at somebody getting 15 years for murder and wonder why somebody else was getting 25 years for using a knife. The same would be true if someone got 25 years for using a knife and another person got 25 years for killing somebody with a knife; the family would understandably ask, “How come this person is getting 25 years for using a knife to wound, when here is another person getting 25 years for committing murder with a knife?”

It is a fundamental principle of our law that we look at the consequence of the crime and the culpability of the criminal; we do not look at the weapon used. We do not determine whether somebody used a crossbow, a gun or a knife; we look at whether it was murder or grievous bodily harm. What form of sentence was committed? That is really important, because if we start introducing offences based purely on the type of weapon that is used, we will end up with injustice being felt all the way through our legal system. That does not mean that we cannot look at sentencing, but this particular proposal does not make sense.

Let me address the proposed 10-year sentence for possessing a knife. Currently the minimum sentence for possessing a firearm is five years. The public would feel a deep injustice if someone were to get 10 years for a knife and another person got five years for a firearm—it simply does not make sense. In thinking about sentencing, we cannot think about just one type of offence; we have to think about the effect on the whole system.

I shall move on quickly, because I am aware that we have trespassed on your patience for a very long time, Mr Davies. I want to discuss early intervention and prevention, supporting communities, and effective law enforcement, which are the three central planks of any response to knife crime. On early intervention and prevention, the hon. Members for Washington and Sunderland West (Mrs Hodgson) and for Croydon Central made very eloquent interventions and speeches. I pay tribute to the hon. Member for Cumbernauld, Kilsyth
and Kirkintilloch East (Stuart C. McDonald) for—given Scotland’s extraordinary success in this area—a very modest and charming speech. I thought it was a very intelligent speech, which demonstrated that there is not a one-size-fits-all solution and that we can learn from Scotland without replicating their approach. I pay tribute to what Scotland has done and the spirit with which the hon. Gentleman approached this debate.

Clearly we have to look at risk factors. The key risk factor in an individual involved in knife crime is the individual themselves. As the hon. Member for Rhondda (Chris Bryant) has pointed out, that could mean an acquired brain injury, or neglect, or abuse in the home. The second factor is the family context, which is central. In a recent study, 47% of people who had committed homicide had been in care—almost half of them. The third factor is the community context in which people operate. Living in a deprived neighbourhood makes someone much more likely to commit knife crime.

Another important factor is the school that someone attends. Serious risk factors include an individual being caught up in bullying at school or playing truant, and we need to do more to work with schools. Schools are quite good at picking up on children who are victims of domestic abuse, but are they good enough at identifying people who are being sucked into knife crime? Should we be working with Ofsted to try to assess schools on how good they are at identifying people who are being sucked into knife crime?

Someone’s peer group—the people with whom they spend their time—is the fifth biggest risk factor in determining whether they get sucked into knife crime. We can respond; this is not just touchy-feely nonsense. We can prove that a targeted approach, not a universal approach, is most effective. It is about being really smart with public money. The answer is not to lecture someone the hon. Member approached this debate.

That brings me to effective law enforcement, where my hon. Friend the Member for Romford is pushing us. He makes a very interesting point about the way in which community policing does or does not overlap with ward boundaries. The hon. Member for Hammersmith (Andy Slaughter) also spoke in some detail about community policing. We need to balance that with very specific stuff on knife crime, which means ensuring that there are plain clothes officers in hot spot areas. Hot spot areas are central. In Peterborough, we discovered that taking a hot spot approach, getting the right data and finding where the problems are coming from reduced violence by 37% without displacing it to any other area, so hot spot policing is central.

Sarah Jones: The Minister is making a very thoughtful speech. Although we do not agree on everything, he is talking a lot of sense. A piece of work on that has just been done in Croydon. There are 10 areas in Croydon where most violence outside occurs. It is in the places we would expect, such as outside the supermarkets. He is absolutely right that targeting them with effective policing would be an incredibly sensible way to spend public money.

Rory Stewart: The answer to everyone in the Chamber who spoke about law enforcement is that community policing plays a part. There is a 10 am meeting of the violent crime taskforce every day in Lambeth, where it gets the intelligence from the previous 12 hours about where people have gathered and where the weapons are moving. It then targets its intervention for the day. It has its own team of uniformed officers who back up the plain clothes officers on the ground. They go in and do weapons sweeps and community weapons sweeps. They use section 1 orders to go after individuals and section 60 warrants, based on drug suspicion in houses. By doing that, and through Operation Sceptre, through which we have 42 police forces across the country doing this at the same time for week-long periods, we are able to hoover up astonishing quantities of knives.
The community part is the real key to that, because it is the local community leader, the head of the local boxing club or somebody who wants to speak for the community who is out there doing the community sweep, finding the knives concealed in hedges and cars. That is far more effective than police officers just doing it on their own.

Julia Lopez: I am curious to know, in the light of those kinds of activities in boroughs such as Lambeth, whether the Minister has seen any displacement activity. Does he see people move into neighbouring boroughs, or does it have a real impact on knife crime over a much wider area?

Rory Stewart: Strangely, the experience is that there has not been displacement activity. We have looked at that very carefully, and it seems that, by targeting those areas, we grab it and do not push it on to neighbouring areas. There are different theories about that. One is that some of this is gang-related, and some gangs are geographically limited, so it is not likely to be displaced into other areas.

At the core of all this is crack cocaine and crack cocaine gangs, although the innocent victims have nothing to do with crack cocaine. Although drug use in general is coming down, crack cocaine use is going up. It went up 18% between 2016-17 and 2017-18. County lines, which are an incredibly important part of this, are also contributing. The same gangs are involved in both. That means that we have to get on top of mobile phones. We have had to bring in new ways of intercepting mobiles, which are central to the way that county lines gangs operate. We have set up a new National Crime Agency taskforce to focus on county lines, and we have had to be much smarter about data. In partial response to my hon. Friend the Member for Henley (John Howell), who made a very good speech about that, one of the things we are learning is that our data has not been good enough. For example, we have not been coding knife crimes properly. Setting up smart software that allows us to pick out as knife crime something that was simply registered as grievous bodily harm makes a huge difference to our ability to target hotspot areas.

All the stuff that I have been talking about so far is about preventing somebody from being dragged into these gangs from early childhood onward. Then it is about the violent crime taskforce moving into an area to make sure that if somebody picks up a knife, we get them as soon as possible, particularly on possession. Then—God forbid—if somebody is convicted or uses a knife, we move on to the question of what happens in the courts, prisons and probation. There, too, we have to look at all these other issues. We have to take on board the fact that the real protection for the public is ensuring that the person who has offended once does not reoffend.

Statistically, we are doing a bit better on knife crime than on other crimes. Generally, short-term offenders reoffend at a rate of nearly 60%. Knife crime offenders reoffend at about half that rate. Half that rate is still too high, so we need to address addiction issues, get them jobs and help them into accommodation.

Catherine West: I thank the Minister for giving way a second time. Does he agree that the current approach to drug rehabilitation services in prison is not robust enough? Not enough people have access to those crucial treatments and are cured of drug and alcohol issues.

Rory Stewart: Yes, that is absolutely right. We should do much, much more on addiction. Shoplifting is a big problem. We have a lot of shoplifting, and the majority of people get short sentences of less than six months. The highest single offence is shoplifting by a very large margin. Of those offenders, 76% are crack cocaine or heroin addicts. The real way of dealing with the problem is to deal with their crack cocaine or heroin addiction.

Vernon Coaker: The Minister has given a very thoughtful, measured and informed response, and people listening to it will say, “That’s great. How will the Government and Parliament make that happen?” As part of that, will he tell the House that he will go back, wake up the people who need waking up and introduce regular statements to Parliament, every single week at least, about what is happening, what progress is being made and what is or is not being done? It should be a regular statement to Parliament, not a response to an urgent question.

Rory Stewart: I have enormous admiration for the hon. Gentleman, and I would be very proud to have him as part of our team dealing with this. I am sure he would deal with it very well. I am not in the business of committing colleagues in the Home Office to making statements, but I assure him that we take this very seriously. I have not spoken enough to the hon. Member for Dudley North (Ian Austin), but we are putting another £100 million into policing, particularly driven by violent crime and knife crime, in addition to our investment in the youth endowment fund.

Action is not just what happens in Parliament. It is not just about the inter-ministerial group that has been set up and the meeting that the Prime Minister is holding next week. It is about setting up the violent crime taskforce and that 10 am meeting every morning in Lambeth, and about ensuring the money and resources begin to flow in behind this. I believe that this will make a significant difference, but I absolutely agree to sit down with the hon. Member for Gedling. The only way of doing this or anything in Government is with urgency, grip, imagination and passion. Above all, it should be rooted in realism. I thank the hon. Member for Hartlepool very much indeed for this incredibly informative debate.

7.19 pm

Mike Hill: I thank my hon. Friend the Member for Gedling (Vernon Coaker), for Hammersmith (Andy Slaughter), for Croydon Central (Sarah Jones) and for Hornsey and Wood Green (Catherine West), and the hon. Members for Romford (Andrew Rosindell), for Hornchurch and Upminster (Julia Lopez), for Dudley North (Ian Austin) and for Henley (John Howell) for contributing to this important debate. I also thank those who made important interventions—not least my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson)—and the Front-Bench representatives, who all made incredible contributions.

I am sure that many more people would have been in this Chamber were it not for the business in the main Chamber. The subject areas that we covered were important and diverse: deterrence, prevention, and cause and effect, as well as the sentencing element of the petition. I could not end this debate without paying homage to one of
[Mike Hill]

our own: PC Keith Palmer, who was a victim of knife crime only a couple of yards outside this very building.

Question put and agreed to.

Resolved.

That this House has considered e-petition 233926 relating to knife crime.

7.21 pm

Sitting adjourned.
Forced Live Organ Extraction

9.30 am

Jim Shannon (Strangford) (DUP): I beg to move, That this House has considered forced live organ extraction.

It is a pleasure to serve under your chairmanship, Mrs Moon, and to open this debate. I thank all right hon. and hon. Members who have found time to attend this morning, and I am grateful to the Backbench Business Committee for granting this important debate. This issue is very topical, and something that I, along with other hon. Members, have followed for some time, and we are pleased to participate. I thank members of the audience who have come to listen to our proceedings, in particular Becky James, who I thank for everything she did to provide me with important information. Many others also contributed, including Rob Gray, who is in the audience, and I thank him for his help in putting this speech together. I also thank Amro, who works for me on the all-party group for international freedom of religion or belief, because this issue is regularly brought to my attention.

Finally, I thank the Minister for being here—he is always responsive. He knows that we are fond of him as a Minister, but we are also fond of his responses, which are always excellent and sum up the points made. I thank him in advance for summing up the debate. He knows that I am impressed by his tireless efforts, and we very much looking forward to hearing his response.

Two days ago, the UN marked the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims. Its purpose was to honour the memory of victims of gross and systematic human rights violations, and to promote the importance of the right to truth and justice. How fitting that we should be gathered here today to seek the truth about one of the most concerning human rights violations imaginable—forced live organ extraction. The hon. Member for Congleton (Fiona Bruce) is also here. When preparing for this debate, we discussed these issues and decided that that would be the most appropriate title.

For years, human rights organisations have reported that the Chinese Government are complicit in forcibly removing the organs of religious prisoners of conscience to supply organs on demand for China’s vast and lucrative transplant industry. That horrifying practice is so terrible that our western world government officials could stroll in, round up all the Christians in the Chamber—with respect, that probably includes most people here—and take their organs to supply to anyone who needs them? That is totally unacceptable.

That intervention has encapsulated the whole debate, and that is why it is so important. That is why we are here to speak today, and why we look forward to the Minister’s response.

Mr Jim Cunningham (Coventry South) (Lab): As usual, the hon. Gentleman is diligent in speaking about the causes he pursues. This issue is very important. Under the Chinese Government, the Falun Gong are being re-educated and persecuted for their faith. Does he agree that between 70 million and 100 million people are affected by such actions and—this returns to the point raised by the hon. Member for Burton (Andrew Griffiths)—perhaps we are in a way going down the road that led to the second world war. We found out after that war what took place in Germany.

Jim Shannon: The hon. Gentleman and I are often in debates together—sometimes I intervene on him, or he intervenes on me, and it is pleasing to hear his comments. He reinforced the point made by the hon. Member for Burton (Andrew Griffiths) perhaps we are in a way going down the road that led to the second world war. We found out after that war what took place in Germany.

David Simpson (Upper Bann) (DUP): When it comes to the extraction of organs, is it an age thing? Does it affect older people, or children? Do the organs have to come from more mature people, or are children included?

Jim Shannon: I thank my hon. Friend for his intervention. Today I wish to highlight forced live organ extraction from prisoners of conscience, including Christians, Uyghur Muslims, and those who have been in jail for some time. It is hard to encapsulate the vastness of what is taking place and the numbers involved. This level of cruelty is almost impossible to comprehend, and as much as we would all like the allegations against the Chinese Government to be unfounded, an extensive and growing body of evidence suggests otherwise.

One of the principal pieces of evidence—I am sure the Minister is familiar with it—is the work of former Canadian Cabinet Minister, David Kilgour. Alongside international human rights lawyer David Matas, and investigative journalist Ethan Gutmann—he has also been a good friend and helped us along the way—Kilgour conducted an investigation that indicates that somewhere between 40,000 and 90,000 more transplants have taken place in China than official figures claim. It is quite unbelievable.

Andrew Griffiths (Burton) (Con): I thank the hon. Gentleman for his usual commitment to encouraging debate, and I have been listening to his good speech. Is he drawn to the comparisons and the fact that we have seen this before? People were herded into camps; they were experimented on and had their organs harvested. People were persecuted for their faith, and we know where that ended, because millions of people died as a result of the holocaust. If we look at history, we see that there were opportunities for Governments to intervene and act, but they did not. Are we now at the point where we, as the western world, should say, “This must stop”?...
The UK still claims that, because the World Health Organisation has declared China’s transplant system ethical, all the evidence can be ignored. How has the WHO arrived at such a different conclusion? Has it assessed all the same evidence? If not, why? If it has, why has it not produced an explanation of why the evidence is unsatisfactory? What investigations has it carried out? Has it been to military and prison hospitals in China? Has it asked to go to them? Has it been free to examine those hospitals independently, or were its representatives taken on show tours by Chinese authorities? My principal request of the Minister today is that he formally write to the WHO and ask it to assess all the evidence and, if it deems that it is not accurate and does not reflect the situation, to produce a report to demonstrate clearly why that is so. Surely that would not be too burdensome for the WHO if it has already collected the evidence to show that there is nothing suspicious about China’s transplant system.

It is worth noting that there will be further public hearings of the China tribunal on 6 and 7 April. The tribunal has issued a public call for evidence and is open to receiving further evidence on China’s past and present transplant practices from Chinese officials, as well as from organisations such as the Transplantation Society, the Declaration of Istanbul Custodian Group and the WHO. I thank the Minister for sending FCO officials to attend the previous hearings. It shows commitment. I ask him to encourage the WHO to participate in the process. The truth is that we all sincerely, desperately hope that the allegations against the Chinese Government are false. If they are, is it not in everyone’s interest for China and the WHO quickly to demonstrate that they are false so that we can all focus on other pressing issues?

That brings to me one of my key points. The allegations have been around for years. If there is no truth to them, have not the Chinese Government had ample time to prove that they are false? They have not done so. Would it not be a simple thing for them just to open their doors and allow the world in to investigate? They have not done that. The WHO itself has said it has concerns about the transparency of China’s transplant system. What reason could there be for secrecy about the programme if it is clearly and demonstrably operating in line with international standards? Surely if the WHO has evaluated the system, it is a simple matter to point to the evidence that shows that there are no problems. Perhaps there is a perfectly genuine, straightforward reason why it is possible to get a kidney in two weeks in Beijing, as opposed to two years in the United Kingdom. Surely that in itself tells a story. Does it not raise a question in people’s minds? Perhaps not, but we should honestly ask how it is possible. It seems that China has an organ transplant system that is the envy of the entire world. What possible reason could there be for hiding it?

Moreover, should not the Chinese Government want to stop the allegations? If the UK were for years to be incorrectly accused of killing religious minority groups to provide the rest of the population with organs, and if countries the world over were passing legislation against us, we would be doing everything in our power to present the evidence showing that the allegations were false, yet for some reason China has been utterly unable or unwilling to do so.

Why should that be? One might argue that China would not want to dignify the rumours with a response because they are so ludicrous. That might be the logic.
However, the Chinese Government have already admitted to taking organs from executed prisoners without their consent in the past. There is an evidential basis, and it is hardly likely the allegations are so beyond the realm of possibility that they are not worth responding to, yet the Chinese Government continue to claim that their transplant system is ethical, while maintaining its shroud of secrecy, and the UK Government continue to accept the claim at face value despite all evidence to the contrary. I refer the Minister again to the evidence available through the forum of the inquiry led by Sir Geoffrey Nice.

What we are talking about in this debate is organ harvesting—crimes against humanity, and a regime that is responsible for the greatest mass incarceration of a religious group since the Nazis in the second world war, as the hon. Member for Burton said in his intervention. I am afraid that simply to accept the Chinese Government’s flimsy narrative because it is convenient is a total and utter abdication of our responsibility to all those who have suffered at the hands of tyrannical regimes. How will history judge us? The hon. Gentleman is right: now is the time to draw the line and stop live organ transplantation, and transplantation without permission of the people whose organs are removed. We say “Never again”, but we do not, with our next breath, do something to make that brave declaration reality and ask the tough questions—although we are trying to do so in the Chamber today. We would rather bury our heads in the sand than deal with the hard light of the truth that radiates all around us. The evidence has been gathered, presented, analysed and judged countless times by countless different institutions. It has repeatedly been found to be wholly credible and convincing. Meanwhile, the Chinese Government have offered nothing substantial by way of rebuttal, despite the fact that it would be easy to do so if they were telling the truth. The absence of comment from them reinforces what I am saying.

I ask the Minister, therefore, to act on the findings of the China tribunal and to take appropriate action, including potentially following in the footsteps of many other countries and banning organ tourism to China from the UK. Over the years I have put down a number of questions. It is wrong that people should travel from here to China for what is almost a live organ on demand to suit themselves. It is hard to take in what that means—or at least to relay it to the Minister to present to the House. If the Chinese Government are doing nothing to present the proof, or at least to relay it to the Minister to present to the House. If the Chinese Government are doing nothing wrong, there is absolutely no reason why the issue should be a sensitive one, or even require private diplomacy.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate my hon. Friend on securing this debate. Although much of what we are rightly talking about concerns external pressure on the Chinese authorities to do what is right in the face of mounting evidence, does he agree that internal pressure could well be added to that? If the tens of thousands of Chinese tourists who come here and the Chinese students who study in further education colleges in the United Kingdom became aware of the extent of the problem, they could add to the pressure when they returned to the Chinese mainland. We know how Chinese authorities respond to internal pressure, but it would add to the external pressure and hopefully bring a satisfactory conclusion.

Jim Shannon: I thank my hon. Friend and colleague for his salient and appropriate words.

I will quote the comments in the report, particularly the words of Sir Geoffrey Nice QC in the last paragraph:

“China’s totalitarian approach of exerting absolute control over its citizens often causes widespread criticism and concern while leaving many serious unanswered questions. Many of the linked concerns stem from the climate of religious intolerance that prevails throughout China. This has also been documented as being a key element of the campaigns currently being inflicted on multiple faiths and ethnic groups. These campaigns would, under most analyses, be described as bearing the hallmarks of genocidal intent.”

That is the seriousness of what we are saying here today. The report continues:

“The growing evidence of forced organ extraction in China, and the expert analysis of China’s transplant system is hard to refute or ignore. As, too, is the gravity of the threat of live forced organ extraction faced by prisoners of conscience in China. This is demonstrated by the China Tribunal making the unusual decision to issue an Interim Judgement.”

I referred to that earlier, and it is impossible to think otherwise. Sir Geoffrey Nice says:

“We should all, perhaps, reflect on how the oxygen of publicity given to the allegations made and supported to the extent they are by our interim judgment, may allow the real oxygen of life to continue life itself in some who might otherwise be killed. Such a conceivable outcome—slight as a probability, arguably remote but certainly possible—makes it not only appropriate for us to record our present certainty about the…forced organ harvesting practices but a duty publicly to do so. Doing so now may possibly save innocents from harm.”

In conclusion, when we add all those things together, they confirm why this debate is so important and express the viewpoint of Westminster Hall, our Minister and how we all collectively think. Let us give the Chinese Government a chance to clear its name proudly and publicly, and, if it should refuse that opportunity, let us not simply shrug our shoulders and move on, as others have said. We need to do something now.

Let us question this reluctance from China. Let us finally jump for joy to have opportunities to present the proof, or at least to relay it to the Minister to present to the House. If the Chinese Government are doing nothing wrong, there is absolutely no reason why the issue should be a sensitive one, or even require private diplomacy. Westminster Hall for consideration and I look forward to contributions from right hon. and hon. Members; in particular, I look forward to the Minister’s response.
Lord Ahmad of Wimbledon quoted the same response forced live organ extraction in China. Just a few days ago, House and of the other place on the issue of alleged that is far too gentle a word for an utterly sinister act. harvesting; as the hon. Member for Strangford has said, used to in this country. That is why I do not use the term is a far cry from the voluntary organ donation we are mistake: once this lethal act is committed, the victim began the act of removing her organs. Let us make no down, screaming and without anaesthetic, while operators are used to in this country from prisoners of conscience in China. I have attended many meetings in this House, including with the Minister's predecessor, and listened to the accounts of that research in countless meetings in Committee Rooms as well as in debates in this Chamber. The sheer numbers alleged are absolutely staggering.

As long ago as 2016 the Conservative Party Human Rights Commission, which I have the privilege of chairing, produced a report on this issue. We called it then:

“A form of genocide cloaked in modern medical scrubs”, quoting Ethan Gutmann, to whom I pay tribute for his work in his strong intervention. Surely, at the very least, it demands further investigation at both UK Government and United Nations level.

Over the years, as we have heard, substantial research has been done on the issue of forced live organ extraction from prisoners of conscience in China. I have attended many meetings in this House, including with the Minister's predecessor, and listened to the accounts of that research in countless meetings in Committee Rooms as well as in debates in this Chamber. The sheer numbers alleged are absolutely staggering.

As long ago as 2016 the Conservative Party Human Rights Commission, which I have the privilege of chairing, produced a report on this issue. We called it then: “A form of genocide cloaked in modern medical scrubs”, quoting Ethan Gutmann, to whom I pay tribute for his persistent work on this subject. We also quoted the first-hand testimony to us of Dr Enver Tohti, formerly a doctor in China, who gave evidence to our commission personally of having been forced to remove an organ from a live prisoner. He subsequently fled China and now lives in London, driving a London bus.

In this place, the Conservative Party Human Rights Commission showed the horrifying film “The Bleeding Edge”, starring the brave actress Anastasia Lin. If the Minister and his officials have not seen that film, I urge them to do so. It showed in graphic detail a young Falun Gong woman being taken from prison and held down, screaming and without anaesthetic, while operators began the act of removing her organs. Let us make no mistake: once this lethal act is committed, the victim faces certain death. Indeed, that is how the film ends. It is a far cry from the voluntary organ donation we are used to in this country. That is why I do not use the term harvesting; as the hon. Member for Strangford has said, that is far too gentle a word for an utterly sinister act.

Yet, time and again, our Government give the same response to concerns expressed by Members of this House and of the other place on the issue of alleged forced live organ extraction in China. Just a few days ago, Lord Ahmad of Wimbledon quoted the same response given in this Chamber in October 2016 when he said, in reply to concerns expressed by Lord Alton in a written parliamentary question on the issue:

“Although I do not doubt the need to maintain close scrutiny of organ transplant practices in China, we believe that the evidence base is not sufficiently strong to substantiate claims about the systematic harvesting of organs from minority groups. Indeed, based on all the evidence available to us, we cannot conclude that this practice of ‘organ harvesting’ is definitely happening in China.”

That answer is simply not good enough.

Over the years, as we heard from the hon. Member for Strangford, more research has been done on this issue. Most recently, as we have also heard, in December 2018, a people’s tribunal, the independent tribunal into forced organ harvesting from prisoners of conscience in China, was set up. Should not the very fact that that is being led by Sir Geoffrey Nice QC—a world-renowned lawyer and professor of law with decades of relevant experience who, among other things, led the prosecution of Slobodan Milošević at the international tribunal for the former Yugoslavia—show that this issue merits time and attention at the most senior level of Government?

The tribunal has done its work. It has conducted days of hearings, it has heard evidence from some 30 witnesses and it is showing again and again that the evidence produced in the 2016 report by David Kilgour, David Matas and Ethan Gutmann, which I believe is 700 pages long and is entitled: “Bloody Harvest/The Slaughter: An Update”, must be looked into at Government level. In his recent oral evidence to the tribunal, Dr Matas emphasised that although there are problems with establishing exact data, sufficient concern has been raised for this issue to be investigated at the most senior level, both by Governments and by the UN.

The estimates in the report are so wildly different from the Chinese Government’s that they merit investigation. China’s central Government suggest that there are approximately 10,000 organ transplantations per year, but the research suggests that it may be as high as 60,000 to 100,000. In one hearing, the Conservative Party Human Rights Commission heard of the size of the hospitals constructed to undertake these operations, pointing to a far greater number taking place than the Chinese Government’s official figures indicate.

Jim Shannon: We see hospitals on industrial scales; that is the magnitude of what the hon. Lady refers to. Those outside listening must grasp what we are looking at—industrial-scale organ removals from living people.

Fiona Bruce: That is a graphic description. Anyone who has seen an indication of these buildings has to be concerned about the scale of what is going on, and about the number of people disappearing. What is happening to those people?

Indications suggest that prisoners of conscience routinely have their blood type and DNA assessed, so that they can be made available for this tragic and sinister practice of forced organ removal. Indications suggest that specific groups are being targeted, such as prisoners of conscience and people of certain faiths, including Falun Gong, Uighur Muslims, Tibetan Buddhists and House Christians. This is religious persecution and a crime against humanity—the crime of crimes.
Witnesses have testified to the China tribunal that they have seen Falun Gong practitioners examined by doctors while other prisoners are not, then often disappearing from the prison without a trace. One witness, a Falun Gong practitioner herself, suggested that she was subject to the same thorough medical examinations as others but was diagnosed with a heart condition, so did not face the same fate. Presumably, because of her heart condition, she was deemed to be unfit to become an organ donor.

Mr Gregory Campbell: The hon. Lady is outlining in very graphic terms the extent of some of the problems. Does she agree that, for issues such as this, a huge amount of emphasis and onus rests on bodies regarded as reputable and reliable, such as the World Health Organisation? A considerable degree of responsibility rests on bodies such as those to respond to this emphatically, and to do their homework and research to ensure that they give a more accurate picture.

Fiona Bruce: The hon. Gentleman is absolutely right. I raised that very point in a meeting with the Minister in Portcullis House. That must have been well over a year ago, yet nothing has been done to raise it with the WHO, as far as I am aware.

The China tribunal published an interim judgment confirming that it had identified several human rights violations, including breaches of the right to life under article 3 of the universal declaration of human rights, the right not to be subject to arbitrary arrest under article 9 and the right to be free from torture under article 5.

Andrew Griffiths: My hon. Friend has such a passion for human rights. She is a real asset to this place, and I am privileged to intervene on her. When we hear about the selection of people to go through this process of forced organ harvesting, I am reminded yet again of the death camps. We hear about the WHO saying that the evidence does not demonstrate these kinds of practices, which is reminiscent of the Red Cross turning up to the Nazi death camps and giving them a clean bill of health. We talk about the industrial nature of this practice, and that same industrial nature of the death camps meant that the Nazis could be so efficient in their hideous operation. Does she agree that all the evidence points to that taking place, and that we must do more to definitely prove it, and to take action?

Fiona Bruce: My hon. Friend is right. We condemn holocaust deniers absolutely. With all that is being done to raise concerns about this issue now, surely something must be done. To carry on—potentially—denying it is insufficient, inadequate and irresponsible. Let me reiterate: we are discussing the forced removal of organs in China, frequently from prisoners of conscience, which ultimately results in the death of the individuals subjected to this practice—a practice that amounts to manslaughter or, more probably in most cases, murder.

The speed with which organs can apparently be matched to those who request them, often from the west, is so swift—perhaps a couple of weeks. Matches in this country might take months, years or might never happen. There seems to be no other explanation than that organs are being removed to order. For donors to be available at such short notice seems virtually incredible.
case that nothing can be done. Our Government could inquire about the numbers of organ removals and their sources, as we have heard. They could reduce demand by banning organ tourism. If it becomes clear that the majority of organs do come from prisoners of conscience or Falun Gong practitioners, that in itself should sound alarm bells. If the Chinese Government do not want to co-operate with such inquiries, the international community must be engaged. This is not a case of a few voluntary organ transplants; it is a case of alleged mass killings through forced organ removal, of religious persecution, of grave allegations of crimes against humanity. It cries out to be addressed. Those who fail to do so will one day be held to account.

One step that the UK Government could take would be to proactively ensure that the UN investigate the alleged crimes properly. That could be achieved by way of a UN Human Rights Council resolution establishing, first, a UN special rapporteur on the human rights situation in China and, secondly, a commission of inquiry to investigate the systematic, widespread and grave violations of human rights in China.

If I may, I will be so impertinent as to read from two draft resolutions. I am sure that they are highly imperfect. I would be delighted if the Minister were willing to discuss them with me at some point after the debate and perhaps with others concerned about this issue. Let me explain what I mean. The draft resolution to establish a UN special rapporteur states:

“The Human Rights Council, Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms...Expresses its deep concern about continuing reports of systemic, widespread and grave violations of human rights in the People’s Republic of China...Notes with regret that the authorities of the People’s Republic of China have not created the necessary conditions to permit the international community, including the United Nations system, to examine these reports in an independent manner and calls upon the Government”—of China—

“to address these reports and concerns in an open and constructive manner, including...By providing all pertinent information concerning the above mentioned issues and removing restrictions on access to the country by the international community”.

There is much more detail in the draft.

I will just quote briefly from the second proposed resolution, to establish a commission of inquiry. It states that the

“Human Rights Council, Alarmed by”

reports of

“the precarious humanitarian situation in the country”—the People’s Republic of China—

“especially of religious groups persecuted because of their religion or belief, Reaffirming that it is the responsibility of the Government of the People’s Republic of China to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring the right to freedom of religion or belief for all...Decides to establish, for a period of one year, a commission of inquiry comprising three members, one of whom should be the Special Rapporteur”.

As I have stated, the special rapporteur would be established by the previous resolution. The second resolution states that the Human Rights Council

“Further decides that the commission of inquiry will investigate the systematic, widespread and grave violations of human rights in the People’s Republic of China, including...violations of...freedom of religion or belief, and enforced disappearances, with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity”.

Will the Minister agree to meet me and others concerned about this issue to discuss what we have raised today? I believe that they are among the gravest concerns that have been raised in this House in recent times. Will the Minister agree that at the very least these issues merit further investigation by the UK Government and by the international community through the UN?

10.16 am

Afzal Khan (Manchester, Gorton) (Lab): It is a pleasure to speak in this important debate. I thank the hon. Member for Strangford (Jim Shannon) for securing it and for the detailed and powerful speech that he delivered this morning.

I found it very difficult to learn about these graphic practices in China. I am simply appalled and disgusted by them. Credible research from multiple organisations, including the British Medical Journal, suggests that many thousands of people are being killed for their organs, particularly people in minority groups and most notably practitioners of Falun Gong—a peaceful, meditative practice—although Tibetans, Uyghurs and, potentially, House Christians have also been targeted for political reasons.

The allegations that Falun Gong practitioners, Tibetans and Uyghurs have been victims of this horrific practice are well documented and strong. The international community has strongly condemned organ harvesting in China, and action needs to be taken to end this abhorrent and unethical practice. The UN special rapporteurs on torture and on freedom of religion or belief have both requested that the Chinese Government explain the sources of the organs and that they allow them to investigate. There has been no response.

I understand that the Chinese ambassador to the UK and prominent doctors in China who are involved in transplantation were invited repeatedly to give evidence, but they have not responded. That is deeply worrying. There needs to be accountability for these blatant human rights abuses.

My primary concern is that people’s organs are being harvested because of those individuals’ beliefs. The sheer discrepancy between the official transplant figures from the Chinese Government and the number of transplants reported by hospitals is alarming. Although the Chinese Government say that 10,000 transplants occur each year, hospital data shows that between 60,000 and 100,000 organs are transplanted each year. Clearly, something does not add up.

Medical ethics are simply being put aside. An unregulated system exists in which organs are being delivered not to the most deserving recipients, but to the highest bidders. Furthermore, with the current situation of religious persecution and mass imprisonment of Uyghurs in re-education camps, it is clear that an independent investigation is required. It would be interesting to hear
the Minister’s comments on that. I strongly advise the Government to follow in the footsteps of the European Parliament and the US Congress, both of which have called for an independent investigation. Several countries have already taken legislative action to prevent their citizens from taking part in transplant tourism.

Will the Minister provide urgent assurance that the British Government will step up their efforts to hold the Chinese Government to account for these blatant human rights violations? Will the Minister also urge the Government to condemn publicly and in the strongest possible terms any form of live forced organ extraction, and call for an end to the practice? The world’s silence on this barbaric issue must end.

10.20 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I am pleased to participate in this important debate, and I extend my warm thanks to the hon. Member for Strangford (Jim Shannon) for securing it. He set out a comprehensive and convincing case, as did other hon. Members, concerning forced live organ donation in China. We have heard from several hon. Members about the allegations of forced live organ extraction from prisoners in China. We have heard, for at least the past decade, about the alleged victims being members of religious and ethnic minorities.

Forced organ removal is when people are killed so that an organ can be removed—with the recipients being, apparently, wealthy Chinese people or transplant tourists who travel to China and pay substantial sums to receive transplants. The waiting times for such transplants are short, and it seems that vital organs can even be booked in advance. As the hon. Member for Strangford pointed out, the China tribunal, which has investigated this, has issued an interim judgment stating that it is “sure beyond reasonable doubt—that in China forced organ harvesting from prisoners of conscience has been practised for a substantial period of time involving a very substantial number of victims.”

We also heard that from the hon. Members for Congleton (Fiona Bruce) and for Manchester, Gorton (Afzal Khan). That is absolutely horrific and an affront to all that is decent. Quite frankly, it is the sort of thing that one would expect to read about in a science-fiction novel.

Around 2006, a report was published giving credence to the claims that the Chinese authorities were indeed removing organs from executed prisoners. At that time, the Chinese authorities acknowledged that organs had been taken from executed prisoners, but only with their consent. However, the European Parliament disputed China’s official version of events and passed a motion condemning the state sanctioning of organ removal from non-consenting prisoners of conscience, including from large numbers of Falun Gong practitioners who were imprisoned for their religious beliefs. The figure for transplants—we will probably never know the true figure—is somewhere between 40,000 and 90,000, as the hon. Member for Strangford set out.

Carol Monaghan (Glasgow North West) (SNP): Given that that first report was published in 2006, does my hon. Friend agree that the UK is 13 years overdue in calling for an inter-governmental investigation into Chinese practices?

Patricia Gibson: My hon. Friend is absolutely right. She tempts me to skip to that point in my remarks, but I will get there in due course. Her point is well made, and it has been made several times around the Chamber.

This barbaric, inhumane practice must end. As my hon. Friend said, the international community, including the UK—I hope that the UK will lead the international community on this, but I will settle for the UK being included—must leave China in no doubt about how repugnant this practice is to any country that has any sense of decency or places any value on the dignity of human life. There can be no equivocation, no excuses and no turning of blind eyes.

As the hon. Member for Strangford has pointed out, people are being treated like cattle. He gave us a comprehensive account of how utterly unspeakable the practice is. We find ourselves in a bizarre situation in which the World Health Organisation has declared organ transplants in China to be ethical, claiming that there is no cause for suspicion. I urge the Minister, as other hon. Members have, to query and pursue that as a matter of urgency, since it seems to fly in the face of a considerable amount of evidence from the China tribunal, Geoffrey Nice QC and others. A number of hon. Members have expressed alarm at the World Health Organisation’s assessment, and I think that such a ruling undermines the organisation.

As we heard from the hon. Member for Congleton, Italy, Spain, Israel and Taiwan have introduced laws forbidding their citizens from engaging in organ tourism, with Canada working towards adopting similar legislation. Perhaps the Minister can tell us what plans are in place to introduce similar legislation in the UK. Given that the UK has signed the Council of Europe convention against trafficking in human organs, forbidding the intentional removal of human organs from living or deceased donors, it is quite a small step for the UK to forbid its citizens from engaging in organ tourism. Perhaps the Minister can explain what the Government are doing to take that small but extremely important leap. As the hon. Member for Congleton informed us, the UK Government and the UN must do more about the vast industrial scale of this horror and what can only be categorised as crimes against humanity.

The fact that Falun Gong practitioners are targeted in this way in China goes to the heart of the matter, as the hon. Member for Strangford has articulated, because an attack on freedom of religion is an attack on all freedoms. The right of all people to worship their God in peace, however they perceive their God, is a fundamental right. The threatening of that right endangers the very basis of freedom, in the widest sense, as the hon. Member for Strangford has put it.

In June last year, the all-party parliamentary group for international freedom of religion or belief produced a report, which found a signal lack of understanding and misperception of religion and belief among decision makers working within the UK asylum system. We need to understand religious persecution better and deal with it in an appropriately sensitive way. Decision makers in the UK asylum system need to have the appropriate training to ensure that they make the correct decisions, which are literally a matter of life and death to applicants seeking asylum.
There is no doubt that China exerts absolute and cruel control over its citizens, and that is something about which the international community is, and ought to be, exercised. The targeting of multiple faiths and ethnic groups has been characterised by some as the hallmark of genocidal intent, as the hon. Member for Burton (Andrew Griffiths), who is no longer in his place, indicated. There are loud echoes of the evils of history.

The UK Government need to step up to their international and moral responsibilities, as does the international community. No one could fail to be moved and horrified by the evidence and the stories of forced live organ extraction. It is an outrage, and we must not be afraid to say so. International institutions and Governments around the globe must bring to bear as much pressure as possible on China. That is our duty, and it is what decency demands of us.

If any nation treats any of its people in such a cruel and despicable way, we need to stand with other free and democratic states and condemn it using the harshest and most unequivocal language that we can articulate. I look forward to the Minister telling us what influence and pressure his Government have exerted, and will continue to exert, on China in the light of this debate. I also ask the Minister what the UK Government will do to encourage greater action from the international community on this barbarism.

There is no doubt that China is an important and influential international player, but no state should be allowed to engage in such horrific human rights abuses simply because it is influential. We have an international duty to uphold human rights and values however we can. We can do more to effect change. It is time for the international community to do so, and the UK must play its part.

Mrs Madeleine Moon (in the Chair): Before I call the Minister, I should acknowledge that I had prior advice from the hon. Member for Bishop Auckland (Helen Goodman), who has just arrived, of a domestic emergency that prevented her attendance earlier. She has had a member of staff making notes throughout and I am sure that if she has notes for the Minister or for those who have called the debate she will deal with that afterwards. I call the Minister.

The Minister for Asia and the Pacific (Mark Field): I suggest, Mrs Moon, that if the hon. Member for Bishop Auckland (Helen Goodman) wanted to speak I would be very happy to hear her and then I will sum up on that basis. As she has just rushed into the Chamber she may not feel it is appropriate to do so.

10.31 am

The Minister for Asia and the Pacific (Mark Field): I thank the hon. Member for Bishop Auckland (Helen Goodman) for giving me a mere 29 minutes to sum up on the debate. She was ably deputised by the hon. Member for Manchester, Gorton (Afzal Khan).

This is a serious issue, so I do not want to be too light-hearted, but it is great to be able to congratulate the hon. Member for Strangford (Jim Shannon) on securing the debate and for his birthday yesterday. There is also a birthday girl in the Chamber today: my hon. Friend the Member for Congleton (Fiona Bruce). I am sure there was a misprint in The Times about the age.

Fiona Bruce: Sadly not.

Mark Field: There is clearly something in the water that gives these late March babies an interest in human rights. Both those hon. Members and others have raised major concerns about live organ extraction going back many years. I commend their characteristic dedication and welcome the opportunity to set out the Government’s position. The hon. Member for North Ayrshire and Arran (Patricia Gibson) put on pressure when she said that we need to do more about the situation. We can work together with officials. I will set out the position, which I suspect may not be entirely satisfactory in the eyes of some of those who have contributed. As Minister, my commitment is to try and raise the profile of the issue internationally—not necessarily ramp up the pressure—because only when we work internationally can we make a genuine impact on the broader ethics of organ harvesting, as well as on the specifics about what we do with the WHO and other United Nations-related organisations.

In her brief contribution, the hon. Member for Bishop Auckland referred to broader Government concerns about the human rights situation in Xinjiang province, in north west China, and about wider reports about restrictions on freedom of religion and belief. Many Members will be aware about the Government’s extensive concerns about the situation in Xinjiang, which I discussed and debated with Members in this Chamber as recently as 29 January. There are credible reports that over 1 million Uyghur have been held in extrajudicial camps in Xinjiang and have faced a plethora of restrictions on their cultural and religious freedoms.

We also have substantial evidence of persecution of other religious minorities, including Christians, a range of Muslims from different sects, Buddhists and Falun Gong practitioners. They all face persecution and interference in their places of worship, their religious teaching and their customs. The UK Government are deeply concerned by the situation. In the last year no fewer than three different Ministers, including myself, have raised our concerns about human rights directly with our Chinese counterparts when visiting Beijing or at various international and public forums. At this month’s session of the UN Human Rights Council our Minister for Human Rights, Lord Ahmad, raised our concerns about Xinjiang in his opening address. The
UK also raised the issue in our national statement and we co-sponsored a side event focusing on human rights in Xinjiang.

On the specific issue of Chinese state-sanctioned or state-sponsored organ harvesting, Members outlined concerns about the sheer number of transplants taking place in China, which far exceeds the publicly reported supply of organs available. Some have suggested that the reason for that must be Chinese state-sponsored and sanctioned organ harvesting. Others have alluded to reports that the supposed donors are held extrajudicially and murdered on demand to supply organs to wealthy Chinese and foreign patients. If true—we have to recognise that there has to be evidence—these practices would be truly horrifying. We need to properly and fully investigate such reports and allegations, and establish the facts.

It is certainly the case that China’s organ transplant policy and system is far from transparent, as we would understand it in this part of the world. We are also aware of the cultural sensitivities in China regarding voluntary organ donation, and that the number of registered donors is low.

Carol Monaghan: I congratulate the hon. Member for Strangford (Jim Shannon) on bringing the debate. Does the Minister agree that the UK has a duty to update legislation—specifically the Human Tissue Act 2004—so that we can prevent UK citizens from travelling to China and participating in forced live organ donation, whether knowingly or not? The Minister has raised the issue of the doubts over what is happening. While those doubts exist, surely we must be doing more here to prevent people travelling to China.

Mark Field: I will come to the hon. Lady’s points later in my speech—there is a specific passage about that. We recognise that there are international comparators, as referred to by my hon. Friend the Member for Congleton, which I would like to explore. I do not want to commit further than that, as I suspect it may be a Home Office or public health matter. My hon. Friend and the hon. Lady have made very serious points about ethics, and I will come to them.

It would appear that, in the past, a significant proportion of organs were routinely taken from executed prisoners without prior consent. China committed to stopping this practice from January 2015. While this was an important and positive step, there are still fundamental ethical questions about the ability of condemned prisoners in China to give free and valid consent. Indeed, China’s use of the death penalty is itself a subject of great concern, not least because there is no transparency about the number of executions it carries out. Many NGOs assess that China executes more people than the rest of the world combined, but no accurate figures are available. We advocate against the use of the death penalty worldwide in all circumstances, including in China and a number of other countries, including close allies. We do not just condemn the practice, but advocate against it.

Members today have outlined concerns that organs are not only being taken from executed death row prisoners, but also from prisoners of conscience, primarily Falun Gong practitioners, as well as other religious and ethnic minorities. Concerns have been raised that sometimes organs are removed while the victim is still alive, and without anaesthetic.

There is a growing body of research, much of which is very worrying. As the hon. Member for Strangford mentioned in his speech, one key source is the written analysis by David Kilgour, David Matas and Ethan Gutmann. My officials have studied their latest report carefully and consider it to be an important source of new information about China’s organ transplant system. It points out that it is extremely difficult to verify the number of organ transplants conducted in China each year, and to verify the sources of those organs. The report rightly questions the lack of transparency in China’s organ transplant system, but acknowledges the lack of incontrovertible evidence of wrongdoing. The authors make it clear that they have no smoking gun, or smoking scalpel, to prove their allegations, so they are forced to rely on assumptions and less-than-rigorous research techniques. Some of those assumptions, particularly the statistical assumptions, came up in hon. Members’ contributions, but they are still assumptions. We have to work on the basis of rigorous evidence—obviously, we are trying to develop as big a body of that as we can. Those research techniques include having to infer the scale of the organ transplant system from hospital promotional material and media reports, rather than properly corroborated data sources.

Jim Shannon: I thank the Minister for his comprehensive reply. Along with that evidence, which many hon. Members referred to in their contributions, is he aware of the report of the United States Congressional-Executive Commission on China, which referred to a clear evidential base? That might help the Minister when it comes to gauging and bringing together all the information. It recognises the outcome of the China tribunal in the investigations it has carried out. That wealth of evidence across the world—at home, as the Minister has referred to, and in the United States—cannot be ignored.

Mark Field: I am now aware of that report and I will try to learn more in our future discussions.

The Kilgour, Matas and Gutmann report was used at the recent tribunal organised by the International Coalition to End Transplant Abuse in China, which was chaired by the eminent lawyer Sir Geoffrey Nice, as has been said, and which my officials attended. Additional evidence considered by the tribunal was due to be published online earlier in the year. We are still waiting for it to be uploaded, but we are aware of the provisional findings, parts of which have been quoted extensively by hon. Members. We await with great interest the full publication.

From all the available credible evidence, it appears that China has not fully implemented its organ transplant commitments of January 2015. However, the World Health Organisation takes the view that, from its observations, China is putting in place a system of donation and transplantation that it regards as ethical and voluntary, and that allocates organs in a fair, transparent and traceable way in keeping with international norms and principles. The World Health Organisation shares that view with several of the world’s leading experts on organ donation and transplantation.

Several hon. Members raised the issue of the WHO, the UN and international pressure. The WHO does not have a mandate or role to act as an inspector of whether new policies are being adhered to in China or any other country, but we will make it aware of the debate, of the
new evidence and of the sources to which I have referred, as well as providing a copy of Hansard to illustrate the concerns that have been expressed. We also note with interest the work done by the tribunal, and the information generated so far. We do not want to duplicate that work, so we are keen to utilise the evidence when it is finally published.

The hon. Member for Congleton asked whether we could call on the UN to undertake an inquiry or push for a rapporteur on the specific issue. We are working closely with international partners in the UN Human Rights Council, and will continue to do so, on a range of human rights issues in China. That work has previously included calling on China to implement the recommendations regarding Xinjiang from the UN’s Committee on the Elimination of Racial Discrimination, and to allow the UN unrestricted access to monitor that implementation. Xinjiang is obviously a priority, but I appreciate that this is a separate issue, for which an increasingly important body of evidence is being amassed. I hope that, by working closely with the international community within the UN again, we can make genuine progress.

Fiona Bruce: Will that include liaising with the American roving ambassador for religion or belief who, in the last week, has expressed concern about human rights issues in China in strong terms?

Mark Field: I shall be delighted. I suspect my colleague, Lord Ahmad, will do that, but it makes a lot of sense, not least given our relationship in the United Nations.

We shall continue to scrutinise the situation carefully, and we welcome all new evidence. At present, however, our assessment is that there is not a strong enough evidential base to substantiate the claim, which has come up today, that systematic state-sponsored or sanctioned organ harvesting is taking place in China.

Jim Shannon: The hon. Member for Bishop Auckland (Helen Goodman), who was unfortunately unable to be present at the start of the debate, referred to the previous debate about the Uyghurs. I understand that there is an evidential base: some 15 million Uyghurs have had DNA blood tests for the compatibility of their tissue for organ transplant; nine crematoriums have been constructed in Xinjiang province, the first of which hired 50 security guards; and there is a dedicated organ transplant lane at a Uyghur airport. They are just some of the stories, but if they are not evidence of what is taking place, what would be?

Mark Field: There is evidence for deep concern, as has been demonstrated in the debate, but we believe that we are some way away from the notion of it being evidence that it is state sanctioned. However, I am well aware that the issue is now being looked at by a number of interested parties, to which I and the hon. Gentleman have referred. As I have said, we will work within the international community on the issue, which I think will raise the attention of many countries that have deep concerns about such matters.

The hon. Members for Glasgow North West (Carol Monaghan) and for North Ayrshire and Arran raised the separate but related issue of British citizens travelling to China for medical treatment—so-called organ tourism. We do not collect data on that and are not really able to do so, but we believe that relatively few people in the UK choose to travel to China for that purpose. As it stands, the British Government cannot prevent those individuals from travelling—I am sure hon. Members recognise that it would be difficult to police that and understand whether people had gone for that purpose—but it is important that we make them aware that other countries may have poorer medical and ethical safeguards than the UK, and that travelling abroad for treatments, including organ transplants, carries fundamental risks.

There is a broader issue about the sheer ethics of what we might call a free market in transplanted organs. This debate is an important staging post, although we have had debates in Parliament before. Health is one of the few attributes that some of the poorest people in the world have, and we find the notion that the rich world can take advantage of that even bigger ethical concern. Travelling abroad, whether to China or elsewhere, is something that we want to work on with other countries. Where manageable legislation is in place that seems to be operating effectively, we should take it seriously.

I will come back to hon. Members with some thoughts about whether we feel legislation is practicable and can be introduced. I recognise hon. Members’ deep concerns, which reflect deeper ethical concerns about the notion of there being a free market for organs, and about the large-scale travel of British citizens to take advantage of that terrible harvest, although I do not think there is any evidence.

Patricia Gibson: I understand the Minister’s point about the difficulty of preventing people from travelling. I ask him—in his remarks a moment ago, he hinted at this—to consider that we pass a law preventing people from travelling for this reason and from being organ tourists. That would put our moral position on the map and set a marker, which is very important.

As the Minister says, we can look at what countries such as Italy, Taiwan, Israel and others have done and what measures they have in place to prevent their citizens from becoming organ tourists. Ethically, it is very important that we introduce such measures and it cannot be beyond the wit of any UK Government to put them in place.

Mark Field: I do not want to make any great commitment on this—I recognise that another Government Department may well have responsibility. We do not just want to put laws in place. We want to ensure they are effective. The worst of all worlds is to have legislation that is essentially bypassed in a straightforward way. Rather than making a commitment now that I end up having to backtrack on, I hope the hon. Lady will forgive me if I say that, given the depth of concern reflected by all Members, we will go back and try to look at things, particularly international comparators, to see how we can craft legislation that will be effective in the way that all of us would desire.

I conclude by taking this opportunity to reassure all hon. Members that, contrary to suggestions, our trading and economic relationship with China does not prevent us from having very frank discussions with the Chinese authorities, and nor does it affect our judgment on this increasingly important issue. We shall continue to engage
with China on a full range of issues, including human rights. I outlined earlier the UK’s recent actions in the UN Human Rights Council and our vocal condemnation of the abuses perpetrated in Xinjiang. We shall continue to promote universal freedoms and human rights, and to raise serious and well-founded concerns with China at the highest levels.

I thank all hon. Members for their contributions. I know that so much else that is going on crowds out interest elsewhere. It is great to see so many people in the Public Gallery, obviously recognising that these issues are close to the hearts of many representatives. Although it is perhaps understandable that much of the press coverage focuses on Brexit-related issues, a terrific amount of other work goes on. Many hon. Members—Back-Benchers and Front-Benchers alike—focus on that work.

As a Foreign Office Minister, I try to do my level best to keep working hard. I am afraid that a few conversations abroad obviously have a Brexit flavour to them, but there is also a sense that there is other important work to be done. Last week, I had two days away at the OECD in Paris, doing some very good work to stand up for the rules-based international order, and to work in relation to anti-corruption and integrity matters together with a number of other countries from across the world.

It is rather important that all of us utilise our energies in any way we can to address the important issues raised today, which I know we will come back to. I hope Members will work closely with the Government—with the Foreign Office and other Departments—to try to ensure that the terrible scourge of involuntary organ harvesting is, before too long, firmly in the past.

10.53 am

Jim Shannon: I thank right hon. and hon. Members for their contributions, which were very significant and helpful. I am particularly thankful to the Minister for his response. I never doubted that it would be honest, truthful and helpful, and I appreciate it. I understand the issues as we try to move forward, but I gently suggest to him that we need to use every avenue of opportunity we can to persuade China to stop what has been referred to as the industrial-scale removal of live organs.

Members have referred to the religious, ethnic and other groups across the whole of China that are affected: Falun Gong; Christians and House Christians; Uyghur Muslims; Tibetan Buddhists; and prisoners who are doing time for their crimes, but none the less should not have their organs removed.

My hon. Friend the Member for Congleton (Fiona Bruce) was very helpful in her contribution, as indeed were all Members. It was said that there is no victim to tell their story except for the person who found that they had a heart defect and therefore were unsuitable for a heart transplant. There is some of the evidential base.

The hon. Member for North Ayrshire and Arran (Patricia Gibson), who spoke for the Scottish National party, suggested that this was like something out of a science fiction novel. It is not. It is worse than that—it is real life, or in this case real death.

We are all deeply indebted to you, Ms Moon, for chairing the debate. I am grateful to hon. Members who have taken part, and to the audience who have attended today—a significant number of people are here.

We are here for one purpose. We want to see change, we want to see accountability and we want to see the removal of live organs for transplant stopped. We want China to grasp the urgency of the issue. The Minister referred to murder on demand, which we can never sanction. We urge the Chinese Government to realise that and draw back.

Question put and agreed to.

Resolved,

That this House has considered forced live organ extraction.
Royal Commission on Police Funding

10.56 am

Stephen Lloyd (Eastbourne) (Ind): I beg to move.

That this House has considered a Royal Commission on police funding in the 21st century.

It is a pleasure to serve under your chairmanship today, Ms Moon, and it is excellent that I am three minutes ahead, so we have 33 minutes for this debate. I am delighted to have secured the debate and to see the Minister for Policing and the Fire Service in his place. I am sure that his father is watching Parliament with great interest, but I will not go on about that.

The purpose of the debate is to implore the Government to implement a police royal commission. The last one was in 1962, which was before the Beatles; it is that long ago. It was the time when Elvis Presley was in his pomp, but this country has changed quite a bit since then, to put it mildly. In the ensuing 57 years, some elements of policing have remained the same—for example, there are 48 forces, all of which are very independent—but much else has changed. Governments of all complexions have made a few piecemeal adjustments here and there. Funding has gone up and down; it has been feast or famine. Now we are in 2019, and the vista for crime-fighting and the police force is completely different from how it was 57 years ago.

The idea of having a police royal commission has been around for about seven or eight years. My view is that over the last year or so, it has really begun to gain traction. The public understand it, and more than 370,000 people have signed a petition on it. In Parliament, there is growing cross-party support for it. In total, 51 MPs—from, importantly, all the different political parties—have signed my early-day motion. My objective in calling on the Government to establish a royal commission is not perhaps it is, or perhaps we should have more, or less.

Stephen Lloyd: I thank the hon. Gentleman for securing the debate. About 25 years ago, I served as a policeman in Greater Manchester police, which last summer ran a scheme that enabled MPs to go and experience what it is like. I agree with the hon. Gentleman that things have changed; things have changed since I was a police officer, and we can see that even more clearly if we look further back. How can we engage more Members so that we can go ahead with his good idea?

Afzal Khan (Manchester, Gorton) (Lab): I thank the hon. Gentleman for his intervention, particularly as he used to be a police officer. His intervention is really useful, because he has hit the nail on the head. To make the idea work and to put enough pressure on the Government—they have one or two other things on their mind at the minute—we need to grow the number of Members who back it in Parliament, and grow it in the media. We have a good support base of 51 Members. I was talking to some peers last night, and we are looking to push this in the Lords as well. To me, it is self-evident that policing has transformed, and that policing needs have completely changed in almost 60 years.

As I said, the changes in police forces have been piecemeal. It is difficult for politicians today to understand what the real issues are, because so many different groups give us different ideas and solutions. Only a week or so ago, we had the Prime Minister saying that the cuts in police numbers bore no relation to the increase in knife crime, and the following day the Metropolitan Police Commissioner saying that they did.

I am not making a political point. I believe we need this royal commission because the public yearn to have a group of independent experts—not politicians or the media, but people from policing around the world—taking evidence from a whole range of groups. On a royal commission, such people would be recognisably independent and expert. Using the evidence that was given, they could assess what was fact and what was fiction. I use those words advisedly, because when I and other politicians try to understand policing issues, we do not about what we ask the police to do, one problem is that we are told so many different things.

I am not an expert. Unlike the hon. Member for Manchester, Gorton (Afzal Khan), I have not been a policeman.

John Howell (Henley) (Con): In my police force, a lot of what the hon. Gentleman is talking about already happens. The force is already changing how it delivers police services; for example, there is a much bigger emphasis on rural crime. I am not sure how a royal commission would link into that, and what effect it would have on our very different constabularies.

Stephen Lloyd: That is a moot point, but the hon. Gentleman’s intervention reflects precisely my point: we can no longer have piecemeal changes, with one force doing one thing and another force doing another. A lack of consistency is at the heart of the problem of poor morale within police forces and a lack of engagement, support and trust among many of the public.

Let us take the numbers. Our ratio of policemen and women to members of the public is the third lowest in Europe. I do not know whether that is acceptable; perhaps it is, or perhaps we should have more, or less.
The point is that it is incredibly difficult for politicians and the Government to understand accurately the needs of modern-day policing and what the resources should be. That is because when it comes to policing and resources, there is so much noise, and so many noises off, from the different interest and lobby groups, and we must draw a line.

No one in the Chamber can fail to recognise that policing and crime have changed so much in 57 years; we know they have. With a royal commission, we want to get the politics out of it. Policing is too important—I will not even get on to police and crime commissioners; that is for another day—for politics. Politics goes straight through policing, from top to bottom, be it about resourcing—too much, or not enough—or what the police should and should not be doing.

I think I am offering the Government an opportunity, because I believe that if a Government, of whichever kind, set up a royal commission properly and robustly, the public will be grateful to them. The findings and conclusions of such a commission will set policing for the next 40 or 50 years. Because of the respect in which a royal commission is held, the public will listen to it and believe what it says in its report. That is crucial, because all the spin, disingenuousness and vested interests around policing mean that the public do not know who to believe. They do not believe us any more, and I do not blame them. What the hell do I know about policing?

As it happens, I have family members in the police and I work closely with the force in Eastbourne, which is brilliant. I was out with Sergeant Scott Franklin-Lester only a few months ago. After four hours, in which he arrested two people, I said, “I hope your mum doesn’t know how dangerous your job is.” I asked that excellent police sergeant for guidance and advice, and his feedback was really helpful and productive. I am not going to drop him in it, but his feedback reminded me how huge the issue is, and that there is a lack of consistency and public trust, as well as low morale in the police. It seems to me that a police royal commission, which I am convinced would get wide cross-party support, is one answer.

Afral Khan: At its heart, the matter is complex, and things have moved on. The Home Affairs Committee has said that the “current model for police funding is not fit for purpose”.

Does the hon. Gentleman agree that relying on council tax is a particularly unfair way of raising that funding, because areas that have been hardest hit by cuts will raise the least funding? There are clearly complex areas that need to be considered, and a royal commission would be the right way forward.

Stephen Lloyd: I thank the hon. Gentleman for his excellent intervention on that specific point. I have a lot of respect for the Select Committee. However, he identifies, as did the hon. Member for Henley (John Howell), that there are many different issues around funding, resources and what we want our police to look like over the next 40 or 50 years. That is why, in my campaign to get the police royal commission off the ground, I am deliberately trying not to pinpoint specific problems. I know them and I see them, and the hon. Member for Manchester, Gorton is absolutely right. But I do not simply want the Government to fix one issue, and then next year—or in six months’ time, after Brexit, if we are not in “Groundhog Day”—fix another little problem. As the hon. Member for Henley has quite rightly pointed out, for example, his own force recognises that rural crime is an issue, so it has fixed it. I am saying, “Stop.” We need to draw a line in the sand.

We need to get the right people on the commission. We need them to take evidence for, say, a year, from all the vested interests and from people with opinions, be they representatives of police forces, academics or possibly even politicians. Following that, we need to come up with a report that, depending on what we want for 21st-century policing and what areas we want to focus on, shows us the resources and the number of police officers required to keep the public safe. That would allow the public—and the politicians, but in this instance the public are key—to give real buy-in to what the commission propose, and also to our police force. I am not going to use clichés: our police force is highly respected as one of the best in the world, and the public have a lot of time for it, but I am concerned that that is fraying. That is wrong for the men and women who are in uniform out there, trying to keep us safe, and it is also wrong for our country.

It is absolutely crucial for the Government to make this decision while we are still slightly ahead of the game. A royal commission would not cost a ton of money—it is not a Chilcot report, or anything—or take an awful lot of time, but it would make a huge difference to the value that the public will put back into our police force. Most importantly, it would improve the police’s delivery and their capacity to fight crime. I urge the Government to recognise that a royal commission is going to happen; I am sure of it. With respect to the Minister, I know why the Government will push back: the line will be, “It will not be for a few years. We need to do something fast.” I do not know about the Minister, but frankly, I am pretty fed up with every Government bringing in new changes to the police here and there, and continuing with that piecemeal process. Let us get this done properly.

A royal commission would mean that other things, such as the excellent rural initiatives, stop. I think, however, that it would be worth the 18 months or so that it would take to put a commission together and compile a report, and the two or three years it would then take to roll out its conclusions. Let us prove to the public—particularly at the minute, with Brexit—that we are not just focused on short-term fix and mend; let us get this one right. If the Minister puts his name to a royal commission, I am sure that he will be much loved and appreciated across the length and breadth of the country, and that such a commission will have an enormously positive impact on our police forces, on the public, and, most importantly, fighting crime in all its different forms. Let us not wait another 20 years; the time has come, and I urge the Minister to push the forward button now.

11.14 am

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a huge pleasure to serve under your chairmanship, Mrs Moon, for what I think is the first time. I congratulate the hon. Member for Eastbourne (Stephen Lloyd) on raising that a royal debate, and on presenting a good case in an extremely beguiling manner. He has promised me the love and admiration of the nation if I accede to his request; he took me back in
time to 1962, and he mentioned Elvis, but obviously the most important feature of that year is that it is the year I was born. He did his very best to beguile me, but he has not entirely persuaded me of his case. However, since we are in the mood for finding common ground, let me establish some, because it is important.

The hon. Gentleman is right to say that we are recognised as having one of the best police systems in the world, and that the public still have relatively high levels of confidence in the police. He is right to point out that the public are increasingly concerned about crime, and are, I think, primarily unsettled by the terrible cycle of serious violence; that is not just an urban issue, but is deeply unsettling for everyone. The hon. Gentleman is also right about his fundamental point: we are working through a period of profound change in the nature of crime, the risks to public safety that we are trying to manage, and the nature of the demand on the police and the resources available to them. He did not mention this, but one of the defining features of our age is the growing power of technology to do both good and evil, and the make-up of our country's communities and the cultural norms and attitudes that underpin them also continue to change fast. The hon. Gentleman knows as well as I do the fundamental power of the seventh Peel principle: "the police are the public and the public are the police". All of those are fundamental truths, and arguably the core challenge facing any Government or police leadership at any time.

We are living through a process of accelerated change, but I wholly support the point made by my hon. Friend the Member for Henley (John Howell): the police are managing that change. There are ways in which we can improve, but just as the country and crime are changing, so are the police. My local police force, the Met, is unrecognisable from what it was 10 years ago. A lot of rubbish is talked about the police and their attitude to change, and some people have fallen into the trap of talking about them as one of the great unreformed public institutions. The police are managing a huge amount of change in what they do and how they work.

John Howell: The point that I was trying to make was that if we compare Thames Valley police with the Metropolitan police, for example, they are completely different organisations tackling different sorts of crimes. I wonder whether the differences in the make-up of constabularies are now so great that a royal commission would not be able to work across all those different activities.

Mr Hurd: That is a valid and important point. I understand the temptation to say, "There are lots of difficult things going on and there is a need to take a long-term view, so let us ask some sensible people to take some time, go away and talk to people, and think about this." My concern is not just that which my hon. Friend the Member for Henley expressed, but that a royal commission feels like a rather outdated and static process, given the dynamic situation that we are in.

The practical point is that we are approaching an extremely important point in defining the future of policing in this country, which is the next spending review. We cannot be certain, because we live in uncertain times, but the Chancellor has indicated that all being well with Brexit—I know that is a big "if"—that will be a summer for autumn event. For me, that spending review is the next critical point for shaping the immediate future of policing in England and Wales, and there are some things that we just do not need royal commission advice on.

Quite rightly, the hon. Member for Eastbourne talked about resources and officer numbers. If we cut through all the smoke, fire and political heat, there is cross-party recognition of the need to increase the capacity of our police system. We can argue about how fast and how far, but the Government and Labour Front Benchers recognise the need to do that, and we are moving in that direction. Next year, as a country we will be investing £2 billion more in our police system than three years ago. Police forces up and down the country are recruiting more than 3,000 new officers, in addition to staff. It is not only about increasing investment and officer numbers, but about looking hard at how police time is managed, the power of technology to free up time and internal demand and external demand, not least of which are the demands of looking after people on the mental health spectrum. A huge amount of work is going into looking at how we can increase capacity through increased investment and looking again at how the valuable time of frontline officers is used. We do not need a commission to help us in that critical work.

Afzal Khan: The commission being proposed has a lot of weight. In a sense, two fundamental issues make the difference: the ability of people to move around and the ability to communicate. That has opened up a world of things on the crime side in terms of how criminals operate across counties and internationally, on the internet and through fraud. It would be helpful to have a commission to look at the totality and to help us have a police force that is fit for the 21st century.

Mr Hurd: I understand the point, and I will address it, but my point is that I am not sure that a royal commission is the right solution at the moment for addressing some of the challenges that we know about. We have the capacity among the Government, the political process in this place and police leadership to work through them ourselves. I mentioned the spending review, and that is the major opportunity in the short term. We must not lose sight of getting it right or be distracted by the idea of royal commissions.

We are working closely with the police to look at demand and cost pressures and to ensure that the bid into the spending review is properly informed. With the police we are working through the question of how much further we can go in making the police more efficient and productive on behalf of the taxpayer. We are looking at the balance between crime prevention and the reaction to crime. We are looking at how we can give better support to frontline officers, because it is clear that we can and should do that. We are looking at system issues—issues that have rolled down through the ages, but that continue to be relevant, such as the balance between the centre and the local, the question of how we build and deliver national capabilities and the fundamental question of how we learn from the past for the next stage of upgrading police technology across this fragmented system.
How do we develop more consistent standards across the fragmented system? How do we do a better job of spreading innovation and best practice? Some of that best practice is frankly brilliant, but it exists in pockets. How do we ensure that it is spread across the system? How do we ensure that the fragmented system takes a more systemic approach to tackling some of the perennial problems that it faces? How do we ensure that we allocate resources in the fairest possible way? Those are challenges that we know we have to address, and we are working together with the police to do so. I simply am not persuaded that a royal commission will help those things in the immediate specific context, but I will come back to the point. First, I will give way to the hon. Member for Halifax (Holly Lynch), who is a great supporter of the police.

Holly Lynch (Halifax) (Lab): I thank the Minister for giving way and the hon. Member for Eastbourne (Stephen Lloyd) for eloquently setting out the challenges facing the police. Will the Minister give us a little more information on the points he was making? I am aware of the work Tom Winsor is undertaking with forces as they go through their assessments of what crime demand will look like in the coming years, with a view then to look at the resources required to match that. What might the timeline and the process be? However we approach having to meet resources in the future, that information and analysis will be important.

Mr Hurd: The hon. Lady is superbly informed and passionate about policing. She makes a good point and illustrates something I was trying to capture: the degree to which the police are changing and responding to challenge. The challenge to police leadership from Her Majesty’s independent inspectorate was, “You don’t do a good enough job of anticipating and managing future demand.” That sounds critical, but we know the reality. Police leadership is stretched in dealing with the demand in front of it.

The challenge from the inspectorate is that we need to do a better job of anticipating future demand, and the instrument was the force management statement. There were some grumblings and criticism at the start of that process, but every force complied with it. The inspectorate handled that process very well. We have all our first force management statements in, and we are now into a second iteration of that process. That is a good example of where the police have recognised the need for change, prodded by external eyes and external challenge. The system is now working together to improve on the first iteration, and I am encouraged by that.

I recognise the clarity of the argument made by the hon. Member for Eastbourne, and I understand its iteration, and I am encouraged by that. I want to close on a more constructive and positive note. Looking at the history of police reform in this country going back centuries, it is striking that the same questions are always asked. They tend to come back to, “What is the right balance between the centre and the local?” “Who are the police accountable to?” and, “How do we strike the right balance between law and order and the protection of individual liberties?” Then there is the fundamental question of, “Have we got the right structure of policing?” That tends to come back, as it has over the years, to the question of, “What is the right structure in terms of the number of police forces?” If we look at the length of history, we have come down from 200-odd forces to 43, and the question whether it is the right structure is still being asked.

The reality is this: the system has real strengths in local accountability and ensuring that local police forces are attuned to local need and accountable to the residents and citizens they serve. The hon. Gentleman spoke about piecemeal reform, but I would argue that the reforms to the police system since 2010 have not been piecemeal. They have been extremely significant, not least the introduction of police and crime commissioners to further sharpen local accountability. That is a real strength in the system that the public understand and respect, but the reality—it is heard from every police audience—is that the system is extremely challenged by the current environment of policing, not least because more and more crime simply does not respect borders, because it is either online or physically runs across borders, such as county lines. The fragmented police system struggles with this environment of rapid change.

Although a lot of change is going on, it is driven at a slow and unsteady pace across the system, and the police recognise that. As it has been over time, the whole question of whether this is the right policing structure continues to be valid, and it will continue to be asked. I happen to think that we can do a great deal to make the system work smarter, and that is one of my major priorities, but the political reality is that no party—Conservative, Labour or any other—has a mandate from the British people to take a big-bang approach to restructuring policing, even if it wanted to. I have no doubt that whoever is in power, we will come back to the question whether we have the right structure to combat modern crime and modern demand on the police as the police evolve, as we understand it through the police’s own understanding and as we build capability in the system to look ahead a bit further, which is one of my priorities. In that context, there may well be merits to and an argument for an independent look at that.

Stephen Lloyd: I have to intervene otherwise the debate will run out of time. All I will say in answer to the Minister is that the fundamental thing the police royal commission would give, which we lack, is trust for the public.

Motion lapsed (Standing Order No. 10(6)).

11.30 am

Sitting suspended.
Personal Independence Payments: Merseyside

[Sir Edward Leigh in the Chair]

2.30 pm

Maria Eagle (Garston and Halewood) (Lab): I beg to move,

That this House has considered the administration of personal independence payments on Merseyside.

It is a pleasure to serve under your chairmanship, Sir Edward. I welcome the Minister, who has been, though is not at present, the Minister for Disabled People. As a former Minister for Disabled People myself—I served for an entire Parliament, in fact—I am grateful for this opportunity to highlight a worrying deterioration that I have noticed in the administration of disability benefits in my constituency.

Personal independence payment is meant to help people with the extra costs of disability, and is payable regardless of income. None the less, many sick and disabled people who apply for it and receive it are often unable to work, tend to be poor and find it difficult to make ends meet. Many have chronic fluctuating conditions, and are very ill or very disabled. PIP is therefore usually, in my experience, an essential component of enabling people in such situations to live a decent and dignified life. It is a crucial benefit, which is all the more reason to get it swiftly and correctly to those who are entitled to it.

According to the House of Commons Library, since 2010 some £4.8 billion has been cut from disability benefit. Indeed, the introduction of PIP and the replacement of disability living allowance, its predecessor benefit, was intended from the start to cut entitlement to make it less generous, and to create monetary savings in the escalating cost of DLA. The expected savings of £3 billion a year have not materialised, but the Tory Minister in the Lib Dem-Tory coalition who introduced the benefit in 2013 said that PIP would be “easier to understand and administer, financially sustainable and more objective.”—[Official Report, 13 December 2012; Vol. 553, c. 463.] “Financially sustainable” means, in this context, cheaper in terms of the overall spend. That means cutting entitlement and awards when we get down to the circumstances of individuals.

Since PIP’s inception, administrative problems have been to the fore. In its first seven months, only 16% of the targets for resolving claims were met. The National Audit Office was critical, suggesting that the Department for Work and Pensions should “set out a clear plan for informing claimants about the likely delays they will experience”.

I wish it had, because my constituents are increasingly experiencing delays, and I do not see any plan to stop them. Even since PIP was introduced, constituents have complained to me about the way in which they have been treated when being assessed, the delays in the process of administering it, and subsequent reconsiderations and appeals. Whatever the outcome of the original assessment, it is hard to find people who are satisfied with the administration of the benefit.

Recently I have noticed that things are worsening. For the previous two years, until last December, I had a stable, steady number of cases coming through, spread over the months. I have been able to help with some cases and not others, but the flow has been pretty steady. However, during the first three months of this year my office has faced a threefold increase in complaints about PIP, and some of the circumstances my constituents relate to me are simply horrendous.

There are a set of different problems. For example, I hear about inappropriate questions at assessment, so that when people are disqualified from the benefit they consider the process completely unfair. Asking somebody who is debilitated by mental illness whether they can pick something up off the floor just does not seem relevant to that individual. In my experience, home assessments are rarely allowed, and when people cannot attend, usually for genuine reasons, they are simply disallowed the benefit.

I have one constituent who has been trying since December 2017 to be assessed. He has been refused, despite many debilitating conditions, including severe schizophrenia, bipolar disorder and chronic obstructive pulmonary disease. There are physical and mental reasons why he cannot attend an assessment centre, but PIP administrators simply will not attend him at home. He has been unable to get to the 11 face-to-face interview assessments he has been set. Consequently, his last DLA payment, which was received in the middle of last year, has long since expired.

My constituent has lost employment and support allowance as a consequence. He has now lost almost £5,000 of income, and is financially reliant on his extremely elderly and disabled mother for the basics—all because he cannot get to an assessment. Why on earth can they not assess him at home? It is ridiculous that he has been asked to attend 11 times when he clearly has problems doing so. Why can we not have some common sense?

In addition, there are poor assessments and a poor attitude from assessors. My constituents report that they are often simply not believed. Some feel sneered at, and some are right to feel that way, from the accounts that I have heard. Inaccuracies in medical assessments mean that sometimes the reports that are produced end up bearing no resemblance whatever to what has been said at the face-to-face interview, and my constituents tell me that they feel as if a completely different case and person has been reported on.

Jim Shannon (Strangford) (DUP): May I reflect on the hon. Lady’s opinions regarding PIP? I am very involved in this matter in my constituency back home, with the changes that there have been. Does the hon. Lady feel, as I always have, that it is important that the assessor or officer who comes out to visit the person in their home, or takes them to an office for interview, has knowledge of the medical circumstances of that person? Also, when it comes to mental and emotional issues, does she agree that it is important to have someone there to support the person being assessed—perhaps as a witness as much as anything?

Maria Eagle: I agree with both those points. A lack of understanding and basic common decency sometimes seems to creep into these assessments.
I also have vulnerable constituents who are being prevented from getting help in explaining their situation to assessors. For example, I have a constituent who has a brain stem tumour, among other physical conditions. Perhaps not surprisingly, her mother was with her at the assessment. However, she was told that her mother could not answer any questions for her, despite the fact that my constituent has significant difficulty in processing information because of her condition. That goes completely against the PIP assessment guidance, which says that “companions may play an active role in helping claimants answer questions”.

I have constituents who were prevented from having that kind of help and, perhaps not surprisingly, thereafter had their PIP stopped because it was felt that they had not answered the questions appropriately.

There are extremely long delays in assessments, reconsiderations and particularly tribunal dates for appeals. It is hard to justify the fact that the average waiting time for PIP is now 15 weeks. That is almost four months. It is completely unacceptable to make disabled people, who rely on that money to make their lives a little easier, wait so long for a first payment.

Reconsiderations are a necessary step to be gone through, but they almost never overturn the original decision. In my recent experience, I have not come across a single case in which that has happened, even when it is blindingly obvious that that is the point at which what has gone wrong can be put right with the least possible damage. Surely the purpose of the reconsideration stage is to apply a little common sense, but these days it just seems to be a way of wasting another two or three months, during which the individual does not get their benefit.

The wait for a tribunal is the killer. On Merseyside, the average wait is more than nine months, but I know of people who have waited for 12. It is an absolute scandal. How can the Government or the Minister possibly justify treating vulnerable, sick and disabled people in such a callous and horrendous manner?

I have also come across many reports of compassion fatigue among bureaucratic and indifferent contractors who are paid to assess vulnerable and desperate people. Compassion fatigue is not a new phenomenon, but it seems to be rife these days. It was reported in the newspapers recently that a DWP official had submitted papers to an appeal tribunal in which they referred to the appellant, a disabled person, as a “lying bitch”. How revealing of their attitude is that? Yet there is not much evidence of fraud in claims for these benefits: according to DWP figures, it represents only 1.5% of the total expenditure. That figure is put into context by the heftier 4.2% of total expenditure on making up underpayments to people who have not claimed their full entitlement—one can hardly argue that there is a huge problem of fraud that we need to crack down on.

Let me give a few examples of cases in my constituency that illustrate my concerns. Some people’s benefits have been stopped, quite unfairly, when they have fallen foul of overly bureaucratic practices that take no notice of plain common sense and that apparently cannot be put right without the lengthiest process imaginable, causing extreme hardship and pain. I have a constituent with kidney disease who attends hospital weekly for dialysis. She was diagnosed with a very painful and severe complication of her condition and was treated for it as an in-patient. When she got home after being discharged last July, she was exhausted, disoriented and in severe pain. She was expecting a district nurse to attend her at home to change a dressing, but her carer was confronted at the door by someone who claimed to be a health professional, but who—sure enough—seems in hindsight to have been sent by the DWP.

The “medical professional”, who was turned away by the carer because my constituent was in no fit state to be seen, appears to have had a compassion bypass. Instead of being given another appointment at a more convenient and sensible time, my constituent had her benefit stopped last August because she was said to have refused to be interviewed. Not only was she in no fit state to be interviewed, but she had received no letter. Even if such a letter had been sent, she had been in hospital for weeks and was very poorly, so she certainly would not have seen it. Why on earth was another appointment not made as a matter of plain common sense? Her request for a reconsideration last October was refused. What is the point of having reconsiderations if we cannot reconsider a case like that?

My constituent applied for a tribunal hearing in December—given her very poor health, it took her that long to navigate the process of filling in all the required forms. For three months, she tried to make the best of things, but she came to see me last week asking how long she would have to wait for an appeal. As I have said, and as the Minister may know, the average wait on Merseyside is 38 to 42 weeks, so I had to tell my constituent that she might have to wait another six months before the matter could be resolved. I have no doubt that the decision would be overturned at a hearing, as happens in 75% of the cases that get that far.

When I asked my constituent how she was doing, she told me that she had no money for food. Her weight had reduced to just 6½ stone. On the day she came to see me, she had eaten two slices of toast—one for breakfast and one for lunch—and was planning a main meal of a bowl of soup. I would normally offer food bank vouchers to a woman in that condition, but my constituent has a special diet because of her dialysis, so she could not have eaten what a food bank would have given her. She was able to take advantage of Can Cook, a charity in my constituency that stepped in at my request to provide some fresh food commensurate with her dietary requirements—but most people do not have Can Cook in their constituency.

I happened to bump into the Secretary of State, so I asked her who I should write to about this scandalous case, given that the hon. Member for Truro and Falmouth (Sarah Newton) has resigned as Minister for Disabled People, Health and Work and has not been replaced. The Secretary of State got her officials to sort it out within two days, which is excellent, and I thank her for it. My constituent has been reassessed on higher rates of care and mobility than those from which she was disqualified, and she will receive full back payments this week. Thank goodness she came to see me, but she did not see me for 10 weeks—and what about those constituents who have not come to see me and who are suffering in silence and despair at home? What about those who are too vulnerable to get out to see me, particularly those who are debilitating by mental ill health and are struggling on with no money and no food?
Jim Shannon: I am quite moved by what the hon. Lady says. Many of us know of people in similar circumstances. At my constituency office, three people in 10 days came to see us who had fallen off the radar—no one knew about them. Their issues were clearly mental and emotional. Does the hon. Lady feel that someone in the benefits system should be following up on people who have been refused benefits? That would be a method of finding out what is happening to those people.

Maria Eagle: The hon. Gentleman is correct. One would have thought that the reconsideration would introduce an element of plain good sense, but it does not seem to be working in that way at present. There is a general issue with how the debility caused by mental ill health is not well recognised or sympathetically dealt with in the system. People who are debilitated with mental ill health often find it even harder than people who have physical disabilities to face up to filling in the forms and getting themselves organised to get some help, so they are even more vulnerable.

PIP has less generous criteria for its mobility component than DLA, because it is designed to save money: people are required to be less able to walk than under the older benefit system. Because PIP is the gateway to one of the world’s most innovative and practical disability entitlements—the world-leading Motability scheme, one of the best things that makes disabled people’s lives easier—problems in its administration hit recipients particularly hard. For many of my disabled constituents, access to a Motability car is a lifeline—it makes their lives liveable—but in the last two years, the DWP’s own figures show that 44% of people who were getting the higher rate mobility component under DLA lost their entitlement under PIP. Of those who are being reassessed from the DLA higher rate mobility component to PIP, only 53% got the equivalent of the enhanced rate. The other half either got the lower rate, and therefore lost their car, or got no mobility component at all.

People naturally appeal when they lose so much, and they are entitled to do so. PIP appeals accounted for 52% of all social security and child support tribunal receipts, and 73% of PIP appeals succeeded. Too many people who should appeal do not; they put up with the loss of income and the hardship because they cannot cope with the process. For people who first joined the Motability scheme before 2012, the car has to go back once the benefit has been gone for 26 weeks. However, the average wait for a tribunal on Merseyside is nine months, which means that people’s cars have to go back even if they win the tribunal, as 75% of them do. What is the point of taking away a disabled person’s car only to give it back again? Is it any wonder that people feel messed around? They have been messed around. I have a number of cases where people have quite wrongly lost their Motability car. When they finally get to appeal, they get it back. Why mess them around in the first place?

One constituent has lost her car and is awaiting a tribunal hearing—she will have waited almost a year by the time she gets one. I tried to have her case expedited with the Courts and Tribunals Service, as I have with a number of others, as this young woman has to make three or four journeys to hospital, in different directions, to different hospitals every week. She and her parents, who are fairly low-paid workers, used the car to get her to those hospital appointments. Her journeys cost £17 per journey in a taxi, multiplied three or four times a week. When her mother came to see me, they were starting to decide which hospital appointments to go to and which not to go to. I asked the Courts and Tribunals Service to expedite the hearing, and it was put in front of the judge—that is the first time I have got that far—but he said no, so she will have to wait until this summer.

The Mayor of Liverpool has a mayoral hardship fund, with millions of pounds that were raised through the invest-to-save arrangements, which was supposed to be about improving the Merseyside economy. He now spends all of that fund supporting poor people, and the young woman now has her taxi journeys paid for. That is the only reason she is still able to attend her hospital appointments.

The Minister must recognise that there is a severe problem here, at the very least in the length of time it is taking to get appeal hearings, and in the way in which people are being messed around in the interim. The people who benefit from PIP are some of the poorest, most vulnerable and most disabled people in our society. They should not be put through the mill to get their basic entitlement to an extra benefit. I hope the Minister will be able to show us that the situation is going to improve in future.
In her assessment, she was able to perform activities such as standing up from a chair and touching her toes, and she also told the assessor that she occasionally went jogging to support her mental health. As a result, she was awarded nil points. She was also refused PIP at the mandatory reconsideration stage. My experience of reconsideration is much the same as that of my hon. Friend—very few receive a reconsideration that results in a different decision.

On appeal, my constituent was represented by my fantastic constituency caseworker at the tribunal. She was awarded the standard mobility rate and the enhanced daily living rate of approximately £400 a month, which is a life-changing amount of money for her. However, during the period when she was not entitled to PIP, she was forced to use food banks on several occasions. She was unable to visit her son because she could not afford to pay the taxi fares. As my hon. Friend set out so clearly, it simply takes too long for appeal decisions to be made.

As we have already heard, the latest figures from the Department for Work and Pensions show that the average time to appeal a PIP decision successfully has more than doubled since 2014-15, to a national average of 31 weeks, while the average time is longer for the Liverpool tribunal venue, at 38 weeks. Those delays force some of our most vulnerable constituents into isolation and destitution. They are left struggling to pay for food, rent and bills. Indeed, benefit delays and changes are the main reason why people are referred to food banks on Merseyside, and the Trussell Trust has warned repeatedly that benefit changes are forcing people to turn to food banks, as I know from my own experience volunteering at the North Liverpool food bank at St John’s church in Tuebrook. I pay tribute to the selfless and dedicated individuals who work at food banks across the city, and across the country.

My constituency of West Derby has a PIP claimant rate of 8.6%, which is the 13th highest PIP recipient rate of all the constituencies in Great Britain. The case of my constituent is by no means unique; we have heard the cases cited by my hon. Friend. I am struck by two observations—first, the high proportion of claimants who are eventually successful in winning their PIP appeal and, secondly, the particular difficulties faced by individuals with mental health issues.

As my hon. Friend said, around three quarters of all PIP refusals that go to appeal in Liverpool are successful. That appeal rate comes as no surprise to me, my casework team or charities in Merseyside, who have worked tirelessly to help local people receive the support they are entitled to. I thank the numerous organisations across Merseyside that support our most vulnerable constituents to navigate the complex benefit system. I mention in particular St Andrew’s Community Network in north Liverpool, and Merseyside Welfare Rights, now known as the Merseyside Law Centre.

I anticipate that the Minister will say that decisions are overturned because claimants submit more evidence at appeal stage than they did earlier. I appreciate that that is a factor, but surely something is fundamentally wrong in the system when the figure for successful appeals is so high. We need to look at both the assessment and reconsideration processes for reform.

I finish by saying something about the disadvantage and challenges faced by people who are struggling with mental ill health when navigating the PIP process. For those who have mental health issues, the assessment process can be a doubly challenging experience, with the stress of undergoing an assessment exacerbating existing health conditions. Research by academics at York University released earlier this year found:

“Overall, claimants with a psychiatric condition were 2.4 times more likely than a claimant with a non-psychiatric condition to have their existing DLA entitlement removed following a PIP eligibility assessment.”

Mental health conditions are very common among PIP applicants, but our benefit system appears to continue to discriminate against people with mental ill health. We have a long way to go to achieve parity of esteem in the social security system for physical and mental health.

Today I received an example from one of the charities working on behalf of my constituents. It has “been supporting a gentleman who is coming to us for life coaching. He had previously been awarded High rate DLA for life due to his injuries from an accident in work, his mental health & Type 1 diabetes. He had to go to an assessment for PIP and…made to walk the whole length of the building to the assessment room, even though he asked her if there was a closer room as he was struggling only to be told no and to hurry up!!! He said the interview was very rushed…he felt really uncomfortable and made to feel like he was making his illness’s up. He wears a monitor on his arm”—because of his diabetes—“so his blood sugar’s can be read constantly and when the report was sent it stated he had a gadget on his arm but not sure what it was.”

even though he had explained that during his interview. The charity’s letter continues:

“He then received a letter stating that he was going to be getting a drastically reduced rate as he didn’t need special care and that his mobility was fine so he would also be losing his mobility car. The report also stated his pain medication was moderate!! Did the examiner have the medical knowledge & Qualification to make that assumption?

He has since slipped into a total depression and on our last coaching session he just sat and cried and said he didn’t know why he was even bothering. He hasn’t had the enthusiasm to see his 3 young boys, which he used to see daily on the school run. He is terrified that once the car is repossessed he won’t be able to see them at all as they have recently moved.

He has sent off a mandatory reconsideration with the help of us and PSS however some people don’t have this support and wouldn’t know where to go for this kind of help. This process has totally turned his already unhappy life totally on it’s head and his self-harming is more apparent than I have seen in the last 12 months.”

The letter finishes with the rhetorical question:

“When did a person was awarded DLA for life should they have to be reassessed???”

As the local charity said to me today in an email, this story has a number of policy implications. They include the question of reassessment when an award had previously been made for life; the way that interviews are conducted and how that leaves claimants feeling; the perceived lack of appropriate medical qualification, especially in complex circumstances such as the example that I have described; and the eventual reconsideration on appeal, which, in the words of the local organisation, “will end up costing a fortune and is likely to reverse the original decision.”

Time and again, the PIP process lets down some of our most vulnerable constituents. As a result, trust in its administration is in desperately short supply. I hope the Minister will listen to these concerns and the example
cases we raise through our speeches, so that we can work together to ensure that in the future we have a PIP system that really works for all disabled people.

3.3 pm

**Ms Angela Eagle** (Wallasey) (Lab): It is a pleasure to be here, although I wish we did not have to discuss this extremely difficult issue. I pay tribute to my sister and hon. Friend the Member for Garston and Halewood (Maria Eagle) and other colleagues who are here to talk about this important issue. I want to spend a bit of time relating what is happening with personal independence payments on the other side of the River Mersey, on the Wirral. For the Minister’s interest, I will mention five cases. I will give him a letter with the more important details, and I hope that he will help me to deal with the three that are outstanding.

Wallasey is 25th in the table of PIP cases and our authority, Wirral Council, is 22nd out of 380 local authorities for volume of such cases. Within Wallasey, what are known as psychiatric disorders were the most common reason for claiming PIP, which is why I associate myself with all the points made so far by my hon. Friends on how cruel and disruptive the stress people are put through when making claims is. Psychiatric disorders include anxiety and depression, learning disabilities and autism, and 36% of people who make claims for PIP in Wallasey belong to that group. The system should take much more account of the effects that the process is likely to have on those who are already suffering from mental illness or depression, or who have learning disabilities that mean they cannot—even with the best will in the world—operate effectively in the kind of system that the Government’s PIP reforms have placed them in.

The second most common reason for awards was musculoskeletal disease in general, which includes osteoarthritis, inflammatory arthritis and chronic pain syndrome. In Wallasey, waits at the Birkenhead tribunal were 33 weeks but as of two weeks ago that had run to 38 weeks—that is nearly 10 months, on average, to get a re-assessment and an appeal. Some 73% of appeals found in favour of the claimant by the end of last year. That is what the statistics say. Once more, we see the same pattern of extremely and unacceptably high, and increasing, waits for access to tribunals. It is close to a three-quarters success rate for people who appeal. I join my hon. Friends the Members for Garston and Halewood and for Liverpool, West Derby (Stephen Twigg) in saying that we worry about those who do not make claims, do not come to see us at our advice surgeries, and are suffering an often catastrophic loss of income in silence when we can see that they might well be entitled to support from the PIP benefit.

There are some general themes about how Atos Healthcare runs the contract for PIP assessments. I will go through some cases—I will not use names—and then spend a bit of time pointing out the themes that worry me the most. Constituent one has a benign brain tumour, epilepsy, short-term memory loss, anxiety, mild depression and an adjustment disorder. He has had brain surgery and will need to have it again in the future. He has regular seizures, which cause loss of awareness, perception and consciousness.

On 10 January he had a reassessment, which was carried out at his house, although, funny enough, it was not requested that it should be. He has received DLA, carer’s allowance and mobility for the past 15 years, but in this assessment he scored only six points, despite medical evidence stating that he needs help at home. There were also discrepancies between the points scored and the information in the report. Medical evidence states that he cannot prepare food or clean himself without supervision, but his PIP assessment report states that he can do both unaided. He was recorded as being able to carry out complex budgeting calculations because he recognised a £5 note. The assessor recorded him as having good eye contact and focus, despite the fact that he was crying and shaking throughout the interview. There is no mention in the report of this man hurting himself and other people in the middle of the seizures that he has regularly. It was emphasised that he is not safe alone either inside or outside the home because he is a risk to himself and others. Despite my constituent showing the assessor some of his injury marks from seizures, which were not mentioned in the report, and his doctor’s letter that references them, he had reductions in his benefit that leave him and his wife £578.20 a month worse off.

Constituent two has 95% hearing loss, agoraphobia and anxiety and has been on DLA for 17 years. Because of her severe anxiety she asked for a home assessment, having previously had severe panic attacks when she attended the jobcentre. It was initially refused, but I intervened and a home assessment was granted. At the assessment in September last year, a sign language interpreter was not provided. Her father sat in the interview and asked if he could write the questions down for my constituent so that she would know what was going on, because she has 95% hearing loss. The assessor refused to allow that, claiming my constituent was making it up and could hear the questions. The assessor terminated the interview early, and the DWP claimed it had no knowledge of my constituent being deaf, despite the fact that she had been claiming DLA for her disability for 17 years. The Department must surely have known that. In February this year my constituent received a letter stating that her PIP claim was terminated because the interview ended early. It was the assessor who terminated the interview and the DWP did not think the fact that she could not hear was a good enough reason. She has now been without benefits for almost a year.

Constituent three received a wheelchair from the local NHS service because her mobility and health was declining. She was advised to apply for PIP as the wheelchair she was fitted with does not fit in her car and she is unable to get around independently as a result. In the assessment she stated that she could walk for only 10 to 15 metres, but the assessor recorded her as having the ability to walk for 50 metres. The assessor also failed to record other issues with mobility and health that my constituent mentioned. The incorrect information meant she did not score highly in the assessment and as a result was not awarded PIP. The case has gone for mandatory reconsideration and she is waiting to hear back.

A couple of issues have been resolved now. Constituent four has had multiple sclerosis for 30 years. He was diagnosed with secondary progressive MS in 2003. He received DLA and qualified for higher rate mobility,
Yet at his most recent assessment for PIP in November last year he lost the higher rate mobility component and was worried that he would lose his Motability car, which has been specifically adjusted to allow him to drive to work. He has an electrical stimulator in his leg to help him move, and he uses crutches, which means he has tennis elbow and carpal tunnel syndrome, and he has lost fine motor skills in his right hand. Despite that, the assessor said that he could use crutches and so his hands were fine.

Despite not seeing my constituent walk more than 15 metres at his assessment, the assessor claimed he could walk between 20 and 50 metres with aids. My constituent provided 13 letters of support from medical professionals, including neurologists and consultants, but despite all that and despite having multiple sclerosis, which is a deteriorating condition, it was decided he needed less support, not more. After I wrote to the DWP and raised his case with the jobcentre, his mobility component was reinstated last month, but it took four months. Just think of all the anxiety that my constituent suffered as a result, none of which helped his condition.

Constituent five was on PIP enhanced daily living from 2005 and received the mobility element because he has epilepsy. He has depression, anxiety, attention deficit hyperactivity disorder and cancer in the pituitary gland. He asked in advance of the assessment if it could be recorded because he has problems with his concentration and memory. He was told by the DWP that it would not provide a recorder and it would accept only a double tape machine, such as the police use. At interview the assessor wrote that he was relaxed and coped well when he was actually anxious and upset, and he was crying because he had to attend the assessment on his own as his family live in Northern Ireland. The assessor listed medicines that my constituent does not take and omitted medicines that he does take. He was also not warned that as a result of his claim being reduced he would lose the enhanced daily living component and the ESA enhanced disability premium. Consequently, he struggled to manage to live and feed himself. A reconsideration was not an accurate record. Indeed, it is absurd to think that the report submitted by Atos for the mandatory reconsideration was not an accurate record. No separate report do not reflect the interviews that have taken place. I want to highlight the experience of my constituent, Mr A, a highly intelligent man who has undertaken skilled work over many years, despite a long-term and permanent disability caused by serious illness in early childhood. He has faced many operations. His Motability car makes it possible for him to work. It is his lifeline.

Over and again, the process is demeaning and dehumanising. It is a grossly unfair system. It is flawed and uncaring and puts people through the mill. Recently the Disability News Service put in a freedom of information request and although the DWP said it would be too expensive to produce figures for all the claims, it did produce figures for a sample of 100 cases. In 97 cases decisions were made without the DWP making any attempt to seek further advice or clarification from Atos, despite ongoing complaints about assessor’s inaccuracy and omissions since PIP was introduced in 2013. That must be why so many appeals are successful. All the relevant evidence is considered a second time around, and it is hard not to come to the conclusion that claimants are assumed to be lying if assessors do not record things accurately. Are targets set by the DWP or by the organisations that have the contracts for knocking people off disability benefits such as PIP?

There seems to be a pattern of behaviour not being caught by how the system runs, and it causes some of the most vulnerable people in our society massive amounts of distress. It deprives them of the money that is not only their entitlement, but which they rely on to live and to afford the basics. It does not give them any chance to appeal until an average of 10 months have gone by, often leaving them destitute. We ought to be able to change the system to take account of the very important and special needs that some of the most vulnerable have. I hope the Minister will accept the envelope containing the three outstanding cases that I mentioned in my speech and I very much hope we can get a resolution for them sooner rather than later.

3.18 pm

Dame Louise Ellman (Liverpool, Riverside) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Edward. I congratulate my hon. Friend the Member for Garston and Halewood (Maria Eagle) on securing this important debate, and I agree with all the comments that she made. The situations recounted by my hon. Friends who have spoken today echo the experience of my constituents.

My constituents’ experience of PIP is marked by gross unfairness and sometimes blatant deception. The assessment system itself is not fit for purpose, and there are too many examples of clear disregard for claimants. Sometimes, reports do not reflect the interviews that have taken place. I want to highlight the experience of my constituent, Mr A, a highly intelligent man who has undertaken skilled work over many years, despite a long-term and permanent disability caused by serious illness in early childhood. He has faced many operations. His Motability car makes it possible for him to work. It is his lifeline.

My constituent’s PIP assessment sought to remove his enhanced mobility benefit, which meant that his Motability car would be withdrawn, resulting in the loss of his employment. The decision was reversed after his previous award, although he had been informed that it would not be revisited for 10 years, in view of the ongoing nature of his disability. He was distraught. At his mandatory reconsideration he was unsuccessful, and I supported him in pursuing his case to a tribunal.

In preparing for that, my constituent uncovered evidence that the report submitted by Atos for the mandatory reconsideration was not an accurate record. Indeed, it was fabricated. It was simply an exercise in cutting and pasting from the earlier failed assessment. No separate examination had taken place.

Confronted with that clear evidence, the DWP withdrew its threat to remove Mr A’s car, reinstated his enhanced mobility award and restored the original commitment to a 10-year assessment period, in view of the ongoing permanent nature of his disability. The tribunal was cancelled. I was delighted with that result, but I was, and remain, appalled by my constituent’s experience and by the knowledge that he was put under such stress. I was outraged to hear that the report that was to decide about his future and his health was simply made up. It is disgraceful that that could have happened, and it was only my constituent’s diligence that unearthed it.
There are wider questions, however. How many similar injustices have taken place, and how many of those went unchallenged by people without the knowledge or resilience to pursue the matter? My experience suggests that there are many such instances. It is not good enough. The questions for PIP eligibility are not framed to elicit the correct information to describe the claimant’s condition effectively. Sometimes the reports that are drawn up do not reflect the assessments that were done, and sometimes, as in my constituent’s case, they are simply made up.

I see many constituents who make representations about the withdrawal of benefit. I see injustices too often, and I see too much suffering. Sometimes people pursue their claims to a tribunal and often they win, but as we have heard this afternoon it can take nine to 12 months for a tribunal to take place, and by that time many of my constituents have become destitute—and what of those who do not appeal? It is time that there was an investigation of the assessment procedure for PIP. That investigation should include the reliability of the assessors. The DWP appoints Atos and Capita, which act in its name. It is the Government who are ultimately responsible.

I know that the Minister will be concerned to hear the example that I have cited, and those given by my hon. Friend. I call on him to act, and to investigate the whole process. It is a matter of justice.

3.23 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I congratulate my hon. Friend the Member for Garston and Halewood (Maria Eagle) on securing the debate, and on her speech.

Personal independence payment has been debated in this House on many occasions. Members have highlighted their constituents’ experiences and the failings of the system in their constituencies. The fact that we are here today yet again highlighting the failures of the PIP system and the resulting impact on our constituents speaks volumes about the Government’s inaction on the issue. We already know that there are too many people being denied the support that they need. We need only look at the figure of 28,000 mandatory reconsiderations of benefit decisions taken by the DWP, or the fact that the Ministry of Justice cleared nearly 21,000 benefit appeals in the quarter leading to December 2018. The figures for mandatory reconsiderations and appeals are even more staggering when we consider the rates of success: 89% of mandatory reconsiderations in January 2019 led to a change in the DWP’s original decision, and 73% of appeals were decided in favour of the claimant in the quarter leading to December 2018. It is clear that people are being denied the support that they need, not because of their own actions but because of a systematic failure at the heart of the Government’s welfare reforms.

The success of claimants in challenging the decisions taken by the DWP highlights that clearly.

As I have said, the Government’s inaction is shameful and impacts negatively on the lives of ordinary people every day. There have been repeated calls for action, from charities, third sector organisations, parliamentarians, claimants and even the United Nations. The Select Committee on Work and Pensions made some key recommendations in its 2018 report on PIP and employment and support allowance assessments, including that face-to-face assessments should be recorded, and that claimants should be provided with a copy of the assessor’s report. Another recommendation related to using contractual levers to improve contractor performance. Yet claimants are still being denied access to assessors’ reports and most assessments pass with no record of the proceedings. Private companies such as Atos that hold contracts for PIP and ESA assessments in both Scotland and Merseyside continue to make profits while denying vital support to claimants.

I am pleased that there is now a commitment that the next Labour Government will ban the outsourcing of public services for vulnerable people to companies such as Atos. We should be looking after the vulnerable, not penalising them so that private companies can turn a profit. In preparation for the debate, I looked at the statistics produced by the Library about the administration of PIP on Merseyside. I was struck by how much the Merseyside situation resembles that in my constituency. Liverpool Walton, Birkenhead and Knowsley all have higher PIP claimant rates than most constituencies and the overall rate for Merseyside is higher at 7.1% than the UK rate of 4.4%. The figure of 3,700 PIP claimants in Coatbridge, Chryston and Bellshill contrasts sharply to the 3,700 average per Scottish constituency. A majority of PIP claimants in Merseyside were reassessed from disability living allowance, as were a significant proportion of claimants—46%—in my constituency. In Merseyside, the percentage of awards decreased following reassessment is higher than the national average, and that is also true of the rate in Coatbridge, Chryston and Bellshill, compared with the Scottish average. We are twin towns. It is clear that the people of Merseyside are, just like my constituents, being let down by the Government. The next Labour Government will end unfair PIP assessments and invest in proper support for vulnerable people across the country.

To conclude, I would briefly like to refer to the situation in Scotland. Members will be aware that the Scottish Parliament is due to take responsibility for 11 benefits, including PIP. The Scottish Government have established a new agency, Social Security Scotland, which will be responsible for the administration of those benefits.

Sir Edward Leigh (in the Chair): Order. We must relate the debate to Merseyside at all times.

Hugh Gaffney: It is still related to Merseyside, Sir Edward. The point I am trying to make is that the Merseyside connection is the same as the Scottish connection. We can see that there are no Tory or Scottish National party MPs here to stand up for their constituents as I am doing. There is a twin connection between Scotland and Merseyside. In 2024 the SNP will get that administration of benefits—but they have rejected it just now.

3.29 pm

Marsha De Cordova (Battersea) (Lab): It is an honour to serve under your chairmanship, Sir Edward, and I congratulate my hon. Friend the Member for Garston and Halewood (Maria Eagle) on securing this important debate. As a former Minister for Disabled People, she is well aware of many of the issues and barriers that disabled people face. I mean no offence to the Under-Secretary of State, but it is appalling that to date we still do not have a Minister for Disabled People, given that it
is nearly two weeks since the former Minister resigned. However, given that the Under-Secretary is, himself, a former Minister for Disabled People, I am sure he will address some of the concerns that have been so eloquently raised by many of my colleagues.

My hon. Friend raised some important points, and highlighted the dire situation in her constituency. She started by mentioning the increase in complaints about the personal independence payment, and said that in the last three months alone, there has been a threefold increase in appeals. There are multiple issues and problems with the assessment framework, beginning with the lack of provision that means that people who require a home assessment are not given one. Inaccurate assessment reports are provided by assessment providers, and many individuals who are assessed do not even recognise what has been written. Some providers do not comply with guidance that allows supporters to be in the room to contribute to the assessment or support the person they are with.

The most important point, which was highlighted by many hon. Members, was the delay in PIP award decisions, and the long time that people have to wait for appeals. One person had to wait more than 12 months for an appeal, and the average is more than 36 weeks, which is not acceptable. There are a high number of mandatory reconsideration cases where decisions are not overturned. That stage was introduced by the Department to help get the decisions right, but that is not happening, as demonstrated by the number of assessments that are overturned when they arrive at tribunal.

My hon. Friend the Member for Garston and Halewood and my hon. Friend the Member for Liverpool, Riverside (Dame Louise Ellman) referred to a culture of indifference among assessment providers, and other Merseyside MPs made strong cases and represented their constituents well. Frankly, however, they should not have to come here, plead, and bring forward their cases. It is great that we can do that, but the Department should be getting those decisions right in the first place. The problem is that that is not happening.

My hon. Friend the Member for Liverpool, West Derby (Stephen Twigg) highlighted the experiences of his constituents who have been turned down for PIP. Those decisions are often overturned at tribunal, but in the meantime people are left destitute and have to turn to foodbanks, which cannot be acceptable. We also heard about the experiences of those living with mental health distress, which we know causes untold problems. My hon. Friend the Member for Wallasey (Ms Eagle) highlighted the experiences of her constituents; in her area people wait an average of 33 weeks for an appeal, and more than 70% of those decisions are overturned at tribunal. She highlighted five cases, and in each one the decisions made were wrong, and people were left financially worse off. The personal independence payment is supposed to help meet people’s extra costs, but if those costs are not being met, what happens to the lives of those individuals? We should be supporting ill and disabled people.

Matt Rodda (Reading East) (Lab): It is deeply moving and troubling that so many people’s lives are affected in this way by what appears to be poor quality administration by some staff in the Department. I realise that civil servants are under intense pressure, but does my hon. Friend agree that there is perhaps a need for much greater training to try to avoid the terrible problems of delays and people having to resort to foodbanks?

Sir Edward Leigh (in the Chair): Order. If one is going to intervene, it is normal courtesy to be present for most of the debate beforehand.

Marsha De Cordova: My hon. Friend makes a valid contribution to the debate, and he is absolutely right. My hon. Friend the Member for Liverpool, Riverside spoke about the assessment frameworks and providers, such as Atos, with which there are countless issues.

When PIP was first introduced, make no mistake, it was a cost-cutting exercise. The Government wanted to cut expenditure and the disability living allowance case load. However, that has not happened, and the Government have spent £4 billion more than anticipated, despite thousands of disabled people losing out on vital support. I frequently hear from disabled people from Merseyside to Merton who have been pushed into destitution by the poor administration of PIP.

Earlier this month, the Liverpool Echo covered a case of a lady whose epileptic mother had been left penniless after her PIP was suddenly withdrawn. In Merseyside, as in the rest of the country, disabled people are suffering because of the fundamentally flawed PIP assessment framework. Thousands of disabled people on DLA have been denied vital support when reassessed for PIP as a result of the assessment criteria.

There is no better example of that than the changed criteria for those who claimed the enhanced mobility component. Under the DLA, a person qualified for that component if they were unable to walk 50 metres, but under PIP that has reduced to 20 metres. That has impacted on many people who received the higher rate mobility component and who had access to the Motability scheme. Indeed, 51,000 disabled people have lost their Motability vehicles, as have those who challenged decisions, and who then had to get their vehicle back when the decision was overturned in their favour. One lady who wrote to me said that having her car taken away was like “losing her independence”, which is unacceptable. Why will the Government not take note of such experiences, and understand that the criteria must change?

We know that 72% of PIP decisions brought to tribunal are overturned, which demonstrates the appalling inaccuracy of the assessment framework and the poor decision making. As my hon. Friend the Member for Wallasey highlighted, in her constituency 76% of appeals are overturned, and disabled people are forced to wait on average for nine months, or 36 weeks, for cases to be heard.

In the past year, the Ministry of Justice has spent £104 million administering social security and child support tribunals. The Government have spent more than £1 billion on outsourced contracts to assessment providers such as Atos and Capita, which have repeatedly failed to meet the Department’s own quality standards. A survey by the Disability Benefits Consortium found that almost two thirds of people claiming PIP felt that their evidence was not taken into account by their assessor. Recent figures released by the DWP show that more than 3,500 people died within three months of being denied PIP. Does the Minister agree that there is no stronger indictment of a failing system than thousands
dying after being deprived of social security? When will he finally recognise that it is time to bring those assessments back in house and end the outsourcing?

The DWP is currently carrying out seven reviews into disabled people being wrongly deprived of social security, and four of those are due to the unfit-for-purpose PIP assessment. Most recently, we learned that the DWP is conducting a review into 4,500 people who were on DLA but wrongly denied PIP. In 2017, the tightening of the criteria for those experiencing psychological distress was ruled by the High Court as “unlawfully discriminatory.” That led to a review of 1.6 million people’s PIP cases.

We have heard that Liverpool City Council is introducing a support scheme, but it should not have to do that. I urge the Minister to think about overhauling the assessment framework for PIP, rather than merging the assessment frameworks for PIP and ESA. It is time for a radical overhaul of the system, because PIP has created a hostile environment for disabled people—the very people we should be supporting.

3.40 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): It is a real pleasure to serve under your chairmanship, Sir Edward. I understand that we are waiting for a permanent Minister for Disabled People, but in the meantime—I am sure it will not be long—it is a great honour to be here. I formerly served as the Under-Secretary with responsibility for disabled people, but the role has been significantly enhanced. It is an extra pleasure to be here in the enhanced role, albeit temporarily.

I pay tribute to the hon. Member for Garston and Halewood (Maria Eagle). We met just last week about a separate case, and we had a debate earlier this year, I think, on a similar topic. As a former Minister, she has genuine feeling and passion for supporting the most vulnerable people in her constituency, backed up by her genuine knowledge about this issue. I am happy to look at the cases that hon. Members have raised. I will take that envelope—I can see that it is ready. I also pay tribute to the hon. Members for Liverpool, West Derby (Stephen Twigg), for Wallasey (Ms Eagle), for Liverpool, Riverside (Dame Louise Ellman) and for Battersea (Marsha De Cordova). There was a common theme: it is clear that they all genuinely care about vulnerable people who rely on people like us—the decision makers—to get it right. Although I did not necessarily agree with everything they said, I understand why they made those comments.

The PIP assessment is meant to be high quality, objective, fair and accurate, and it should focus on the fundamentals of living an independent life. Today we spend somewhere in the region of £55 billion supporting people with disabilities and long-term health conditions. In real terms, that is about £10 billion higher than when we first came to office in 2010. That is about 2.5% of GDP and 6% of all Government spending. It is an incredibly important area of Government expenditure. There are just over 2 million claimants on PIP, and many more are coming into the system or are due to do so.

Currently, 31% of PIP claimants access the highest rate of support. That contrasts with just 15% under DLA. I do not wish to diminish any of the points that hon. Members made—I will cover many issues about which we still need to do more—but we must remember that the system has come a long way from the old legacy benefit. One thing that is consistent among all stakeholders and charities that I speak to in my current role, and that I spoke to formerly when I was the Minister with responsibility for disabled people, is that nobody advocates going back to the old DLA system.

Under PIP, 45% of people with autism spectrum disorder will have the highest rate of support. For motor neurone disease, the figure is 85%. For multiple sclerosis, it is 53% and for Parkinson’s, it is 55%. Many hon. Members rightly spoke about mental health. Under PIP, 31% will get the highest rate of support. Under DLA, only 6% did, so under PIP five times as many claimants with a mental health condition will access the higher rate. That does not mean that we are getting it right all the time, but there has clearly been a significant and much-needed improvement. In cash terms, the average claimant is getting £15.04 a week more on PIP, compared with DLA.

Ms Angela Eagle: Cash terms!

Justin Tomlinson: Yes, it is an average, and we are highlighting cases. I will come on to that.

The old DLA system relied solely on self-assessment. For many claimants, the very complex DLA forms were a barrier too far, and people who were in genuine need of support were missing out. Although the lifetime awards were seemingly attractive, they missed the point that many people enter the benefit on a lower rate of support, because conditions can get progressively worse. People on a lifetime award were often told, “If things deteriorate, please contact us for reassessment.” People often did not, either because they did not want to risk losing their benefit or because they did not appreciate that getting a reassessment could work to their advantage financially. Bear in mind that one in three claimants’ conditions changed so significantly within a year that they could be due a change in those circumstances, and the majority would be higher.

Ms Angela Eagle: The Minister is making a case for the benefit, but nobody is arguing that it is fatally flawed. We are asking for the assessments to be more accurate, because they are causing problems. He is making a case about conditions that deteriorate, but I have brought to his notice cases of people with deteriorating conditions whose awards have been lowered.

Sir Edward Leigh (in the Chair): Order. May I just make one point? This debate is about the administration of personal independence payments on Merseyside, so we want from the Minister talk about administration and Merseyside.

Justin Tomlinson: It is important to set out the overview of where we are. That is why it was so important to highlight those cases in Liverpool and Merseyside, which shape how we do the administration. All our work is done in conjunction with stakeholders that have frontline experience. Hon. Members highlighted the excellent charities and support groups in Liverpool and Merseyside, which are feeding in. They are right to challenge us, but we will work with them and help us implement the changes. I have seen many cases in which their frontline experience has brought to our attention common sense that should be applied.
That has been done, but that work is not complete. I do not know all the details of the examples that hon. Members highlighted—sometimes there are two sides to a story—but presumably their offices have looked into the cases extensively. There are clearly issues that need to be looked at. Hon. Members have my commitment that we will look at those cases very carefully.

Marsha De Cordova: The Minister says that he will look at those cases, of which there are many, but does he recognise that there is a significant problem? We have had a snapshot from just one part of the country—Merseyside—but we know that there is a wider issue with the administration of PIP. Does he recognise that?

Justin Tomlinson: We always recognise that there is a need for improvement, and we continue to review all the processes—not just PIP, but all parts of Government activity. It is right to do that, and I am sure any party in government would make the same commitment.

Some 92% of claimants complete the forms, but that still leaves 8% who have challenges with them. We have already tried to make improvements by changing the language, tone and style, and shortening the paragraphs. We commissioned further independent research to support further changes. For those 8%, ahead of further changes, we can grant an additional two-week extension. We try to identify vulnerable claimants whom we may have to help with the initial application. With the support of charities and stakeholders, we have produced videos to explain the process. We are trying to make it clearer and remove claimants’ understandable anxiety. For claimants who have severe mental or behavioural conditions, learning disabilities, development disorder or cognitive problems and who cannot engage with the claims process, we will try to offer what support we can, beyond the excellent work of local organisations, which has been highlighted.

Many of the concerns that hon. Members raised were about the assessment process. We encourage help from carers, family friends, social workers or local support workers. I am really disappointed to hear the two examples from Liverpool and Merseyside of people who were trying to provide that support, which would have resulted in a better quality assessment. That should not be happening, and we should look into it. That is an incredibly important part of the process—not just because people are anxious or because demonstrating all their individual challenges is a complex process, but because for some people, particularly those with long-term health conditions, their issues have become a given. They no longer see those issues as a challenge and do not raise them, so they do not get the support that they should be getting. It sometimes takes having someone with them to say, “Actually, that isn’t right. We need to do something.”

Maria Eagle: I thank the Minister for giving way—it is a bit hard with twins. He said he was disappointed to hear the examples that my hon. Friend the Member for Wallasey (Ms Eagle) and I gave of that going wrong, but can he explain what he is going to do to stop it happening? It is a fundamental problem with administration.

Justin Tomlinson: I will come to that. Fear not; I have woven in as many of the answers as I could.

The average length of time for assessments is now 15 weeks, and it has actually fallen. Initially, in July 2014, when it was at its worst, it stood at 42 weeks, so it has fallen by two thirds to 15 weeks. We got it down to about 13 weeks, but feedback from stakeholders and charities suggested that it was better for assessments to take a bit longer, to help people—particularly the most vulnerable claimants—to gather evidence.

The assessors must be health professionals—occupational therapists, nurses, physiotherapists, paramedics or doctors—who have had at least two years’ experience since they became fully registered. Although there has been understandable criticism of some important cases, the vast majority of the staff on our frontline are well-trained and exceptionally hardworking, and they have claimants’ interests at heart. I think that we all recognise that. In the skills that assessors must have there is an emphasis on assessing people with conditions affecting mental health, intellectual or cognitive functions. There is comprehensive training on how health conditions and impairments affect claimants’ day-to-day lives.

Ms Angela Eagle rose—

Justin Tomlinson: Hang on; I will address the previous intervention. What are we doing to ensure that cases such as those that hon. Members have mentioned do not happen? First, there is the independent audit for quality assurance, which is separate from the Department. It is important that we look at that. Our own DWP clinicians will also observe cases, and we get a considerable amount of helpful feedback from stakeholders.

Such examples are part of the reason behind the call for video recording. We agreed to pilot that in the autumn of last year, and it has progressed encouragingly. If there is no backlash from stakeholders, we will look at making that a given by the end of the summer. Video recording would make a huge difference, particularly in cases where something clearly is not going right. We would be able to look back at recordings, which would hasten our addressing of problems, and recordings could be used for appeals.

Satisfaction in 2015-16 was at 76%, and it is now at 82%. It still has some way to go, but the direction of travel is improving.

Ms Angela Eagle: I raised a case of someone who was 95% deaf. Her father was not allowed to write the questions out so that she could see them. The interview was terminated early, and the assessor was of the opinion that my constituent could hear but was pretending that she could not. How on earth is that allowed to happen if the system is as good as the Minister claims?

Justin Tomlinson: It is difficult to comment without having seen the details. I am not saying that what the hon. Lady says is not true, but if that case is exactly as she describes, that should not be happening and needs to be looked at, which is why I have committed to doing so. In general—as in the case about which I met the hon. Member for Garston and Halewood last week—common sense is not being applied. We must make sure that the rules and guidance that are in place are consistent across the board.

A number of hon. Members highlighted that in Liverpool and Merseyside, home visits are not offered. Between 15% and 20% of claimants in Liverpool and Merseyside have actually been offered home visits, as they should be. If, for a variety of medical reasons, travelling to the
assessment is a barrier to accessing the benefit, that should be taken into account. Certainly, when I was the Minister with responsibility for disabled people, we improved the communication by making it more proactive to encourage that. We want the assessment process to work for the claimant.

I also welcome our introduction of the video relay service for those who are deaf and use British Sign Language. That is important not just for PIP, but across all frontline services.

**Maria Eagle:** I thank the Minister for giving way when he has only a little bit of time left. The delay to tribunal hearings is a severe problem. Can he address that before he concludes his remarks?

**Justin Tomlinson:** That is the key thing that I will address, but I will cover one last matter first.

Some 600,000 claimants currently access the Motability scheme. I echo the comments about what a wonderful scheme it is. I think it is the second-largest purchaser of motor vehicles after the Chinese army, so it has significant buying power and is very important. I visited a car salesroom that dealt with Motability and that said it was the dream customer. Some 144,000 people who were formerly on DLA and did not access the higher rate of mobility now do, following re-assessment, and they can therefore access the scheme. That goes back to the point about the 31% against the 15%.

Those who were on DLA on a higher rate, and who could therefore lose their car, will get to keep the car through the £175 million transitional fund that was set up. They keep the car for eight weeks, and then they can either take £2,000 or keep the car for up to six further months, but with a lower payment at the end if their appeal is unsuccessful. That provision was brought in because of a recognition that the appeal process, which I will come to in a moment, often took longer than the time for which the claimant could keep the car. That meant that a car could be taken away, only to be given back two weeks later. When the difference is very close, Motability Operations can exercise some discretion. Fundamentally, the challenge is the length of time of appeals, and that is probably the most tangible concern that has been raised by all who have spoken. I emphasise that the absolute priority is getting it right first time. If we could get every decision right first time, we would not have to worry about mandatory reconsiderations and the appeal process. We all agree on that.

The MR process was introduced to try to intercept cases in which mistakes are made and stop them having to go through the appeals process, which is a real challenge and reduces capacity, and thus bring down the time for other cases. Although I accept that very few decisions appear to change, about 22% of cases are actually picked up by MR. It is absolutely right to focus on that, however, and I think we all recognise that more decisions could be changed. Often, a lot of the MR process is just checking the current processes. The nub of the matter is that the appeals process often considers late, additional evidence. The common-sense point is that we should be doing a lot more, and we are testing that concept by asking whether there are any obvious gaps that we can pick up. Has there not been a GP note? Has supporting evidence that we suspect will be presented not been submitted?

**Maria Eagle:** The case that I mentioned, which has now been fixed, involved a woman who should really just have had another appointment at home. That was not picked up on a mandatory reconsideration. There is surely a point at which some common sense should be injected.

**Justin Tomlinson:** Absolutely. That is what we are testing, so that we can assist claimants by strengthening areas where there are obvious gaps. It would be quicker for the claimant, and we would benefit, because those gaps reduce capacity in the process. We are working with Her Majesty’s Courts and Tribunals Service to try to address the capacity issue, in terms of both the new digital service and recruiting additional judges and tribunal panel members. That cannot come quickly enough.

It is true that the majority of successful appeals are successful thanks to late evidence. We should see that as an opportunity to look at how we can do more to get such evidence in the first place. We are committed to learning those lessons to improve the process for everyone.

It has been a pleasure to respond to this debate. The group of hon. Members who have spoken are passionate about this matter, and they are real champions for their constituents. I have listened to all the points that have been raised, and I will look at the individual pieces of casework. We have a collective duty to keep applying common sense to improve the situation, and we are heading in the right direction. That is welcomed by stakeholder groups, but there is still more to do, and I am committed to doing what I can to support that work.

3.58 pm

**Maria Eagle:** I am grateful to the Minister for his constructive approach to the points that have been raised, and I am glad that he and the Department seek to improve the administration of the benefit. From our experience on Merseyside, there is still some way to go. Some simple things can be done, such as getting the assessments right and doing more to ensure that those who conduct them are properly trained and conduct them correctly.

For goodness’ sake, let us cut the amount of time that it takes to get through the process and restore some basic common sense, so that our constituents, many of whom are the most vulnerable people in our communities, are not put through the mill to obtain a benefit that should be theirs by right and is intended to make their lives easier. Instead, because of the way that the benefit is administered and the mistakes that are made, it ends up making their lives much harder.

*Question put and agreed to.*

*Resolved.*

That this House has considered the administration of personal independence payments on Merseyside.
Housing Need: Shropshire, and Telford and Wrekin

[Albert Owen in the Chair]

4 pm

Mark Pritchard (The Wrekin) (Con): I beg to move, that this House has considered housing needs in Shropshire, Telford and Wrekin.

I thank Mr Speaker for allowing me this important debate. I also thank the Minister for attending—the Minister of State, no less, rather than the Parliamentary Under-Secretary of State, which outlines the importance of this housing issue in Shropshire and the borough of Telford and Wrekin.

For context, the debate highlights the development plans of two local planning authorities: Shropshire Council, and Telford and Wrekin Council. I will start with Telford and Wrekin, a council that states in the foreword to its local plan for 2011 to 2031 that “it seeks to preserve the borough’s heritage and protect the many green spaces that our residents value”—fine words, and words that I agree with and that many of the residents and my constituents would agree with. In reality, however, it seems that nothing could be further from the truth, sadly.

That council has proven that it does not regard the borough’s ecological heritage, that it has total disregard for the environment and that it is in its own words “calls environmental vandalism, on a scale unprecedented in the borough’s relatively short history, I am sorry to say that, but it happens to be the case. Let me be clear with the Minister present that my constituents are not saying that they object to all housing—they are not nimbys—which would be an unreasonable position and not one that I would support. They are saying that the number of new homes proposed—indeed, already built, but that is past now—needs to be proportionate and sustainable, and such homes need to be built in the right places and not the wrong ones.

A current example is the area of Shawbirch. It is not appropriate to build a major industrial unit on farmland, and farmland approximate to an ancient iron-age settlement, one of the earliest recorded in the borough. It is not appropriate to put such a facility only metres away from quiet residential homes. There are question marks about the lack of consultation, of which I hope the Minister will take note.

I have been told that only 15 homes were consulted ahead of that major development application. That is fundamentally wrong and not genuine public consultation. In my view, that is trying to pull a fast one on the local residents of Shawbirch. That has been repeated time and again by the borough council. It is completely unacceptable and I hope that the Minister, too, will make that clear.

Such a facility will have a huge and detrimental environmental impact, as well as a cumulative effect on the local road infrastructure, which is already very busy at peak times. Moreover, the timing of the marketing of the proposal was driven by the borough council, which I will touch on later, even though the land belongs to Homes England.

Through this debate, I will call on the Telford and Wrekin Council to support the Conservative group, who are committed to removing that particular piece of land from the development plan altogether, which would be good news for local residents. I pay tribute to Councillor Anthony Lowe, who has worked very hard to ensure that the voice of local residents in Shawbirch is heard. It is good news that we have people such as him and Gemma Everson, a local resident, working hard on behalf of local people.

I hope the Minister agrees that the council needs to bring forward and prioritise brownfield sites for development in the borough. There are many such sites, and so there is no excuse for building on farmland. However, the Shawbirch example is not a one-off; the same applies in Apley and the beautiful market town of Newport in Shropshire. As an aside, that is where the Leader of the Opposition attended school—a fee-paying school, but let us not go there. He is there regularly, and we welcome him.

The green-belt land around Newport, Apley and Shawbirch, and in other wards, has been under huge pressure, but an abundance of brownfield options are available as an alternative. I pay tribute to Councillors Tim Nelson and Eric Carter in Newport, who are also trying to ensure that the voices of local residents are heard.

As I said, housing and affordable housing are needed, but the council must avoid turning a semi-rural borough—a relatively new town, of course, but getting rid of the few open green spaces that remain—into one giant housing estate. We need to protect green spaces and the green belt. Also, fairer distribution of the new homes bonus is needed—something on which the Minister might want to comment. Communities that have to accept new housing should have the material and financial benefit from having that new housing put in but, unfortunately, that is often not the case.

Section 106 agreements, too, need far greater transparency, scrutiny and independent oversight of how funds are spent in local communities. This is one for the Government, a Conservative Government: there is much room for improvement in how such agreements are managed by local authorities and distributed to local communities.

Another ongoing problem is that of land banking. I hope the Government will soon come forward with new initiatives to stop new home builders sitting on the planning consents without developing the sites in a timely manner. The Minister, who has a local government background, will agree that land banking causes uncertainty for local authorities and skews the local development plan process and the overall gross housing figures.

I hope the Minister will tell the Chamber today that Homes England, which owns a significant amount of land in the borough of Telford and Wrekin, will not be dictated to by the borough council and, unlike the council, will ensure, first, the prioritisation of brownfield sites and, secondly, full, orderly and genuine public consultation. There has to be public confidence in the housing system and in the strategy that councils put before their publics, and that is done through genuine consultation, which I fear is not always the case with Telford and Wrekin Council.

It is also not appropriate for Homes England to allow the borough council or other councils—to market Homes England sites.
It is for Homes England to market those sites, as is the timing of marketing them, rather than particular local planning authorities that may or may not have a conflict of interest. Sometimes tin-eared councils do not listen to the public and are not genuine about feedback from local communities.

The Government’s national planning policy framework of July 2018 prioritised developing brownfield land. I hope the Minister might think about what sanctions there are for those councils that ignore national planning policies. If they are ignoring them, there appears to be very little sanction. I hope that might change. Before I move on, I would like to pay tribute to Shawbirch Action Group for shining a torchlight on Telford and Wrekin Council’s unpreparedness to engage genuinely with communities.

Let me move on to Shropshire Council and the Shropshire local planning authority. The council wants to concrete over huge amounts of green belt in east Shropshire, yet it has the 12th worst housing density rate in the country. We need more densely populated residential development in the right places. It is not good that it is approximately 18 units per hectare—that is very low and it needs to increase.

The Minister may not know that the council wants to build up to 3,000 houses on prime green-belt land near the historic village of Tong, which is one of the most beautiful in the diocese of Lichfield and, I would argue—surely with my right hon. Friend the Member for Ludlow (Mr Dunne)—has the most beautiful church in Shropshire. That is part of its so-called strategic sites initiative, effectively equating to a brand-new settlement. As the Minister will know better than me, strategic sites is a parallel system alongside the local development plan. That speculative, aspirational but nevertheless concerning document is a genuine attempt to bring that amount of housing to an inappropriate location.

It is significant that the plans have no local support at Shifnal Town Council or Tong parish council. The Minister has said in this place that developments of that size, whether they be called garden villages or new settlements, has said in this place that developments of that size, whether they be called garden villages or new settlements, has not met that test to date. Whether in Bridgnorth, Shifnal, Albrighton, Tong, Shawbirch or Apley, we should avoid at all times building on farmland and greenfield sites.

The Minister of State heard me mention the west midlands and the so-called lack of employment land, which I do not accept—it is inaccurate—but even if that were the case, there are plenty of vacancies for both heavy and light industrial employment uses in Telford itself, on the industrial parks of Stafford Park, Halesfield or even down the road in Wolverhampton. I do not accept that Tong, Shifnal or Albrighton should become the dumping ground for west midlands housing and employment, with employment being the gateway for the housing and the revenue stream.

There are questions to be asked about the relationship between the west midlands combined authority and Shropshire Council. It is in the public interest and my constituents have a right to know the financial and commercial relationship between those two authorities, and the commercial and financial relationship between the borough of Telford and Wrekin and Shropshire Council. I hope it does not take freedom of information requests to elicit that material from those authorities. The public have a right to know why employment land, with residential housing on the back of it, is coming to green belt when it is pretty clear to anybody that there is plenty of employment land in the west midlands. That raises serious issues.

I would like to touch on Shifnal, if I may, which is a beautiful market town. For years, Shropshire Council has agreed to an integrated transport scheme, but it has never come forward. We have to see benefits in local communities. Shifnal has taken a lot of housing in recent years but has seen none of the benefits of the new homes bonus. It has seen no major infrastructure benefits. We still have issues with drainage that have not been dealt with by Shropshire Council, yet it expects the town to take more.

The Minister will know that if the housing is unsustainable, there will be issues with sustainability socially, with physical infrastructure, schools, GP services, roads,
I hear exactly what my hon. Friend says about consultation plans should be prepared in consultation with communities for addressing environmental, social and economic priorities plan-led, with up-to-date plans providing a framework will take place. The planning system should be genuinely first step in the process is to bring forward local plans well-designed social housing. We are committed to enabling the housing market fully recognise the need to plan for and build more homes for first-time buyers, homes suitable and accessible that meet the diverse needs of our communities, such as mid-2020s. We need to make sure that homes are supplied that they understand that it would be inappropriate for me to curate that beautiful part of the country as carefully Ludlow (Mr Dunne), are quite so assiduous in seeking county colleague, my right hon. Friend the Member for chorister, I can appreciate why my hon. Friend and his having felt the breeze on my face and heard the skylarks for The Wrekin (Mark Pritchard) on securing the debate. Mr Owen. I congratulate my hon. Friend the Member to respond.

The Minister for Housing (Kit Malthouse): It is a great pleasure to appear before you for the first time, Mr Owen. I congratulate my hon. Friend the Member for The Wrekin (Mark Pritchard) on securing the debate. Having felt the breeze on my face and heard the skylarks atop the Wrekin, and sung in Ludlow church as a boy chorister, I can appreciate why my hon. Friend and his county colleague, my right hon. Friend the Member for Ludlow (Mr Dunne), are quite so assiduous in seeking to curate that beautiful part of the country as carefully as possible.

As Members will know, the Secretary of State has a quasi-judicial role in the planning system, so I am sure they understand that it would be inappropriate for me to comment on the detail of individual decisions or plans. However, I can talk more broadly about the issues raised by my hon. Friend. Like him, the Government fully recognise the need to plan for and build more homes. We are committed to enabling the housing market to deliver at least 300,000 new homes a year by the mid-2020s. We need to make sure that homes are supplied that meet the diverse needs of our communities, such as homes for first-time buyers, homes suitable and accessible for older people, high-quality rental properties and well-designed social housing.

Each and every part of the country has its role to play in ensuring that these homes are delivered. The vital first step in the process is to bring forward local plans that give communities certainty about where development will take place. The planning system should be genuinely plan-led, with up-to-date plans providing a framework for addressing environmental, social and economic priorities for every area, as my hon. Friend mentioned. Local plans should be prepared in consultation with communities. I hear exactly what my hon. Friend says about consultation and I urge all local authorities to ensure the public are fully involved in the planning process at every level. Local authorities play a key role in delivering the development and infrastructure that is needed in the right places, and community participation is a vital part of that.

The best plans are those that have been developed through effective engagement with communities throughout the process. Having an up-to-date plan in place is essential to planning for housing, providing clarity to communities and developers about where homes and supporting development should be built—and where it should not—so that development is planned for, rather than the result of speculative planning applications. The two local authority areas over which my hon. Friend’s constituency spans should have regard to that. I am aware that Telford and Wrekin Council adopted its local plan last year, for which it should be congratulated. I understand that Shropshire Council is undertaking a partial review of its site allocations and management of development plan at present—I emphasise how important that is for the communities those councils serve.

Through the revised national planning policy framework, we have made significant reforms to make it easier and quicker to get a plan in place. We have introduced flexibility in how plan-making happens, with a new, more flexible plan-making framework and an expectation that plans are kept up to date and reviewed at least once every five years. We have also introduced a standardised approach to assessing housing need locally. When it was published last year, the revised NPPF introduced a standard method for assessing local housing need. After extensive consultation, it was introduced to speed up and reduce the cost of the plan-making process and to make the process more transparent and accessible. It was introduced to help ensure that we meet our commitment to deliver more homes, which have been better designed, faster.

In practice, all councils should make a realistic assessment of the number of homes their communities need, and they should use the standard method as the starting point, not the end point, in the process. The starting point is used to identify the minimum number of homes needed every year. What the standard method does not do, however, is provide a maximum number of homes needed, nor does it provide a target that must be planned for. It would be wrong to think that this is just a numbers game; we need to make sure that communities are fully on board through local plans. We need to make sure that constraints, such as green belt, are considered and that we find the right places for homes, within those constraints. We also need to ensure that the right infrastructure is in place and that we underpin all development with good design principles.

Development should not be progressed at any cost and local circumstances should be taken into account. Local authorities are best placed to do that and should plan how to meet the housing needs of their communities, considering land availability and relevant constraints, including green belt and areas of outstanding natural beauty, and whether need is more appropriately met in neighbouring areas.

Mark Pritchard: Does the Minister agree that the relationship first between the West Midlands combined authority and Shropshire Council, and secondly between Shropshire Council and Telford and Wrekin Council,
whether it be commercial and/or financial, should be transparent? It is in the public interest that documentation relating to those relationships should be published.

Kit Malthouse: I agree with my hon. Friend. As he will know, under the plan-making process, all local authorities have a duty to co-operate with their neighbours in seeking to allocate housing need most appropriately in their region or area. Where those plans are put in place and there is co-operation about the allocation of housing, of course it should be completely transparent for local communities to see how their democratically elected representatives are disposing of the required housing need in their area.

I want to talk about environmental protection. The NPPF carries forward into planning the basic principle of the 25-year environment plan that we must leave our environment in a better condition than when we inherited it, and plan and design developments accordingly. The area which both my hon. Friend the Member for The Wrekin and my right hon. Friend represent is particularly sensitive in environmental terms, and should be protected as much as possible.

As my hon. Friend mentioned, the green belt is a key feature of our natural heritage and fundamentally aims to prevent urban sprawl by keeping land permanently open. It is a national policy, but applied locally with green-belt land defined and protected by local planning authorities. By providing strong protection for the openness of green-belt land the NPPF prevents inappropriate development. He is right that local authorities have a duty to look at brownfield land first before they consider green-belt sites.

Mark Pritchard: Does the Minister share my surprise that my constituents were informed in the last few weeks by Shropshire Council that the west midlands appears to have run out of employment land?

Kit Malthouse: I cannot comment on specific dispositions towards plans, but it sounds surprising to me that the west midlands, which is such a large area, might be short of employment land. Nevertheless, dispersed employment, even in my hon. Friend’s constituency, should be welcomed. As he says, it is for local authorities to decide exactly which area is right to use for their employment and housing land. He is right that there should be a close relationship between Homes England and local authorities. That relationship should be transparent, with plans and decisions on display, subject to commercial confidentiality, giving local communities confidence that what is being done in their name and in their area has both involved them in its production and can be justified.

On transparency, I want to say a word about section 106 agreements, which my hon. Friend raised. To improve the section 106 process, we have recently mandated local authorities to publish viability assessments of particular developments. Local people can now see what the section 106 gain for their area will be, and can compare it against their neighbours, because we see different patterns of performance on section 106 agreements. All of that, allied with other changes we have made in the planning process, such as producing neighbourhood plans and pushing neighbourhood plans forward, is designed to make local people, including my hon. Friend’s constituents, feel that they are more the masters of the planning system and less its victims.

If we are going to raise acceptability for vital housing so that young people are able to live in beautiful areas of the country such as the one my hon. Friend represents, we need to ensure local people are in charge of where housing goes, what it looks like, how it is disposed and what kind of housing it is. Local people need to be an integral part of the process of producing new homes, having accepted that a significant number of homes need to be built for the next generation, as a moral obligation to be passed from one generation to the next. I will work closely with my hon. Friend and his county colleagues to make that happen sensitively in his constituency, as I will across the rest of the country.

Question put and agreed to.
Police Ombudsman for Northern Ireland: Legacy Cases

4.30 pm

Albert Owen (in the Chair): Before we start the debate, I will issue a reminder to hon. Members that under the terms of the House resolution on the matter of subject, they should not refer to specific cases that are currently subject to legal proceedings. Hon. Members may, of course, speak on general issues. The Clerk will be advising and prompting me and I will rule accordingly.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): I beg to move.

That this House has considered the role of the Police Ombudsman for Northern Ireland in legacy cases.

I welcome the opportunity for this debate this afternoon. I thank the Minister, the shadow Secretary of State and other colleagues for their presence and participation today.

I will say at the outset that this is a matter that rightly requires the attention of this Parliament, not a parochial issue for Northern Ireland MPs alone. Although the appointment of the Police Ombudsman for Northern Ireland is a matter for the Secretary of State for Northern Ireland and the finance is overseen by the Department of Justice, a devolved Department in Northern Ireland, legacy matters form a significant part of the work of the police ombudsman's office, a significant part of which relates to national security, which of course is not a devolved issue. Therefore, I believe it is entirely appropriate that we consider these matters.

Hon. Members will be aware that there is currently an ongoing judicial review of one particular case investigated by the police ombudsman, which relates to a report on killings in 1994 in Loughinisland. I will not go into the detail of the judicial review, but I will refer to the case in general terms and give my view, as a public representative, on where I think the police ombudsman's report was deficient in the context of the debate. This is not about the legal issues that are the subject of the judicial review; but if you feel I am straying at any stage, Mr Owen, you will of course bring me back into line.

It is worth recalling that the primary role of the police ombudsman in Northern Ireland is to investigate complaints by the public against police officers. That includes complaints linked to cases that are part of the legacy of our troubled past. Unlike most, if not all, types of—

Albert Owen (in the Chair): Order. If I may just help the right hon. Member, this is a live case and there is a sense that this might prejudice it in some way, so I would be very careful in how he proceeds on this one. That is the advice I have been given and I ask him to take that on board now.

Sir Jeffrey M. Donaldson: Of course, Mr Owen, but since the ombudsman's report is a matter of public record, it is entirely appropriate that public representatives comment on that report and its findings, and that is what I intend to do. I will of course be open to advice on this subject.

Albert Owen (in the Chair): Just for clarification, it is important that we do not stray, and if hon. Members go further than discussing principles and policies, I will have to ask them to resume their seat.

Sir Jeffrey M. Donaldson: Thank you, Mr Owen.

As I was saying, unlike most, if not all, other types of ombudsman in the UK, the Police Ombudsman for Northern Ireland has significant powers that include powers of arrest, detention, interview and conducting searches on property. Indeed, the powers are similar to those of the police. Those functions must be carried out under both the Police and Criminal Evidence Act 1984 and the Regulation of Investigatory Powers Act 2000, and the police ombudsman must comply with the requirements of that legislation. Nevertheless, I think many people would be of the view that using “ombudsman” to describe the work of the Police Ombudsman for Northern Ireland might be a misnomer, given the wide, sweeping police powers that the Police Ombudsman for Northern Ireland has—unlike, I believe, any other ombudsman.

My comments today will focus on the making of section 62 public statements on findings arising from reports by the Police Ombudsman for Northern Ireland on legacy cases involving complaints that have been subjected to an investigation by the police ombudsman. Although I note that the police ombudsman has the right in principle to make such statements, I have significant concerns about the content of some of those statements and that the ombudsman may be exceeding their remit in that regard.

Bob Stewart (Beckenham) (Con): I had no idea that the Police Ombudsman for Northern Ireland had such great powers. May I ask my right hon. Friend whether those powers include actually saying to the Police Service of Northern Ireland, “I require these officers, of this rank, to come and give me assistance.”? Is that what happens?

Sir Jeffrey M. Donaldson: In relation to current or contemporary investigations regarding complaints against police officers that are post the troubles, yes, the police ombudsman may require serving police officers to be interviewed and has the powers of arrest and detention of serving police officers. My focus today, nevertheless, is on—

4.36 pm

Sitting suspended for a Division in the House.

4.48 pm

On resuming—

Sir Jeffrey M. Donaldson: Before the Division, I was about to speak about a couple of cases that have given rise to concerns on my part and the part of others about the manner in which the police ombudsman's office conducts its investigations.

I was going to talk about Loughinisland in a little detail, from the perspective of a public representative, but I will not now go into the detail, because of your advice, Mr Owen, that we may stray into areas covered by the judicial review. I shall merely say that, to date, the findings of court proceedings have not eased my concern about the manner of the report, the findings that arise from the report and, in particular, how evidence was
gathered and those conclusions were drawn. I will not go into any further detail about the Loughinisland case, save to say, of course, that we must not lose sight of the fact that in each of these cases there are human tragedies.

In relation to Loughinisland, the murder of six Catholics by the Ulster Volunteer Force in 1994, in the Heights Bar, while they were watching a World cup game, is to be condemned without reservation. The issue for me is not that justice should be done for those six men—because it should—and that the perpetrators should be brought to justice; the issue for me is the police ombudsman’s findings in relation to the case.

I shall focus, perhaps a little more than I had expected to, on another case. It involved the killing of two people in the Creggan estate in Londonderry on 31 August 1988. It is sometimes referred to as the “Good Neighbour” bombing. It is a very tragic story, which in a way epitomises the tragedy of the Northern Ireland troubles. The resident of a flat at 38 Kildrum Gardens on the Creggan estate had been kidnapped by the Provisional IRA. They had planted in the property a booby-trap bomb that was permanently affixed and was designed to be triggered when someone entered the property—at any time. In that sense, it was an indiscriminate device: it would kill whoever walked into the property.

The Provisional IRA held the resident for a number of days, and the police in Northern Ireland became aware, through intelligence, that there was going to be an attempt to kill police officers. Although they were not given a precise location, the Creggan estate was identified as the general area. The police immediately introduced an exclusion zone for members of the security forces, because the intelligence that they had suggested that the device was aimed at the security forces, but they did not have any more detail than that.

As the days went by, other elements occurred that were linked to this incident. The IRA, becoming increasingly desperate because the security forces had not entered the area, never mind the property, tried a number of ruses to attract the police into the area so that they might trigger the device. That did not happen, and sadly, on the morning of 31 August—some six days after the kidnapping of the householder, I think—three of his neighbours went to investigate, because they had not seen the resident for a number of days. As good neighbours, they did the right thing and went to check on their neighbour. Sadly, on entering the property through a window, Sean Dalton, one of the neighbours, was killed instantly, along with Sheila Lewis. The other neighbour, Thomas Curran, was seriously injured.

Of course the IRA apologised for the killings, admitting that they had been a mistake, but to his credit, Dr Edward Daly, the then Bishop of Derry, presiding at the funeral mass of the two victims, said that the explosion did not go tragically wrong: it did what it was designed to do—kill people who went to the flat out of concern for the missing occupant.

Six years later, the relatives of Sean Dalton, one of the deceased, made a complaint to the police ombudsman’s office. They claimed that the police in Londonderry had been negligent in allowing civilians to approach the flat, and alleged that the Royal Ulster Constabulary was aware that the flat had been booby-trapped and therefore had failed in its duty, under article 2 of the European convention on human rights, to uphold the right to life of Mr Dalton.

The police ombudsman took eight years to investigate the case and, at the end of the investigation, concluded that, on the balance of probabilities, the police had been negligent and had failed to uphold Mr Dalton’s right to life. However, when we examine the police ombudsman’s report, we see that that conclusion is not based on hard evidence or facts; it is based on the balance of probabilities.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate my right hon. Friend on securing this very timely debate. Does he agree that in relation to this case, like so many others, we and the police ombudsman’s office have to ensure that, however intensive and comprehensive its investigations are, it must never allow the emphasis to depart from those who carried out theatrocity by allowing an investigation to stray into areas where more criticism is made of those whose job it is to try to deal with the aftermath than the people who perpetrated the act in the first place?

Sir Jeffrey M. Donaldson: My hon. Friend is absolutely correct in his assertion. Of course the appalling deaths of Sean Dalton and Sheila Lewis are to be condemned by us all. As has so often been the case in Northern Ireland, the actions of terrorists resulted in the tragic death—murder—of innocent people. The IRA cannot escape the disapprobation, the condemnation, of all of us for that heinous crime.

Bob Stewart: May I make one comment? I bet the police had no idea that the gentleman was missing. And may I ask one question? I know the area under discussion. How can the police, who always do what they can to save lives, be blamed in any way for what happened? As the hon. Member for East Londonderry (Mr Campbell) said, it is definitely something to be laid at the door of the Provisional IRA and the people who actually did it. Have they been brought to trial?

Sir Jeffrey M. Donaldson: The hon. Gentleman is absolutely right. Any reasonable person who read the police ombudsman’s report would conclude that the police did not know the precise location where the explosive device had been left by the Provisional IRA, did not know all the circumstances surrounding the incident—the kidnapping and so on—and had only broad general intelligence about an imminent attack on the security forces. However, the ombudsman concluded that the police failed to uphold Mr Dalton’s right to life. His death is tragic, and our hearts go out to his family; I understand their anger and their concern, but in the end it is the Provisional IRA who are to blame for that death, not the Royal Ulster Constabulary. I do not believe that the RUC had information available to it that could have prevented Mr Dalton’s death. There is no evidence in the police ombudsman’s report to support any other conclusion, yet he is able to say that, on the balance of probabilities, the police failed in their duty to uphold Mr Dalton’s right to life. And he says that against a background where he has the power to arrest, detain, interview and search.

Paul Girvan (South Antrim) (DUP): This is an opportunity that is being used by those who want to rewrite history and try to imply that there is collusion in
incidents that have happened. There might well be in a small number, but to try to paint it on every incident that ever happened in which someone was killed is to try to rewrite history. It is an attempt by republicanism to influence a Government-run body to bring forward those sorts of messages.

Sir Jeffrey M. Donaldson: My hon. Friend makes a broad point that is of concern to many of us regarding how the legacy process is addressing the totality of what happened in Northern Ireland during those tragic 30 years and more. The Osman test, which is often used in such cases, is very clear about what matters need to be considered when coming to conclusions about article 2—about the failure of the state to uphold the right to life. I do not believe that a conclusion reached on the balance of probabilities meets the threshold set out in the Osman test, and consequently I believe that the decision of the ombudsman is wrong.

Emma Little Pengelly (Belfast South) (DUP): I know that my right hon. Friend has met with many of the families—as I have—including those who have been going through and are on the list to go through investigations by the ombudsman and the coroner’s court.

Due to the stalling of the Historical Enquiries Team process—the investigations into criminal offences by the police—and because many families are not happy with the result of that HET process, and because there is no funding for those criminal investigations, many genuine families who recognise that the perpetrator was the terrorist organisation do not have any options for an investigation or further investigation other than what is available, which tends to be either an ombudsman’s investigation or an inquest through the coroner’s court.

That means that we are ending up in a situation with a disproportionate push between those two aspects, where allegations of collusion are the grounds to try and get that re-investigation. That is not doing anybody any justice, not least by letting those who actually perpetrated the crimes get away with their criminal acts.

Sir Jeffrey M. Donaldson: I will add nothing to what my hon. Friend has said, except that I believe that it is very eloquently and summarises the concern for us. I know the Minister will talk about the proposals to bring a more balanced, fair and proportionate system for dealing with the legacy of our troubled past. I am dealing with one aspect of that today.

To be clear, my concern is that, even though the police ombudsman has the power to arrest, detain, interview and search properties, in this report on the “Good Neighbour” bombing not a single police officer has been recommended for discipline or criminal prosecution, and no claim of wrongdoing has been brought against any police officers, yet the conclusion remains that the police failed in their duty to protect the life of Mr Dalton. I think that is unfair, unreasonable and irrational, and it is an example of the ombudsman exceeding his remit and powers, despite the fact that he has many powers available to him, to go after the evidence and bring forward that evidence. The evidence is not there to support the conclusion. Therefore, with all the powers available to him, to conclude, on the balance of probabilities, in his opinion—not on an opinion based on evidence—that the police breached their article 2 obligations, shows that there is something seriously wrong when this is the outcome in such a case.

This case is not alone—I could give other examples. The main example I wanted to bring today, apart from this case, was Loughinisland. In light of your concern, Mr Owen, I will not pursue the matter further, but I encourage hon. Members to read some of the commentary and findings in court in relation to the report by the police ombudsman on the Loughinisland case. I think they will find that those conclusions support the contentions I am making today about the ombudsman and how he approaches investigations of this nature.

I am also concerned about the manner in which the police ombudsman’s office treats those who have served our country in the police—retired police officers who stood on the frontline in Northern Ireland. The Royal Ulster Constabulary lost over 300 officers and countless hundreds more were seriously injured in the conduct of their duty. They held the line and protected the entire community in Northern Ireland, yet at times one is left wondering whether there is an understanding of the contribution that the police in Northern Ireland made towards bringing peace. We would not have the peace that we enjoy today in Northern Ireland if it had not been for the courage and bravery of the Royal Ulster Constabulary. Her Majesty the Queen recognised that with the award of the George Cross to that fine police service. In her citation, she spoke of the courage and outstanding bravery of the RUC.

When it comes to the ombudsman and how it deals with those retired police officers, the Salmon principles are very important. The Salmon principles were introduced some years ago, after the inquiry into the Profumo affair. They were designed to protect participants in such public tribunals of inquiry. The police ombudsman for Northern Ireland ought to be complying with the Salmon principles.

There are six Salmon principles—they were devised by Lord Justice Salmon—of fair procedure under the Tribunals of Inquiry (Evidence) Act 1921. Those principles require that any person who is the subject of an inquiry “must be satisfied that there are circumstances which affect them and which the tribunal proposes to investigate.”

I guess that the ombudsman would argue that it complies, but I am concerned the ombudsman is not complying fully with other elements. For example, a retired officer who is the subject of an investigation should be given an adequate opportunity to prepare their case, and of being assessed by legal advisers, and their legal expenses should normally be met out of public funds. They should be informed of any allegations made against them and the substance of the evidence in support of those allegations. They should be able to call material witnesses. They should have the opportunity of testing by cross-examination conducted by their own solicitor any evidence which may affect them.

Retired police officers who are the subject of investigations by the police ombudsman’s office are not afforded the opportunity of doing that. Indeed, often they are not even interviewed by the police ombudsman, yet they read a report concerning an investigation in which they were involved when they served, which criticises their conduct, and they have not even been afforded the opportunity to present their side of the story and put their point of view across to the ombudsman. That is simply unfair, and it is not compliant with the Salmon principles. It needs to be given closer examination.
Another major deficit in relation to the police ombudsman and how it operates is that there is no independent complaints procedure, whereby someone who is the subject of an investigation by the ombudsman may make a complaint about the manner of that investigation. Again, it is highly unfair that there is no recourse to complaint. People must either complain to the ombudsman himself or, I guess, raise the matter with the Secretary of State, but that does not constitute a proper independent process for dealing with a complaint. I believe that that is in breach of article 13 of the European convention on human rights, which the ombudsman seems to be quite keen on.

I do not believe that what the ombudsman, as currently constituted, offers is compliant with article 13, which requires an independent complaints mechanism for those who are the subject of investigations by the ombudsman’s office. The Northern Ireland Retired Police Officers Association has pressed the Secretary of State and others to make provision for such an independent complaints procedure, and it has not been done. That is most unfair—there is no recourse for people who feel they have been treated unjustly by the police ombudsman, which is a public body.

The schedule of bodies that are required to be subject to independent scrutiny and investigation of complaints made against them excludes the ombudsman, despite the fact that the offices of other ombudsmen are subject to independent complaints processes. That is another area where there is a deficiency in the manner in which the police ombudsman’s office operates. There ought to be an independent complaints procedure, so that those who are subjected to investigations by the ombudsman have the right to make a complaint if they feel they have been treated unfairly, and so that that complaint is properly examined and investigated.

For some time, my hon. Friends and I have been raising concerns about the operation of the police ombudsman’s office and about its reports’ findings, which are often the subject of banner headlines. Behind those headlines, however, there is little or no evidence to support the conclusions that have been reached. That is simply untenable, because, as some of my hon. Friends have said, it lends itself to the efforts of others who are seeking to denigrate the forces of the state, to paint them as the bad guys in the troubles, and to somehow justify the denigration of the forces of the state, to paint them as the untenable, because, as some of my hon. Friends have said, that is simply unfair. The system is unjust and needs to change. I hope that in the new independent investigative body that will be established, those steps and wrongdoings will not be revisited on retired police officers. It is simply wrong.

I say to the Minister that it is important to right those wrongs. It is important that police officers, or retired police officers, who are the subject of investigations, are treated fairly and properly, and that the investigative body is restricted in its remit to what ought to have been the remit of the police ombudsman’s office, which is to send its findings to the Chief Constable if there is evidence of disciplinary malpractice, or to the Director of Public Prosecutions if there is evidence of criminal wrongdoing. That is what the police ombudsman is required to do.

The police ombudsman should not make statements that imply guilt and wrongdoing when the evidence is not there to support them, and when he is not bringing any charges against any police officers in those cases on matters of discipline or of criminal wrongdoing. That is unfair. The system is unjust and needs to change. I hope that in the new independent investigative body that will be established, those steps and wrongdoings will not be revisited on retired police officers. It is simply wrong.

5.14 pm

Bob Stewart (Beckenham) (Con): I was tempted not to speak, but I will be short. I want to say two things.

I served with the Royal Ulster Constabulary. I watched how it worked for three and a half years. I know 38 Kildrum Gardens in the Creggan. I was the intelligence officer in Londonderry in 1978. I watched Royal Ulster Constabulary officers go forward, while we gave them cover, to knock on doors and investigate suspicious activity. I find it absolutely appalling if there is any suspicion that the Police Ombudsman for Northern Ireland is not fair in dealing with those incredibly gallant men and women. The whole service thoroughly deserved the George Cross, but most of them actually deserved additional decorations. I am absolutely dismayed by what I have heard. I did not realise it was as bad as that. I will take an increased interest in the matter from now on as part of the Select Committee on Northern Ireland Affairs.

I am personally indebted to the way the Royal Ulster Constabulary and its officers protected my soldiers and acted when we were out there with them. It was not them and us, and “them” were not Catholics, Protestants, Jews or Buddhists. The Royal Ulster Constabulary did not give a damn who it was going to help—all it wanted to do was help. It is absolutely tragic if there is suspicion that the ombudsman is not giving credit to those extremely gallant men and women.

Jim Shannon rose—

Albert Owen (in the Chair): Order. Before I call the hon. Gentleman, I inform hon. Members that I will call the Opposition Front-Bench spokesperson at 5.26 pm. The Minister will then have 10 minutes and the right hon. Gentleman who sponsored the debate will have two minutes to wind up.

5.16 pm

Jim Shannon (Strangford) (DUP): I treasure the thought of being able to speak until five to six—I know you did not say that, Mr Owen—but I am not going to do that today. I will be careful with my comments in the light of that advice.
I thank my right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) for putting the case as well. I also thank the Speaker’s Office for giving us the opportunity to highlight the issues in Westminster Hall. My right hon. Friend the Member for Lagan Valley and I are not just colleagues but good friends, and I also have an interest in the issues that he talks about. We always listen to his comments, which are well put.

My comments come from a personal perspective. In recognition of my role as an elected representative of the people of Strangford, I fully support what my right hon. Friend has put forward. As well as being the most beautiful constituency in the world—I have to say that, but I say it honestly—Strangford is home to a large number of veterans of the armed forces, the Royal Ulster Constabulary and now the Police Service of Northern Ireland, as well as prison officers and other service personnel.

My constituency has a tradition of service and I am always pleased to represent it. It is a wonderful place to retire, and historically, it has been viewed as a safe place in terms of the troubles for serving and retired personnel to live. For that reason, I am confident that I speak on behalf of all those who served in the Royal Ulster Constabulary and now the Police Service of Northern Ireland, as well as prison officers and other service personnel.

Just over 17 months ago, I joined my hon. Friends and other right-thinking people in calling for the reconsideration of Dr Maguire’s position as the Police Ombudsman for Northern Ireland. That is on record. I also join my right hon. Friend the Member for Lagan Valley in condemning the despicable murders that took place at Loughinisland. Those responsible, whoever and wherever, need to be held accountable for their actions.

David Simpson (Upper Bann) (DUP): My hon. Friend knows that some of us in this House have loved ones and families who served in the Royal Ulster Constabulary and were butchered by the provos. Those families have never had justice. The people who committed the murders have never been brought to justice. It is disgraceful and totally wrong that the ombudsman is treating certain cases in a certain way—he should be impartial. Everybody is equal under the law. It is hurtful for those of us who have lost family members who served, and it is hurtful for those families who have to relive it.

Jim Shannon: With my hon. Friend’s legal mind, she obviously succinctly focuses on the issues that we need to be aware of.

I believe that police officers involved in any case, wherever that may be, and who have not been afforded the protection of due process, should not be subjected to destructive and withering condemnations by any person who has a position of power. I believe that the ombudsman’s office has lost credibility and respectability, not simply among those who designate themselves as Unionists but among all who are right-thinking.

When I was sitting here and listening to my right hon. Friend the Member for Lagan Valley, I thought the release of a report that gave no right of reply, and that was ambiguous and condemning of officers at any time, was an indication of the intent of the ombudsman, as we sit by and see more and more focus on alleged state collusion. The allegations are made willy-nilly and without proof or evidence.

I can think of many atrocities during my lifetime. My right hon. Friend referred to atrocities, but not specifically. I can remember them from when I was a young man to the age that I am now. I think of Bloody Friday, when the IRA murdered innocent men, women and children across the whole of Belfast. In the Abercorn restaurant, where I used to eat as a young man, people were murdered while they were there having a meal—children and women butchered and destroyed.

There was the La Mon Hotel in my constituency, where again those who were in high positions of IRA leadership seem to have got away with what they have done. There are also the murders at Kingsmill. We all know the story about Kingsmill and the massacre there, and we know that there have been clear allegations of collusion by some members of the Garda Síochána in relation to that massacre—that is well-known. When we look to an ombudsman to investigate issues, those are the sorts of issues that they should investigate.

There was the Darkley massacre of men and women who were worshipping their God in their church. In my own family, there was the murder of my cousin, Kenneth Smyth, outside of Clady. Lexie Cummings was murdered outside Strabane. Four Ulster Defence Regiment men, three of whom I knew personally, were murdered in Ballydugan: John Birch; Steven Smart; Michael Adams; and Lance Corporal John Bradley. They were young men who were murdered in the prime of their life.

Albert Owen (in the Chair): Order. Can I just say to the hon. Gentleman that he has two minutes to conclude his remarks?

Jim Shannon: I am coming to the end of them.
The last case that I will refer to is the murder of Louis Robinson, a detective constable who was kidnapped in South Armagh and murdered.

All of these things tell me that the ombudsman’s time could be better spent. I see constituents referring deserving issues to the police ombudsman regularly. All experience a refusal due to a lack of resources to investigate every complaint. Perhaps if the ombudsman was more determined to leave legacy issues to the designated body and if it investigated what was needed today, my constituents, who I represent, might find resolution and justice.

The time has passed for the Secretary of State, or for the Minister of State, who will respond to this debate, to intervene and appoint someone who has knowledge of Northern Ireland and of what the ombudsman’s role is—someone who at least has the grace to admit what that role is—and someone who will forgo what has been described as personal ambition of retribution. Instead of retraumatising officers who have seen what we cannot imagine, who have paid their dues to this country and who do not deserve to be accused of collusion at any stage to satisfy a republican rewrite of history, that individual should do his job as it is understood by all right-thinking people.

5.25 pm

**Tony Lloyd (Rochdale) (Lab):** This has been most certainly an interesting debate, although possibly not the one that either the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) or I thought it might turn out to be.

Let me say this: the role of the ombudsman is vital. The problem is that it has been constructed in the wrong way. The ombudsman has responsibility for the investigation of contemporary irregularities by the police service, mirroring what I had some responsibility for as the police and crime commissioner in Greater Manchester, although more generally they were dealt with by the then Independent Police Complaints Commission, which is now under a different guise. There is no doubt that there needs to be that contemporary role, but the problem has come because that role has been mixed with the role of historic investigators. Quite honestly, neither the ombudsman nor the victims nor the Police Service of Northern Ireland nor politicians think that is a satisfactory process.

I will begin by asking the Minister whether he can throw any light on an issue. One of the things that I welcome is the recent announcement from the Department of Justice in Northern Ireland of a further £55 million for coronial investigations. However, that will put pressure on both the PSNI and whoever is the investigating authority, whether that is the ombudsman or another body; I will come on to that later. Can the Minister tell us whether there will be extra resources for those other investigatory bodies and of course for the prosecuting bodies, including the Crown Prosecution Service, because it is important that we see resourcing for them within the package?

I echo the words of the right hon. Member for Lagan Valley, who said that we are talking about human tragedies, and about victims. Right hon. and hon. Members have mentioned a number of particular atrocities. Let me make it clear that victims, whether they are victims of republican terror, of loyalist terror or of state actors, are entitled to have resolution of their cases, as their loved ones are loved ones, their mothers and their children are the same, whatever the background of the perpetrator. We must establish that because there cannot be some sense in which there is differential justice, but at the moment we have differential justice, particularly when we have different agencies involved at different times. We have ad-hockery.

In the case of Pat Finucane, it was only because of the intervention of the then Prime Minister, David Cameron, that there was an inquiry. For 30 years, the family had been fighting for a process of justice. They have had a partial victory recently at the Supreme Court, but there now needs to be a continuation with proper investigation of the murder of Pat Finucane.

That brings me on to another case—that of Edgar Graham, the Ulster Unionist Member of the Legislative Assembly at Stormont. He was a young man who was murdered in the most public of ways on the campus of Queen’s University of Belfast, when he stood next to one of his Ulster Unionist colleagues. That brutal murder has not been brought to any satisfactory conclusion. In fact, when the then Historical Enquiries Team process took it up, all that the family got was a letter saying why there would be no report into that particular atrocity.

Let us make it clear that we now have to move to a situation where there is proper and uniform treatment, whatever the authorship of a crime, and I say this advisedly: whether it be republican or loyalist paramilitaries or state actors—

**Albert Owen (in the Chair):** You have one minute.

**Tony Lloyd:** Thank you. Two minutes, Mr Owen?

**Albert Owen (in the Chair):** One.

**Tony Lloyd:** Of course my point brings us to the very important role of the Historical Investigations Unit. I have to say to the Minister that it is now five years since the Stormont House agreement concluded that that was needed. It is now more than six months since the consultation on that body finished. We need to see that body up and running, because, and I say this to the hon. Member for Upper Bann (David Simpson), if we are to see equity the ombudsman cannot investigate things other than where the police are involved. In the future, he or she will have no locus beyond that. If we are to see equity, we have to see the HIU in operation, investigating across the piece whatever the authorship, whatever the body. Minister, we need progress on that. We need to see the HIU’s terms of reference, and see it established, so that it can begin that vital work, which is so long overdue.

5.30 pm

**The Minister of State, Northern Ireland Office (John Penrose):** It is good to be under your capable hand, Mr Owen, because it ensures that we stay just on the right side of any court case rules and do not prejudice anything. You have been carefully doing that and steering us aright.

I start, as others have, by congratulating the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) not only on securing the debate but on setting out such a properly considered and careful exposition of his concerns,
which are shared, I think, by many of the other Members from whom we have heard. Although the right hon. Gentleman had to steer a careful course around the sub judice rules, he was right to make the central point that behind every single one of the legacy cases that have been cited in the debate and mentioned elsewhere, there is invariably a human tragedy. We have heard some examples today, but it is essential to remember that there are many, many others that could be mentioned, on all sides of the community in Northern Ireland, and they all deserve justice and to be treated equally and fairly.

The right hon. Gentleman rightly pointed out the Salmon principles—I will not try to do a legal job on them, but broadly speaking they are the central points that many people would naturally reach for—of fairness, due process and equality before the law. It is essential, no matter what processes and institutions we apply, that those central principles are front and centre and are adhered to, otherwise the family and friends of the victims of the troubles will never get the justice that everyone here has called for.

Other Members contributed strongly to the debate. My hon. Friend the Member for Beckenham (Bob Stewart) has personal experience, as he rightly pointed out, of operating during the troubles in Northern Ireland. We also had cogent input from the hon. Member for Strangford (Jim Shannon). The only remark of his with which I disagree was his description of his constituency as the most beautiful in the world, when clearly that applies to my own constituency of Weston-super-Mare. Beyond that, I suspect everyone agreed with many of the points he made. It was also good to hear from the Labour spokesman, the hon. Member for Rochdale (Tony Lloyd), a high degree of cross-party unanimity and consensus.

Bob Stewart: I commend the Opposition spokesman, because I took from what he said that this job is too big for one person, and more resources are required to do it properly.

John Penrose: That brings me neatly on to a point that I think everyone agrees on: it is essential that we all adhere to, otherwise the family and friends of the victims of the troubles will never get the justice that everyone here has called for.

John Penrose: That brings me neatly on to a point that I think everyone agrees on: it is essential that we all adhere to, otherwise the family and friends of the victims of the troubles will never get the justice that everyone here has called for.

At that point, it will be fairly straightforward for many of us to say that the role of the Northern Ireland police ombudsman will, sensibly, become rather more normal. The responsibility for the legacy cases will rightly be passed to the new institutions and processes, and the ombudsman role will become much more akin to ones that we see elsewhere in the United Kingdom, dealing mainly with current cases.

To leave a little time for the right hon. Member for Lagan Valley to respond, I finish by saying that I am very reassured to have heard that everyone here understands, salutes and agrees with the principle that justice must be done, that fairness must be achieved—no matter who, and no matter what—and that everyone should be equal before the law. The difficulty, of course, is that these legacy cases are incredibly difficult and sensitive—perhaps more difficult than many other kinds of justice that we have to administer in the UK. I therefore hope
that when we have finished with the 17,000 submissions to the consultation, we will come up with a set of proposals for which there is cross-party and cross-community support, which will allow us to move forward at long last and make progress in this incredibly important and sensitive area.

5.40 pm

Sir Jeffrey M. Donaldson: I thank all who took part in this afternoon’s debate, including the hon. Member for Beckenham (Bob Stewart). I thank him on behalf of my colleagues for his service to the people of Northern Ireland, and the enormous courage that he displayed in leading his men and women at that very difficult time. There are many in Northern Ireland today—the great majority—who truly appreciate that service and the sacrifice that accompanies it, and will not forget what was done for our country and for the people of Northern Ireland.

I thank my colleagues, including my hon. Friend the Member for the beautiful constituency of Strangford (Jim Shannon), for their contributions and interventions. My hon. Friend the Member for Belfast South (Emma Little Pengelly) summed it up well when she said that often, because of the lack of a proper process to deal with the legacy of a troubled past, people go to the police ombudsman as a means of pursuing a grievance. As I have already referred to, I wonder about the extent to which that puts pressure on the ombudsman to come to conclusions and make findings that should not normally be part of its remit, and lead to the ombudsman exceeding that remit. I continue to be concerned about the conduct of the ombudsman’s office in dealing with these investigations.

I refer to the case of R (Chief Constable of West Yorkshire Police) v. Independent Police Complaints Commission, which found that it is the job of a police ombudsman to gather evidence and report breaches of discipline to the relevant chief constable, and breaches of the criminal law to the Director of Public Prosecutions. The Court of Appeal in London confirmed that only a properly constituted court can find guilt. The difficulty I have is that, in report after report, the police ombudsman is inferring guilt, implying guilt, and in some cases openly stating that police are guilty. However, it does not bring forward evidence to substantiate those claims or go after police officers for disciplinary or criminal wrongdoing, because the evidence to support the claims is not there. I therefore think there is a problem here that needs to be addressed. We welcome the prospect of new legacy institutions replacing the work of the police ombudsman in respect of legacy cases, but we must be mindful of the need to ensure that the new arrangements take care of the concerns I have referred to.

5.43 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).
Modern Slavery and Victim Support

9.30 am

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I beg to move,

That this House has considered modern slavery and victim support.

It is a pleasure to serve under your chairmanship today, Mr Betts. The debate is on an important subject and I am pleased to see that the chairman of the all-party parliamentary group on human trafficking and modern slavery, the hon. Member for Gedling (Vernon Coaker), is here, as well as my hon. Friend the Minister and the hon. Member for Swansea East (Carolyn Harris), ready to engage us with speeches about what it is right to do. I thank them for attending.

People are often surprised to learn that modern slavery exists in the UK. When I talk to them, it is quite peculiar that they do not quite recognise it. However, once they are aware of it, they are surprised to learn it is not happening out of sight. There is a disconnect between the sense—mostly historical—of what slavery is, and surprise at the idea that 136,000 men and women in the UK are the victims of what we would term modern slavery. The victims are in full sight, not hidden from us. It is just that we do not see them. They are the women in suburban salons, who are beaten to get them to do work they are not paid for, the men who work 20 hours a day in unlicensed car washes where illnesses from chemicals can result in death, or those whose families back home are regularly threatened so that they will stay to do the work.

Some years ago, the Centre for Social Justice, which I set up, produced a report called “It Happens Here” and, I am pleased to say that, in that wake of that, the United Kingdom became a world leader with the passing of the Modern Slavery Act 2015. I believe that it was the gold standard for legislation to eradicate human trafficking. However, that does not mean we can afford to be complacent. It was proud of the Government when they passed the Act, and I remain proud that we are the nation that has given the lead, but I believe that if we are not careful there could be a tendency to believe that what we have done is enough, and that there is nothing more we can or should do to improve on it.

I want today to focus on victim support, which I think is the weakest element of the 2015 Act, although others’ views may differ. The Act does not establish a statutory framework for care services. Nor does it provide a clear pathway for victims to move from exploitation to recovery. In England and Wales the Government provide victims with a limited period of care on a non-statutory basis while the authorities decide whether the person is a victim—but then the support ends. To address those weaknesses Lord McColl and I are sponsoring the Modern Slavery (Victim Support) Bill. It has passed all necessary stages in the House of Lords as well as its First Reading in the Commons. Unfortunately, it is still awaiting a date for Second Reading. I remain frankly perplexed as to why the Government will not, in general terms, think about adopting the measures in the Bill and in doing so reaffirm the UK’s position as the world leader in the fight against modern slavery.

The Modern Slavery (Victim Support) Bill would amend the 2015 Act in two crucial ways. First, it would put into law victims’ entitlement to support throughout the critical period when evidence to ascertain whether modern slavery has taken place is being collected. That is an important point. The provision would give people a sense of security. Secondly, the Bill would introduce a statutory duty to provide victims with ongoing support and leave to remain for a period of up to 12 months.

Maggie Throup (Erewash) (Con): I congratulate my right hon. Friend on securing this important debate on an issue that we should not forget. Does he agree that if we provide more support for the victims of slavery over a longer period, there will be an opportunity to gain more intelligence, leading to the further prosecutions that are so vital to stamping out this evil practice?

Mr Duncan Smith: That is absolutely right. It is a matter of balance—it is not only about supporting someone but ascertaining who has done what, and making sure that there are prosecutions. As my hon. Friend points out, we must ensure that practical and effective victim support is in place to prevent re-trafficking, while redoubling efforts to prosecute traffickers.

To be fair, over the past two years the Government have matched commitment with action, allocating the necessary resources, but I believe that they are not getting value for money, owing to restrictions in the 2015 Act. In 2017 a report by the Select Committee on Work and Pensions concluded that although the Act was a great step forward it did not establish a pathway for victim support. The National Audit Office noted:

“The Home Office has no assurance that victims are not trafficked again, potentially undermining the support given through the NRM”.

The national referral mechanism is the gateway for adult victims to receive support, and the NAO makes an important point about what is happening to people, and whether it happens to them again and again. It is vital for us to establish that. There is significant evidence of victims with a positive conclusive grounds decision being left homeless and destitute, and therefore at risk of being re-trafficked at the end of the NRM process. Not only are victims at risk of re-trafficking, but limited support creates a barrier to increasing conviction rates for traffickers. If we want to get after them, we need to reduce those barriers.

A Cabinet Office report has concluded that the lack of sustained support for victims is a key factor affecting the bringing of successful prosecutions, so I would like to ask my hon. Friend the Minister what steps are being taken to respond to that report. It is not the view only of the Cabinet Office. Many police forces will say the same. I accept that the Government have recognised some of these challenges and they announced new plans for victim support in October 2017. However, having talked to those involved in supporting people who have been trafficked, I believe that the proposals do not address the primary problems.
[Mr Duncan Smith]

The extension of the move-on period following a positive conclusive grounds decision from 14 days to 45 days still leaves insufficient time for victims to establish a stable foundation for the future. In particular, it is not long enough to enable non-UK nationals to apply for and be granted discretionary leave to remain, which in turn gives victims access to housing, benefits and other services for a period of 12 to 30 months. The Government have stated that rather than a period of leave being provided to all victims, leave to remain should be provided only on a discretionary, case-by-case basis. However, there is evidence that victims fall through the gaps. A victim who is later granted leave to remain can even become homeless while waiting for a discretionary leave decision to be made, because the 45 day move-on period is not long enough to bridge the gap.

I do not want to seem ungrateful, because I believe that the Government’s heart is in the right place. However, the extension to 45 days will in all likelihood just postpone the point at which a victim faces homelessness, and not prevent it. If prevention is what we are after, we should try to achieve it. I therefore ask the Minister what information she has about the length of time taken for a discretionary leave application to be processed and how she proposes to guarantee that no victim will fall off the edge of support while waiting for a decision.

I understand that there are plans to offer up to six months’ access to drop-in services and improve local authorities’ response to victims. That appears on the face to be helpful, but I am none the less concerned that it will meet the needs only of victims with a right to stay in the UK. That will leave an awful lot of people without such protection. Importantly, charities that support victims and that have left the NRM have told the Home Affairs Committee that drop-in services “will not be sufficient for somebody who has more complex needs, who needs much more intensive intervention”.

I saw the chairman of the all-party parliamentary group nodding at that. It is a fact that there is now strong evidence coming in from the charities involved in this.

I have a third question for my hon. Friend the Minister. Can she explain, when she has the opportunity, what types of support the drop-in services announced in October 2017 will provide, and whether they will be open to those victims who do not have leave to remain in the UK? That is a critical question.

The Government have, I believe, expressed concern that offering all confirmed victims leave to remain for 12 months could create what they called a “pull factor”, increasing false claims and potentially creating a loophole in the immigration system. I have sympathy for my Government’s view, yet I believe those fears are well overstated. After all, victims cannot refer themselves in to the national referral mechanism; that can only be done by a designated first responder, which is an accountable organisation. It is also the role of the two-stage national referral mechanism process, as specified, to filter out any false claims that are not immediately identifiable by first responders.

The Government have also cautioned that false claims may be made by foreign criminals to avoid deportation. Yet, surely, if one really thinks about it, anyone seeking to avoid deportation by claiming to be a victim will be able to enter the NRM, irrespective of what support is or is not available after the NRM process. That argument does not seem to stack up when one considers it.

In the case of confirmed victims who also have criminal records, it is important to balance their vulnerability as a victim with the need to protect the public. That is precisely what the victim support Bill does, through an exception that excludes serious sexual and violent offenders who pose a genuine and immediate threat from receiving leave to remain. That is made clear in the Bill that Lord McColl initiated in the Lords and that is still sitting without, I think, much chance of a Second Reading in the Commons.

The suggestions that people will game the system mask the sad truth—this is perhaps the most dangerous part of what I am saying—that many victims are very reluctant to disclose their genuine circumstances or identify as a victim because of threats from their traffickers. We should not underestimate that: those threats and that fear and the system making them worried mean that they will not disclose those things to the authorities.

The Home Office is aware of that. After all, as I understand it, it has been made explicitly clear in the guidance provided to frontline staff, which is an interesting point. Surely the far greater problem is the sizeable number of people identified as potential victims who do not consent to enter the NRM each year. That must be the giveaway as to where the problem arises. Persuading victims to provide the police with information about their traffickers is often difficult, with a perceived lack of long-term protection as a key factor.

Of all that I am saying today, this is the bit that worries me the most; we are forcing many people to dive down again, back into that black place, because they are genuinely scared of what will happen and they believe the protections are simply not there. It is our purpose in this place to speak for them.

A support service that leaves people at risk of further trafficking cannot be cost-effective. The National Audit Office highlighted this in its 2017 report, saying the Home Office has “no assurance that victims are not trafficked again, potentially undermining the support given through the NRM”.

That is an important point; the NAO is basically opening up the question of whether this really works and, if it does not work, how it can be cost-effective.

I genuinely welcome the digitised NRM system that is being introduced—it is a good move—but recording that victims have been re-trafficked is only a start and cannot be a proper answer to this problem. The issue is ultimately one of prevention, ensuring they are not vulnerable to re-trafficking, stopping that as early as possible and giving them that assurance.

To conclude, although I understand that time is running out for the victim support Bill to receive a Second Reading in the Commons during this parliamentary Session—time is running out for quite a lot of other things as well, it must be said—the legislation is none the less incredibly well suited to inclusion in the Queen’s Speech later this year. I would love nothing more than for the Government to look to adopt the provisions and recommendations in the Bill. It is not a single-party issue but a cross-party one, as I hope will be reflected in the comments made by my colleagues on both sides of the House.
I ask my hon. Friend the Minister to give this matter serious consideration. Such a Bill would show a genuinely compassionate Government, as I believe them to be, who have every right to be proud of their record but none the less seek to reaffirm their commitment to eradicating modern slavery. I hope she will also make time to meet me to discuss the proposed section 50 regulations prior to their being tabled.

I am committed to ensuring that the necessary steps are taken to ensure that the Modern Slavery Act is effective and offers victims the support they very much need. We have made a good start, but we should not sit back. We must recognise that all we have done is expose the problems that exist within the system. If we exist for anything in this place, ultimately, we exist to be the spokespeople for the most vulnerable, who have nobody else to speak for them. That is why I asked for this debate.

Mr Clive Betts (in the Chair): I have seven hon. Members wanting to speak, which gives us about six minutes each. I ask hon. Members to respect that, please.

9.46 am

Vernon Coaker (Gedling) (Lab): It is a pleasure to serve under your chairmanship, Mr Betts. I congratulate the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) not only on securing this important debate, but on his excellent presentation and the content of his remarks. I must say that I agreed with every single word.

There are many officers of the all-party parliamentary group here supporting the right hon. Gentleman, and they will no doubt make their own contributions, but I want to start out by echoing what he has just said; this is not a party political issue. From my other challenges to her, the Minister will know that although the Modern Slavery Act was a tremendous, landmark piece of legislation, and it would be ridiculous to say otherwise, it would be remiss of us not to say that there are issues we need to raise. We are not doing that to be negative; we want to challenge the system by saying, “Come on, wake up and let’s do things a bit quicker.”

I will put the matter in context for those who watch our debates. Here we are in this beautiful Parliament, in this wonderful Chamber, yet half a mile away—a quarter of a mile, even—there will be people who are victims of trafficking and slavery. It is unbelievable in 2019 that that is the case. When the right hon. Gentleman spoke with such passion, it was to say to the system, “Surely we can do better.”

The statistics that the National Crime Agency released just a week or so ago are stark. They represent huge increases. I know we can say that that is because of greater awareness and such things, but when we have figures showing a 36% increase in the number of referrals in a year, there is no doubt that they signify a growing problem in our country.

I say to the Minister that it has come to something when the starker increase in those figures is in the identification of child victims of exploitation. It is unbelievable to see that the referrals for children rose by 48% in comparison with 2017. They come into the care of the state, and many of them are, as the right hon. Gentleman said, going missing. Of course nobody wants that to happen, but when ECPAT UK—Every Child Protected Against Trafficking—is telling us that, according to its research, 15% go missing at least once, and 190 went missing permanently, it is a national disgrace. It is not that the Minister wants that to be happening, but it is a wake-up call for all of us to say that we should do more and do better.

Victim support is a crucial part of this. I say to the Minister that I cannot for the life of me understand why the Government are to an extent resisting Lord McColl’s Bill. Everything that the Government do is to try to improve victim support. If people have a conclusive grounds decision under the NRM, they will get 45 days. For most people, it is just impossible for their immigration status, even if it is a case of special discretionary leave, to be sorted out in that time, so they go into a twilight world. That is the reality.

I say to the Minister again that the whole system is bedevilled by the clash between the desire to support victims, and the immigration system. I think that we have to be a bit braver as a country and say that of course we want a fair and effective immigration system, and one that works, but we are not going to have a system that, because that is our priority, puts victims of trafficking and slavery at risk. There is a policy clash, and I know that the Minister is aware of it. I suspect that she goes and argues that and perhaps does not get the response that she wants, because in my mind I can hear her arguing what I am saying and others in government saying, “Unfortunately, we have to be careful, because it will be a pull factor and people will be swarming into the country on the basis of saying that they are victims of trafficking.” That is nonsense, and the Government need to sort it out. I very much support Lord McColl’s Bill.

I shall conclude my remarks to keep to six minutes, but I want to challenge the Minister. Section 49 of the Modern Slavery Act 2015, which relates to guidance about supporting victims, has still not been enacted three or four years after the Bill was, so the statutory guidance has not been dealt with. I know that the Minister is to consult on it and that different groups are interested. I should have declared at the beginning of my speech my entry in the Register of Members’ Financial Interests about my links to the Human Trafficking Foundation. I just say to the Minister that there is a desire for broader consultation on the matter with the sector, and I think that that is important.

Finally, if we look at the child victims of trafficking in the system, it is astonishing to see that the majority of those children are British. The majority of trafficked children referred to the national referral mechanism are British. Surely it is a wake-up call to all of us, when we lecture the rest of the world, that we have a real problem ourselves—generally, because of county lines, and because of the experts. All of us know that this is a very real challenge. The children of our country deserve better and the victims of this country deserve much better support than they are getting at present. That is the challenge for all of us, and I know that the Minister will take it forward.

9.53 am

Andrew Selous (South West Bedfordshire) (Con): It is a huge pleasure to follow my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) and the hon. Member for Gedling (Vernon Coaker),
who chairs the all-party group. I have the honour of being one of his vice-chairs, and if I may say so, he does a very good job indeed in leading the group.

William Wilberforce was and remains one of my heroes and inspirations for coming into politics. As my right hon. Friend said, it is unbelievable that the practice that Wilberforce campaigned against so forcefully, over 40 years, all those centuries ago is still so prevalent today. I believe in social justice, and this could not be a more significant social justice issue, as the chair of the all-party group so powerfully said.

I have worked with many non-governmental organisations in this space. I shall mention just a few: the International Justice Mission, Hope for Justice, STOP THE TRAFFIK and the A21 Campaign. There are many others. If there are some organisations represented behind me in the Public Gallery that I have not mentioned, they should consider themselves praised as well. They all do brilliant work and we need every single one of them in this fight.

This issue got a little more real for me when in leafy south Bedfordshire, in a wonderful village in my constituency one Sunday morning, 200 police officers went on to a Traveller site and liberated 24 victims of modern slavery, 19 of whom were British, just to follow up the point made by the chair of the all-party group. What was even worse was that the same thing happened again on that site on two subsequent occasions. We are here this morning to stop re-trafficking. In my constituency, I have had that example of where this has happened again and again on the same site. That is not something that any of us should stand for.

I declare a slight family interest, in that my daughter Camilla is doing sterling work, as a medical student, to explain to other clinicians the role of the national health service in spotting victims of modern slavery in order to bring it to an end. That is so important and I think that we will get more prosecutions if we have a longer period of safety for people. I note that England and Wales are behind Scotland and Northern Ireland. As a proud Englishman as well as a proud Brit, I am not happy with that; I want us to be among the best in this country. I note the comments of the National Audit Office, which are sensible and measured. It is looking across Government and looking at what works and at value for money for the taxpayer. The NAO wants change. There is also the Crown Prosecution Service and the cross-party Select Committee on Work and Pensions; all are making the same points.

It strikes me that we have a proud tradition of giving asylum in this country, and rightly so—it is part of what makes us civilised—and asylum is given on the basis of a well-founded fear of persecution, but for the people we are discussing, it is not a case of a well-founded fear; they are actual victims. They have actually suffered persecution; there is not a fear that it might happen. Of course, for some asylum seekers, it has also already happened. Why do we treat victims of modern slavery, who have been persecuted, worse than asylum seekers who have a well-justified fear? Of course, giving asylum is the right thing to do, as I said, for asylum seekers. We know that the individuals we are discussing today cannot self-refer; they will go through all the proper immigration procedures.

I was pleased to see, in the Free for Good briefing that we were sent, that there is an onus on the home countries of foreign victims of modern slavery to do their bit to provide a safe, independent future for those victims in their home countries. That may not be possible for everyone, but we should put pressure on some of the home countries, whether it be Nigeria, Vietnam or wherever. Perhaps people need a new identity. Perhaps they need help to move back to a different part of their home country so that they are safe there as well.

9.59 am

Alex Norris (Nottingham North) (Lab/Co-op): I am glad to speak on this most important subject. I congratulate the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) on securing this debate and on his outstanding introduction. My only criticism is that he did not leave much for the rest of us to add—he truly was brilliant. I encourage people who read the transcript to share his speech but understand it is wide, so that people can understand where we are, how we got here and where we might go.

It is important that, when we meet people in the course of our normal work, we say that this is happening under our noses. My hon. Friend the Member for Gedling
(Vernon Coaker) mentioned that it is happening close to here. We walk past it and drive past it. We might unwittingly go into such establishments. It happens on our estates. It behoves us to make a stand and say that it is unacceptable in all of its forms in our community.

There is a high level of understanding of this across the House and everybody is appalled, but we have to ask whether we are doing enough. As the right hon. Member for Chingford and Woodford Green said, we brought in world-leading flagship legislation but, three years on, has it done what we want it to do and could we develop it? That does not imply criticism of Home Office Minister—far from it. In many ways we are pioneers, but that means we will have to learn along the way, by looking at what we can do better.

I echo the call for Lord McColl’s Bill to have Government time in the Chamber. If it cannot, what is the hold-up? We know that 45 days passes in the blink of an eye for people recovering from this incredibly traumatic experience. My hon. Friend the Member for Gedling touched on the practicalities of entering the system. From our personal casework, we know that 45 days is no time whatsoever to help people to unpick exceptionally difficult trauma and understand, having had all their agency removed, what they wish to do with their life. For many people, 12 months would feel like a tight period of time, but it would give those individuals better time for proper reflection.

Not everybody would need that. I was with a brilliant charity in Nottingham a few weeks ago—the Micu Bogdan Foundation—which specialises in support services for Romanian men, specifically in helping Romanian men go home if that is what they wish to do. Some do not want that, but many do. To have that quick contact and then leave is absolutely fine, but we need to put the victim at the heart of that, and to finally hear their voice after they have had it taken away for so long. To give them that agency back is a profound thing for us to do. I am interested to hear the Minister’s reflections on rights to work. We have a high level of political consensus that work is exceptionally important for an individual to build their life around and give them dignity, so I am not convinced that having someone sat staring at four walls and reliving a trauma is the most effective way to help them rebuild their lives.

I know the Minister has put a lot of personal investment into reforming and improving the national referral mechanism. When I talk to victims, I always ask them about their experience in the NRM after I have asked them about their experience being trafficked and exploited. The two experiences are eerily similar. They say, “I don’t really know what’s happening. I don’t have a choice over where I am living. I have been moved at short notice.” That will not do. We need clarity in the NRM. The system might be complicated because of the nature of investigations, but we have to get at least a little more dignity into it. I know the Minister is committed to that, but I would be interested to hear a little bit more on it.

We should welcome the review of the Modern Slavery Act chaired by the right hon. Member for Birkenhead (Frank Field). That is a good sign that there is a genuine desire for dialogue and improvement in the Home Office. I hope we look at what comes out of that. I recently left the Select Committee on Home Affairs, where the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) does outstanding work on these matters. I hope that, when the slavery report comes out, the Home Office will listen and try to improve.

There are many causes for optimism. I am pleased that 85 councils have signed the Co-operative party’s charter against modern slavery. I am a proud Co-operative party MP. I urge the Minister a lot on the enforcement and monitoring of section 54 of the Modern Slavery Act. We are moving, but I would like us to be moving a little bit quicker. I hope we hear more about what the Minister plans to do with those who do not comply, but big business—a turnover of £37 million or more—is only one part of it. The collective purchasing power of local government is absolutely massive. Having local authorities come together to say, “We don’t want to be part of this either and we will ensure that we are not,” and holding themselves to that section 54 standard is very good, but Ministers may want to consider whether the public sector should be covered by it more generally.

There is a lot to reflect on. In a positive spirit, we should be proud that we have world-leading legislation, and that other countries have picked up the banner and sought to do the same. Three years on, it is important to say that we share a view that we want to get victims out of their difficult situations, and help them to rebuild and live a full and happy life. We now need to ask whether we are doing in statute promotes that. As I said, that does not imply criticism—it is just time to develop the legislation.

10.6 am

Fiona Bruce (Congleton) (Con): Two days ago, 25 March, marked the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. Tragically, slavery is not merely an historical relic. In fact, more people are in slavery today than during all the years of the transatlantic slave trade between the 15th and 19th centuries combined. A staggering 40 million people globally are victims of modern day slavery. That excludes tens of millions of child labourers.

Through the Modern Slavery Act 2015, the UK sought to take a lead in tackling this tragic scourge of our age, but there is unfinished business. Trafficked victims need more support, hence I fully support the Modern Slavery (Victim Support) Bill, and the excellent speech and work of my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith). The Bill seeks to improve the assistance and support for victims over a 12-month period, which is still short given the trauma they have experienced. Much support is needed, such as safe accommodation, financial assistance, medical help, counselling, a support worker, appropriate information, translation and interpretation services, legal assistance and help with representation.

I want to focus on the fact that helping victims to rebuild their lives in this way should give them increased stability, confidence and trust with the authorities, so that they can engage with police, prosecutors, courts and others, which can be daunting even for those who have not been through a traumatic experience. That is essential, if we are to prosecute and convict the perpetrators of this terrible crime of selling a fellow human being, and to deter others from doing the same.

I am pleased to see the Minister in her place. In a debate in this Chamber on 9 October, 2018, she said:

“Law enforcement is a vital part of this picture. We want to successfully investigate and prosecute those who ensnare human beings in their gangs or slavery networks.”
[Fiona Bruce]

She added:

“We have invested £8.5 million to transform the police response.” — [Official Report, 9 October 2018; Vol. 647, c. E2WH.]

I would be grateful if she could update us on that work. Without better engagement and enforcement, we will never see this trade stop. That will require better engagement with the victims.

Reducing modern day slavery requires a far greater increase in the number of successful prosecutions of traffickers. In many cases, victims have vital information, which can be the key to achieving convictions. However, unless they are well supported, and have stability and confidence in their future, many will be simply too afraid to engage with the police. It can take a significant amount of time for them to begin to trust enough to engage with prosecutions.

We need to increase the number of successful prosecutions. The National Audit Office report, “Reducing modern slavery”, said that “victims agreeing to act as witnesses and then being available for the trial” is a key complexity of bringing modern slavery cases to court. In January, a representative of the Crown Prosecution Service told the Home Affairs Committee that a Cabinet Office deep dive into the reasons for the low number of prosecutions highlighted the “lack of sustained support for victims” as a key factor. The former Independent Anti-slavery Commissioner stated that “one of the best forms of intelligence and information is from the victims, and if we are continually letting them down, how are we ever going to get the prosecutions and the confidence of victims to come forward?”.

The Work and Pensions Committee has recognised that a lack of sustained support is a barrier to successful prosecutions and leaves traffickers at liberty to exploit future victims. Last year, Nusrat Uddin, a solicitor with experience of representing victims of modern slavery, undertook research into the different support systems available for victims in the UK and other countries. Her report highlights: “The prosecution process can be a long and complicated process and without this support in place, victims struggle to engage” with the criminal justice system. After comparing different systems, she concludes that “both the US and the other European countries offer long term support workers” for as long as victims of trafficking require. Since the enactment of the Modern Slavery Act 2015, she continues, “there has been increased funding announced for law enforcement dealing with trafficking; however, this research shows that funding will be futile without appropriate investment in support services.”

Cases have been reported of victims becoming homeless after leaving a safe house and of the police being unable to trace them to take evidence. Those findings are echoed by case studies shared with the Home Affairs Committee by a representative of the Snowdrop Project in December, who reported that a survivor who had given evidence against his traffickers had said: “If I wasn’t being supported right now, I wouldn’t think about going and giving evidence against my traffickers”.

His traffickers were eventually sentenced to a total of 43 years in prison—convictions that would most likely not have happened if the man had not been given support through the process.

We need the Government to make sustained support a priority, not just because it is right for victims, but because it is vital to increasing prosecutions and stopping criminals exploiting more vulnerable people. It is a matter of promoting justice and stopping one of the gravest injustices of our, or any, age.

Several hon. Members rose—

Mr Clive Betts (in the Chair): Order. I ask the remaining three speakers to limit their speeches to five minutes.

10.12 am

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Betts. I congratulate the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) on securing this debate on a vital issue and on the timeliness of having it during the week of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. I thank my hon. Friend the Member for Gedling (Vernon Coaker) for his work as chair of the all-party parliamentary group.

We have already heard about the inadequacy of domestic legislation on victim support, and we all know that referrals of suspected victims of modern slavery in the UK have risen dramatically in the last five years. Between 2017 and 2018, according to the National Crime Agency, the number of potential victims of modern slavery referred by the West Midlands police to the national referral mechanism rose from 85 to 117—an increase of 32%—of which 28 were exploited as minors. Of the 45 referred by Birmingham City Council in 2018, 38 were exploited as minors, which is the most in any local authority. We cannot afford to be complacent about this problem.

I welcome the important steps that Birmingham City Council is taking to tackle modern slavery, including producing a modern slavery transparency statement to comply with section 54 of the Modern Slavery Act 2015, which requires transparency in supply chains. Can the Minister tell us what the Government are doing to ensure that they are compliant in all their procurement and outsourcing? The 2015 Act gave courts the power to make reparation orders against anyone convicted of modern slavery offences, which requires them to pay damages to those who had suffered at their hands. Can the Minister tell us how many such orders have been made, what the total sum paid in reparations is, and what the average payout has been?

According to Hestia’s report this week, prosecutions for perpetrators of modern slavery offences remain low, with only 7% of recorded cases of modern slavery being referred to the Crown Prosecution Service. Does the Minister think that is good enough? What steps are being taken to ensure that perpetrators of modern slavery face justice?

Reparations are not enough; the support required for survivors is more than just monetary. Unless modern slavery is tackled head on, local authorities will continue to have to pick up the pieces, and our already stretched
local support services will obviously face additional pressures. Survivors deserve the best care and the Government cannot continue to abdicate responsibility by palmeng that off. First, however, we need to identify potential victims, so frontline staff need training and expertise on signs and indications, and they need a clear and obvious route to report potential cases to be investigated.

Victims deserve the ability to rebuild their lives following the statutory support period that they are entitled to. Initiatives such as the Co-operative Group’s Bright Future programme seek to help victims back into work. Will the Minister support the extension of that scheme to other co-ops and businesses?

Modern slavery is not just an issue in the UK. Alliance 8.7 is the global partnership to end forced labour, modern slavery, human trafficking and child labour around the world and it estimates that around the world 40 million people are in modern slavery and 152 million children are in child labour. Gender-based inequalities and discrimination are the primary causes of slavery for women and girls, according to Urmila Bhoola, UN special rapporteur on contemporary forms of slavery. Of the 5 million people who are victims of forced commercial sexual exploitation, more than 99% are female. Meanwhile, men are more likely to be victims of forced labour in construction.

We can take steps domestically and internationally. What discussions has the Minister had with colleagues to ensure that businesses operating in the UK detail all the actions taken to investigate their global supply chains for modern slavery and labour violations, including forced labour?

10.16 am

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. I thank my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) for securing the debate. Modern slavery is no less abhorrent than the appalling inhumanity of earlier centuries. In that era, Robert Burns described, “Man’s inhumanity to man”, which still exists to this day. As has been mentioned, William Wilberforce’s name is synonymous with the anti-slavery movement, having devoted much, if not all, of his life to the cause. In 1807, he finally convinced Parliament to prohibit the slave trade, although it was not until 1883 that there was what we believed to be a total abolition of slavery. It is unforgivable that parts of our society have regressed to such an extent that that outlawed practice appears to have been resurrected.

Today’s victims have their personal identity documents seized by traffickers to entrap them, and they are intimidated with threatened violence should they seek freedom from what I describe as the blight of bondage. That prevents victims from reaching out for the help that should be there for them. It is unacceptable that human trafficking involving men, woman and children happens at all, that it is rife throughout many parts of our country, the United Kingdom, and that those from both within and outwith the UK are subject to it.

In 2017, there was a 38% rise in the number of trafficking referrals to Police Scotland, which I applaud for having a dedicated human trafficking unit. The force has issued advice to landlords and letting agencies to raise awareness that trafficked people often live in or are forced to work in rented properties. However, we must be alert to the potential for human trafficking on our doorstep, as has been said, and we must ensure that we as members of the public are proactive in reporting any suspicions to our respective police forces. The police cannot do it alone—they need our help to gather intelligence.

It is to be welcomed that the Scottish Government have issued “Slavery and human trafficking: guidance for businesses” and are providing funding to Migrant Help and TARA—the Trafficking Awareness Raising Alliance—which are two organisations that provide welcome support to victims of trafficking. In 2017, the Prime Minister launched a call to action to eliminate modern slavery and human trafficking. I am pleased that the call was endorsed by more than 75 other countries, which have pledged to act to eradicate such repulsive practices. Pressure must be applied on other countries and nations to end modern slavery.

I trust that all Governments will continue to play their part in tackling predatory traffickers, including by ensuring that they are swiftly brought to justice and receive sentences proportionate to their crimes, and that they will ensure that the victims receive appropriate support to recover from what I can only imagine must be a horrific set of circumstances to experience and live in. I reinforce that by specifically asking the Minister to work with others to bring an end to the scourge that is modern slavery and to introduce legislation to assist in achieving that worthwhile and important goal.

10.19 am

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I congratulate the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith)—I nearly said “north London”—to be quite honest—on securing this debate. I also thank the Minister, as I know she takes this issue very seriously.

I will echo some of the points made by my hon. Friend the Member for Gedling (Vernon Coaker) about the non-party political nature of this debate. I have been to a number of debates on this issue in this House where, regardless of political party, of where a Member comes from in the country and of our personal politics, there is a clear understanding that this is a problem that we can tackle. Collectively, we have the ability to tackle it and Lord McColl’s Bill gives us the vehicle to tackle it. If we can make progress with that, we will take a huge step forward in securing equality and justice for those people who have suffered at the hands of some of the most unscrupulous people in our country.

I also agree with my hon. Friend the Member for Nottingham North (Alex Norris) about the work being done by the right hon. Members for Birkenhead (Frank Field) and for Basingstoke (Mrs Miller). The Modern Slavery Act 2015 was a starting point; it was never an end point. It was never meant to be the be-all and end-all of the process. It was introduced to say, “We have a problem. Here is how we can start to fix it, but this has to evolve over time to reflect the nature of the problem that we have in this country.”

I fear that modern slavery on a small scale—the individual cases—does not necessarily get the traction that it deserves. I will just tell a little story, if I may,
about a constituent of mine, who contacted me regarding concerns that he had about social care. He is an elderly gentleman who lives in a very nice part of my constituency. He did not want to sell his house to go into residential care, so he told me that he had read about a scheme, one that he thought was very sensible and very logical, whereby he could have somebody come from abroad who could live in his house, who he would feed and give a bit of pocket money to, and in return they would help him with his domestic care arrangements. In his mind, that was a perfectly acceptable, almost magnanimous, thing that he could do to help somebody from overseas who he knew was less fortunate than him. I talked him through it, explaining that that was actually modern slavery—that was somebody who would be in tied employment to him. He did not see it like that. He does now, I hasten to add, but at the time he saw it as a way both to help somebody and to get some of the help that he needs.

As we talk about the process going forward, we need to be very clear that, as my hon. Friend the Member for Nottingham North said, the big companies will be covered by the 2015 Act and by the declarations, but these smaller situations, where individuals do not realise that they are perpetrating a crime and the victims do not realise that they are being subjected to a crime, need to be teased out.

The hon. Member for South West Bedfordshire (Andrew Selous) talked about asylum seekers versus those who are victims of modern slavery. I think the reason for that is that somebody can self-refer to the asylum programme but they cannot self-refer to the modern slavery referral mechanism. Could the Minister say whether that is something that the Government will look at?

I will not take up any more time, Mr Betts, but all I will say finally is that we know, because we have debated this in this Chamber and in the main Chamber on numerous occasions, that there is a growing problem, a growing need for change and a growing opportunity for change. Organisations such as the Co-operative party, whose charter has been signed by many cross-party councils, show that there are practical solutions to offer help. The Co-operative Group, through its Bright Future programme, offers jobs to people who have been found to be victims of modern slavery. However, these are all ad hoc things that are being done in spite of Government rather than with Government.

All I hope is that, at the end of this debate, the Minister can take back to the Government and the Leader of the House the message that some time to debate Lord McColl’s bill is all we are asking for, so that we can make progress and help those people who need our help most.

Mr Clive Betts (in the Chair): I thank all Members for their co-operation; that is very good indeed. We move on now to the Front Benchers, who will have 10 minutes each, so that there are a few minutes for the Member who secured the debate to wind up at the end.

10.23 am

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to see you in the Chair, Mr Betts. I pay tribute to the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), not only for securing this debate but for the work that he and Lord McColl have done on their legislation, and indeed for his very powerful and comprehensive speech.

I also pay tribute to the all-party parliamentary group on human trafficking and modern slavery, which is chaired very ably by the hon. Member for Gedling (Vernon Coaker)—I pay tribute to him and all his colleagues from the group. I have to say that, on the very rare occasions that I make it along to a meeting of the APPG, the knowledge and expertise on display puts me to shame, but I share the APPG’s commitment to the cause, as all hon. Members do, which has been demonstrated by the range of excellent and comprehensive speeches we have heard.

It is appropriate to pay tribute, as the hon. Member for South West Bedfordshire (Andrew Selous) did, to all the fantastic groups providing support to the victims of these awful crimes, as well as campaigning for reform. As hon. Members have said, it is tragic that this range of crimes is so prevalent in the 21st century in the United Kingdom. The figures and the historical perspective provided by the hon. Member for Congleton (Fiona Bruce) were horrifying.

The Modern Slavery Act 2015 was welcome and world-leading. Of course, it was very quickly followed by equivalents—indeed, almost replicas—in Northern Ireland and Scotland. The review of the legislation announced by the Government was therefore also welcome and, as anticipated, the reports produced by the review group have been both thorough and helpful. However, as I understand it, the scope of the review does not address head-on the issue of support for survivors, so this debate is a timely and welcome way to fill that gap.

Members have raised a number of issues, primarily about immigration status and the possibility of a statutory support scheme, so I will address those first of all. Regarding immigration status, the starting point has to be the Work and Pensions Committee report on modern slavery, which made powerful points about the complexity and the dubiety surrounding victims’ immigration status and their access to support after going through the NRM process. Some victims will be recognised as refugees; there will be a smaller number of non-European economic area nationals who obtain discretionary leave automatically; and there will be a similarly small number of EEA nationals who can apply for that discretionary leave. Other EEA nationals will find it difficult to show that they are exercising treaty rights at all and will have significant difficulty in accessing benefits. Many more victims will have no immigration leave at all.

During the course of the Work and Pensions Committee inquiry into modern slavery, Baroness Butler-Sloss, who is obviously an expert, told the Committee that the lack of any form of automatic entitlement for victims of trafficking while they take even basic steps to rebuild their lives is a “ludicrous situation”. The previous anti-slavery commissioner pointed out that there is precedent in the two years’ leave given to victims of modern slavery who are here under the immigration rules as domestic servants.

The Committee recommended that all confirmed victims of modern slavery be given at least one year’s leave to remain with recourse to benefits and services. Even though that is not what every single victim would want, as the hon. Member for Nottingham North (Alex Norris) pointed out—he is very familiar with the Home Affairs Committee—it would provide significant support and encouragement for victims of modern slavery.
Add to that the simple fact that, if imminent removal from the country is a realistic consequence of coming forward as a victim of trafficking, it makes it harder to encourage them to come forward in the first place, and therefore it also makes it more difficult for us to be able to prosecute the traffickers and the perpetrators of these crimes. For all those reasons, we support the recommendations of the Work and Pensions Committee on automatic immigration status.

I support the assessment of the right hon. Member for Chingford and Woodford Green of the pull-factor arguments sometimes put by the Government. I add the simple point that we should build our system around fear of what those who want to abuse it might do. First and foremost, the system has to be built and shaped around the needs of victims, and it is an open-and-shut case for automatic immigration leave.

Members have highlighted the fact that there is no statutory provision for support in the 2015 Act. Such a provision was written into the slightly later legislation in Northern Ireland and Scotland. That highlights the benefit of going second, when it is possible to reflect and build on what has gone before. Groups working on behalf of victims believe that the statutory underpinning of support is helpful, and the Government should address that and look to replicate it.

Gavin Robinson (Belfast East) (DUP): The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 came before the Modern Slavery Act 2015—it was passed in January 2015—but we had that statutory provision for support beyond the 45 days. However, the hon. Gentleman will know that that support is constrained—it is provided only if a victim has leave to remain in the United Kingdom. While recognising that immigration matters are still reserved matters, we see that any future change would have a knock-on impact, so that the service provision in Scotland and Northern Ireland—albeit that we are ahead of the curve at this stage—would need to be replicated for victims who do not have entitlement to remain.

Stuart C. McDonald: I am very grateful to the hon. Gentleman for correcting me and he makes a valid point about how all these things are rolled up together.

On the hon. Gentleman’s point about the length of support, the Government have moved from 15 to 45 days, which is very welcome. The Scottish Government recently consulted victims and groups that support them, and opted for an extension to 90 days. I am not engaging in a bidding war here, but simply making an attempt to best reflect the complex process of recovering from the trauma of being trafficked. There is a good case that a period of 90 days better allows people to move on from the NRM process to access housing, to apply for social security, and to apply for discretionary leave, to which Members have referred. We may need to go further in Scotland, but it is about looking at the evidence and seeing what works best.

This has been mentioned, but I hope that the Government desist in their drive to cut support to those who are going through the NRM, which was struck down in court late last year. In my view, the level of support for asylum seekers is outrageously low. If the Government want to level the rates, they should be levelling up and not down, and saving themselves money by strengthening the right to work for asylum seekers and those going through the NRM, as pointed out by the hon. Member for Nottingham North.

The chair of the all-party parliamentary group on human trafficking and modern slavery, the hon. Member for Gedling, highlighted the number of kids who are going missing. The review panel has only just published its third interim report on support for children. At first glance, it seems to acknowledge that the Government have done good things, but also makes positive recommendations about what can be done better. It mentions the acceleration of the roll-out of independent child trafficking advocates, and the length of time they are allowed to engage with children.

Although beyond the scope of the review group support, it was noticeable that it appears to be positive about the fact that, in Northern Ireland and Scotland, all unaccompanied asylum-seeking children had access to a guardian, so that support arrives even before NRM decisions. That does not address the fact that the majority of child victims are UK citizens, a point made by the hon. Member for Gedling, but it flags up the possibility that providing support for kids who are going through the NRM is one way of stopping so many of them from going missing.

There are a million other issues that we could have touched upon and have not, such as national insurance, public awareness raising, asking people to be vigilant, legal aid, repairation procedures, police and frontline training, and so on. In reality, we probably need an afternoon in the Chamber to discuss all aspects. I recognise again that there is commitment across the House to tackling this problem and a genuine desire to get as close as possible to eliminating it. We will continue to revisit the subject and keep pressure on the Home Office to deliver, but I recognise that there is commitment from every part of the House. I thank the right hon. Member for Chingford and Woodford Green again for bringing the debate.

10.32 am

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Mr Betts. It is also a pleasure to speak from the Front Bench in support of my friend, the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). We have campaigned together on many issues and I congratulate him on his excellent speech.

During my time as an MP I have spent many hours working with vulnerable groups, from prostitutes to victims of trafficking. I have heard some terribly heartbreaking stories about victims of modern slavery, who have been exploited, terrorised, trafficked and stripped of their rights. Not 10 miles from here I cried with a woman who was forced to sell sex, and whose children were used as a weapon against her to prevent her from reporting the situation. In every nail bar in the country that I visit, I check, like Miss Marple, to see whether there are any signs of trafficking. I may be nosy—although I am—but because it is so easy today for people to be trafficked and forced to do work that they should not be forced into doing.

Support and assistance for potential victims of modern slavery does not have statutory underpinning. That creates several issues, not least the fact that vulnerable individuals are left open to potentially being re-trafficked.
That is why it is vital that significant support is available to these individuals, to help them in their devastating situations and stop them being re-trafficked.

Figures, which Members will be aware of, released by the National Crime Agency a couple of weeks ago showed that the number of reported potential trafficking and modern slavery victims had risen by 36% in a year. A hugely worrying trend in that increase was the alarming number of young people. Referrals for minors who were potential victims rose by 48% on the previous year’s records; that is partly down to children being forced to sell drugs as part of the county lines phenomenon.

ECPAT UK reported that children make up nearly half of all victims of modern slavery in the UK. They are involved in labour exploitation, sexual exploitation, domestic servitude and organ harvesting. Central Government fund an annual £9 million contract for the delivery of specialist support in England and Wales to adult victims. That is not enough to support the adults and children who are victims or potential victims of modern slavery, and the Government must properly resource and fund services to do that.

Worryingly, the Human Trafficking Foundation has highlighted the lack of records about what happens to victims once they have left the referral mechanism. The fact that hugely vulnerable individuals are being lost from the system demonstrates the real danger that they will be re-trafficked, and the fact that they can just disappear highlights the worrying lack of support for these victims. There are currently no guarantees for those who seek help, so it is important that steps are taken to guarantee support for potential and confirmed victims of modern slavery. The National Audit Office concluded that currently the Home Office can offer no assurances that victims are not re-trafficked.

There needs to be a strong, co-ordinated response from all services to tackle modern slavery, and our police forces are at the forefront of that. In 2018, police forces referred 2,084 individuals, but they and other support services must be properly resourced. They must have sufficient funding to support victims and punish the perpetrators of these degrading crimes. It is a matter of urgency that we commit to do more to support survivors of modern slavery, trafficking and domestic violence, to prevent them from being re-trafficked. We must do more to protect the most vulnerable in society.

10.36 am

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Betts. I thank my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) for securing this important debate on support for victims of modern slavery. I thank all right hon. and hon. Friends and Members for their collaborative contributions and for challenging me, the Minister, as they are right to do. I thank them for the tone of the debate; it was as usual in this arena, particularly with Members who are committed to and interested in this subject.

We all agree that modern slavery is a heinous crime, and protecting victims of modern slavery is a responsibility that the Government take extremely seriously. Colleagues have been kind enough to describe the Modern Slavery Act 2015 as a landmark piece of legislation—it is—but we do not rest on our laurels, and we are always looking to improve on it. I hope colleagues understand that a host of me inures support the implementation of the Act. As proof, if it is needed, colleagues can take our decision earlier this year to commission an independent review of the Act. The final interim report was published last week. The reports have been extremely interesting and useful, and I will talk later about one in particular.

I am keen to mention the Prime Minister’s call for action at the United Nations. She challenged the rest of the world to pay the same attention to modern slavery as we do, and to join us in our efforts to tackle it. She has set the ambitious target of ridding the world of modern slavery by 2030. Sadly, we all recognise that modern slavery is a crime that knows no international or geographical boundaries.

The hon. Member for Nottingham North (Alex Norris) rightly challenged me on the transparency of supply chains, as set out in section 54 of the Modern Slavery Act 2015. He may be interested to know that after the debate I will be discussing with another part of Westminster to open the 2019 international conference on tackling modern slavery, forced labour and human trafficking in public sector supply chains. At the recent G20 meeting, the Prime Minister announced that the UK would become the first country to publish a modern slavery statement for central Government. We will be publishing that statement later this year, and it will cover work done by all central Government Departments. That is a significant step forward.

My hon. Friend the Member for South West Bedfordshire (Andrew Selous) challenged us to look at our own supply chains, whether in car washes or nail bars. He was right to mention car washes. I have on my phone the app “Safe Car Wash”, and it is a very useful app. Although I confess I clean my car less frequently than I get my nails done. The hon. Member for Swansea East (Carolyn Harris) is right to ask questions as her various beauty treatments are performed. Funnily enough, when I was talking to our new Independent Anti-slavery Commissioner, we discussed nail bars. As the beauty industry may or may not know—I do not know whether the letter has gone out—I will be challenging it to ensure that the products employed in its name are used in salons that meet our expectations for the way they treat their members of staff, and the efforts they make to tackle modern slavery.

Similarly, I had the pleasure of visiting Paris just before Paris fashion week for a conference hosted by our British ambassador. The world’s fashion industry, from haute couture all the way through to wonderful high-street brands such as Zara, was in the room to talk about how it can ensure that its supply chains are transparent. As a result, a number of British businesses are designing apps that can help consumers decide whether to purchase an item of clothing, depending on what the app tells them about the transparency and compliance of supply chains in the business that made it. All sorts of things are going on to enable us, as individuals, to do our bit to ensure we do not inadvertently support modern slavery.

Colleagues have rightly and understandably mentioned Lord McColl’s Bill, and I thank Lord McColl for his continued vital work in this arena. I understand that he is supporting the review with his expertise, and I am...
delighted to hear that. I am sorry to say to Members present that the Government do not support the assertion that victims should be automatically granted leave to remain for 12 months. Consideration of whether an individual is a victim of modern slavery and any decisions as to their immigration status are, and must remain, separate. Such decisions are made on an individual, case-by-case basis, and modern slavery is a broad umbrella term that covers a wide spectrum of crime. As we have heard, victims can have very different experiences and needs, so it is right that our approach to granting discretionary leave takes account of that.

We have concerns that a blanket policy of discretionary leave to remain risks incentivising individuals to make false trafficking claims, diverting support and time away from genuine victims. Indeed, on occasion, caseworkers hear very similar stories from victims, which lead them to think that a claim may not be legitimate. However, we are concerned with ensuring that the immigration system runs alongside the national referral mechanism as efficiently as possible. Non-EEA nationals will receive a conclusive grounds decision at the same time as their discretionary leave decision, unless they are claiming asylum; if they are, they will be considered for asylum before they are considered for discretionary leave, because asylum has its own different forms of leave. All victims are supported until they receive a conclusive grounds decision, and they will then have 45 days of support. That is to increase resilience and guard against further exploitation.

Vernon Coaker: I thank the Minister for the contribution she is making, and I ask her to reflect on whether it is possible for us to collect data on what happens to people when they leave the system after 45 days. At the moment, that data is not collected, so we are unaware of what is going on and what happens to people in those circumstances.

Victoria Atkins: The difficulty I have is that, frankly, there are parts that I cannot publish for operational reasons. There is also emerging evidence of people being trafficked into this country to commit benefit fraud; I recently had a discussion about that with the former Minister, my hon. Friend the Member for Truro and Falmouth (Sarah Newton). We are conscious, as well, that this is an emerging typology, which we are looking into with the help of the National Crime Agency.

Mr Duncan Smith: During proceeding’s on Lord McColl’s Bill and in subsequent conversations, the Home Office has consistently referred to pull factors as the reason why it cannot make some of the recommended changes. When I was Secretary of State for Work and Pensions, that argument was constantly used, but I was never able to track down the evidence for how those pull factors work; quite often, assumptions are made. I wonder whether, if there is evidence of pull factors, the Minister would be prepared to publish it.

Victoria Atkins: Caseworkers are going through cases, and there are strands of applications coming in with very similar stories. I am limited as to what I can say on this occasion, but I will write to my right hon. Friend within the confines of operational matters.
Stuart C. McDonald: I am also very sceptical about the pull factor argument. Even if we were to accept that there is a pull factor, is the key point not that safeguards are in place? People cannot self-refer, and a decision has to be made about whether they are a victim before they get any automatic leave. Is that not sufficient to protect against abuse? Why should we be building the system around fear of abuse, rather than the needs of genuine, recognised victims?

Victoria Atkins: We are not building the system around abuse. We are building the system around the fact that, as has already been mentioned, the largest cohort of referrals to the NRM are British. Modern slavery exists in and of itself, and it sits separately from the asylum system. We must ensure that we have support for victims of modern slavery, as we do through the national referral mechanism. Questions of immigration are in addition to the support they will get through the national referral mechanism. Not every victim of modern slavery or human trafficking is a non-EEA national. The statistics, sadly, show that very clearly.

We are launching a digital system later this spring to help to make our delivery of support much more efficient, and that will help first responders to ensure that victims get into the system as quickly as possible. We are seeing faster decision-making times than ever before. We have more than doubled the number of caseworkers working on the NRM. The single competent authority launched in its shadow form in January 2019 and is on track to be fully launched in April. That single, expert unit will make all NRM decisions, regardless of the potential victims’ nationality. That will be a significant step forward, and I hope it will help victims once they are in the system.

Vernon Coaker: In this part of her speech, will the Minister say something about the review process of the Modern Slavery Act 2015? Deliberations are complete and will be with the Government, including measures or recommendations about victim support. For the benefit of the debate, does she know what the consideration of that will be, when the Government expect to respond and whether that response will be published for Parliament so that we can all look at it and discuss it?

Victoria Atkins: I am extremely grateful to the hon. Gentleman, who has helped the review with his expertise. I cannot recall the date off the top of my head, but we have been considering the interim reports as they have been published. We do not want to rush; we want to get it right. Alongside the work on the statutory guidance we are drafting, I am clear that we want a response in good time. We are not going to hang around, but we want to get it right. I very much want to publish it, because Members will want to look at our response.

I must thank the reviewers—the right hon. Member for Birkenhead (Frank Field), my right hon. Friend the Member for Basingstoke (Mrs Miller) and Baroness Butler-Sloss—and the secretariat for their work in formulating the reports, which have been incredibly thoughtful and focused in their recommendations. I am considering each interim report. I do not know whether the reviewers want to tie all the reports into one big report at the end, but we will be responding soon.

We are conscious of the responsibilities to ensure that the next victim care contract meets the expectations of everyone involved in tackling modern slavery. It will include landmark reforms such as places of safety, which will provide up to three days of immediate support to victims rescued out of a situation of exploitation by law enforcement. It will include an inspection regime for safe houses. We are working with the Care Quality Commission to develop that, and it will be underpinned by the slavery and trafficking survivor care standards. I am grateful to the sector for its work in drawing that together. In providing support to victims, we must remember that every victim’s journey is different. I visited a safe house recently, and that point was re-emphasised to me by every person and resident I spoke to there.

Andrew Selous: I reiterate the question I asked the Minister about the re-crediting of national insurance contributions to British citizens who have been victims of modern slavery so that they do not lose out on a full pension. I understand that she may well not have the answer now, but will she please write to me and place a copy of that letter in the Library of the House to let us know where negotiations with the Treasury have got to on that matter?

Victoria Atkins: I thank my hon. Friend for that observation. If I may, I will write to him about that. He raises an important point.

In terms of post-NRM support, the new victim care contract will include drop-in services, which victims will be able to access for up to six months after leaving the NRM, and weekly signposting on health and wellbeing services. I am conscious of the question that my right hon. Friend the Member for Chingford and Woodford Green posed about indefinite leave to remain, but I am afraid that I cannot comment because of the outstanding case going on at the moment. We are piloting new approaches with six local authority areas to identify best practice in such support.

Many colleagues spoke about the perilous situation that child victims find themselves in. County lines are very much a factor in the increase in children being referred into the national referral mechanism. We have rolled out independent child trafficking advocates to one third of all local authorities in England and Wales, in line with the commitment I made in July last year. We have adapted the system to reflect the fact that children of British nationality who are members of county lines often have different needs from children who perhaps do not speak English and have come from overseas.

I am conscious of the time. I very much welcome the findings of the independent review of the Modern Slavery Act on ICTAs, in particular. The recommendations in the report are child-focused. We are considering the recommendations for improvements that we can make to the service. I confirm that the Government are committed to rolling out that important additional support nationally.

Colleagues mentioned prosecuting offenders. Those were important comments, but I make a slight plea. I know that Members will bear with me if I make the observation that one reason why the withdrawal agreement is so important is so that we have the implementation period—I have to say it. In the implementation period, all our law enforcement partnerships will continue, and that is so important in tackling modern slavery. Apologies to everyone who thought they were going to escape the “B” word.

I am grateful for colleagues’ contributions, and I look forward to continuing to work with them on this important topic.
Mr Duncan Smith: I have only a very short time, so I will try to speed through the two points I want to make. I will not follow my hon. Friend the Minister and talk about the provisions of the withdrawal agreement; I simply want to focus on the debate and two issues that it raised.

The 12 months of support proposed by the Modern Slavery (Victim Support) Bill will surely give victims greater support and stability. It is interesting—my hon. Friend the Member for South West Bedfordshire (Andrew Selous) raised this point—that unlike someone granted asylum, someone who is confirmed to be a victim of modern-day slavery has no automatic entitlement to ongoing support and residency. Almost the most important point is that we are therefore not able to check that they are safe. They will not come forward to give evidence, we will not get prosecutions, and by not coming forward they are more likely to slide back into being re-trafficked.

I simply thank my hon. Friend the Minister for her response. I hope that we can continue to engage, and I hope that we will continue to make the case that there is more to be done, including with the new Bill. I hope that she will adopt many of the provisions from Lord McColl’s Bill into the Queen’s Speech, as requested. I would be happy to discuss that matter with her.

Motion lapsed (Standing Order No. 10(6)).

Dr Matthew Offord (Hendon) (Con): I beg to move, That this House has considered accessibility at railway stations.

It is a pleasure to serve under your chairmanship, Mr Betts, and I am looking around as I have constituents who intend to sit in the Public Gallery to hear what I say this morning.

Trains have been and continue to be one of the most important modes of travel in the United Kingdom. According to the Office of Rail and Road, in the past financial year 4,679,220 train journeys were completed every single day. However, even with such a large number of people using the rail network, many stations still lack the facilities to cater for the disabled, the elderly and those struggling with heavy luggage or pushchairs. As Members are aware, to address the issues faced by disabled passengers and passengers with mobility restraints when using railway stations, the Access for All programme was launched in 2006 with £360 million to fund accessible routes from the station entrance to the platform. It was extended in 2014 with a further £163 million. More than 150 stations have been completed and another 68 projects are in various stages of construction or development.

In April 2011 the Government launched a new Access for All mid-tier programme for station access projects. Although funding was originally £17 million, the large number of very strong bids for train station improvements meant that it was increased to £37.5 million and the scheme ran until 2014. According to the Under-Secretary of State for Transport, my hon. Friend the Member for Wealden (Ms Ghani), Access for All has delivered step-free accessible routes at more than 200 stations since it was launched in 2006 and small access improvements at more than 1,500 stations.

John Howell (Henley) (Con): One of the projects was at Goring station in my constituency. We managed to get lifts to make disabled access possible, but it was quite a bureaucratic process. Does my hon. Friend find that that is the case in other stations?

Dr Offord: As someone who has walked not only the Thames path but the Ridgeway, I have experience of Goring station. I have found the system quite difficult and bureaucratic. It is a lengthy process and people often ask, just like with Brexit, “Why don’t you just get on with it?” As I get further into my speech, I will discuss my experience of the Hendon constituency.

Gloria De Piero (Ashfield) (Lab): Kirkby-in-Ashfield and Langley Mill stations, used by my constituents, are a big problem for wheelchair users and mums or dads pushing prams. Making train stations step-free should be a priority in this day and age. Most colleagues here are from towns. Does my hon. Friend find that that is the case in other stations?

Dr Offord: As someone who has walked not only the Thames path but the Ridgeway, I have experience of Goring station. I have found the system quite difficult and bureaucratic. It is a lengthy process and people often ask, just like with Brexit, “Why don’t you just get on with it?” As I get further into my speech, I will discuss my experience of the Hendon constituency.

Gloria De Piero (Ashfield) (Lab): Kirkby-in-Ashfield and Langley Mill stations, used by my constituents, are a big problem for wheelchair users and mums or dads pushing prams. Making train stations step-free should be a priority in this day and age. Most colleagues here are from towns. Does the hon. Gentleman have any information or can the Minister say whether our towns are being neglected? Or are stations in towns more likely to be step-free than those in our cities?

Dr Offord: Although I went to university in Nottingham, I cannot say I know the hon. Lady’s constituency very well, so I will allow the Minister to respond to that point when she sums up.
It is obvious that more can and should be done. In April 2017, the Equality and Human Rights Commission published a report about how disabled people fare in in their day-to-day lives in the UK. On transport, the report stated, “Transport options for disabled people are very limited because of the need to use only transport forms that are accessible, and these tend to be expensive.”

A few months later, in November 2017, the Department for Transport published the results of its research into disabled people’s travel patterns and attitudes to travel. It found that although being disabled does not always lead to less frequent use of train services, it does lead to problems with trains: “It is well-established that people with disabilities travel less and for different purposes compared with people without disabilities”.

Dr Offord: My hon. Friend illustrates a point that I will come on to in my speech. My constituents who are here today feel very strongly about that.

Leonard Cheshire, the UK charity for disabled people, highlights the issues facing many disabled people when trying to access train station platforms. Its research and analysis, based on data provided by the Office of Rail and Road and the National Rail website, shows that more than 40% of railway stations across England do not have step-free access, leaving many disabled people unable to travel by train. Research with more than 1,600 disabled adults shows that 35% of working-age disabled people have experienced problems using trains in the past year as a result of their disability.

Dr Offord: As a London MP, I certainly agree with that and I urge the Mayor to allow it to happen. Indeed, I urge the Minister to make representations to the Mayor to allow it to happen. It seems not only a sensible solution to a particular problem, but something that could be rectified easily, so I certainly agree.

Not only disabled people suffer from a lack of step-free access in stations. A Department for Transport study showed that two thirds of disabled people are over the age of 65, and demographic trends predict an increase in the proportion of older people in society. According to the NHS, in the UK falls are the most common cause of injury-related deaths in people over the age of 75. The need for reliable, ever-present step-free access is imperative to ensure such injuries or fatalities do not occur in train stations. The Government’s generous funding commitment to improve station facilities is welcomed by Members present today, but I am sure we all agree that the previously mentioned statistics are of significant concern.

Jack Brereton (Stoke-on-Trent South) (Con): The issue is not just about people with disabilities. Obviously, we want to improve access for them, but it is also about a range of people. I am the father of a 15-month-old child and we would struggle to use many of our local stations, particularly Langton station in my constituency, where, I am pleased to say, we have an Access for All funding bid in at the moment. Does my hon. Friend agree that we need to improve accessibility at stations not only for people with disabilities, but for everybody?

Dr Offord: I certainly agree. In my constituency, the Thameslink line serves Gatwick and Luton airports. People, including myself, use those trains either very late at night or very early in the morning, and often struggle with heavy bags, as I have recently.

Holly Lynch (Halifax) (Lab): I returned to Westminster from maternity leave this week with my six-month-old baby boy in a pram, and I found using the trains incredibly difficult. My hon. Friend the Member for Ashfield (Gloria De Piero) made a valid point about towns. We have an accessible lift in Halifax, but it has been my nemesis since I became an MP, as it is regularly locked and regularly broken. However, further to the point that has been made, using the tube in London with a pram was incredibly difficult. We can do so much more on that, so we really have to focus those efforts.

Dr Offord: The hon. Lady’s contribution and those of others have illustrated the problems that many people face, not just those who are disabled. Some 60% of disabled people have no car in their household, but many other people also do not have one, particularly in London. People who, like the hon. Lady, visit London as part of their work will probably not have access to a car when pushing their baby in a buggy. Step-free
access is therefore about not just disabled people, but parents, travellers and people who have general mobility problems.

Julian Sturdy (York Outer) (Con): My hon. Friend is making a powerful argument, and this is an important debate. Does he agree that there is also a problem with different station operators? One of my constituents, who is partially sighted, got on a train at York station, which is run by Northern. The two station operators did not talk to one another, and my constituent was ultimately left on the train—it was a through-station—and carried on past her stop. That is a real problem, and station operators really need to start talking to one another.

Dr Offord: I am grateful for that intervention, because I had a constituent who reported the same problem; he had problems with his vision and had great difficulty in accessing the train service. I understand that point, and agree that train operator companies should talk to one another—whether it is c2c, Transport for London, GTR, Southern or any of the ones that my hon. Friend mentions. I hope that the Minister hears that plea. It should be not only a requirement for train operators but a requirement under disability regulation. I certainly agree with that point.

I have two mainline stations in my constituency: Hendon and Mill Hill Broadway, both of which are on the Thameslink line, which connects Bedford with Brighton and includes stops at St Pancras International, London Bridge, Blackfriars, and Elephant and Castle. Both stations serve the two London airports that I mentioned: Luton and Gatwick. Neither station has adequate step-free access, but I believe that it is true to say that the problem at Mill Hill Broadway is particularly acute.

Mill Hill Broadway is an important interchange for a large number of passengers connecting with buses, the M1 and other modes of transport. The quality of access and subsequent movement around the station is not commensurate with a station catering for about 2.7 million passengers per annum—a figure that will increase significantly in future years as a result of the thousands of new homes being built in the area. We all know that London needs new homes, and Hendon is certainly playing its part, but infrastructure and other public services need to keep up with that redevelopment.

There is no step-free access from the lower concourse where cars and buses arrive at Mill Hill Broadway, so 39 steps must be climbed to access the station. Furthermore, the subway that connects the two platforms is narrow, which raises concerns about congestion and safety at peak times. There is no question that the lack of a lift prevents some of my constituents from using the station. That is a key issue for the disabled, parents with small children, those with suitcases and the area’s growing older population. Such passengers are advised to use Elstree and Borehamwood station or West Hampstead station, which, following past upgrades, now have step-free access throughout. I believe something is fundamentally wrong when a passenger has to travel to a station that is not their most local to access our railway network.

I first raised the lack of step-free access at Mill Hill Broadway station five years ago in a question to the then right hon. Member for Richmond and a former Minister for the Disabled, now Lord Hague, to visit Mill Hill Broadway and understand the concerns that many people had about the lack of access to the station. While we were there, we witnessed a mother struggling to get her buggy up and down the steps from the platform to the ticket office—a prime example of why step-free access will benefit local residents and visitors to Mill Hill.

In 2015, I facilitated a series of meetings of representatives of Barnet Council, Network Rail, Govia Thameslink and Transport for London, and John Gillett of the Mill Hill neighbourhood forum. That resulted in a £60,000 feasibility study to look into the options for step-free access at Mill Hill Broadway. In 2017, I met the then Rail Minister, my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), and I raised the matter again in 2018. I believe that that demonstrates the seriousness with which local people, local stakeholders and I view the matter.

Very sadly, the lack of step-free access resulted in the untimely and tragic death of one of my constituents, Mrs Priscilla Tropp. Mrs Tropp tipped on the steps at the end of last year; her widower, Michael, and her daughters, Sara and Deborah, are in the Gallery. I am sure that I speak on behalf of everyone in the Chamber when I express my condolences for their loss. As a Member of Parliament, losing a constituent is one of the hardest things to have to go through as an elected representative.

Priscilla was travelling to London up to five days a week for leukaemia treatment. She did not want to be a burden on the NHS, so she decided to make her own way independently, and not to use a taxi or other facilities provided by the NHS. However, she was not well. She was also recovering from a fall that she had sustained at the station earlier in the year—a fall that it appears was not recorded by station staff. She and her husband took all reasonable precautions to avoid a further accident, such as waiting for other passengers to go ahead of them so that they could use the handrail beside the steps and not be an obstacle to other people, but that was not enough. Priscilla tripped and fell, and, due to the general access to and from the platforms, passengers alighting from subsequent trains in what was by then the rush hour were forced to step over and around her.

The defibrillator could not be located, but even if it had been it is likely that space constraints would have meant that use of the equipment would have been restricted. Sadly, as I said, Priscilla died; she did not survive the fall. That tragedy would have been wholly avoided had there been a lift at Mill Hill Broadway. As I have said previously, falls are the most common cause of injury-related deaths in people over the age of 75. Priscilla was 76.

Such statistics are not acceptable, nor is the advice to go to another station several miles away. Our hospitals encourage—even require—patients to make their own way to hospital, but only 44% of London stations offer step-free access, and public transport is often the only means of travel for those who need to visit hospitals. As the NHS has more centres of excellence, people requiring treatment need to use public transport. It must be adequate for those who are less able.
The Government are currently considering bids for the next round of funding under the Access for All programme. As we have heard, the Minister will be looking at many valid representations and applications, but I hope that I have demonstrated the urgent need at Mill Hill Broadway. It is a shared ambition not only of mine and of my constituents, but of Gavia Thameslink, Network Rail, TfL and the London Borough of Barnet for long-overdue step-free access, or, in other words, lifts.

I say to the Minister, please, not only to hear my representations and those of other Members, but to make it possible for many of my constituents to access the Thameslink train line for a variety of reasons, including access to public services, hospitals, employment and education. We need a lift, and we need one now. I ask the Minister to consider that.

11.18 am

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): It is an honour to serve under your chairmanship, Mr Betts. I congratulate my hon. Friend the Member for Hendon (Dr Offord) on securing the debate, which allows the House the opportunity to discuss the important subject of accessibility to the railway network. I also congratulate him on making such powerful representations on behalf of his constituents.

I recognise how important it is for my hon. Friend’s constituents to have access to the railway in order to go to and from work, see family and friends, and go about living their lives. Before I go further, let me say that I would be grateful if my hon. Friend passed on my condolences to the family of his constituent. I understand that the incident has been investigated by the Office of Rail and Road after it was approached by the family. A safety report has been prepared for the inquest, which I believe is due to take place in May. I have not seen the report, and I hope hon. Members understand that it is not appropriate for me to comment further at this stage.

Delivering a transport system that is truly accessible to all is of great importance to me. Hon. Members will have seen the Department for Transport inclusive transport strategy, which we published last July and which underlines the Government’s commitment to taking action to safeguard and promote the rights of all disabled passengers. We do not deny that our strategy is ambitious, but we are determined to deliver it. By 2030, we want disabled people to have the same access to transport as everyone else, and if physical infrastructure remains a barrier, assistance will play a role in guaranteeing those rights.

Many of our stations are Victorian. Their architectural worth is there for all to see, but their infrastructure is simply not fit for today, which has left us with the huge task of opening up the railway network to disabled passengers. We have a little bit of good news—for 75% of journeys are already made through step-free stations—but only a fifth of stations have proper step-free access from outside, and to and between platforms. We have therefore continued with the Access for All programme, a key part of the inclusive transport strategy, and committed an additional £300 million of funding from the public purse.

Damien Moore (Southport) (Con): Like the local station of my hon. Friend the Member for Hendon (Dr Offord), Hillside station in my constituency is a problem for the disabled people and older people who use it. Given the age demographic in my constituency, it is more important than ever for our Access for All bid to be successful. That would give disabled people and older people the accessibility that they so desperately need.

Ms Ghani: My hon. Friend has made repeated and powerful representations on behalf of his constituency and his local railway stations, and I know he has worked incredibly hard with his local authority and his transport operating company. I cannot make any statements here today, but he has put forward a very substantial case for consideration. Let me set out the timetable for hon. Members: I know that some were concerned that it would take as long as Brexit, but the decision will be out in April.

As I have made clear, we have £300 million to spend on Access for All. We will start on all 27 projects deferred by the 2016 Hendy review of Network Rail delivery, but we will include far more stations. We asked the industry to nominate stations for new funding by 16 November 2018, and received more than 300 nominations. Most came through the train operating companies, but it was not a top-down exercise and involved train operating companies, Members of Parliament, local authorities and councillors working together, because we wanted to ensure that it reflected local need. Nominated stations will be selected on the basis of annual footfall and will be weighted by the incidence of disability in the area.

We are taking local factors into account. The hon. Member for Ashfield (Gloria De Piero) talked about towns being excluded, but we are doing what we can to ensure a good spread up and down the country by looking not only at footfall, but at proximity to hospitals, availability of third-party funding and, crucially, other impacts of accessibility to the station. It is not just about disability, but about other needs—we are thinking about mums with buggies and other accessibility issues that have been mentioned.

As my hon. Friend the Member for Hendon knows, Mill Hill Broadway station and Hendon station in his constituency have both been nominated for Access for All funding. I hope he will understand that I cannot guarantee the inclusion of any single station until we make a formal announcement, but I am happy to tell him that Mill Hill Broadway in particular was a strong candidate when considered alongside other stations across the country.

As the funding application bids closed only last year, I hope hon. Members will agree that it has been a swift process. I intend to announce the selected stations in April, so I hope that those hoping for good news will be kind enough to be patient for just a little longer.

So far, we have installed accessible step-free routes at more than 200 stations, and approximately 1,500 stations have benefited from smaller-scale, but equally important, access improvements. We continue to press the industry to comply with its legal obligations so that work at all stations on the network meets current accessibility standards, and to ensure that the Office of Rail and Road enforces those standards effectively. That applies not only on flagship projects such as Crossrail or the redevelopment of Birmingham New Street, which are delivering significant accessibility improvements, but as part of the “business as usual” work of renewal programmes, such as ensuring that any replacement bridges have lifts or ramps.
It is important for the industry to meet its obligations to anyone who needs assistance, whether they have booked ahead of time or not. Every passenger should expect the best possible help to use the rail network, particularly at stations that do not have fully accessible facilities. As part of its licence to operate services, each operator is required to have a disabled people’s protection policy that sets out the services that disabled passengers can expect and what it will do if things go wrong—for example, providing an accessible taxi free of charge to anyone unable to access a particular station. The Office of Rail and Road recently consulted on revised guidance for disabled people’s protection policies, and I have encouraged it to take enforcement action against train and station operators that are found not to be meeting their DPPP obligations.

Every disabled passenger should be confident that the assistance that they have booked will be provided. The Department has worked with the Rail Delivery Group to create the new Passenger Assist application, which will make it easier for disabled passengers to book assistance. We also support the Office of Rail and Road proposal to introduce a handover protocol as part of the revised disabled people’s protection policy guidance.

We can do more to make the rail network more accessible. We will be introducing a new set of accessibility requirements, such as the introduction and delivery of enhanced disability awareness training for all train operating company staff, regardless of role or seniority. We have also supported the industry’s establishment of an independent rail ombudsman with powers to deal with unresolved passenger complaints.

As a councillor, my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) managed transport in and out of his area. I completely agree with him that we need to look at the issues not just for people with disabilities, but for elderly people and mothers with pushchairs. That is why we have the £300 million in place.

Once again, my hon. Friend the Member for Hornchurch and Upminster (Julia Lopez) made a very powerful bid on behalf of her constituency. I hope the Mayor of London is listening. I know he is very ambitious, so I hope he can be ambitious for disabled passengers on the rail network too.

In reply to my hon. Friend the Member for York Outer (Julian Sturdy), I hope the Passenger Assist application, which is coming soon with real-time information, will provide the support needed so that there is no gap for people taking multiple journeys on public transport.

On the point raised by my hon. Friend the Member for Henley (John Howell), I hope the bureaucratic process will not be as tough as it was previously. The funding bids closed last year for the money that will be available, and the announcement will be made in April. I hope we can make the process as swift as possible.

In reply to the hon. Member for Westmorland and Lonsdale (Tim Farron), this was not a top-down process. We wanted to ensure that the train operating companies put forward their priorities, but we have also had fantastic representations from Members of Parliament, councils and charitable organisations. I hope our announcement will reflect both geographical spread and actual need up and down the railway lines of our country.

I fear that I am running out of time, so I will conclude by saying that I hope I have demonstrated that the Government are committed to improving access at stations for disabled passengers, both through specific projects such as Access for All and through improvements delivered as part of our wider commitment to improving the rail network. I thank my hon. Friend the Member for Hendon and all colleagues for contributing to the debate. The Government remain committed to investment, and we want people to continue to benefit from record levels of funding, including the £300 million Access for All funding that will be so beneficial to so many people.

Question put and agreed to.

11.28 am

Sitting suspended.
Local Government Funding

[Mrs Anne Main in the Chair]

2.30 pm

Thelma Walker (Colne Valley) (Lab): I beg to move, That this House has considered local government funding.

It is an honour to serve with you as Chair, Mrs Main.

I start with the wide-ranging responsibilities of our local government. In much of the work that I do in Westminster and in my constituency of Colne Valley, I find myself mentioning local government funding. On the Select Committee on Education, it comes up when discussing alternative provision, support for children with special educational needs and disabilities, education, health and care plans, and school funding more widely. It comes up in speeches and questions on issues such as adult social care, finance, carbon emissions and homelessness, as well as in discussions with colleagues and constituents. The work that local government does covers a broad range of important areas, and affects our constituents’ lives in so many ways.

Our local authorities are responsible for public health, support for people with learning disabilities and physical and mental health conditions, and public health programmes, such as those on sexual health and smoking cessation. In education, they support schools, deliver programmes, such as those on sexual health and smoking and mental health conditions, and public health support for people with learning disabilities and physical with special educational needs and disabilities, education, health and care plans, and school funding more widely.

It is because the work of local government is so widespread that the effects of the cuts have been so far-reaching. The impact has been seen across services and across our country. We know that deprived areas have been hit the hardest, and that Labour councils are due to see falls of 28% on average, compared with a 19% fall for Conservative local authorities. Nine of the 10 most deprived councils in the country have seen cuts of almost three times the national average of £255 per household. Too often, there is a blame game with local authorities. Despite the additional pressures and demand from all the disabled people who have lost access to benefits, from rising homelessness and from the shameful buck-passing of Home Office responsibilities? With no recourse to public funds, families—

Mrs Anne Main (in the Chair): Order. The hon. Gentleman is making a speech, not an intervention. I think he has made his point.

Thelma Walker: It is absolutely true that cuts are being made in a time of rising need. We are now at a point where all councils are feeling the pain, and we have even seen one of the Government’s own councils effectively declare itself bankrupt. By 2025, it is predicted that local government will face a funding gap of almost £8 billion.

How did we get here? In the name of austerity, round after round of cuts have been dealt to local authorities. Between 2010 and 2020, local authorities will have seen reductions of £16 billion in core Government funding. Adult social care, children’s services and homelessness support have been pushed to breaking point. Other services, such as youth centres, museums and libraries, have just closed.

Yvonne Fovargue (Makerfield) (Lab): Will my hon. Friend join me in congratulating Wigan Council on winning council of the year? How much more it could have done had it not had its funding cut by £160 million.

Thelma Walker: I congratulate Wigan Council, and all the council workers who have helped to deliver such success, especially in such trying times.

The situation has occurred in spite of the incredible hard work being done by councillors and council workers across the country. I have seen that at first hand, not just as an MP but as someone who is married to a local councillor. I have seen the hours and the commitment that is put in to support the frontline of government, to build communities, boost life chances and make a difference to everyone’s day-to-day life.

In 2018, Unison surveyed council workers and found that 79% are not confident about the future of local services. In my constituency of Colne Valley, 90% of council workers surveyed said that budget cuts in the past two years have had an impact on their ability to do the job as best they can. Can we just think about that figure? Some 90% of the workforce lack confidence in their ability to deliver their service.

I would like to share some feedback from someone in my constituency who worked supporting children and families in children’s centres, but now described that work as “destroyed”, and the positive outcomes of the work as “overlooked”.

Tim Farron (Westmorland and Lonsdale) (LD): The hon. Lady is absolutely right to point out that the impact is felt beyond council staff and workers and particularly on children and families. Will she reflect on the fact that in 2008 there were fewer than 60,000 children in care and that today there are more than 75,000? At the same time, since 2008, there has been a 49% cut in early intervention—

Mrs Anne Main (in the Chair): Order. The hon. Gentleman’s name is down on the list of speakers. He has made his intervention.

Thelma Walker: I was a headteacher and a teacher for 34 years, and as a member of the Education Committee, I know the impact on children’s services and their ability to cope. My constituent described how low-level support for families had been removed, leaving them to
reach crisis point before they received help. With less staff to react to crises, they have been running themselves ragged firefighting. They said:

“I rarely see the public now, but when I do bump into people I used to help, they think I’ve let them down. They feel alone, and I feel responsible.”

We can see the dedication of our council workers, and I know how they feel. As I have said, I was a headteacher at a school in a deprived area with a Sure Start centre attached. Properly funded multi-agency working supported children and families so that they did not end up needing as much support from public health services and other areas.

Graham Stringer (Blackley and Broughton) (Lab): Does my hon. Friend agree that the cuts that have been made so far have been exacerbated by the lack of a real tax base in local government and too much central Government interference?

Thelma Walker: I believe that devolved local governance, with local knowledge of the needs of local communities, is really important, and we have lost that.

Early intervention was cost effective in my previous career, and it transformed people’s lives. They were not left to go through the stress and trauma of reaching crisis point. It is better for the health and wellbeing of our communities to have that support in place, but Kirklees was forced to make savings of nearly £200 million over the past nine years. Over the next three years, the council has to find a minimum of £38 million in savings. That has detrimentally affected my constituents’ lives.

In particular, there are significant and growing pressures on high needs in Kirklees. The Government have acknowledged that Kirklees is the second most underfunded council in the high needs block of the dedicated schools grant.

One of my constituents has been in contact with my office for some time about their two children, who have been diagnosed as being on the autistic spectrum. They have been trying to establish appropriate support for their children through education, health and care plans. It has not been straightforward. Cuts to funding mean that the local authority is struggling to give the family the necessary support.

The pressures are also visible in housing. Another of my constituents, who lives in local authority housing, has been subject to verbal abuse and harassment from their neighbours. They have applied to move, but the housing provider has not been able to facilitate relocation because it does not have suitable places to move them to. It has been able to offer only additional security measures to reassure the constituent. Local authorities and local government workers are doing what they can, but they do not have the resources to do what they need to do. Hard choices have had to be made to protect care for the most vulnerable.

I know that these stories will sound familiar to many hon. Members today. Sadly, such stories are by no means unique to my constituency. But there is an alternative; it does not have to be like this. In Finland, local government has a lot of autonomy, and there is a greater level of responsibility for policy and delivery in areas such as education, healthcare, social services, planning and infrastructure. Decision making is closer to the people and seeks to be responsible for their needs. In Finland, policy is geared towards commitments to provide housing where it is needed, support those who cannot care for themselves, and provide accessible low-cost childcare to families.

Finland has also trialled a universal basic income. Policies are focused on delivering positive outcomes for citizens on health and wellbeing, and on reducing inequality. Marking those policies as priorities is important and effective. For the second year in a row, Finland has been named as the world’s happiest country, which cannot be a coincidence. There are some real lessons to take forward from countries such as Finland, which could be used to inform the way local government operates in the UK.

Labour is investing in delivering effective and positive change for local government, our communities and the families within them. The next Labour Government will genuinely end austerity and put an end to this crisis. At the last election we pledged £8 billion for social care. We also pledged an additional £300 million a year for Sure Start and early intervention services, to reverse the cuts that have closed centres across the country and to ensure that all children have the best start in life.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I congratulate my hon. Friend on securing the debate today, when we are all thinking about and debating Brexit, and on recognising the impact on services of cuts such as the 50% cut to central Government funding for Newcastle City Council. I want to mention one additional service: litter. It is an issue for my constituents, and children are writing to me to ask why their environment is covered in litter—

Mrs Anne Main (in the Chair): Order. Before we go any further, as you can see the Opposition side is very heavy with speakers. There is a list of speakers, and I wish to get everyone in.

Neil Coyle: They could have turned up!

Mrs Anne Main (in the Chair): Please do not argue with the Chair; I am informing you how it is. This House normally has short interventions, and I want to ensure that speakers get in. I am sure the hon. Lady has got the point and would like to carry on with her speech.

Thelma Walker: It is a pity that we do not have better representation on the Conservative Benches.

I was talking about Labour’s vision for how things can be. We will properly fund public health services, establish a new national target to narrow health inequalities, and prioritise the health and wellbeing of every child, which is very dear to my heart. We will give councils £1.5 billion extra for general council services, too. Although that additional funding is important, we have made a commitment to place local government at the heart of our work, giving local councillors a direct voice in central decision making through our local government commission.

To fix our broken political system, where people are left feeling disaffected and disillusioned by politics, we need to put local people and communities at the heart of decision making. Showing local people that Whitehall works for them is the first step in addressing this problem. I want this to be what local government
does and is seen to be doing by the public: building inclusive and cohesive communities, providing accessible care for all who need it, and supporting vulnerable people to promote their life chances.

I applied for the debate to request that the Government rethink the approach to local government funding and make urgent changes to address the crisis facing our councils.

Alex Cunningham (Stockton North) (Lab): As you pointed out, Mrs Main, there is an absence of people on the Government Benches this afternoon, apart from the Minister. Does my hon. Friend agree that that might be because there has been a shift of funding from Labour high-need authorities to Tory authorities with less need?

Thelma Walker: Absolutely; I completely agree with my hon. Friend. It speaks for itself that we do not have representation on the Government Benches.

I hope the Minister is able to take note of the contributions made in today’s debate and take meaningful action, instead of recycling tired lines. I will conclude with a quote from Nye Bevan:

“Discontent arises from a knowledge of the possible, as contrasted with the actual.”

We know that it does not have to be like this. The public want to see change, and Labour is prepared to deliver it.

Several hon. Members rose—

Mrs Anne Main (in the Chair): Order. Given the number of speakers who wish to participate in this debate, I am immediately imposing a five-minute time limit on speeches. I call Mr Jim Fitzpatrick.

2.45 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you presiding today, Mrs Main, and to follow my hon. Friend the Member for Colne Valley (Thelma Walker). She made a fine opening speech, and I congratulate her on securing this important debate. Attention has already been drawn to the imbalance of numbers in attendance, which speaks volumes. It is not rocket science to work out why, but perhaps the Minister, who is an honourable gentleman, might comment on the numbers attending the debate as well as responding to it.

I will make only a short contribution and refer to one briefing from my local authority of Tower Hamlets, and from our excellent Mayor, John Biggs, and the very respected cabinet member for resources, Councillor Candida Ronald. Colleagues will know that Tower Hamlets is one of the poorest boroughs in the country, but it has a rich past, with the Tower of London, Cable Street and the docklands. It has an exciting future as a key part of London’s regeneration engine.

Tower Hamlets Council voted to support the “Breaking Point” national campaign, which was set up to call for the Government to properly fund local authorities. Tower Hamlets core funding this year is £148 million lower than in 2010, which is a staggering reduction of 64%. Since 2010, around one third of the council’s staffing posts have gone. Future cuts mean that Tower Hamlets must save a further £44 million from its budget over the next three years. Will the Minister advise us how that might be achieved?

While the council has faced cuts from central Government, our borough’s population and demand for services have continued to grow. Like other councils, Tower Hamlets continues to face a crisis in adult and children’s social care and special educational needs funding. Demand is increasing. Last year alone, the council received almost 4,000 fresh requests for adult social care support—up 8.7% on the previous year.

At the Tower Hamlets full council meeting on 20 March, Mayor Biggs attacked the Government for “putting frontline services at risk.”

An important consideration is how austerity has hit other local services such as policing, and the effect on the council’s priorities. We have lost more than 200 police officers from the streets of Tower Hamlets. The council’s response was to step in and invest £3 million to pay for some of its own officers. Regrettably, that is just one area in which Tower Hamlets Council was forced to cover the gap created by this Government, but it cannot be expected to replace everything.

On fair funding, Tower Hamlets responded to the Government’s consultation and raised the following concerns. The first is that it has less emphasis on deprivation. Secondly, it fails to factor in the impact of additional population, which is key in Tower Hamlets, where more than 200,000 commuters travel to each day. Thirdly, fair funding has a notional approach to council tax income and does not give an actual figure, which would significantly penalise authorities that have worked hard to keep their council tax rates low. Finally, the cost of homelessness and temporary accommodation does not adequately form part of the formula, which will impact on high-cost areas, especially London.

Even Tory councils are struggling to cope. It is well known that Northamptonshire County Council effectively declared bankruptcy last year. Nationally, councils now face plugging a further funding gap of £7.8 billion by 2025 just to keep services standing still and meet additional demand. I hope the Government accept that there is a crisis, even if it is not geographically universal. The Government might claim that the era of austerity is over, but it is not even in sight. We need them to step up and recognise that this is a problem.

2.49 pm

Alex Cunningham (Stockton North) (Lab): I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on securing this debate. In a former life, I was a local councillor and cabinet member so, believe me, I know at first hand about local authorities’ opportunities and challenges, which she outlined.

Stockton Council has been ambitious and forward-thinking, and has delivered projects that some said were not possible. It partnered with Hilton and built a hotel in the town, which will complement the reopening of the 2,500-seat Globe theatre, just a short walk away, next year. Our high street won the rising star at the Great British High Street awards in 2016, which is a testament to the effort put in by councillors and staff to make our corner of the world a better place to live. The area has been a beacon for Ministers, a Select Committee and countless others, who came to see those successes for themselves.

My council has been required to deliver savings of about £45 million by the end of this financial year. Like other authorities, it faces an unprecedented growth in
demand, particularly in children’s social care services. The total spend for all children’s social care services rose from £23 million in 2010-11 to £38 million—nearly double—in 2018-19, despite the reductions in central funding. I have been told that that is the greatest cost pressure facing local authorities around the country.

Another key problem that has been highlighted to me is the inability of some councils to think ahead due to the uncertainty of local government funding. The spending review is supposed to sort that out, and we have the fair funding review, but sadly I do not feel terribly optimistic about it. Local authorities will retain a greater proportion of business rates, but there is a severe lack of clarity or agreement about how that will work. Large tower blocks in Westminster or Chelsea will raise millions of pounds for their respective councils, but local authorities such as Stockton can expect very little in comparison.

Austerity affects not just the funding that local councils get—the lack of jobs and prospects that go hand in hand with it put additional pressure on families. There is a desperate need for more public health funding to address the inequalities in our society. It is estimated that there are still 19,000 smokers in my Stockton North constituency. Smoking costs my area £37.4 million every year. Some 31% of households with a smoker are below the poverty line. If those people were to give up smoking, 1,991 households would be lifted out of poverty, including 1,342 children. However, public health budgets are being diminished, rather than increased so that we can develop programmes to help people quit, and address obesity, drug misuse and dangerous choices. That is Government failure. It is the result of a reckless Government slashing the vital support services that people depend on and systematically reducing job opportunities not just through austerity but through business and industry uncertainty caused by the threat of a no-deal Brexit.

Ministers love to trumpet the rise in employment and fall in unemployment across the country, but that is not happening in areas such as mine. Unemployment has risen month on month in my area for some considerable time, and local authorities have limited, if any, resources to sort it out. There has been a devolution deal of some Government budgets to the Tees Mayor and the combined authority, but despite the plethora of news releases and ministerial statements about Tees Valley, few new jobs are being created in reality. The Minister must take full responsibility and tell us what the Government will do—he is too busy looking at his phone. The Government is too busy to tell us what people are doing for constituencies such as mine.

I agree with organisations including Action for Children, Barnardo’s, the National Children’s Bureau and the Children’s Society that the spending review must provide additional funding for children and young people’s services, and address the estimated £3 billion funding gap that local authorities face by 2025. I agree that there must be a clear link between the likely need and the funding available in each local area. There cannot be a postcode lottery benefiting councils that are aligned with the Government of the day. The children and service users who are in desperate need of social care should and must come first. Importantly, early intervention is key to ensuring that the demand on services does not get out of hand. We must prevent family breakdown, not just deal with it when it happens, as that costs more money and can severely damage people’s lives and future relationships.

This is about political choices and priorities. We simply cannot afford not to spend money. We cannot scrimp and save on children’s social care and family support services until there is nothing left but the skeleton.

2.54 pm

Mr Steve Reed (Croydon North) (Lab/Co-op): I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on securing this very important and timely debate. Since the Conservative party came to power in 2010, my local authority, Croydon Council, has lost more than 70% of its central Government funding. At the same time, the population is growing. We have higher numbers of older people who need care services, more families have been made homeless because of welfare reform, and more working families are in poverty because of the freezing of working-age benefits and a real-terms reduction in people’s wages. Funding cuts and an increase in demand for statutory services such as care and housing means that there is drastically less funding for everything else. That is why we need really clear and strong wake-up calls that tackle the causes of violent youth crime. That is on top of severe cuts in policing. The result of all that is a national knife crime epidemic.

We largely know how to prevent violent youth crime and have successfully stopped it in the past. I was the leader of Lambeth Council in 2007—the last time there was a big increase in violent youth crime. We were the first council to set up what would now be called a public health approach, which means understanding and then treating the causes of violent youth crime, rather than focusing only on the symptoms. We commissioned the country’s biggest piece of academic research on violent youth crime, learned the lessons and then funded the services that stopped young people at risk of drifting into criminal behaviour doing so. Violent crime quickly dropped by 30% and continued falling. We know what works, but it requires investment in services, including early intervention with low-level young offenders before they progress on to higher-level offending; mentoring young offenders not in trouble; and support for families in which children are growing up without the support they need, for instance to develop language and cognitive skills or loving, emotional bonds with their family; treatment for mentally ill people, particularly when it arises from a child experiencing traumatic situations such as sexual or violent abuse; school exclusions, particularly of black boys; and youth activities and diversionary projects that help young people develop healthy relationships, skills and interests that will support them throughout the rest of their lives.

Since 2010, the Government have taken away the funding for those services in every community that needs them the most. They targeted the biggest cuts on the poorest communities, where violent youth crime is the highest. The 10 poorest communities in the country have suffered cuts more than 18 times bigger than the 10 wealthiest communities. By removing those communities’ ability to stop violent crime early, it spiralled out of control and spread, leading to what is now called county lines—the export of violent criminal behaviour linked to drug dealing from the areas where it started to everywhere else. That is why the number of deaths on our streets has escalated year after year across the entire country.
Instead of learning from their mistakes, the Government seem determined to keep repeating them. Their Ironically named fair funding formula, which comes into force next year, removes deprivation levels from how funding for local services is calculated. The poorest communities will lose even more, and what capacity they have left to stop a further escalation of violent crime will be reduced, so violent crime will rise even faster.

When I asked the Home Office Minister about the need to do more to tackle violent crime, she emphasised the importance of the troubled families work, which is funded by the Minister’s Department. That is one of the few areas where the Government have done the right thing. They are funding professionals who bring together support that helps to reduce offending by families who are generating the highest levels of crime. What she did not say, perhaps because she did not know, is that all funding for that programme will come to an end in 12 months’ time—March next year. The services are working on their wind-up and closure plans. It is staggering short-sighted at a time when violent youth crime is soaring out of control to close down one of the few services that is actually helping. We need more of that kind of work, not less. What action is the Minister taking to ensure the troubled families programme continues after March? What guaranteed funding will the Government make available to ensure that it can continue?

We do not need to wonder how to tackle violent youth crime. We already know. The problem is that the Government have slashed the resources available to tackle it in the communities where it is growing the fastest. We need them to think again.

2.59 pm

Dan Jarvis (Barnsley Central) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. I congratulate my hon. Friend for Colne Valley (Thelma Walker)—a near neighbour of mine—on securing this important and timely debate.

I rise to speak as someone who, both as a Member of Parliament and as Mayor of the Sheffield city region, works very closely with our local authorities. Not only do I lead the combined authority of Barnsley, Doncaster, Rotherham and Sheffield, but through the Yorkshire leaders board, I work very closely with all of Yorkshire’s other local authority leaders. As hon. Members will understand, the work of our local authorities is critical to the communities that they are there to serve.

I was out on the doorstep in Barnsley at the weekend talking to my constituents and, although some of them wanted to talk about Brexit—notably understandable—many of them wanted to talk about other things, including bins, potholes, parking, antisocial behaviour and, of course, housing. Those are incredibly important issues that fall to local government.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Will my hon. Friend give way?

3 pm

Sitting suspended for a Division in the House.

3.15 pm

On resuming—

Mrs Anne Main (in the Chair): Given that a Member has just withdrawn from the debate, we now have a little more time for colleagues to speak, so I am extending the limit to seven minutes with immediate effect. Some of you have noticed that the clock has shifted on somewhat. We suspended on the point of an intervention, but perhaps you would like to save it for your speech, Ms Onwurah.

Chi Onwurah indicated assent.

Mrs Anne Main (in the Chair): We will return to where we left off. You have five minutes and 47 seconds, Mr Jarvis.

Chi Onwurah: Thank you. Mrs Main. I am happy to give way to my hon. Friend for giving way so graciously. He is absolutely right: when we knock on people’s doors, we hear about the issues that matter to them. Increasingly over the past nine years since I was elected, constituents have told me that litter is destroying the environment in which they and their children live, because of central Government cuts to local authority and police funding.

Dan Jarvis: Thank you, Mrs Main. I am happy to give way to my hon. Friend for Colne Valley (Thelma Walker)—a near neighbour of mine—on securing this important and timely debate.

Chi Onwurah: My hon. Friend raises an important point that is of great concern to our constituents. Before the Division, I was talking about important local issues that fall to local government. We all instinctively understand that councils and councillors work hard every day to improve the lives of our residents, but they face a funding crisis. Austerity has caused huge damage to communities across the country. It has undermined the way we protect children at risk, disabled adults and vulnerable older people, and it has reduced the quantity and quality of community services such as street cleaning, libraries and rubbish collection.

We should be honest about the fact that reduced funding is not just about numbers on a spreadsheet, but about a reduction in the capacity to invest in prevention. The cuts represent a false economy. If councils cannot fund sufficient support for older people, more of them will end up being admitted to hospital. Less money for children’s services means our young people will only get by, rather than thrive. Failure to invest in public transport stifles economic growth, isolates communities, reduces social mobility and damages our environment. Those are just a few examples of an austerity agenda that lacks any form of long-term strategy.
that austerity is over?

Dan Jarvis: My hon. Friend raises an incredibly important point. Following eight years of austerity and some £7 billion of cuts, neither the autumn Budget nor the more recent spring statement offered any comfort to our local authorities. The Local Government Association has projected that local councils will face a funding gap of £7.8 billion by 2025, and they still face a cut of £1.3 billion next year. Last autumn’s Budget offer of £650 million for the coming year is nowhere near enough even to close the funding gap for social care, let alone to address the shortfall in other services. Such concerns cannot be addressed by the piecemeal redistribution of income that we have seen from the Government.

Central and local government need to work together on the fundamental reform of the funding of our community services, and I believe that devolution offers the opportunity to do that. When we get it right, it offers a fairer and more democratic means of governing and delivering, where working people have a greater say in the choices that affect their lives and a greater stake in the services on which they rely. We can seek radical, transformative change to our communities only if those communities can control their destinies themselves. That means that the Government need to listen to and invest in those communities and the leaders they have elected to represent them.

We need to abandon an economic and political model in which the only hope is that wealth will trickle down and prosperity will ripple out. We must replace it with a fully empowered three-tier system of government—local, regional and national—giving each tier the powers and resources that it needs to make a difference in the communities for which it is responsible. Only if we do that correctly will we put the right people at the heart of decision making, end the status quo in which so many people have become disenfranchised, and allow communities to overcome the challenges they face, and thrive. Greater funding and stronger powers for local authorities should be the first step of that journey.

3.20 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): It is a pleasure to serve under your chairmanship, Mrs Main. I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on her speech and on securing the debate.

Many of the services that are closest to the people we represent and that many people value and appreciate are delivered by local councils. Many of them, such as collecting refuse, recycling, street cleansing, operating street lighting and keeping street drains clear, are easily identifiable council services but, as we know and as my hon. Friend highlighted, councils do much more. They provide education, social and youth services, libraries, community centres, leisure centres, allotments, play areas, car parks, local tourism and business support. They also facilitate a huge amount of partnership working by acting as the conduit for joint working between police, health, the third sector and others. Many local authorities also still provide housing services and even those that no longer have housing stock still provide limited private sector housing support and are responsible for taking the lead on tackling homelessness.

I spent the 20 years before I was elected to this place in 2015 as a councillor and cabinet member. I was first elected in 1995. My first experience as a councillor was marred by the huge financial pressures that local authorities were under. I was full of hope at first that I would play a part in making a positive difference to the community that had just elected me. Is not that why we are all elected? However, the council I was elected to was subjected to massive cuts in my first two years as a councillor. Our annual budget was cut by £30 million over two years. That happened from 1995 to 1997, in the dying days of the Thatcher-Major Tory Government.

From 1997, things changed dramatically and for the 13 years under a Labour Government the council’s funding increased year on year. There were modest increases in the early years but more significant increases followed—in one year reaching almost 10%. Those were years when local authorities thrived. I recall one year when I was the youth champion for the authority and was able to argue for and obtain an additional £150,000 for youth services in the following year. There are many other examples when funding was available to support local services.

Faisal Rashid (Warrington South) (Lab): Local councils provide vital services to our constituents, whether on fly-tipping, homelessness, adult social care or children’s services. Any funding cut is a direct attack on our constituents, whether on fly-tipping, homelessness, adult social care or children’s services. Any funding cut is a direct attack on our constituents. Does my hon. Friend agree?

Gerald Jones: I certainly agree, because cuts dilute local authorities’ ability to act on behalf of the people they represent.

Local authorities have been at the forefront of strategic partnership working in relation to developing and prioritising projects to secure and utilise European funding and co-ordinating the securing of match funding so that residents get maximum benefit for the investment. That, sadly, will be hugely diminished as we leave the European Union. Despite a promise from the Government they have yet to confirm the mechanics of how the shared prosperity fund will work, which leaves communities to wonder whether the commitment from Conservatives on the leave side who promised that our country would be no worse off was no more than a sop to gain support.

Financial support for local councils started to change in 2010. Since then our local councils and public services have been starved of investment. In Wales, local government is devolved to the Welsh Government and the block grant for the Welsh Government is now some £4 billion less than it was in 2010. In the early years of austerity, the Welsh Government protected councils in Wales from the harsh policies of the Tory-Lib Dem coalition. I remember speaking to local government colleagues in England at the time and hearing the horror stories about how council services were starved of investment. As the years have passed and austerity has continued to bite hard, the ability of Welsh Government to protect local councils has been diminished. Although in Wales the responsibility for local councils lies with the Welsh Government, I am in absolutely no doubt that the cause of the pain being felt by councils and public services in Wales lies with the harsh austerity policies of this Tory Government.
In the most recent budget round, Merthyr Tydfil County Borough Council and Caerphilly County Borough Council, which cover my constituency, were again forced to cut millions of pounds from their annual budget and they have also been forced, along with many authorities across the UK, to increase the council tax by more than 5%, which has been the maximum upper limit in recent years. Some councils are even starting to use reserves to plug the revenue gap, which is a dangerous precedent. Reserves are often earmarked for specific commitments while the much lower free reserves are there for emergencies and one-off expenditure. As we know, once they are used to plug the gap in revenue funding, greater problems are created for future years.

We have heard in recent debates in the House that cuts to policing have had a big impact in many communities where crime and antisocial behaviour have increased. However, that is exacerbated by the fact that, owing to cuts to council services, there are fewer youth workers, education welfare officers and social workers, and generally less funding for work with the police and partners to manage antisocial behaviour and reduce crime. Local councils play a huge part in crime reduction and in reducing low-level nuisance and antisocial behaviour. We should not underestimate the importance of their role.

In conclusion, in the early years of austerity some local councils and public bodies were able to find efficiencies to make their budgets stretch. People were expected to do more with less money and fewer people, which put remaining staff under increasing pressure. However, after nine years of painful austerity there are no more efficiencies to find. The low-hanging fruit has all been picked long ago. As I said in questions on the spring statement a few weeks ago, all that is left to cut is jobs and frontline services.

I make a plea to the Minister today to recognise the pain that austerity has caused and the fact that local councils are not able to withstand any more cuts. The Government need to show compassion. The services that we are discussing are those closest to the people. We know from press reports that Tory-led councils are also experiencing financial pressures. People are feeling the pain across the country, so please will the Minister give us some hope that austerity really has ended?

3.27 pm

Yasmin Qureshi (Bolton South East) (Lab): I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on securing a vital debate, and I pay tribute to council staff. It is rightly fashionable to pay tribute to emergency staff in the health, police and fire services, but sometimes we do not recognise the work done by council staff day in, day out, and by the council leaders and cabinet members who must deliver, on a daily basis, the services our constituents want.

Chi Onwurah: I agree with my hon. Friend, and want to emphasise that councillors and officials in Newcastle City Council are under huge pressure, working not to implement the cuts for the public. They deserve our thanks.

Yasmin Qureshi: I thank my hon. Friend for that intervention.

We are all aware of the fact that post-industrial towns and cities in the north of England such as Bolton have been hit hardest by the deep cuts to local government spending. The idea that the Government sometimes project—that austerity hits everyone equally—is nonsense. The cuts are nothing less than politically motivated. The heaviest have been in the most deprived regions that are often thought of as economically left behind. That is compounded by the fact that those areas have the highest levels of poverty and a lower capacity to mitigate cuts through local taxation or asset sales.

My local council, Bolton, has lost about £1 billion in spending power since austerity began in 2010. That has impacted on social care, with adult and child services taking the biggest hit, despite being the areas with the highest demand. As many hon. Members have said, we have an ageing population and therefore the impact on the social care budget is getting bigger. More and more children are being taken into care, meaning that the amount of money required is increasing.

Colleagues have mentioned the pressures on local authorities. For example, over the past three years, Bolton Council’s adult services department had to find more than £10 million of savings, including £8.8 million from children’s services. My local authority had to raise council tax, specifically to pay for social care. That led to its critics saying, “Oh, the council is raising taxes”, but nobody spoke about the fact that it had no choice. With funding cuts of 50%, what was it to do other than raise local taxation to fill that gap? The Institute for Fiscal Studies has estimated that between 2010 and 2020 local government will have had its direct funding cut by 79%. Let that sink in: 79%!

Faisal Rashid: While the Prime Minister was announcing the end of austerity last October, more than 5,000 councillors signed the “Breaking Point” petition to call on the Government to cancel their planned cuts for the new year and immediately to invest £2 billion in children and adult services. Does—

Mrs Anne Main (in the Chair): Order. Interventions must be brief. That was a mini-speech, and the hon. Gentleman has been here for only half the debate. I want to give the hon. Member for Bolton South East (Yasmin Qureshi) time to continue with her speech. I am sure she has the gist of what he had to say.

Yasmin Qureshi: I thank my hon. Friend for his intervention, and I entirely agree with what he said. We have seen our youth centres, museums and libraries close, and a social care system in crisis, and that is due to the Government’s ambition to reduce the public sector.

Most of what Bolton Council has done has been to provide the best for the people who live there. Successive council leaders and cabinet members have considered the benefits of their discretionary services, and the impact of cutting them, and looked at how to run things differently internally without affecting frontline services and staff. For example, when a member of the local authority leaves, they are not replaced, which means that the burden of the work falls on fewer people. Such savings help the council to fulfil its obligations.

Bolton Council is good in that it is still finding ways to invest in the borough beyond the statutory requirements. It has innovated in the face of austerity through capital
investment projects such as improving access for disabled people, investing in leisure facilities, and putting millions into community and environmental projects. It has been working with businesses, and its latest capital strategy involves spending £212 million on various projects across the borough. Some of that will go towards the town centre masterplan, but other investments include school expansions, fixing roads, and improving the township generally.

The council has stimulated the market, and it is sharing that success with extra investment in our schools, and in the area, so that the lives of those who live in Bolton can be improved. Bolton Council has the lowest priced school meals in the entire United Kingdom, and we still offer free breakfasts in schools where they are needed. We are the first council in the country to open a new children’s centre, while Tory-run administrations continue to cut such services. The bottom line, however, is that 10 years of austerity and three years of focusing on Brexit has left local government on the ropes. Councils are facing a funding black hole of more than £5 billion by the end of the decade, and it is still unclear how they will be funded beyond 2020.

It is upsetting and nauseating when Conservative politicians in Bolton, who know that the council has had to make cuts because its grants have reduced by 50%, dishonestly blame the Labour council for not providing the things that people want—for example, filling potholes. If the choice is between giving money to an elderly vulnerable person or filling a pothole, we know what the council has to do. People are being disingenuous when they jump on such issues, as has happened in Bolton where Conservative politicians go on about potholes, even though they know where the problem lies.

The independent parties are no better either, as they deliberately mislead people about why certain things are not happening in our town. For example, in Farnworth, which is one of the deprived areas, our local authority has been involved for a number of years in a project to renovate the town centre, but on two occasions the private companies pulled out. The council has now taken on that work, but the opposition parties use that as a mechanism to say, “The local authority is not doing anything”, which is misleading. That annoys people, and they can sense that we are angry about this. There is misrepresentation by independent political parties as well as by the main opposition party in Bolton.

Bolton Council has been doing a fantastic job with limited money, and we ask the Government to think seriously about how funding should be allocated. Removing deprivation from the factors that influence funding is completely unacceptable, as that should be one of the main criteria used when considering local authority funding for a particular area. Until and unless funding is properly resolved, those problems will continue, and councils and people who live in certain towns—especially in the north—will suffer.

3.37 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve with you in the Chair, Mrs Main, and to follow my hon. Friend the Member for Bolton South East (Yasmin Qureshi), who made a positive case for what the Labour council is trying to achieve in such constrained times. I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on securing this debate at a crucial time for our local authorities. By the end of the next financial year, my constituents across York will have experienced an £189 cut per household, which has had a significant impact on families. I often say to colleagues that in York they need to look beyond the walls and travel into the communities to see the real deprivation in our city. York itself is the most inequitable city outside London, and it experiences severe deprivation.

It is important to consider deprivation when creating a so-called fair funding formula. York has the worst-funded schools in the country, and one of the worst-funded health authorities. Crime is rocketing by 13%, which is 5% above the national average, yet 60 police staff have been cut. Those cuts are having a cumulative impact on our city, and the need to fall back on the local authority is escalating. As a result we must consider what is happening with different funding formulas and that cumulative impact, not least because of the many partnerships that existed, which is where the real work is done to address issues of crime and public health. Resilience is breaking down in our cities, and we must ensure that funding works across the board.

The cuts have impacted on social care in our city, which is under particular strain because hospitals cannot discharge patients, the support is not there, and there is a knock-on impact on other services. York has a particular reputation for delayed discharge, and it is not a good one.

There are also pressures on social care. We cannot recruit the social care workforce—people cannot afford to live in our city because the housing is so expensive and the wages so low. I urge the Minister to take a more holistic view of his brief and to work cross-departmentally when looking at the funding formula, because of that impact.

I am also concerned about future dependence on business rates. We have debated those rates many a time in this House, and they have a negative impact on the retail outlets in York, as well as other businesses, because we have a false market. What has happened is much like the sub-prime market that existed ahead of the last crash. Many offshore landlords have invested in York, hiking up the prices, the values and the rentals of their properties. As a result, they are more interested in their investment in the longer term, rather than in the high street, so 50 units in the city are empty. Sadly, our Tory-Lib Dem city council just puts stickers in the windows of high street outlets, as opposed to trying to get businesses in. Increasing business rates therefore have an impact, because businesses leave and the revenue does not come to the council. There is a negative cycle. I will be interested to hear the Minister’s comments, and it is certainly something that I have discussed with Treasury Ministers at length.

The precept is also a regressive tax on social care. It is important for us to look at more progressive, fairer and more proportionate forms of taxation, as opposed to some of the measures put in place instead. Again, with issues such as the precept, areas of deprivation will clearly not generate the same levels of money and resource for social care as more affluent areas. We therefore see greater inequality yet again. Even within York we have serious inequality. In fact, between the most and least affluent areas of York is an eight-year gap in life expectancy,
which demonstrates not only economic inequality but its impact on health and other social determinants of health.

We therefore need the local authority to be properly resourced. Sadly, the Tory-Lib Dem failure in our city has meant that resources have not gone into the right places to address inequality. The council has been quite profligate in how it has used limited and restrained resources without bringing real benefit to our city, so I am absolutely delighted that Labour has put a well-costed programme together.

“Getting York back on track” is our manifesto for York to move forward. It looks at how to bring investment into our city and to ensure that we build a more sustainable and long-term approach to delivering services, putting in vital resources and growing the economy by attracting businesses. We are a low-wage economy so it is vital to have investment for good-quality jobs in the future. Socially, we also want to address the very issues of my constituents’ constant need, such as investing in our city centre by putting in a family quarter, or ensuring that we have higher environmental credentials in our city, which should be something that all local authorities are mandated to have.

We want to be carbon neutral by 2030. A pressing agenda throughout the country is to have carbon budgets, and we want water provided on our streets, so that people are not buying plastic bottles. Such investments are made for the long term of our planet as well as of cities. We are talking about funding, so I will be interested in what focus the Minister has on improving the environmental credentials of local authorities and their contribution to that agenda.

I will leave it there. I can say so much more about what Labour wants to do when we come to power in May, but the Minister already has much to respond to today.

3.44 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op):
I congratulate my hon. Friend the Member for Colne Valley (Thelma Walker) on securing this debate at a critical time for our public finances.

I speak as a Member of Parliament for the great city of Glasgow, which has a fine tradition of what might be called municipal socialism. It would be great to rediscover that municipal route to socialism, but it has been under assault for many years now, with a decade-long programme of austerity cuts, if not more, the brunt of which has been borne by local government. We often hear from Scottish National party Members in this place about how wonderful everything is in Scotland, and how munificent the Scottish Government are in stewarding local government by dispensing the fruits of excellent governance in Edinburgh to the rest of Scotland. That could not be further from the truth.

Look at the dire straits in which Glasgow City Council finds itself. Last year, Glasgow had to find £49.9 million-worth of cuts, almost £20 million of them a direct consequence of the Scottish Government’s cuts to local government. The remainder are due to pay and other inflationary pressures. The real brunt of cuts made by central Government in Westminster and at Holyrood is borne by councils, and, as a result, Scotland has lost 30,000 council jobs in recent years. That is a shameful indictment of those who are responsible. The mass unemployment that we railed against during Thatcherite deindustrialisation in the 1980s has been writ large in local government by a Scottish nationalist Administration in Edinburgh.

Between 2010 and 2018, Glasgow lost £233 per head of population in Scottish Government funding. That is a real-terms cut; it is the cost of the Scottish National party to every single Glaswegian. In May 2017, a minority SNP administration took over Glasgow City Council. However, instead of robust opposition to the onslaught of cuts, we have seen not only meek acceptance by the council, but even an attempt to divert attention and to deny the reality of the fiscal constraints on Glasgow—Scotland’s largest city, and a city with some of the greatest social problems in the country.

In my constituency, the failure in the quality of local services—a reduction in cleansing services, poor repair of roads, failure to help homeless people to move into temporary accommodation, and a decline in care and social work services—has had a creeping effect on some of the weakest people in our society, who disproportionately rely on such services. That has happened at a time when the SNP has celebrated imposing a council tax freeze on local government.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op):
On the council tax freeze, does my hon. Friend agree that if local councils are to be accountable to the people who elect them, it is essential to protect the autonomy of local government to raise its own funds, rather than giving councillors the choice between making worse cuts and even worse cuts?

Mr Sweeney: I thank my hon. Friend for making that pertinent point, which goes to the heart of the issue of local government—structural decay over decades. Once, we had great, autonomous and highly vigorous municipal authorities. Look at Glasgow, which used to run its own gas and electricity provision, tramways, railway system and subway system. The Glasgow Corporation was a huge enterprise, and it has been slowly but surely torn apart over the past 50 years by creeping centralisation. That has happened at a regional level, and it is now happening with the dismantling of Scottish regional councils and local authorities and their centralisation into Holyrood.

An inadvertent and regrettable effect of devolution over the past 20 years has, in essence, been to displace the municipal power of Glasgow and the west of Scotland, and to suck it into the east and into Edinburgh. We should guard against that in the constitutional reform of city regions across the United Kingdom. We need to consider what effect such devolution might have on the margins and the periphery of that power base. I would like that to be corrected in Scotland as we look forward to the next two decades of devolution.

Faisal Rashid: I will be brief this time, Mrs Main. Because of funding cuts, councils across the country are being forced to sell their assets in order to fund the revenue budget. Does my hon. Friend agree that that is not the way to fund services?
Mr Sweeney: I absolutely agree. Glasgow is in the absurd situation of having what must be the only car parking company in the world to lose money every year. There is not much of an overhead in running a car parking service, but as a result of the constraints on funding, and particularly the effort to resolve disputes and long-standing historical issues of equal pay in local authorities—that is a national issue, but the council has received no national support to deal with it—the mechanism that was devised was essentially to sell its assets to arm’s length companies. It mortgaged those assets but because of the credit crunch, a lot of them fell into negative equity. Councils are paying off huge bills—to Barclays bank, in the case of Glasgow—to service the financial constraints that have been imposed upon them.

We have to look at the reality of council financing, as my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) mentioned. More than 80% of funding for councils in Scotland is derived from central Government grants. Councils do not raise their own money—very marginal yields are achieved from council tax and business rates. In Scotland, the bulk of it is controlled centrally. With the council tax freeze, the SNP removed councils’ capacity to raise council tax. The SNP has massively cut the budgets available to local authorities and that will hammer their capacity to provide services and will push councils into destructive decisions such as selling off and mortgaging assets, creating a vicious cycle of decay and decline.

According to the Scottish Parliament’s information centre, the local government revenue budget in Glasgow was cut by 6.9% from 2013 to 2018, whereas the Scottish Government’s own revenue budget fell by just 1.6% over the same period. As opposed to the Scottish average of 6.9%, Glasgow’s budget has been cut by 12.8%—an even greater cut to the local authority that is in the greatest need in Scotland. That reduction is twice the average cut to Scotland’s 32 councils, and a further 3.6% cut for Glasgow is planned for this year.

There is no question but that the Tories are to blame for handing the Government in Edinburgh a cut of 1.6%. However, to multiply that percentage by four to hammer their capacity to provide services and will push councils into destructive decisions such as selling off and mortgaging assets, creating a vicious cycle of decay and decline.

We were told that austerity was over, and that there would be a reset—a bright new tomorrow. That has proven to be a lie. When the Chancellor was called to open his cheque book, no money came to local government. That is because there has been a determined attempt not just to take the money away, but to completely reshape how local public services are funded. For someone who lives in a wealthy area where property prices are high and the business rate base is strong, that is great, because it will be possible to fund reasonable public services. I am afraid, however, that people who live in areas where crime has gone through the roof, not simply because our police service has been cut, although it has, but because support has been completely taken away. Crime reduction budgets in England have been cut by 61%, safety services by 76% and CCTV by 35%. Hundreds of youth centres have been closed, and the Government scratch their head and wonder why knife crime has gone through the roof. They wonder why probation is falling over, even though money has been taken away and the failed privatisation model let so many people down.

On behalf of the Labour party, I offer a profound apology to women in Glasgow for what they have faced over the last 10 years. Many women died waiting for the settlement. But it was a sin of omission, not of commission; we failed properly to challenge the decline in council services and budgets. In many ways, we tried to resolve the equal pay dispute by selling assets, but we have to recognise that the system and pay structure were flawed. The root cause of the problem was our national failure to get a grip on local government reform. That was a great flaw of devolution over the last 20 years, certainly in Scotland.

I hope that as we look forward to the next two decades of devolution, we can right some of those injustices and properly re-establish decent municipal services in councils and city regions across Scotland. The story of devolution does not end with Edinburgh or Holyrood; it has to continue into the great towns and cities of Scotland and develop for a successful future.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mrs Main. I declare an interest as a vice-president of the Local Government Association. I thank my hon. Friend the Member for Colne Valley (Thelma Walker) for securing an interesting debate. I would say that the debate had been inspiring, but it has not; it has been quite depressing to hear about the human consequences and the community cost of austerity.

We were told that austerity was over, and that there would be a reset—a bright new tomorrow. That has proven to be a lie. When the Chancellor was called to open his cheque book, no money came to local government. That is because there has been a determined attempt not just to take the money away, but to completely reshape how local public services are funded. For someone who lives in a wealthy area where property prices are high and the business rate base is strong, that is great, because it will be possible to fund reasonable public services. I am afraid, however, that people who live in areas where historically low house prices and business rate bases will be denied basic public services—the civic infrastructure that makes a country a decent place to live.

Those may be the 1.2 million older people who would have had care in 2010 but no longer receive it today. They may be the children who are denied a good start in life because of cuts to Sure Start centres or the youth service in their area. They may just be people who live in areas where crime has gone through the roof, not simply because our police service has been cut, although it has, but because support has been completely taken away. Crime reduction budgets in England have been cut by 61%, safety services by 76% and CCTV by 35%. Hundreds of youth centres have been closed, and the Government scratch their head and wonder why knife crime has gone through the roof. They wonder why probation is falling over, even though money has been taken away and the failed privatisation model let so many people down.
It is about more than just funding, although that is important; it is about a Government who want to wash their hands of local public services and local communities. That is shameful for a number of reasons, not least because of the cries for a new settlement during the EU referendum. Not many people were talking about the European Union as a political entity. People were saying, “I am fed up with this being my lot. I am fed up with looking at my community and seeing all the times that things are taken away. I am fed up with having to look backwards to yesterday, when there were decent jobs. For my children and grandchildren, even more than for me, I am more fearful for the future than ever before.”

When the Government had the opportunity to reinvest into local public services, they did the opposite—they turned their back on the very communities that needed that investment and support. It is criminal to allow that responsibility to fall by the wayside. We cannot continue to have an £8 billion public service deficit for local councils. It will be on this Minister’s watch that an older person dies because they did not get the care that they needed in their own home. It will be on this Minister’s watch that a child is neglected because there is no funding for children’s services to support them. It will be on this Minister’s watch that someone dies in a doorway because money is not going to support homelessness in our communities. No Minister wants that to be their record. Who comes into this place to make the country worse, rather than better?

There is an opportunity, because we know that the Treasury is sitting on many billions of pounds of tax surplus. Something like £14 billion was collected at the end of January, over and above what was spent on public services. There is money in the system, but it is being stubbornly held back rather than being released to fund public good.

I will finish on this point: if the Government want to build a better Britain, they have to base it on a strong local public service foundation. If we do not do so, when we look to our communities and councils to start to rebuild, they will simply say, “We haven’t got the resources or the capacity to do that.” We will miss an opportunity for another generation. No more excuses, no more rehearsing the financial crash and no more pulling out the old top lines from Tory HQ. Today is the day for answers.

3.58 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): It is a pleasure to serve under your chairmanship, Mrs Main. I congratulate the hon. Member for Colne Valley (Thelma Walker) on securing this debate. I join her in paying tribute to all those working in local government up and down the country, including her husband, for the terrific work they do to make our communities better places to live.

It may surprise hon. Members to hear that I agree with much of what has been said. First, the sheer range of things we have heard illustrates the importance of what local government does and the impact on all our residents and constituents’ lives. I also agree that local government has been dealing with a very difficult financial climate these past few years, for reasons we do not need to rehash in the short time we have. This Government took the right decision—the moral decision—to get our public finances back in order, and local government has played a very important role in making that happen. It deserves enormous credit for the way it has done that—for finding better, cheaper ways to do things while maintaining high resident satisfaction—but I appreciate that that journey is closer to its end than its beginning.

One thing we may disagree on, though, is the talk of cuts. We heard a lot about cuts and a lot of selective quoting of statistics. The simple truth is that the resources available to local government to spend on core services will be £1 billion higher this financial year than last financial year. That represents almost a 3% rise in the cash available to local authorities up and down the country.

Alex Cunningham: The Minister says there will be £1 billion more to spend this financial year, but how many billions have been cut since 2010?

Rishi Sunak: I acknowledged right at the beginning of my speech the difficult financial climate that local government has suffered over the last few years. I am not trying to pretend it has not—I acknowledge that. The point is that the Government are absolutely listening and responding. A billion pounds more is almost a 3% rise in funding. That is more than the economy is growing by, and it is more than inflation.

Jim McMahon: The Minister is correct that councils have £1 billion more to spend on public services today than they did this time last year, but that is because of the pressure that has been applied to council tax payers. People are paying more and more council tax for less and less in the way of public services. By the way, the data shows that, in England, there have been cuts of £4.5 billion to neighbourhood services and £3.5 billion in real terms to transport services. That is the cost in the community—the £1 billion goes nowhere near covering that. Surely he knows that.

Rishi Sunak: It is nice that we are now talking about whether the increase in funding is enough. I am glad that we have moved the debate on. It is also good to hear Labour Members talking about the importance of council tax. We believe in keeping people’s council tax bills down. They will be 6% lower in real terms this year than they were when this Government came into office, and they have risen slower than under the last Labour Government, when they increased at an annual rate of almost 6%. This Government are committed to keeping council tax bills low, and it is important that we are mindful of that.

Many points were made, and I want to try to address as many as I can in the time available. I would like to do so through the framework with which I look at local government, given the sheer range of things it does. Local councils do three important things: support the most vulnerable in our society, drive economic growth in their areas and build strong communities. I believe very much that this Government are backing them in doing all three of those vital tasks.

First, as we heard, local government helps the most vulnerable in our society. Local authorities are the first to reach out those who fall on hard times, and I am delighted that our recent settlement provides them with increased funding to do exactly that. Councils have told this Government that the most acute pressure they face...
is in adult and children’s social care, so in the recent settlement and Budget, the Government responded with an additional £650 million for adult and children’s social care this year. That includes £240 million to ease winter pressures and the flexibility to split the remainder between adult and children’s services as local preferences dictate.

We also champion authorities that put innovation at the heart of service delivery. We heard a lot about money, but the outcomes that that money delivers are just as important. We should be focused not just on what goes in but on what comes out. The Government will focus relentlessly on ensuring that taxpayers’ hard-earned money is well spent.

On children’s care, about which we heard a lot, a recent National Audit Office report noted the enormous variation in performance and cost among local authorities. That is nothing to do with the political colour of those authorities; it is just down to differences in leadership and management practice. That is why it is important that the Government are backing practices in Leeds, Hertfordshire and North Yorkshire with an £84 million fund, and taking their models, which deliver higher-quality outcomes at lower cost, across the country.

The hon. Members for Colne Valley and for Stockton North (Alex Cunningham)—and indeed the hon. Member for Croydon North (Mr Reed), who is no longer in his place—rightly mentioned the importance of early intervention, in which I strongly believe. I have been a relentless champion of the troubled families programme since I have had this job. He is not here anymore, but the hon. Member for Croydon North will have seen the Secretary of State make a very significant speech last week about the progress of that programme and how it is transforming children’s lives on the ground, getting people into work and keeping people out of the criminal justice system.

Knife crime is also important. That is why a £10 million extension was recently made to the troubled families programme, specifically to support families against youth crime. That funding is now benefitting 21 areas that bid into the programme to tackle that vital issue. The hon. Member for Croydon North (Mr Reed), who is no longer in his place, rightly mentioned the importance of early intervention, in which I strongly believe. I have been a relentless champion of the troubled families programme since I have had this job. He is not here anymore, but the hon. Member for Croydon North will have seen the Secretary of State make a very significant speech last week about the progress of that programme and how it is transforming children’s lives on the ground, getting people into work and keeping people out of the criminal justice system.

I am also passionate about technology, which has the potential to be transformative. I recently launched an innovation fund to help councils embrace the digital revolution. Technology helps deliver services better on the ground and find ways to save money. Together with the LGA, we are developing a tool to help councils understand performance, analyse and drive their performance. I believe there are considerable opportunities across local government to improve lives, save money and transform services, and we will pursue them all relentlessly.

The second thing local authorities do is drive economic growth, ensuring that every part of our country can prosper. Ultimately, that is the only sustainable way to fund the public services that we have heard so much about and we all care passionately about, and it is the only way to improve living standards in our communities. There may well be fundamentally different points of view on that. The Government believe that, rather than being funded by central Government handouts, local authorities should be empowered and rewarded for their entrepreneurship. Indeed, even Labour Members expressed different points of view about the degree of autonomy local government should have to raise its own money and about over-reliance on things such as business rates—the single largest way for local areas around the world to raise income. It is all very well saying we want more local autonomy, but we must understand what that means in practice.

Our business rates retention scheme does exactly that, putting power in the hands of local authorities to reap the benefits of their hard work. This year, on top of the £46 billion I mentioned, local authorities will retain an additional £2.4 billion of business rates growth. The 15 new business rates retention pilots across the nation, from Northumberland to Southampton, demonstrate this Government’s commitment to backing councils’ ambitions for their local economies.

Rachael Maskell: Will the Minister also acknowledge the challenges that business rates create? What will the Government do to address those?

Rishi Sunak: I am happy to do that. I am glad that the hon. Member for Colne Valley—and indeed the hon. Member for Croydon North (Mr Reed), who is no longer in his place—rightly mentioned the importance of early intervention, in which I strongly believe. I have been a relentless champion of the troubled families programme since I have had this job. He is not here anymore, but the hon. Member for Croydon North (Mr Reed) will have seen the Secretary of State make a very significant speech last week about the progress of that programme and how it is transforming children’s lives on the ground, getting people into work and keeping people out of the criminal justice system.

Knife crime is also important. That is why a £10 million extension was recently made to the troubled families programme, specifically to support families against youth crime. That funding is now benefitting 21 areas that bid into the programme to tackle that vital issue. The hon. Member for Croydon North (Mr Reed), who is no longer in his place, rightly mentioned the importance of early intervention, in which I strongly believe. I have been a relentless champion of the troubled families programme since I have had this job. He is not here anymore, but the hon. Member for Croydon North (Mr Reed) will have seen the Secretary of State make a very significant speech last week about the progress of that programme and how it is transforming children’s lives on the ground, getting people into work and keeping people out of the criminal justice system.

I am also passionate about technology, which has the potential to be transformative. I recently launched an innovation fund to help councils embrace the digital revolution. Technology helps deliver services better on the ground and find ways to save money. Together with the LGA, we are developing a tool to help councils understand performance, analyse and drive their performance. I believe there are considerable opportunities across local government to improve lives, save money and transform services, and we will pursue them all relentlessly.

The second thing local authorities do is drive economic growth, ensuring that every part of our country can prosper. Ultimately, that is the only sustainable way to fund the public services that we have heard so much about and we all care passionately about, and it is the only way to improve living standards in our communities. There may well be fundamentally different points of view on that. The Government believe that, rather than...
being offered. He must accept that, unless we deal with international taxation and business taxation in the round rather than just having business rates coupled to local government spending, it will never be fair, and we will still be in a situation in which a cleaner or a server in Starbucks pays more tax than Starbucks itself. How can that be sustainable?

Rishi Sunak: The idea that this Government are not doing that is an old chestnut. This Government have brought forward more ways to clamp down on international tax than any previous Government and £14 billion extra has been collected. This Government put in place the first diverted profits tax and at the last Budget announced a digital services tax, which we will put in place in line with international peers.

Jim McMahon: Will the hon. Member give way?

Rishi Sunak: I am conscious of time, so I will make progress. If those peers do not act, then we will act unilaterally. The Government are addressing the point.

I agree with the hon. Member for York Central that high streets are important. That was also mentioned by the hon. Member for Stockton North, who talked about his high street, which I know as it is near my constituency. This Government understand the importance of high streets in creating living, breathing communities. That is why a £675 million high streets transformation fund was announced at the last Budget for all local authorities. I encourage Members to talk to their local authorities and bid for the fund. It is there to fund transformational projects that revitalise high streets and comes on top of the Treasury business rate reductions. The Government are agreeing with and backing local authorities to ensure that high streets remain the beating, vibrant hearts of communities. We are in agreement and there is financial support, through tax reductions and this fund, to support high streets. However, shopping habits are changing and retailers, high streets and planning authorities have to adapt. Business rates are only one part of the answer.

The last thing to touch on is building strong communities. We have talked about high streets and other points. Ultimately, local authorities are making people more proud of the places where they live, partly by building houses that people want to call home, whether through the new home bonus or through the lifting of the housing revenue account borrowing cap. Again, the Government are responding to what local government has asked for and delivering it for them.

Alex Cunningham: The Minister is talking about devolution and the responsibility of others. The Mayor of Tees Valley has just spent up to £90 million on a loss-making airport. Does the Minister agree that that money would have been better invested in transport infrastructure that encourages investment and creates real jobs? The airport has not created any new jobs or new flights.

Rishi Sunak: I think the Mayor of the Tees Valley, Ben Houchen, is doing a fantastic job of ensuring that the voice of Tees Valley is heard in this place. There has been considerable investment in developing the steelworks, the development zone and tax reliefs, which has been widely welcomed. I know that because my constituents are excited to see the rebirth of Durham Tees Valley airport. I know the airport well and I am delighted that it will now have a bright future under the stewardship of the Conservative Mayor of the Tees Valley.

We heard from the hon. Members for Poplar and Limehouse (Jim Fitzpatrick), for Bolton South East (Yasmin Qureshi) and for York Central about Government funding formulas. There is lots to say about that, but the question was raised about why homelessness is not included in the formula. The simple reason is that the amount of homelessness funding that goes through the local government finance settlement is a very small percentage of the total amount—from memory it is only £175 million. The remainder of the homelessness funding, which is several hundred million pounds, has a dedicated formula specific to it. Obviously, if that changed and a future decision was taken to roll that homelessness money into the overall local government settlement, it would demand a formula of its own. I am happy to give that reassurance.

Deprivation is in the formula and in all the areas where it makes a significant difference. Deprivation has little to do with the cost of maintaining a road or a flood defence, for example, and therefore it is not factored into those areas. Of course, it is factored into all the areas that we heard about, including adult social care and children’s social care. In answer to the hon. Member for York Central, we are working in conjunction with all those Departments to develop formulas that they are happy with.

In conclusion, we believe in local government. As we look forward to the spending review, I and the Department will be making a strong case that local government is funded properly, to do all the things it does today, as well as those it will do tomorrow. Beyond money, we will ensure local government has the power, the flexibilities and the devolution that we heard about from the hon. Member for Barnsley Central (Dan Jarvis). Indeed, the Government are supporting that devolution with a considerable amount of money. That is the future for local government that central Government are backing. I will continue to listen to local government, learn from it and push its case in this Government.

4.14 pm

Thelma Walker: Thank you for chairing this part of the debate, Sir Christopher. I thank my hon. Friends for their passionate speeches, in which their compassion for their communities really came through. I thank the Minister for his response. What came through to me is a lack of caring from him. I just heard words, but I do not feel compassion. I am sorry. The fact that there has not been one Conservative Member here to stand up and speak in support of the Government’s cuts to local government speaks for itself.

Neil O’Brien (Harborough) (Con): Will the hon. Member give way?

Thelma Walker: No, it is too late. The hon. Gentleman was not part of the debate. The reality, as expressed so compassionately by my hon. Friend the Member for Oldham West and Royton (Jim McMahon), is that communities are hurting: we have food banks; we have children with special needs waiting for appropriate support; and we have homelessness. That is the reality. I hear words but I do not hear compassion and care.

Question put and agreed to.

Resolved.

That this House has considered local government funding.
Amazon and SMEs

4.15 pm

Sir Christopher Chope (in the Chair): I call Kevin Barron to move the motion.

Kevin Brennan (Cardiff West) (Lab): I beg to move, That this House has considered Amazon and the treatment of SMEs.

It is Kevin Brennan, actually, Mr Chope. I was once briefly knighted in the Mail Online by a journalist making exactly the same mistake, but I always consider myself more shovelry than chivalry.

I am grateful for the opportunity to speak in the debate today about Amazon. I will tell a story about my constituent, Roland Brana, who this year should have been celebrating 20 years of his successful and growing family business, selling motorcycle protective clothing. He spent 11 years as a sole trader, then eight years as a limited company, and in each year he achieved continued growth. It was a successful, viable business with quality products that were competitively priced and in demand.

In 1999 his business, Bikers Gear, began importing self-designed own brand motorcycle clothing from a factory in Pakistan and sold it online via his own website and on eBay. In 2001 he opened a high street shop in Barry, south Wales, and in 2002 he accepted an invitation from Amazon to become a merchant on its newly launched non-video and book UK marketplace. His business continued to flourish. In March 2010, Bikers Gear UK was incorporated as a limited company and in 2013 the brand launched across Europe via Amazon's European platforms.

In 2013 Bikers Gear registered for VAT in both Germany and France, and in 2014 a German and French speaking customer service team was launched, based in Leipzig. In 2015 Mr Brana completed EU-wide registration of the Bikers Gear trademark logo. This should be the story of a lad from a council estate and a single-parent family who made good. Instead, it is the story of a small businessman who finds himself having to start all over again, having had to close his business, because of the way that his small company, Bikers Gear UK, was treated by the global conglomerate Amazon.

The real problems started when Amazon approached Mr Brana in May 2016 for a retail manufacturer partnership. He accepted that as an opportunity for the business to go to the next stage. He would concentrate on expanding the manufacturing of the product and Amazon would concentrate on selling. Amazon forecast great potential for growth. He was aware that one of his manufacturers in Pakistan had a family relative trading in Australia, who sold similar motorcycle garments, so in 2010 he created an image user agreement to protect his online images from any potential infringement by this Australian brand.

Following the agreement, during 2017 Mr Brana began to receive offers of orders for more than £1 million from Amazon. To begin with he could not accept many of the orders because of delivery windows and not holding enough stock in south Wales. The problem lay with his main supplier in Pakistan, which was refusing many large purchase orders. He took action to drop this supplier. Because of this and complaints from Amazon regarding poor order acceptance rates, Mr Brana travelled to Luxembourg twice in 2017 and met Amazon buyers. Mr Brana reassured them that he would increase the stock in the south Wales warehouse to improve the order acceptance rate for 2018. He explained to Amazon buyers that the low acceptance rate was due to the problem at one particular factory, and explained that, to resolve the supply issue in 2018, he planned to introduce another supplier. He informed them that he would personally be investing £75,000 to increase his holding stock as he was fully committed to the Bikers Gear UK business, and that he would do so by re-mortgaging his home.

In 2018, Mr Brana approached Barclays Bank, obtained the mortgage and, as promised, began increasing the stock in his south Wales warehouse. All should have been well but, at the same time, he noticed that the Amazon order had by now almost stopped. He started investigating and noticed that the Australian brand had started selling its brand on the Amazon UK platform. At that point, it appeared to be offering different garments from the Bikers Gear UK garments and not selling products with his barcode or European article number—now known as the international article number—that delineated the product on websites. With the exception of the new 2018 range, however, no orders were being received from Amazon by Bikers Gear UK. Even its best-selling garments were not being ordered.

Mr Brana presumed that Amazon holding stock would run out and he would be able to return to selling the garments successfully, as he did prior to the 2016 Amazon agreement. He started checking the website stock level, which is clearly visible when someone makes a purchase on the Amazon website. It would state things such as, “Four left in stock—more on the way.” He checked back days later, and the stock available had gone up on his product from four to 18. It was clear that, even though Amazon had not purchased any new stock, its inventory was going up, not down. Something was clearly wrong.

Alex Sobel (Leeds North West) (Lab/Co-op): The experience of my hon. Friend’s constituent is not uncommon. Many people who allowed Amazon to take the business end away found that Amazon started to sell on their behalf and their business was squeezed. In Germany, a company called Cancem said: “To team up with Amazon is like to team up with the devil. We team up with Amazon but not in a transactional area.” This is a common business practice of Amazon’s.

Kevin Brennan: I can only say that I know my constituent would entirely endorse the view of that German company given his personal experience. As I outline the rest of the story of what happened, I think it will become clear why.

Jim Shannon (Strangford) (DUP): I am aware that SMEs make some £2.3 billion in sales through Amazon, so there is potential for small and medium-sized enterprises to do well. Is the hon. Gentleman advocating regulation through the Minister’s Department and through Government to ensure that both companies that use Amazon and Amazon itself can benefit from the sales? I think it is important to do so.

Kevin Brennan: We all understand the importance of online sales to small and medium-sized enterprises, and the huge opportunity that this kind of tech platform
has given small businesses. That is to be welcomed, but with that comes a responsibility on tech platforms wielding huge market power to treat small businesses fairly and in an ethical fashion, and I am afraid that that is not what has happened in this case or, as we have heard, in other cases.

As I described earlier, the stock on the website was going up, even though Amazon was not ordering any new stock from my constituent. Something was clearly wrong. He contacted his account manager, who refused to help other than by passing him a link on the Amazon website to report any infringement. He contacted intellectual property lawyers, who advised him to test purchase his own brand listings on the Amazon website. The test purchases, which were advertised as his brand, proved when they turned up to be the Australian brand.

Astonishingly, and in my view dishonestly, Amazon were using his Bikers Gear UK brand to pass off another different brand supplied by the Pakistani factory he had previously ceased trading with. The factory was using Bikers Gear UK garment patterns. He could not establish any line of contact, and by now his Amazon account manager was bouncing back his messages with the message, “mail box unable to receive your mail.”

In effect, Amazon had pilfered all Mr Brana’s data, his brand name, his product reviews, his barcodes and his customer base. He had lost 75% of work for the past eight months and he would have to liquidate the business before he fell into heavy debt. With September approaching and the bike season closing, he would be in danger of running up debts with good people with whom he had been trading for the past 18 years. As a result, Mr Brana lost his family business and his family lost their jobs in that business.

How could that happen? When Bikers Gear made a commercial decision to end the relationship with its main supplier in Pakistan and move production to a new, modern factory, those suppliers contacted Amazon’s buying team in Luxembourg, requesting to supply Biker Gear UK’s garments direct to them. Mr Brana has seen email evidence from Amazon showing that the Pakistani supplier had made contact with Amazon in Luxembourg. The content of that email was that their factory could supply the garments to Amazon directly. The factory had obtained important Amazon contact email addresses when Mr Brana had failed to remove Amazon’s email contact details from a forwarded message to the factory earlier that year.

In January 2018, Amazon started taking supply from the Pakistani supplier. There was a very slight change to the logo on the garments it supplied to Amazon, but in essence they were Mr Brana’s designs. It was as if someone reversed the tick on Nike trainers, which I am sure you are aware of, Sir Christopher, and then passed them off to the public as an original pair of Nikes. Amazon was by now passing off the non-registered garments to Mr Brana’s European customers, using all his data information.

Within eight months the Bikers Gear company was in financial difficulty and unable to continue its legal action against Amazon. In August 2018, this law-abiding, taxpaying company went into liquidation. Seven people based in the UK lost their jobs, five full time and two part time. The five full-time workers claimed redundancy money from the Government totalling between £25,000 and £30,000. Bikers Gear UK, in its last full financial year’s trading from April 2016 to April 2017, had a turnover of more than £1 million and paid taxes and duties approaching £150,000 across the European Union. Today, Amazon continues to pass off those garments to the public.

The Bikers Gear UK business grew organically year on year by reinvesting profits into the company and growing the Bikers Gear catalogue. Ironically, in January of this year, Roland and his company were invited by Lord Eric Pickles to take part in the 2019 Parliamentary Review, originally set up by David Cameron and co-chaired by David Blunkett, to share knowledge and good practice and to raise industry standards. Under the circumstances, Mr Brana felt unable to take up that invitation.

This is a cautionary tale for small businesses: a successful small business sells via Amazon, and Amazon offers a partnership to expand the cake and to take a slice, instead of which it effectively takes the whole cake. Mr Brana now deeply regrets having gone into partnership with Amazon. Far from helping his small business to grow, Amazon effectively cloned his business and starved the original. Amazon is too big for Mr Brana to take on. He is now having to start all over again with his new brand, Black Tab Motorcycle Clothing, and a small retail shop, again in Barry, south Wales. I say to the Minister that that is the type of predatory capitalism being practised by some big tech businesses that the Government need to be aware of and act on, and I ask the Minister what the Government are doing to protect small businesses and people such as my constituent, Roland Brana, from being drowned in the vast waters of Amazon and other institutions of the new high-tech plutocracy.

4.29 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate the hon. Member for Cardiff West (Kevin Brennan) on securing this important debate and thank him for bringing this issue to Westminster Hall. That has enabled him to highlight the particular case of his constituent and it gives me the opportunity to respond. This subject is of personal interest to me. I am the Minister responsible for small business but, before coming to this place, I ran my own business and dealt with big organisations, so I am not unfamiliar with particular challenges that exist in the wider market and not just in regard to the sectors and platforms to which he referred.

In 2018, 5.7 million UK businesses were SMEs. That represents 99.9% of UK business, 60% of total UK private sector employment and 52% of turnover. People should be in no doubt that this Government, this Department and I understand that SMEs are the backbone of our economy. That is why it is of particular concern to me to hear about the experiences of the hon. Gentleman’s constituent as the SME seller Bikers Gear UK on Amazon. I can only imagine what a difficult experience that must have been for him and his family.

No company should be able to abuse its market position to the detriment of other companies, particularly SMEs. That is why, in our industrial strategy, we committed to a review of competition law, which is ongoing in the Department. As part of the review, we are actively assessing digital markets, including whether those markets
pose unique challenges to competition law, such as novel forms of abuse of dominance. Part of the review will also involve assessing recommendations set out to my right hon. Friend the Secretary of State by Andrew Tyrie. His proposals outline reform of the competition and consumer protection regimes led by the Competition and Markets Authority.

The Government also welcome the recent publication from the digital competition expert panel—it was published alongside the spring statement. That independent report sets out how to unlock competition in digital markets. The panel was led by the renowned economist Jason Furman, who was chief economic adviser to President Obama. The proposals are at the frontier of global thinking on how to deal with the challenges of large digital platforms. One key recommendation is to introduce a new digital markets unit to ensure that digital markets work to deliver competitive outcomes.

In particular, recommendation 5 of the report states:

“To account for future technological change and market dynamics, the digital markets unit should be able to impose measures where a company holds a strategic market status—with enduring market power over a strategic bottleneck market.”

That proposal focuses on firms with “strategic market status”. It would be backed by powers to ensure compliance. We are assessing the proposal but, if taken forward, it would mean that large platforms such as Amazon would need to comply with a statutory code of conduct or some other form of regulatory framework. The code of conduct will cover how large platforms interact with smaller firms, ensuring that that is fair. The Government will consider the reports’ proposals and report back by the summer.

Importantly, the hon. Member for Cardiff West highlights the fact that businesses, and in particular large businesses that are leaders in their industries, must act responsibly. This Government support responsible business as a force for good in society and we are prioritising in our modern industrial strategy responsible long-term business growth. Our new company reporting requirements make big businesses more open, responsive and accountable to society. That includes the issues of executive pay, and relationships with employees, suppliers and customers. Our inclusive economy partnership brings together businesses and civil society to tackle social challenges. Our civil society strategy announced that the Government would refresh their policy approach to responsible business during 2019, and we are partnering with the Department for Digital, Culture, Media and Sport as we work towards that objective.

We recognise that we must be active not just in holding large corporations to account, but in supporting small businesses in our economy, including SME retailers like Bikers Gear UK. This Government are working hard to support retailers of all sizes as they respond to market pressures from a range of factors. Retailers will need to adapt to take on the challenges and opportunities presented by the changes, and the Government want to support the sector as it responds to change.

That is why in March 2018 we established the industry-led Retail Sector Council to bring Government and industry together to boost the sector’s productivity and economic health. All retail activity in the UK, including SME retailers, is represented. I co-chair the council, and it is hugely valuable in understanding the concerns of retailers in the changing landscape. The council has agreed its priority work areas for the next two years: they focus on costs to businesses, skills and lifelong learning, employment protections, the circular economy, consumer protections, and retail and the industrial strategy. A senior industry figure will lead each of the work groups and bring proposals for action for both industry and Government back to the council for consideration.

I want to be clear that this Government want all types of retail to thrive now and in the future and that I am committed to playing my part. I and my officials in the Department regularly engage with Amazon, and I am always vocal in encouraging it to leverage its resources to the benefit of SMEs across the country. Douglas Gurr, Amazon UK country manager, serves on the Retail Sector Council which, as I said, I co-chair. I met Doug and a number of Amazon Marketplace SME retailers last October to discuss and understand the issues they faced. However, this debate has highlighted to me the need to ensure that I reiterate to Amazon that it needs to treat all suppliers with absolute fairness, and I will be sure to make that point to Amazon directly after the debate today.

The hon. Gentleman’s debate has highlighted important issues. I have said before and I will say again that SMEs are the backbone of our economy. This Government are committed to supporting SMEs and to reviewing our frameworks in the context of the ever changing marketplaces and organisations that are growing. No company should act inappropriately in a marketplace or abuse its position.

I trust that the details I have outlined today of the actions we are taking in reviewing competition law and leading the way on responsible business demonstrate to the hon. Member for Cardiff West that the Government and I take these issues very seriously. I again commend him for bringing the debate to Westminster Hall and for giving a very articulate explanation of the particular challenges that his constituent, Mr Brana, has had to endure. I would be more than happy at any stage in the future, if it were necessary, to get further information from his constituent, if he would like that, because this is an area of interest. I would like to finish by saying that I wish the hon. Gentleman’s constituent all the best in his new venture. I wish him every success and I thank the hon. Gentleman for the debate today.
World TB Day

4.38 pm

Nick Herbert (Arundel and South Downs) (Con): I beg to move,

That this House has considered World TB Day and the efforts to end tuberculosis globally.

I am delighted to be able to introduce this debate. It was World TB Day on Sunday, but this is not an anniversary that we should be having to mark at all. It is wrong and extraordinary that we still have to debate the toll from death and suffering of a disease that has been curable for well over half a century, since the discovery of antibiotics by Fleming in 1928. It is unnecessary that so many people die from tuberculosis.

Imagine if the World Health Organisation announced tomorrow that a new disease had been discovered that was highly infectious, airborne and susceptible to drug-resistance, and that next year 10 million people would fall sick, of whom 1.6 million people would die. Imagine the global response to that news. That is in fact a description of the reality of tuberculosis. TB kills more people every year than HIV/AIDS and malaria combined—1.6 million people last year. Of course, there is overlap between HIV/AIDS and TB, because the AIDS epidemic in the 1980s drove the resurgence of tuberculosis. A disease that the world thought it had beaten has come back with a vengeance.

TB was first declared a global health emergency 25 years ago, in 1993. Since then, 50 million people have died. Just consider that. A disease is declared a global health emergency and subsequently 50 million people die, yet that disease is treatable and curable. That represents nothing less than a catastrophic failure on the part of the world’s Governments to deal with a disease that we should deal with more effectively.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): My right hon. Friend is making some good points and I congratulate him on securing the debate. He mentions the failure of world Governments. There is clearly a need for greater urgency in the approach taken by the international community in dealing with this issue, but what about the behaviour of pharmaceutical companies, which rarely invest in drugs that will help people in low and middle-income countries in the way that they would do in lucrative medications that they can sell in higher income countries, such as Great Britain?

Nick Herbert: My hon. Friend makes a good point, but I do not blame pharmaceutical companies, because I think this is a clear case of market failure. The fact is that the demand for better TB drugs, which we need, falls largely in low and middle-income countries, so there is no commercial case for sufficient investment in these new drugs. It can therefore proceed only on a public-private partnership basis. Some pharmaceutical companies have a pro bono programme for the drugs that do exist, such as Johnson & Johnson, where there is a drug to deal with drug-resistant TB. However, that is still insufficient.

This market failure is a striking contrast with what happened with AIDS. There was a serious response to the AIDS epidemic from pharmaceutical companies, not only from publicly funded programmes, but from commercially funded investment. As a consequence we have had extraordinary innovation, and new drugs that can prevent HIV and ensure that it is not a death sentence are available. What is the difference between the two? AIDS was a disease that was killing people in the west and TB is a disease that kills the poor. That is the fundamental difference. That is why we have not had the same level of investment in tuberculosis. Another fundamental difference is that TB was already curable with antibiotics. It is just that these antibiotics were not being delivered, TB patients were not being identified and we did not have the health systems to do it.

Dr Poulter: I am a little more sceptical about the operation of some pharmaceutical companies than my right hon. Friend. In fact, one reason that the global community was able to so effectively deal with HIV—he is right to identify TB as an AIDS-defining disease—was that international Governments brought pressure to bear on pharmaceutical companies to drop the price of the medications, and push medications out in low and middle-income countries. That has not happened with TB. Unless there is a concerted effort from global Governments to encourage pharmaceutical companies to behave with greater global awareness and corporate responsibility, I am not sure we will see much change in the situation that he is describing, and change is badly needed.

Nick Herbert: This is an interesting debate, but I disagree with my hon. Friend. The drugs are not in the pipeline, because the return on investment for these companies is insufficient in the first place. I do not think that they are sitting on drugs that are available for wealthier people, which, if pressed, they could simply roll out to poorer people. There is an insufficient quantum of investment in research and development. I will come on to that point. I do not think that the need can be met by the private sector alone.

I believe that there are three key reasons why we need to take more action against this disease: humanitarian reasons, economic reasons and reasons of global public health. The humanitarian reason is that so many people are dying needlessly from this disease and falling sick. The figures speak for themselves.

The economic reason is that this awful loss of life and this illness are a drag on economic success in the poorest countries, hindering their development. There will also be a serious economic impact if we fail to tackle the disease. By 2030, it is estimated that if the current trajectory of TB continues, that will cost the world’s economies $1 trillion. Some 60% of that cost will be concentrated in the G20, and it will be caused by the 28 million deaths over that period. That is a terrible statistic, because that is the period over which tuberculosis is meant to be beaten according to the sustainable development goals. The United Nations set those goals four years ago, and said that the major epidemics—AIDS, malaria and TB—would be beaten in 15 years’ time. We have just 11 years to go. On the current trajectory, TB will not be beaten for well over 100 years. There will be a further 28 million deaths during that period alone, as well as huge economic costs.

The global public health reason is the susceptibility of tuberculosis to drug resistance, because of the old-fashioned drugs that are used to treat tuberculosis. People who take
the drugs do not continue with their treatment and it is a very serious fact that there are well over 500,000 cases of drug-resistant TB in the world. The highest burden is actually in the European region. Only one in four people who have drug-resistant TB can access treatment.

We know that there are 3.5 million missing cases of TB every year that are simply undiagnosed, accounting for one in three sufferers. The proportion is much higher for drug-resistant TB, where 71% of people are missing. This constitutes not only a humanitarian issue, but a serious risk to global public health, because this is an airborne, highly infectious disease.

Nic Dakin (Scunthorpe) (Lab): The right hon. Gentleman is making a very powerful case. He has just said that because so many cases are undetected, the risk is compounded. That is an important issue, which needs tackling urgently.

Nick Herbert: I strongly agree with the hon. Gentleman. I commend the work he does on the all-party parliamentary group on global tuberculosis, which I have the honour to co-chair with my friend, the hon. Member for Ealing, Southall (Mr Sharma). The big problem is all of these undetected cases. We need to find and then treat millions more people.

There is hope. Last September, the UN convened the first high-level meeting on tuberculosis, which passed a strong declaration that recommitted the world to meeting the sustainable development goal target to beat the disease, and that specifically set a new target of diagnosing and treating 40 million cases of TB by 2022—a very tight timetable. It is vital that efforts are stepped up immediately so we can meet that new, ambitious target. It will require a significant increase in the level of spending on TB programmes globally from nearly $7 billion to $13 billion and on tuberculosis research and development from $700 million to $2 billion a year.

Two key issues arise from those ambitious new commitments, the first of which is accountability. How are we going to hold the world’s nations to account for their commitments at the high-level meeting? I mentioned that the world has already declared TB a global health emergency and has already set the sustainable development goals. The problem is that we keep talking about the disease but not delivering a sufficient global response to beat it, so accountability is crucial.

Among the problems with the otherwise good declaration passed at the UN is that independent accountability was struck out, but it is vital, because we have to hold countries’ feet to the fire for what they have committed to do. Accountability can take multiple forms: it can be done through bilateral relationships; intergovernmental platforms at the G20, the G7 and the Commonwealth; a further review of the UN high-level meeting and the commitments made; or international institutions such as the World Health Organisation. I must say, however, that if the WHO’s existing mechanisms had been effective, we would not be in this position.

My first point to the Minister, who I welcome to her place, is that the UK has a vital role to play in ensuring that there is more effective, sharper and independent accountability for the targets set at the high-level meeting. Without that accountability, I fear that we will not meet those new targets, and if we do not, we do not have a chance of beating the disease within the set timeframe.

The second issue is that we cannot escape the fact that we will need additional resource to meet the ambitions and that must come from the countries affected, particularly middle-income countries, which must find the resources to deal with it. We have seen a huge improvement in the response in India, for example. Resource must also come through multilateral institutions, particularly the Global Fund to Fight AIDS, Tuberculosis and Malaria, through which comes 70% of all international funding for TB. The UK can be proud that it is the third-largest contributor.

This year marks the replenishment of the Global Fund. If we are to have a hope of meeting those TB targets, it is vital that it is replenished to a higher level than before. The investment case requires a pledge of $14 billion from the world’s countries, which will be combined with an increase of nearly 50% in domestic investment, so the money will also come from individual nations. That would suggest that the UK needs to commit £1.4 billion, which is an increase on the £1.2 billion it gave last time. That is the minimum that will be required to meet the Global Fund’s strategy targets and is proportionately the same as the UK previously gave, at about 13% of the budget.

I know other hon. Members want to speak, so I will make one final point. As my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), who is no longer here, said, new drugs will be essential. New drugs for tuberculosis have become available only relatively recently; there have been no new drugs for more than 40 years. Most people do not know that we do not have an effective adult vaccine for tuberculosis, and no epidemic in human history has ever been beaten without one. We have to be able to meet the new targets for an increase in research and development, which includes providing public funding.

Again, the UK has a vital role to play because of the strength of our pharmaceutical sector and what we already do on research and development. We need a specific plan to implement a research strategy; we need to establish a baseline for countries to ensure that they are funding their fair share of research and development; and we need to establish a mechanism to co-ordinate that spend. Otherwise, again, countries will talk about the research and development gap, but never do anything to close it.

We should not need to be here. This is not a disease that we should have to talk about any longer—frankly, it is a moral disgrace that we still are. It is a needless loss of life. Many problems confront modern Governments, some of which are nearly intractable. This is not one of them. This disease can be beaten. We have known how to do that for more than half a century and, with new tools, we could do it better. In the words of the Stop TB Partnership’s campaign for World TB Day last Sunday, “It’s time” to beat this disease.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you presiding today, Sir Christopher, and to follow the right hon. Member for Arundel and South Downs (Nick Herbert), whom I congratulate on securing the debate. I am grateful for the leadership that he continues to provide, and for his comprehensive introduction, which makes it easier for those of us who want to speak—
**Nick Herbert:** Sorry!

**Jim Fitzpatrick:** Not at all; it was a great speech, and well delivered.

As the right hon. Gentleman said, TB remains the world’s deadliest infectious disease. Despite it being entirely curable, it has claimed 1.3 million lives in the last year, including the 700 children who died every day.

According to the British Society for Immunology, one third of the world’s population is infected with the TB bacterium. We urgently need to enlarge our treatment of the illness and make vaccines that are safe, affordable and accessible. The BSI states that that is especially essential for pulmonary TB. We all know the tremendous impact that widely available vaccines could have on combating the disease, as the right hon. Gentleman has said; they are absolutely essential. Will the Minister comment on how much funding the Government can allocate to investing in the research to develop such vaccines?

Funding research into vaccines is especially important because of the increasing number of TB cases that are resistant to multiple antibiotics. That is an issue around the world, with more than half a million cases of drug-resistant TB reported in 2017. I ask the Minister what work is ongoing with colleagues to ensure that the Global Fund to Fight AIDS, Tuberculosis and Malaria is replenished as a means to combat the global spread of drug-resistant TB. We all know the tremendous impact that widely available vaccines could have on combating the disease, as the right hon. Gentleman has said; they are absolutely essential. Will the Minister comment on how much funding the Government can allocate to investing in the research to develop such vaccines?

The disease has played an important part in the history of public health in my Tower Hamlets borough. The UK has a high incidence of TB compared with much of western Europe, and London accounts for one third of UK cases. In my borough, the levels have decreased in recent years, which is good news. Incidence has halved from 64.7% in 2010 to 32.5% in 2015, but TB continues to affect Tower Hamlets disproportionately compared with other parts of the country.

Tuberculosis is a disease of poverty, and my constituents are among the most vulnerable. The approach to tackling this complex disease needs to incorporate not only research into vaccines and cures, but spreading awareness to individuals who possess the aforementioned social risk factors.

**Alex Sobel** (Leeds North West) (Lab/Co-op): As well as the health issues, is it not true that people with TB are socially isolated and excluded because of the effect on other people in the community? I wonder whether that is the experience in Tower Hamlets, because it is certainly the experience in places such as India.

**Jim Fitzpatrick:** It certainly is. Of course, one of the big downsides is that the risk of spreading the infection means that there has to be some degree of isolation, guilt and emotional stress. My hon. Friend makes a very important point.

The approach to tackling this complex disease needs to incorporate not only research into vaccines and cures but spreading awareness to individuals who possess the aforementioned social risk factors. Early intervention is also key to ensuring that the disease is treated swiftly and the risk of spreading it is minimised. That is why I am pleased that the Government are overseeing the national TB strategy for England between 2015 and 2020, enacted by TB control boards. With this approach, I am sure we will continue to see a decline in cases of TB in Tower Hamlets.

It is simply not acceptable for 10 million people globally to be falling ill from TB in 2019. This disease is curable and with the right funding treatments could be made easily accessible. Our Government need to continue to intervene to ensure that adequate investment is allocated to research vaccinations, to work with global partners and to play our part in eradicating TB worldwide.

I would be grateful to the Minister if she could confirm what is being done to work with other nations to deliver on the UN high-level meeting on TB target to find and treat 40 million people by 2022.

5 pm

**Nic Dakin** (Scunthorpe) (Lab): I start by congratulating the right hon. Member for Arundel and South Downs (Nick Herbert) on spelling out how important this issue is. I also pay tribute to everybody worldwide who is working in one way or another to fight TB, whether it is on research or on the frontline of dealing with TB and finding people, supporting them and curing them of this terrible disease.

I was fortunate enough to visit Cambodia with RESULTS UK some years ago and saw the fantastic work going on, with partners from across the world working with the Cambodian health authorities to try to reach people suffering from this disease, to tackle it and root it out, but it is a forever challenge.

When I mention TB to people in everyday parlance, they believe that it is a disease of the past—a disease of the 19th century—and are surprised when I point out the fact that it is the biggest killer in the world today. We should be ashamed that that is the case because, as the right hon. Gentleman said, with the proper will, effort, focus, determination and drive, this disease could be sorted. The resources are there to tackle it. It is a matter of purpose, intention and marshalling our forces. That is partly what this debate today is trying to do.

One third of the world’s population is infected with the tuberculosis bacterium, which is a shocking figure. Annually, more than 10 million people become ill with TB, resulting in 1.6 million deaths. As my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) has just pointed out, the UK has a higher incidence of TB than we would wish. We have a higher incidence than the USA or other western European countries, with hotspots in places such as London, Leicester, Luton, Birmingham, Manchester and Coventry.

Indeed, when I was principal of a sixth-form college in Scunthorpe, there was an outbreak in the town, which first focused my mind and made me understand the process of ridding a small community of the disease. It is difficult and requires a lot of work. That brought home to me how much it needs sorting, because TB is an airborne disease and adults with pulmonary TB are the main transmitters, which makes it particularly problematic to root out.

We need a safe and affordable vaccine urgently and we need the significant investment in research worldwide to over it. As the right hon. Member for Arundel and South Downs pointed out, that can be done with the proper effort. There are loads of reasons to explain why that is not currently happening but, as has been said, a specific research strategy needs to be put in place and funded.

The Minister is an excellent Minister, and I know she will be very much on board and well-researched already. She has an opportunity to contribute to the global
leadership in this process. We are six months from the next UN high-level meeting on TB and the time for replenishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria is fast approaching. The last UN high-level meeting on TB had lots of positives, but there were also areas where we could have asked for a bit more regarding the accountability that we would like so that people own the process and take it forward.

As the right hon. Gentleman pointed out, if the UK can commit to the £1.4 billion that is needed from us over the next three years to up our global game, that would be the UK playing the role that it has always played—one of global leadership, in a way that partners can stand alongside—and I am sure the Minister would want to be part of that. By making those strides, we will begin to make the strides that are necessary to get rid of this terrible disease, one that we should not still have and that is curable—one that is get-riddable. We need to do that and we need to do it now.

5.5 pm

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): It is a pleasure to serve under your chairmanship today, Sir Christopher.

I congratulate the right hon. Member for Arundel and South Downs (Nick Herbert) on securing this important debate, but more importantly I congratulate him on his strong and consistent leadership and on the work of the all-party parliamentary group on global tuberculosis.

I declare a relevant interest. I visited Liberia with RESULTS UK in 2017 to look at its post-Ebola healthcare system strengthening. My hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) was part of that delegation and I understand, Sir Christopher, that if he catches your eye he will say a little more about what we learned.

Goal No. 3 of the sustainable development goals is good health and wellbeing. It commits the world to bringing about an end to TB by 2030. We know that, given the current rate of progress, we will miss that target by 150 years. As the right hon. Gentleman said, the UN high-level meeting on TB political declaration includes a commitment to find and treat 40 million people with TB by 2022. If we are going to do that, we not only need to diagnose but to successfully treat 8.5 million people this year, which is 2 million more people than were officially diagnosed in 2017.

As we have heard, later this year we have the sixth replenishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria, which is a critical opportunity to mobilise efforts to build stronger and more resilient health systems. The Global Fund is an incredibly important mechanism for donors, recipient countries, civil society and the private sector to come together in response to these epidemics. Since it was founded in 2002, the Global Fund has helped to save over 27 million lives and that is in no small part due to the generous involvement of the United Kingdom.

Almost a fifth of Global Fund annual funding goes to fighting TB—as the right hon. Gentleman reminded us, that is 70% of all of the international financing that exists to fight tuberculosis. The UK played a leading role during the last replenishment cycle, but if we are going to close the gap in the finance that is required to meet the targets that have already been described, all donors—including the UK—need to step up their financial commitment to the Global Fund.

As the right hon. Gentleman said, drug resistance has complicated the fight against TB, as it has the fight against other diseases. TB is a curable disease, but it requires strict, continuous treatment with a number of antibiotics over many months. As others have said, TB is now responsible for one in three deaths worldwide from drug resistance. If we do not step up our global efforts, we risk a resurgence in the incidence of TB, which could have a catastrophic impact on public health and the global economy.

The theme of the global goals is to leave no one behind, and addressing a health emergency is central to that. I reiterate to the Minister what others have said: we have an extraordinary opportunity. UK civil society has said that we want to step up in commitment. It has called on the British Government to pledge £1.4 billion to the Global Fund’s vital work over the next three years. I hope the Minister will respond positively on the UK’s continued commitment to tackling deadly diseases.

As we have heard, accountability is central. It involves working with civil society, working with citizens in the countries that are most affected and working with the key multilaterals—the World Bank, the United Nations and the Stop TB Partnership—so that we have a comprehensive plan that brings to an end tuberculosis by the target date of 2030. I hope the Minister will demonstrate once again the strong and clear leadership that is needed, so that we rise to the challenge in the months ahead.

5.10 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I thank the right hon. Member for Arundel and South Downs (Nick Herbert) for securing this important debate. Many things have been said already. I will come on to the topic of my trip with RESULTS UK, on which I was accompanied by my hon. Friend the Member for Liverpool, West Derby (Stephen Twigg) and which appears in my entry in the Register of Members’ Financial Interests.

During my introduction to this speech, one person has died from TB. Some 18 seconds will pass until another person dies from TB somewhere around the world. In the UK alone, someone will be infected with TB every two hours, and in 2016 there were more than 6,000 cases in the UK. However, very few people die from TB in the UK, because treatment is available. The real challenge is that 99% of tuberculosis deaths occur in developing countries. As we have heard, it is a disease of poverty. That is partly because of TB’s intersection with other major issues, and particularly with compounding health conditions. It remains one of the biggest causes of death worldwide.

The sustainable development goals say that we should try to tackle this condition in the next period, but at the current rate, we will have to wait 160 years to eradicate TB and save 28 million lives. Those lives will be lost if we do not pick up the pace. Working to end tuberculosis means that we must engage with civil society and communities, and in particular work with high-risk groups and other people who are especially vulnerable.

Most importantly, we must ensure there are universal, free-to-access health services, which are the best way—almost the only way—of tackling TB.
In 2017, my hon. Friend the Member for Liverpool, West Derby and I went to Liberia to examine its response to tuberculosis, particularly drug-resistant tuberculosis, which now accounts for a third of all tuberculosis deaths. Let us be clear: there is a treatment for drug-resistant tuberculosis, but the side effects are gruelling. It is a two-year course of medicine, with a success rate of only 50%. A person is likely to experience chronic nausea, psychosis, and painful blistering on almost all of their limbs, which they may scratch, causing further infection. They face the permanent loss of hearing in one ear, or maybe both, and after enduring that treatment they still only have a 50% chance of survival. The real problem is that the side effects of those drugs are so awful—reading out that list does not show how awful they are. If a person is experiencing psychosis, painful blisters all over their body and nausea, they are unlikely to complete their course of treatment, and that was the case for the vast majority of people we saw. They are sent back out into the community for the disease to spread.

We also saw a GeneXpert machine being used to test samples taken from people who came into hospital. The machine can be used instead of a microscope to examine a sample to see whether a person is drug resistant, and they can be treated immediately. The problem is that the machine costs $20 per person to use. Although it was in use in Monrovia, the capital, when we went out to the county hospitals we saw that it was rarely, if ever, used. We saw the machine packed away in a cupboard, not plugged in and not being used, because $20 per test is too high a cost. Instead of using the machine, those hospitals would do a traditional microscope test—through which it is not possible to tell whether someone has drug resistance—work out that a person had TB, give them the normal drug and send them back into the community for a few weeks. If there was no improvement, the person would be brought back in for the GeneXpert machine test. The problem is that over that time, drug resistance has spread, family members have got it and the cost has increased. Without early detection and treatment, more people will have to undergo the two-year regime that I have described. More people will drop out, and more people will suffer needlessly.

Drug-resistant TB is a battle, and if it is lost in the developing world, it is only a matter of time before drug resistance reaches these shores. We will suffer, and we will struggle to deal with it just as much, because no British person will willingly suffer those side effects. We need immediate action on pharmaceutical development to find decent drugs that do not cause such side effects, but we also need to nip the problem in the bud. As we have heard, the UK has been one of the biggest backers of the Global Fund, but it needs replenishment, and it needs it now. I hope the Minister will commit to redoubling the UK’s funding.

In 2015, among people in whom non-drug resistant tuberculosis was detected, reported and treated, 80% were successfully cured. This fight can be won, but we must reach out to those vulnerable groups, fund research and ensure that everyone can access good, universal healthcare that is free at the point of delivery to eradicate this condition once and for all.

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I thank the right hon. Member for Arundel and South Downs (Nick Herbert) for bringing this issue before the House, and the Speaker’s Office for allowing me to speak on it.

The issue is close to my heart. It is no secret in the House or in my constituency that I tend to get emotional when it comes to disease, and the effects of TB and HIV on children. I have had some contact with groups that fight against those diseases across the world. Images of children dying are a large part of why I am and have always been an advocate of overseas aid, although I believe we must be more stringent in ensuring that such aid is effective, and that perpetrators do not benefit from any aid that we send. My heart aches sorely when I think of children dying from a disease that is completely curable, as the right hon. Gentleman said in his introduction. It is a pity that this disease persists despite the fact that a cure is achievable and should be accessible. I wonder what we can do to stop children dying from that disease.

As a member of the all-party parliamentary group on HIV and AIDS, I am grateful for the briefing that has been provided, which is both informative and heartbreaking: informative because it gives us the background, but heartbreaking because it emphasises the issues that we all know. TB is a bacterial infection spread through inhaling tiny droplets from the coughs or sneezes of an infected person—when we sneeze, we often wonder how far a sneeze would go if we did not put our hand over our mouth or sneeze into a hankie. TB is a serious condition, but it can be cured with proper treatment, and we can clearly do something and make a change. We should be doing more, if at all possible, although I recognise that our Government and the Minister, in particular, have taken great steps to address TB.

TB can affect any part of the body, including the glands, the bones and the nervous system. In 2017, there were some 10 million cases of TB worldwide; it is the top infectious killer, claiming some 4,400 lives a day. It is an incredible disease that strikes those who are vulnerable and weak.

TB occurs in many parts of the world. In 2017, the largest number of new TB cases occurred in south-east Asia and the western Pacific regions, which had 62% of new cases, followed by the African region, which had 25% of new cases. I want to speak a wee bit about Africa, because that is where my knowledge comes from. In 2017, 1.6 million people died of TB and 95% of those deaths occurred in low or middle-income countries. As the right hon. Member for Arundel and South Downs said, those on low incomes are recipients of the disease. It simply makes my heart ache. There is no need for anyone to die of TB any more, if early prevention and medication are available. I say this gently, but there is no excuse for those deaths.

It is clear that TB disproportionally impacts hard-to-reach groups, including people who use drugs, prisoners and people living with HIV. Challenge Ministries NI, which is from my constituency, does a lot of work in Swaziland in Africa. Every year, the children from that school and hospital in Swaziland come to Northern Ireland—they are sponsored to do so—as part of an outreach project. That is one of their ways of creating some income to take back home. Every child in that choir is
HIV-positive, in many cases from abuse or directly from their mother’s womb. I can clearly see what our Government have done with some of their work on HIV/AIDS and the cure. A short time ago, I met some people from the HIV/AIDS group, and they put me in contact with some other groups. I hope we can do more work in Swaziland and Zimbabwe, where they are now working.

I am conscious of time, so I will work towards a conclusion. Swaziland is a little country where almost one in every two people has AIDS. A hospice inside the orphanage is staffed by voluntary nursing staff from the UK. The end result of an HIV diagnosis is often that TB is the killer. TB is the killer of those with complex needs. That matches the figures, which show that TB is the leading cause of death for people living with AIDS, accounting for one third of deaths. In 2017, 300,000 people died from TB and 920,000 people living with AIDS fell ill with TB. It is colossally hard to encapsulate in the numbers how many people are dying. We see young people who have had the TB vaccine and been cured. When I see them singing lustily in concerts in the churches in my constituency, I see practically what we can do if we get in there early. That is what the right hon. Gentleman said in his introduction, and it is why I am totally committed to making the changes we wish to see.

In 2017, 49% of all people with HIV-associated TB did not reach care, according to the data. The World Health Organisation referred to the African region, where the burden of HIV-associated TB is the highest. I see that in the missions in my constituency that work in Swaziland, Zimbabwe and other countries.

I will quickly finish in the time that the Chair has indicated to me. Will the Minister tell us whether there is an intention to step up the financial commitment in the upcoming sixth replenishment conference scheduled for October? As the right hon. Gentleman said, it is important to do that now and then work towards October to try to make it happen. We can and must provide a better response if we are to meet our achievable, yet slightly out-of-reach goal of eradicating TB by 2030. If we can do it—I believe we can—we need to do it together with other nations and use any influence we have to remind them of their international duty to ensure that no child in the world ever dies from this terrible disease.

5.23 pm

Chris Law (Dundee West) (SNP): It is a pleasure to serve under your chairmanship, Sir Christopher. I thank the right hon. Member for Arundel and South Downs (Nick Herbert) for securing this important debate. He spoke with conviction, passion and urgency and I think we all agree that it is ridiculous that we are having to debate something that is curable and treatable and that we all agree needs to be resolved.

In 1882, when Dr Robert Koch announced that he had discovered the cause of tuberculosis, the disease killed one in every seven people living in the United States and Europe. Today, TB is a treatable and curable disease, yet it is still one of the leading causes of death worldwide. Shockingly, one quarter of the world’s population is estimated to be infected by latent TB. Ten million people fall ill with the disease annually, and it caused 1.6 million deaths in 2017 alone. To put that in perspective, that is 30% of Scotland’s entire population. The people most likely to die of tuberculosis are the poorest and most vulnerable throughout the world. In 2017, there were fewer than 10 new cases per 100,000 of population in most high-income countries.

In contrast, however, 30 countries—primarily in the global south—account for 87% of the world’s TB cases. Countries such as Mozambique, the Philippines and South Africa have more than 500 new cases per 100,000 of their population. I remind everyone in this debate that tuberculosis is preventable, treatable and curable. There is some good news: more than 60 million lives have been saved since 2000 alone, and we have the power to end tuberculosis in our lifetime. However, that can happen only if the Government take seriously the need for international development funding to rid the world of TB.

I have deep concerns about the former Foreign Secretary’s call a couple of weeks ago to change the purpose of the Department for International Development from poverty reduction to furthering “the nation’s overall strategic goals”. The Department must remain absolutely dedicated to its mission of helping the world’s most vulnerable people. That is how we keep the faith with the public and their kind generosity.

The sustainable development goals agreed by world leaders in 2015 have a target to end TB by 2030. We have heard about that already today. However, if the global mortality rate for tuberculosis continues to fall at the current level, tuberculosis will not be beaten in 10, 20 or 50 years, but in 160 years. We are failing people on a global scale. We must work to combat that, and the UK Government can make a significant contribution to the fight against TB with aid funding aimed at tackling poverty and inequality globally, rather than aid viewed through the prism of national and commercial interest.

The first ever UN General Assembly high-level meeting on tuberculosis in September endorsed a declaration that committed to finding and treating 40 million people with TB by 2022 and mobilising increased funding for TB programmes and research. Without significant progress on TB prevention, diagnosis and treatment, we will not reach the UN high-level meeting commitments or the SDGs, both of which the UK signed up for. The Global Fund, which provides 70% of all international financing for TB programmes, is asking donors to step up their investments and, in addition, is asking the UK Government to pledge £1.4 billion at the forthcoming replenishment conference. May I ask the Minister, as everyone else has, whether the Government will commit to the full funding and ensure that world leaders are held to account on delivering the UN high-level meeting political declaration? I hope to hear that shortly.

In Scotland, our universities have been at the forefront of research into tuberculosis. The University of Dundee in my constituency has collaborated with the University of Cape Town and the pharmaceuticals division of Bayer to develop new treatments, while research published by the University of St Andrews—just over the River Tay from where I am—outlining new methods to diagnose and treat undetected TB was hailed as a “game changer”. The Scottish Government have increased their international development fund to £10 million a year to tackle global challenges including epidemics and health inequalities. As part of Scotland’s global goals partnership agreement
with Malawi, it has pledged to strengthen the prevention and management of infectious diseases such as malaria, TB and HIV/AIDS.

There is a direct link between TB and HIV in that TB is the leading killer of HIV-positive people and causes approximately one in four deaths among those who are HIV-positive. People infected with HIV are up to 30 times more likely to develop active TB, and the World Health Organisation has recommended implementing collaborative TB-HIV activities to tackle that. Given the devastating impact that tuberculosis can have on those with HIV, will the UK Government use their influence to ensure that TB programmes and research are similarly prioritised and appropriately funded to meet the global ambition of eliminating tuberculosis altogether?

Finally, while tuberculosis is no longer as prevalent as it was when Dr Koch discovered its cause in 1882, it remains—tragically and ridiculously—an epidemic across the globe. We have to remind ourselves that it is treatable. World TB Day needs to be constantly in our consciousness, and we need to make TB synonymous with the past. We have to step up to the challenge of ending tuberculosis, where I was deeply moved by the contributions of every Member this afternoon.

Last week, along with many colleagues present in the Chamber, I attended an event in Speaker’s House on ending tuberculosis, where I was deeply moved by the impassioned words of Emily Wise, a doctor who had been on the front line of the battle against TB, working with Médecins Sans Frontières in Uzbekistan. She spoke of her trauma as she watched a patient die, and her anger at the fact that, as a doctor, she was unable to save her. The patient did not die for medical reasons; she did not die because Emily did not know how to save her, or because TB is incurable. Let me repeat Emily’s professional diagnosis of why her patient died. She said:

“In this modern age, all deaths from TB boil down to a lack of commitment from the international political community and the pharmaceutical industry to address this disease.”

Her message is clear: as politicians, we must do more. We have to step up to the challenge of ending the world’s deadliest infectious disease, and it is entirely within our reach to do so.

Sunday marked World TB Day: an occasion to remind ourselves of where we are in the fight to end TB. It has been curable for more than 50 years, yet in 2017 it killed 1.6 million people, and there were 10 million new infections, of which 3.6 million were never officially diagnosed or treated. It is a disease of inequality, with the poorest most at risk, and 95% of the deaths occur in low and middle-income countries. Here at home, the poorest 10% of people are at a seven times higher risk of contracting TB. According to the World Health Organisation, at the current rate of progress we will fail to reach the global goal of ending TB by 2030.

I am hopeful that the world might be beginning to wake up to that severe injustice. As we heard, last September the first UN high-level meeting on TB took place. Governments committed to significant investment for programmes and research. The meeting was clearly a step in the right direction, but we must now accelerate progress. We know that in order to effectively diagnose and treat TB, countries need a strong public health system. My hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) made that point very strongly.

In the UK, 81% of people who contract TB fully recover, thanks to our wonderful national health service. Does the Minister agree that the Department for International Development ought to focus on building strong public services, so that people’s right to access healthcare is not based on their ability to pay? Of course, getting people the treatment that they need also requires international funding. That is why we must ensure that the Global Fund is fully resourced and, too, encourage the Government to make a commitment to increase the UK’s contribution to it.

Finally, let me address the issue of access to medicines. In all countries, there are now TB strains that are resistant to at least some of the treatments available. In recent years, new, highly effective medicines for multidrug-resistant TB have been approved, but they are reaching only 5% of the people who need them. Among the barriers to access, affordability is a major concern—

[Interruption.] Not now, please.

That lack of affordability is despite huge public investment from the UK and other sources into one of the drugs: bedaquiline. We have a crisis in the research and development system for medicines. I therefore ask the Minister whether DFID will commit to working with other Government Departments, and partners globally, to revisit the system of exclusive intellectual property rights that prevents drugs from getting to those who need them the most.

Parliamentarians last discussed TB nine months ago. It seems that not an awful lot has changed. I hope that when we are next together, we can reflect on more progress.

5.33 pm

The Minister of State, Department for International Development (Harriett Baldwin): It is a pleasure to serve under your chairmanship, Sir Christopher. I, too, thank the right hon. Member for Arundel and South Downs (Nick Herbert) for not only securing the debate, but providing me with my first opportunity to respond from the Front Bench. He is very passionate about this topic, and that passion has been reflected in the contributions of every Member this afternoon.

Last week, along with many colleagues present in the Chamber, I attended an event in Speaker’s House on ending tuberculosis, where I was deeply moved by the impassioned words of Emily Wise, a doctor who had been on the front line of the battle against TB, working with Médecins Sans Frontières in Uzbekistan. She spoke of her trauma as she watched a patient die, and her anger at the fact that, as a doctor, she was unable to save her. The patient did not die for medical reasons; she did not die because Emily did not know how to save her, or because TB is incurable. Let me repeat Emily’s professional diagnosis of why her patient died.

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I am hopeful that the world might be beginning to wake up to that severe injustice. As we heard, last September the first UN high-level meeting on TB took place. Governments committed to significant investment for programmes and research. The meeting was clearly a step in the right direction, but we must now accelerate progress. We know that in order to effectively diagnose and treat TB, countries need a strong public health system. My hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) made that point very strongly.

In the UK, 81% of people who contract TB fully recover, thanks to our wonderful national health service. Does the Minister agree that the Department for International Development ought to focus on building strong public services, so that people’s right to access healthcare is not based on their ability to pay? Of course, getting people the treatment that they need also requires international funding. That is why we must ensure that the Global Fund is fully resourced and, too, encourage the Government to make a commitment to increase the UK’s contribution to it.

Finally, let me address the issue of access to medicines. In all countries, there are now TB strains that are resistant to at least some of the treatments available. In recent years, new, highly effective medicines for multidrug-resistant TB have been approved, but they are reaching only 5% of the people who need them. Among the barriers to access, affordability is a major concern—

[Interruption.] Not now, please.

That lack of affordability is despite huge public investment from the UK and other sources into one of the drugs: bedaquiline. We have a crisis in the research and development system for medicines. I therefore ask the Minister whether DFID will commit to working with other Government Departments, and partners globally, to revisit the system of exclusive intellectual property rights that prevents drugs from getting to those who need them the most.

Parliamentarians last discussed TB nine months ago. It seems that not an awful lot has changed. I hope that when we are next together, we can reflect on more progress.

5.33 pm

The Minister of State, Department for International Development (Harriett Baldwin): It is a pleasure to serve under your chairmanship, Sir Christopher. If only you could stop the noise outside, we would not be quite so distracted. I pay tribute to my right hon. Member for North East Bedfordshire (Alistair Burt), who would have responded to the debate. He is very passionate about this topic, and that passion has been reflected in the contributions of every Member this afternoon.

Last week, along with many colleagues present in the Chamber, I attended an event in Speaker’s House on ending tuberculosis, where I was deeply moved by the impassioned words of Emily Wise, a doctor who had been on the front line of the battle against TB, working with Médecins Sans Frontières in Uzbekistan. She spoke of her trauma as she watched a patient die, and her anger at the fact that, as a doctor, she was unable to save her. The patient did not die for medical reasons; she did not die because Emily did not know how to save her, or because TB is incurable. Let me repeat Emily’s professional diagnosis of why her patient died. She said:

“...in this modern age, all deaths from TB boil down to a lack of commitment from the international political community and the pharmaceutical industry to address this disease.”

Her message is clear: as politicians, we must do more. We have to step up to the challenge of ending the world’s deadliest infectious disease, and it is entirely within our reach to do so.

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We heard a really passionate case from my right hon. Friend the Member for Arundel and South Downs on why we need not only to mark World TB Day with debates such as today’s, but to keep sustained momentum behind the progress that the world has made. I am always a sunny optimist, and I like to see that progress. Some 53 million lives have been saved since 2000, and there has been a 37% reduction in mortality. We heard from the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) about the progress in the UK and our 2015 strategy. Our wonderful NHS is making tremendous progress, and we are now at a 30-year low, but I acknowledge that there is still more to do, and we have heard powerful speeches arguing that. A range of points were raised, and I will try to address them all in the few moments that are left.

The importance of the work that was done with the declaration cannot be underestimated, because it is a forum where the whole world can come together and make commitments. The UK was proud to lead the work behind the declaration at the UN. The importance of the work on missing cases also cannot be overemphasised. Some of the Global Fund work has supported finding those missing cases. Each missing person can infect another 15 people through not being diagnosed or treated. So far, out of 1.5 million missing cases, 450,000 have been found.

I heard the call from my right hon. Friend the Member for Arundel and South Downs on strong accountability mechanisms. The UN is a very good forum for that. We want to ensure that money is spent on frontline treatment, and that any accountability mechanism adds value by working with the grain of what is already there, making best use of existing mechanisms, and is proportionate.

We should also note that there has been further progress since last year’s debate. We should put on the record the fact that the M72 vaccine seems to be showing promising early results. The UK spends a significant amount—I think it is £12.7 million every year—on research. It is important to co-ordinate research globally, and the World Health Organisation is the right organisation to do that. I assure colleagues that the UK will remain at the forefront as a leader, and that we will take part in the replenishment. I cannot, however, announce exactly how much it will be; obviously, we will wait until October to do that.

The hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) spoke powerfully about the side-effects and the treatment that he witnessed at first hand in Liberia, and we heard a range of other powerful speeches. I welcome the hon. Member for Nottingham North (Alex Norris) to the Front Bench; he did fantastically in his first outing in that role. I also recognise the call for leadership made by the hon. Member for Liverpool, West Derby (Stephen Twigg) and note the strong links between the work done in Eswatini and the work that the hon. Member for Strangford (Jim Shannon) sees in his constituency in Northern Ireland. I pay tribute to the Scottish research tradition, which goes back 100 years, and to the contribution that the Scottish Government make to this work.

I am not sure how much time I have to sum up, but the UK can be proud of being the third largest donor to the Global Fund, which managed to reach 5 million people in 2017 alone. I do not have the figures for 2018, but that is a significant impact. The Global Fund is also very important in terms of research, and of course where we have strong bilateral relationships—particularly in DFID countries—it combines with the work we do to strengthen health systems in those countries. The Global Fund also fits in with DFID’s wider work to reduce poverty and improve access to services in some very hard-to-reach places.

I am proud that the UK is the second largest donor to the current replenishment of the Global Fund. Colleagues have recognised the £1.2 billion that we have contributed since 2017, and we are the first and only country in the world to have enshrined in law our overseas development assistance contribution of 0.7% every year. We will announce our replenishment in October, but we will continue to support the fund in its remarkable and successful work of reducing the burden not only of TB, but—as hon. Members have noted—of HIV and malaria in the world’s poorest countries. The fund is central to efforts to tackle TB, but we need to link that to strengthening health systems in countries where DFID has a strong bilateral programme. We will certainly be playing our part.

We continue our strong tradition, which goes back more than a century, of being involved in research and development as one of the largest funders of tuberculosis research worldwide. Several colleagues spoke about research by drug companies. We are a leading supporter of product development partnerships, which are a mechanism to incentivise the pharmaceutical industry and academia to develop new therapies and diagnostics so that the intellectual property can be fairly distributed. As part of that effort, we are investing £37.5 million in the TB Alliance for the development of new drug regimens, particularly where current treatments are failing because of antimicrobial resistance—a point that was raised several times in this debate.

The challenges that the world still needs to overcome include antimicrobial resistance, ensuring that the most vulnerable and disadvantaged can benefit from care, and the complexities of patients who have both HIV and TB. We have heard the shocking statistic that antimicrobial resistance is now responsible for more than 700,000 deaths a year, of which drug-resistant TB accounts for a third. In response to that challenge, we are leading the work to bring new effective antibiotics to market, funding the development of new treatment combinations for resistant TB, and investing in new ways to rapidly test for drug resistance; it was interesting to hear the anecdote told by the hon. Member for Brighton, Kemptown about the cost of the GeneXpert machine, which is clearly something that we all need to think about. Since 2002, the Global Fund has provided financial support to implement multi-drug-resistant TB diagnosis and treatment in 25 of the 27 most affected countries.

One of the most challenging aspects of TB is the difficulty of finding some of the people affected. If we are to meet our sustainable development goals, we will need to sustain our efforts to find the missing 1.5 million. The likelihood of progression to active TB infection can be reduced if TB is detected and treated early in people who are HIV-positive, so we are actively working on programmes to identify such cases and respond appropriately.

There are clearly a range of challenges, and sustained action will be needed. I welcome the support that colleagues have shown for the international policy dimension, the leadership on research, and the strong bilateral partnerships.
on health, particularly in DFID’s focus countries. It is clear that progress has been made, but that it needs to be stepped up. We have heard the request for the replenishment of the Global Fund and will closely analyse what the UK can do and what other donor countries will be doing.

This debate has been extremely important in highlighting the issue, and I pay tribute again to the all-party group and its chairs for their leadership. I assure my right hon. Friend the Member for Arundel and South Downs that the UK Government will continue, both at the UN and with our allies in DFID’s priority countries and around the world, to step up our impact and resolve the many issues raised today.

Sir Christopher Chope (in the Chair): Nick Herbert has a minute and a half to sum up, if he wishes.

5.44 pm

Nick Herbert: I am grateful for the Minister’s response, which reiterated the UK Government’s commitment. I thank all hon. Members for their contributions today and for their commitment to beating this terrible disease. I reiterate that the UK has a leadership position, and this year we can show it by replenishing the Global Fund, pressing for independent accountability and trying to achieve better co-ordination for research and development. Yes, we have made progress, but there is more to do. The UK needs to continue to show the necessary leadership to beat this terrible disease.

Question put and agreed to.

Resolved,

That this House has considered World TB Day and the efforts to end tuberculosis globally.

5.45 pm

Sitting adjourned.
Robert Neill (Bromley and Chislehurst) (Con): I beg to move,

That this House has considered the First Report of the Justice Committee, Disclosure of youth criminal records, HC 416, and the Government response, Cm 9559.

It is always a pleasure to serve under your chairmanship, Mr Walker. I thank the House for giving us the opportunity to debate the report, and my friends and colleagues on the Select Committee on Justice who contributed to it. I am glad to see such a good turnout when other things are happening today as well.

This is an important issue, and not merely a technical one. Although some of the law and regulations around it are complex, we have concluded that it directly affects people's lives and that the current state of our arrangements is frankly unsatisfactory and unfit for purpose. The gist of what we say is that change is needed, and so far we detect a lack of urgency in addressing that. As a consequence, injustice and, frankly, social harm are being done by the failure to modernise a system that has not kept pace with developments in a number of areas.

I will first address the background to our report. In October 2016, the Justice Committee in the previous Parliament decided to launch an inquiry into disclosure of youth criminal records, partly as a follow-up to the inquiry that we had conducted on the treatment of young adults in the criminal justice system, a substantial report in itself, and partly because of a number of representations that we had received from the non-governmental organisation sector. I refer particularly to the evidence that has been given to us by Unlock and the Standing Committee for Youth Justice, and pay tribute to the work that those organisations do in this field.

In consequence, we had an inquiry in which we took oral and written evidence, but we also held a private seminar with individuals who had been personally affected by this problem. I think many policy makers would benefit from seeing and hearing from those people face to face about the real effects of the system upon them. They were able to talk about the effect on them of their childhood offences—that is the point, as we are often not talking about recent offences, but offences committed when people were children—being disclosed when they were adults, often some time down the track.

One of the many unforeseen consequences of the dissolution of Parliament in May 2017 was that the Committee was unable to produce its report, so one of our first decisions in this Parliament was to revisit it and produce an updated report on what we regard as an important issue, basing it on the evidence that our predecessor Committee had already heard. We published a report on 27 October 2017.

Having set out the chronology, let me give an overview of the background to the system. The criminal records disclosure regime, as I am sure many hon. Members know, is operated by the Disclosure and Barring Service, or DBS. For certain professional jobs, and certainly for work involving contact with children or vulnerable adults, the DBS has, for perfectly good reasons, to provide a standard or enhanced disclosure certificate, which can disclose all criminal records. That includes criminal records that otherwise would be regarded as spent.

There is a so-called filtering system, which allows some spent criminal records to be filtered out of disclosure so that they will not be revealed on the standard or enhanced DBS certificates. The idea behind the filtering system was that it was supposed to allow the disclosure regime to operate in a more proportionate manner, but the evidence that we have heard drives us to the conclusion that, in practice, the filtering system incorporates some significant exceptions, meaning that many offences are not filterable throughout the lifetime of an offender.

Theresa Villiers (Chipping Barnet) (Con): Does my hon. Friend share my concern that the UK system for disclosure of childhood criminal records is among the harshest in the world when compared with equivalent developed countries? Although I am a believer in a firm justice system that punishes crimes appropriately, I do not think it is fair for people to have to live for the rest of their lives with the consequences of terrible mistakes they may have made in childhood.

Robert Neill: I entirely agree with my right hon. Friend; that is precisely the problem. The disclosure system is an immensely blunt instrument and forgets that, as well as being a punishment, any sensible criminal justice system must encourage reform and rehabilitation. Whatever the no doubt good intentions behind it, the way the system operates is counterproductive in that regard.

Alex Chalk (Cheltenham) (Con): For people who perhaps did not have the most advantaged background, let us suppose there is a fight in a school playground that leads to the police being called. That might lead to a conviction for actual bodily harm that is non-filterable. Yet, if they had been born in more affluent circumstances, a conviction for actual bodily harm that is non-filterable. Yet, if they had been born in more affluent circumstances, I am quite sure the police would never have been called and that person would never have gone on to have their life blighted in the same way. Does my hon. Friend agree that we must ensure that this fact is not an impediment to social mobility?

Robert Neill: My hon. Friend makes a characteristically significant and thoughtful point. I can think of instances both from my constituency casebook and from childhood friends of mine who got into exactly that situation. That is not what the system was intended for. He is right that it is without doubt discriminatory in a number of regards.

Mr David Lammy (Tottenham) (Lab): The hon. Gentleman is recalling childhood friends of his own, but will he also reflect on childhood today? There is a whole suite of crimes and temptations resulting from social media—let us think of sexting, where someone might get a criminal offence aged 15 or 16 for inappropriate behaviour with a girlfriend or whoever. Can it really be
right that an employer, years later when the person is into their early 30s, should need or want that information? If the employer gets that information, what exactly are they expected to do about it? I am thinking of us, employing young people; do we really want to know that that happened 10 years ago?

Robert Neill: That is, again, an entirely fair and perceptive point, and it is quite true. One of the other issues that we have not yet touched on, but that I hope we will in the course of the debate, is the way that the system no longer reflects modern technology and the ability to Google to find out other things about people. None of that was there when this scheme was set in place. Surely the objective is to be proportionate and to be relevant, but that is not the case at the moment.

Robert Courts (Witney) (Con): I am grateful to my hon. Friend for this impactful debate. He has mentioned the impact of new technology, particularly Google, and it is a matter for great concern that everything that has happened in an individual’s past is stored in perpetuity on the internet. Does he agree that the fact that information is easily available for so long can render the Rehabilitation of Offenders Act 1974 essentially toothless, and that that is something we ought to look further at in this place?

Robert Neill: Again, my hon. Friend raises a fair point—it is not the immediate subject of our inquiry, but it is a good point. Perhaps, in our joint work on the Select Committee, that is something we could look at taking forward, because there is no doubt that that legislation has also failed to keep in touch with changes in science and technology.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Further to exactly that point, although it is not directly relevant to the discussion here, we must all accept the fact that that information is held independently and above that to the discussion here, we must all accept the fact that information and the regulation of social media is important, approach to dealing with criminal records, disclosure of information and the regulation of social media is important, because all of them can get in the way of helping people to turn their lives around.

The point made by my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) about examples from other countries is significant. Our criminal justice system has some of the worst reoffending results among our comparators, and one reason for that is the difficulty of getting people back into employment, education, homes, work and relationships. To a greater or lesser degree, the mechanic operation of the current disclosure and barring system can be a bar to people moving on in those directions, all of which, the evidence overwhelmingly shows, make people less likely to reoffend. We are getting in the way of that.

Bambos Charalambous (Enfield, Southgate) (Lab): Does the hon. Gentleman agree that the cumulative impact of disclosing youth criminal records is an avoidable barrier to employment, education and housing, which can be devastating for a young person and can lead to long-term adverse effects way into adulthood?

Robert Neill: Yes it is, and the evidence, as I will perhaps demonstrate if I make a bit more progress, shows exactly that. That is entirely the problem that we find. The particular difficulty is that the system is not only mechanistic but is in practice arbitrary—there is no real discretion—and has no right of appeal to speak of. None of those can be just.

As my hon. Friend the Member for Cheltenham (Alex Chalk) and others pointed out, certain things can be filtered out, but that is arbitrary. A single conviction can be filtered out, provided it did not result in a custodial sentence, was not for a listed offence—broadly, a serious offence, although that is probably not the issue most of us would take, as other things come into it later—and that more than 11 years have elapsed since the date of the convictions. All the evidence suggests that, nowadays, for young men in particular, maturity and desisting from criminal behaviour kick in around the age of 25. Eleven years back from that, they could have been convicted as a teenager for exactly the sort of stupid incident that my hon. Friend referred to, which would then not be filterable at a time when they sought to move into education and work. That is an obstacle, as the evidence clearly shows, and it is no longer realistic, in our submission.

Single offences can be filtered provided that the sentence was non-custodial and was not a listed offence, as well as more than 11 years have elapsed since the date of the conviction, or more than five and a half years if the person was under 18. That could still be within a key time when they were moving into their mid-20s and getting jobs.

John Spellar (Warley) (Lab): Are there not two further problems? First, the Government’s response seems to be that employers should exercise discretion, but many small employers play safety first, do not exercise discretion and just treat any disclosure as a bar to employment. A second area that causes considerable problems for many people is that if they move between police areas, that can cause considerable delays as their case moves between those areas, and again they lose out on those opportunities. That is economically inefficient, and it is also devastating on their lives in the way that the hon. Gentleman describes.

Robert Neill: That is absolutely right, and it tallies with some of the examples given to us directly by people who have been through the system. I agree entirely that it does not make sense.

Let us look at the remaining bits of the system. We have filtering for single convictions. Single or multiple precautions for lesser offences can be filtered out once
six years have elapsed, or two years if the person was under 18 at the time. That structure is complicated enough, frankly, but we then get to what we cannot filter, including convictions and cautions for listed offences and multiple convictions for lesser offences, no matter how long ago they happened and regardless of the circumstances.

Those of us who have practised criminal law can think of many instances in which it is perfectly possible to charge more than one offence arising out of the same set of facts. For example, actual bodily harm and a theft, both of which ended up in a conditional discharge or a fine; two offences of theft; or two assaults, because more than one person was involved in a stupid fight. Those are multiple and cannot be filtered, however much time has gone by. That, to us, seems to be nonsense. The view of many witnesses to our inquiry is that the system is complex and arbitrary. It is a blunt instrument, it is restrictive and it is disproportionate. It has exactly the problems that the right hon. Member for Warley (John Spellar) mentioned.

John Howell (Henley) (Con): I completely agree on the need for flexibility in the system. If we are interested in rehabilitation and support for offenders, there is an argument that, for example, schools should be told something of the past activity of an individual, particularly if mental health issues were involved, so that they could provide the necessary support to make sure that the individual was looked after.

Robert Neill: It is ironic. At the moment we have a box-ticking exercise in which a conviction can be disclosed. As the right hon. Member for Warley rightly said, an employer may well have 200 applicants for a post so will simply play safe and delete anybody who has ticked the conviction box, regardless of how relevant that is for the job that they seek to employ a person to do. That is a burden for a small employer.

However, frequently when people apply for jobs through large employment agencies, it is almost as if an algorithm exists and that anyone who ticks the box is automatically filtered out by the computer system before their application gets any farther. None of those show the level of discretion that was perhaps anticipated when the scheme was drawn up. But it is not fair to push the burden on to employers. There is an obligation on the state and Government to set up a fair and appropriate regime that gives them comfort that they can make appropriate checks and that equally helps people to rehabilitate themselves.

The other point is the disproportionate impact on young people. That may seem obvious, but I do not think it is really recognised by those who run the system. The qualifying period of five and a half years is a great proportion of a child’s life, and is perhaps one of the most critical portions of a young person’s life as they grow up, mature and move into the employment, work and qualification phase. To have this hanging over them then, rather than further down the track, could not come at a worse time. There is not enough recognition of that.

The Law Commission gave compelling evidence to us, observing that the filtering regime might be well regarded as disproportionately harsh on young offenders. Our report concluded that too many childhood offences are unfiltered, undermining rehabilitation and denying children—which is what they were at the time they committed the offences—a second chance. We urge the Government to revise that as a matter of urgency. We also heard powerful evidence on the adverse effect that childhood criminal records have on employment, education and housing, as well as on insurance and visas for travel—everyday things, not the obvious things that we think about. We heard clear evidence of the discriminatory and adverse impact of that.

John Howell: My hon. Friend mentioned insurance, which includes car insurance. We rely on cars for our jobs, for pleasure and for all sorts of things. The way that insurance companies look out for these people is not very helpful at all and can leave people in difficult situations.

Robert Neill: Absolutely. Because it is blunt, employers and insurers will inevitably take the risk-averse approach. I do not entirely blame them for doing that; the system does not help them to be proportionate and more careful in their judgment than would otherwise have been the case. We also concluded that there is clear evidence of particular impacts on black and minority ethnic children and those who came through the care system, as I think my hon. Friend the Member for Ealing, Acton and Wembley (Dr Lisa Cameron) mentioned.

Robert Neill: That, too, is a fair point. Certainly my experience as a lawyer representing people coming through the system was that there were instances of serious behaviour that had to be punished, but very often—this was particularly the case with younger offenders—offenders are also victims of other offending and there are underlying causes that too blunt an approach, such as that which we have, does not help.

We made a number of recommendations. Rehabilitation periods under the 1974 Act should be reduced. There should be an urgent review of the filtering regime, for the reasons we have set out. There should be a presumption against disclosure of so-called non-conviction intelligence, which is held on the police national database. That is legitimate for intelligence purposes, but there should not be arbitrary disclosure of it in the way that happens at the moment, particularly where the allegations on the database were made during someone’s childhood. Individuals should have a right to apply for a review prior to disclosure of their criminal record. That exists in Scotland and Northern Ireland, but not in England and Wales, and we see no reason for that distinction.

The Ban the Box approach, which has been pioneered under recent Governments and is used by some employers, delays the point at which a job applicant discloses criminal records to a prospective employer. That is
sensible because it allows the employer, first, to look at the application on its merits and then, if disclosure is appropriate, to see whether the conviction makes any difference to the person’s employability.

**John Spellar:** The hon. Gentleman is rightly and very ably identifying all the issues that the current system causes for individuals and their families and therefore the impact on society if they fail to be rehabilitated. Is not there also an overall, macroeconomic issue, particularly as a number of employers are expressing concerns about shortfalls in labour either leading up to or following Brexit? Artificially restricting people from working and, indeed, from advancing is not just bad for those individuals, shocking though that is, but very bad for society and the economy.

**Robert Neill:** That is an unanswerable point, because we can see that people who are kept unwillingly in economic inactivity—

**John Spellar:** Or low-paid jobs.

**Robert Neill:** Low-paid and unsatisfactory jobs create burdens at every level, so the point is entirely true.

**Mr Lammy rose—**

**Liz Saville Roberts rose—**

**Robert Neill:** Let me just make one more point and then I will give way. I want to deal with the Government response to our report and then I will happily give way again.

Those were the guts, to put it inelegantly, of our recommendations. The Ban the Box approach should be extended to all public sector vacancies, with a view to that becoming in due course mandatory for all employers. That would be the right response. We pointed out also that the disclosure regime may well fall short of the UK’s obligations under the UN convention on the rights of the child, which prioritises the best interests of the child and requires states parties to promote the establishment of penal laws and procedures “specifically applicable to children”. The broad-brush approach here does not seem to us to meet that test.

**Mr Lammy:** The hon. Gentleman rightly mentioned Ban the Box in a positive light, and I am sure everyone in the Chamber would welcome it, but does he acknowledge that the problem with that initiative is, first, that it is voluntary and, secondly, that it is about the recruitment stage? The fundamental point about the work by the Select Committee and others who have raised this issue is that, beyond recruitment, there are questions about whether things should be disclosed to employers in the first place. It would be important for the Government not to lose that principle, which is rightly being raised by the hon. Gentleman and the Select Committee.

**Robert Neill:** That is true. We do not see Ban the Box as a silver bullet; there is no single silver bullet. It is a sensible initiative and one that has been started, but we see it as a base on which to build rather than a solution itself. However, it would not be too difficult for the Government to extend it eventually along the lines that the right hon. Gentleman suggests.

**Liz Saville Roberts:** The hon. Gentleman is being very generous with his time. It is of course to be welcomed that Ban the Box has, as I understand it, been adopted in principle for civil servant recruitment, but I wonder how many people who are former offenders the Ministry of Justice would be able to employ in its own Department. This is just a proposition: to what degree within procurement could there be concomitant employment of ex-offenders in, say, maintenance contracts and other contracts that the Department releases?

**Robert Neill:** We talked about extending the initiative to all public sector vacancies, and I can see the logic of making this a condition of public procurement more generally. It is an interesting point that the right hon. Lady fairly raises. Like her, I would be interested to hear the Minister’s response. These levers are within the Government’s gift and there would be no requirement for primary legislation or anything of that kind.

Against that background, we were disappointed in the Government’s response. It was not entirely negative, but it did seem to us to lack a degree of urgency. It cited the litigation on criminal records that was ongoing at that time in the Supreme Court as a reason not to go into too much detail on most of our important recommendations. There was almost a predictive text response of, “It would not be appropriate to consider these matters until there has been an authoritative judgment from the Supreme Court.” That has now changed, as I will come to.

I recognise and welcome the positives in the Government response. The Government accepted parts of the report, in particular the commitment to improving information and guidance and exploring options for promoting Ban the Box—one of those has been suggested by the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts)—and there is willingness to work with the insurance industry to ensure that it operates more fairly in relation to spent convictions. I say to the Minister that that is all good, but we need more.

A concern for us was how policy is difficult to drive forward because it sits uneasily between the Ministry of Justice and the Home Office. That is a classic case of a desirable change falling through the gap between two Departments. If we are committed to more cross-governmental working, more could and should be done.

**Alex Chalk:** My hon. Friend is making a powerful speech, and I pay tribute to his leadership of the Select Committee. He has not touched so much on the conclusions in the report about people aged between 18 and 25. The report said that consideration should be given to extending the filtering to young people. My view is that that is a bridge too far and we should focus purely on under-18s, but does he want to say anything about whether he thinks we should look at a filtering system for young people in that category?

**Robert Neill:** As my hon. Friend will remember from his time on the Committee, that is linked to earlier work in relation to young adults in the criminal justice system. I made the point earlier that we now know from overwhelming evidence that maturity and desistance from crime tend to kick in, particularly among young males, at age 25 or so. That is where that suggestion comes from. I agree. Rome was not built in a day, and
we have to operate the system in a way that maintains public confidence and the confidence of employers where there are legitimate grounds for caution. Let us be honest: sometimes there are, and there always will be. We put the point in the report as part of the broader context. I hope that when, in due course, we get time to debate important issues of domestic legislation, rather than having the groundhog approach that we seem to have on other matters at the moment, perhaps that more holistic approach to young offenders will be appropriate, but it is not a reason to hold back the specific recommendations that we make about younger people, which we suggest should be moved urgently.

The Supreme Court judgment was cited as a reason for the Government not wishing to commit themselves. I understand that, but the Supreme Court has given its judgment, so the Government can move forward with a clear conscience. That judgment was of course in the joined cases of P, G and W and Lorraine Gallagher, who, being overage, could be named in that context. All the cases challenged various aspects of the filtering regime and dealt with a number of the issues to which we have referred. They all involved people who had been convicted of or reprimanded for relatively minor offending, and the disclosure of their criminal records had created barriers to employment, or there was a reasonable expectation that they would do so in the future.

The Court of Appeal concluded that the multiple conviction rule and the serious offence rule, without a mechanism for refinement, were not “in accordance with the law” as required by paragraph 2 of article 8 of the European convention on human rights, which protects the right to respect for private life, as they did not allow proportionality to be considered in any particular case. It is that bluntness and lack of proportionality that we think now need to be addressed urgently.

The Government, to our regret, appealed against that decision rather than acting on the Court of Appeal suggestions. They lost in the Supreme Court on the principal matters. The legal approach was somewhat different. They succeeded in one appeal but, broadly, the Supreme Court agreed that there should be a declaration of incompatibility under the Human Rights Act 1998 against the multiple convictions rule. We call upon the Government to deal with that declaration of incompatibility and reform the law accordingly to bring it into accordance with our convention obligations and, frankly, the requirements of the 1998 Act.

Similarly, the mandatory disclosure of childhood reprimands was upheld in the Supreme Court, but on different grounds. Lord Sumption, who gave the Supreme Court’s lead judgment, looked at the second part of the test for lawfulness under article 8(2) of the convention, on whether the measure is “necessary in a democratic society”.

In other words, he looked at whether the measure is proportionate. It failed that test.

Lord Sumption found that the legislation involving strict, predefined categories could not principle be proportionate, and that most of these could pass the test. However, he went on to decide that two features of the regime were disproportionate: the blunt instrument effect of the multiple conviction rule, and allowing the disclosure of reprimands for serious offences when they were given to children. Those are two specific areas where it seems to us that there is no excuse at all for the Government not acting to fall in line with the judgment of the Court. We believe there is good reason for them going beyond that, too.

Since then, we have been in correspondence with the Government, drawing attention to these facts and the incompatibility, as we see it, of the Government’s current stance with the Supreme Court judgment. We urge the Government to deal with our outstanding recommendations and, in particular, to set out what steps are being taken to ensure that the DBS suspends the unlawful elements of the current regime without delay. We seek from the Government—perhaps the Minister can help us today—an update on how they now intend to address those elements of the regime to ensure that it fits the legal proportionality test in a meaningful and workable way.

The debate comes against that background. The Secretary of State replied, as always, in courteous terms, but mentioning the need to balance giving employers necessary information, which I concede, with respect to the individual’s right to private life. The Government said they will consider the Committee’s recommendations, but need to fully consider the implications of any change. They said that they are not able to respond formally at this time. When will they be able to respond formally? Lives are being damaged at the present time by this needless failure to comply.

That is why we are pressing for urgent action. The Government can deal with this very easily, it seems to us. They can use section 10 of the Human Rights Act to present to Parliament a remedial order to amend those parts of the disclosure regime that are incompatible with article 8 according to the Court’s judgments. Remedial orders to amend legislation and remove any incompatibilities can be statutory instruments. That does not, therefore, involve primary legislation and the time that that would involve. There is precedent for statutory instruments having been used on a number of occasions.

If the Government do not take that step, they cannot really expect anything other than further legal challenge, and I do not want to see the Government putting themselves in that position. I hope they will take those remedial orders to bring our law into compliance, and that they use the opportunity to make an urgent and comprehensive review of the whole regime, particularly the impacts on those who offend as young children or young adults. That is long-overdue for all the reasons that a number of right hon. and hon. Members gave in interventions. I hope that sets the scene and enables colleagues to participate and raise their points, which may even shorten things as the debate goes along.

2.4 pm

Mr David Lammy (Tottenham) (Lab): I am hugely grateful to the Justice Committee for this excellent work and the way in which the hon. Member for Bromley and Chislehurst (Robert Neill) outlined the importance of this area.

My concern with criminal records arose from the review that I did for the Government on the disproportionality of black, Asian and minority ethnic individuals within the criminal justice system. When I
began that work, I did not really understand the effect that our criminal records regime was having on disproportionality.

It is important to fully understand that while this is an issue for all young people, whatever their backgrounds in the criminal justice system, we also know—following work done by the Department for Work and Pensions over the past two decades and a range of other research—that we are unfortunately still living in a society where people from black, Asian and minority ethnic backgrounds have a penalty in the public sphere, in relation to employment. That penalty, unfortunately, is that there are still aspects of discrimination when ethnic minorities apply for employment, particularly for those who have a criminal record.

That is why this issue came under the purview of the report that I was asked to do by the then Prime Minister, David Cameron, and that I was pleased to present to Theresa May when she took over as Prime Minister. It is important to emphasise that I conducted that review in a cross-party spirit, as did the advisers to the review. I am pleased that the issue of disproportionality in our criminal justice system remains an issue that concerns all political parties in this House. It is above the day to day of politics.

Reoffending is estimated to cost the taxpayer between £9.5 billion and £13 billion per year. A third of those on jobseeker’s allowance in our country have previous convictions. We note very sadly that recidivism rates among black men in our country are the highest in the system, with 45% going on to reoffend within two years. That is extremely concerning.

However, this issue really came across to me when I met the Trident team of police officers in the Metropolitan police, who deal with gang violence day to day. They were the ones who said to me, “Could you put this into your review? We are aware of a group of offenders who reach about 25 or 26 years old and want to move away from their criminal past but continue to reoffend because, as they grow up, they cannot get a job due to the regime that we have.” That testimony of police officers dealing with those young men day to day persuaded me that there are still aspects of discrimination when ethnic minorities apply for employment, particularly for those who have a criminal record.

I therefore did some further research. Sarah-Jayne Blakemore, a quite well known child psychologist on Radio 4, Professor Peter Jones, Dr Aamodt and many others have now established that the brain continues developing well into a person’s 20s before it concludes—perhaps not concludes, because I hope we are all still developing well into a person’s 20s before it concludes— that we are unfortunately still living in a society where people from black, Asian and minority ethnic backgrounds have a penalty in the public sphere, in relation to employment. That penalty, unfortunately, is that there are still aspects of discrimination when ethnic minorities apply for employment, particularly for those who have a criminal record.

Theresa Villiers: Does the right hon. Gentleman agree that there is medical evidence that, up to the age of about 25, the brain’s development indicates that young men in particular are prone to an inappropriate attitude to risk? The research is clear about that, which reflects the experience of my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) with the criminal justice system. That is another reason that we should frame disclosure rules on youth criminal records differently from those related to offences committed later in life.

Mr Lammy: Absolutely. Those of us with teenage children—I had a firm word with my 13-year-old son yesterday, who had got into trouble at school—know that the assessment of risk and risky behaviour is important.

Alex Chalk: The right hon. Gentleman is making an excellent speech, as is his wont, but we need to keep our feet on the ground. I understand the point when it comes to 13 and 14-year-olds, but does he agree that there has to be a cut-off point for any measure, which we traditionally think of as 18? I say that because the brain may still be developing in a 24-year-old, but it would not garner public confidence in the system, and might undermine it, if such people were able to have their serious conviction for violence, or whatever, filtered.

Mr Lammy: I disagree with the hon. Gentleman. I will explain why. In my review, I talk about the German system, which makes an assessment of maturity and particularly focuses on the years between 18 and 21. He will probably recognise that in a previous era, and for some hon. Members present, the age of maturity in this country was 21; it fell down to 18. If we are to make evidence-based policy, it is important to keep that live, because of what the science suggests, although it may be that social media and other things are taking the age of maturity in the other direction.

Why does that become important? It was particularly important in my review because we should be very concerned that immature 18-year-olds are sitting in adult prisons with hardened criminals, being seriously groomed to commit more serious crimes. That is why, in Germany, they have gone in a different direction, and why I suggested that we could look harder at the psychological evidence for where the age of maturity lies.

To return squarely to the issue of criminal records, that is also why other regimes allow the young person, as they get into maturity—most often at the end of their 20s and the beginning of their 30s—to come back before a public official, such as a judge or a parole board, to make the case that they have been out of crime for several years, and that they have a wife and children, and have that record expunged or sealed. I recommended the Massachusetts system, because it allows the flexibility for responsible adults to make the judgment. For some young people, I am afraid that the judgment would be that it would not be sealed.

Let me be clear: a record is never sealed from the criminal justice system, the police or the courts. It is about whether it should be sealed from employers and where the burden is. If it is not to be sealed from employers, we must understand clearly that we are asking the taxpayer to pick up the bill. I repeat that one third of people on jobseeker’s allowance have committed criminal offences. That was my concern.

I ask the Government to reflect hard on the Taylor review, which looked at youth justice. The Government will be aware that he said:

“As a point of principle, I believe that rehabilitation periods for childhood offending should be far shorter than for adult offenders. My proposals” are

to replace existing court sentences with tailored Plans developed by Children’s Panels”.

He coined the phrase that our system is tougher than Texas—it is one of the toughest regimes in the world.
The Select Committee report is really about balance, where the judgment should lie and whether it is out of kilter. The Supreme Court decision could be interpreted narrowly by the Government, but from reading the report, the Committee's mood suggests that it is an opportunity, notwithstanding all that is going on in Parliament, for the Government to take a broader view and to review our criminal records regime.

My view is that there should be a balance between a rules-based system, which is largely what we have, and which is clearly cheaper—that is effectively why we have it, because there is time and one makes a judgment about spent convictions and disclosure—and a system that is slightly more sophisticated and might cost slightly more. There is a question about who pays. In the Canadian jurisdiction, the individuals seeking to get their criminal records looked at again pay for the system.

In my view, a parole board, a magistrate or a judge could make the assessment.

I remind hon. Members that a 12-year-old child convicted of shoplifting two items of make-up on the same day will have to disclose that for life to work as a traffic warden; a 14-year-old reported to the police for sending naked pictures of themselves to a classmate, about which the police take no further action, could have to disclose that for life to work as a vet; and a 17-year-old given a four-month custodial sentence for breaching an order will have to disclose that for a year and a half when seeking to work in most supermarkets. The question is whether that balance is right.

I urge the Government to reflect hard on what we see of the job market, the double penalty that exists for minorities, and why recidivism rates are so high—because people are effectively trapped in unemployment. I want to make the case clearly that we have to give our young people from urban communities hope. The challenge of getting employment when someone reaches the age of maturity is a fundamental part of that. I urge the Minister to think hard about this area.

2.17 pm

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Walker. I will make a few comments about the impact of what we looked at in the report on education, housing and the insurance market. Those issues are adequately set out in the report, so I will just bring out a few points.

My starting point is the need to provide proper rehabilitation and support for people who have obtained a conviction, however they obtained it. If we do not come from that position when we discuss the subject, we are lost. Therefore, as I mentioned in my intervention, there is a great need to ensure that education institutions are aware of an individual's particular needs. It may be that an individual has an admittedly spent conviction that came about because of mental health capacity needs. It is absolutely appropriate for the education establishment to know about that to provide the necessary support to make sure that he or she can be looked after in the best way.

It should not be possible, however, for an institution to act as in the case of the nurse who, at the age of 15, received a conviction for actual bodely harm for tackling a school bully. As a result, her place to study nursing at university was revoked and she had to appeal, which meant that she had to go through the process of explaining what had occurred. The decision was reversed, but after that woman had looked for jobs, she said she had found that her career progression was inhibited because of that spent conviction. That is where the unfairness in the system emerges, and it is why we need some of the flexibility that my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) mentioned.

The second area that I will touch on is housing. I need to tread carefully here, being a member of the Ministry concerned. However, there is a great case for making sure that the allocation of housing and the schemes to organise that allocation do not create avoidable barriers when it comes to providing people with accommodation.

We all know that accommodation is one of the best routes to stability and to providing an individual with a job and a good background. We need to encourage individuals to find accommodation. So I will just finish on housing by asking the Minister whether he can explain what conversations have been had with the Ministry of Housing, Communities and Local Government to take this process forward and to make sure that the issue is being addressed.

Lastly, I will look at the issue of insurance, which we have already discussed briefly. In that area, we found a number of examples of avoidable barriers. One of them, which I mentioned in my intervention, related to a complaint involving motor insurance, where the insurer had cancelled an existing customer's policy on discovering that she had a spent conviction. The woman involved complained about that because it was she who had revealed that she had a spent conviction. The ombudsman found that it was unfair and unreasonable for her to be punished for her honesty in making sure that she disclosed that information. I think that the insurer in that case was fined.

Nevertheless, that example is a very good one of how the insurance industry has not been properly managed to tackle this issue. I know that in their report the Government said that they were talking to the Association of British Insurers, for example, about trying to deal with this issue. I would like to know how those discussions are going and what we can look forward to.

Those are just three areas where there is an impact on the lives of individuals, and I think all of us have recognised that this issue is not one for a nice legal discussion but something that affects the lives of individuals in a big way. I am glad that this report has done its job in tackling the issue.

2.23 pm

Ellie Reeves (Lewisham West and Penge) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker.

As a fellow member of the Justice Committee, I congratulate the Chair of the Committee, the hon. Member for Bromley and Chislehurst (Robert Neill), on securing this incredibly important debate. I will speak briefly about the employment prospects of those with youth criminal records.

Over 11 million people in the UK have a criminal record. As we have heard, many of their convictions are disclosed through the Disclosure and Barring Service checks when people seek certain types of employment.
In 2014-15—the year that the statistics on which the Committee’s report is based were drawn from—around a quarter of all the standard and enhanced DBS checks that flagged up a previous conviction related to people who were under 18 when they had committed an offence.

As my Committee colleagues and I have discussed in recent debates about short sentencing and rehabilitation, a progressive and modern justice system must ensure that those who have committed crimes previously are not unnecessarily punished time and time again, particularly as a result of the disproportionate impact that a conviction can have on their ability to secure employment.

As noted by the charity Unlock, a criminal record acquired by a young person can continue to impact them for the rest of their life. That is not an exaggeration. In the past five years, over 1 million criminal records that related to offences from more than 30 years ago were disclosed through DBS checks. Although a criminal conviction does not necessarily act as a bar to employment, that is still potentially 1 million people unable to pursue the career path of their choice. Of course, those individuals who have committed serious offences need to face restrictions on the jobs that they are able to undertake, but we should consider the implications of the current system for the vast majority of individuals with historical minor offences on their record.

The case studies used in the Committee’s report underline that. There was the teacher who had committed two offences 38 years earlier: the first was petty theft, which was described as a silly prank and for which they received a conditional discharge; the second was actual bodily harm after they had got into a scrape and pushed someone to the ground, and for which they had been fined £10. That individual explained that “since then I’ve become a teacher. I was a Deputy Head for some 20 years, but now I’ve started supply teaching, I have to explain these as if I am now a criminal.”

Moreover, the statistics that we have reflect only those people with criminal records who have applied for DBS-compliant jobs. There could be countless other people who have been put off from applying for jobs because of embarrassment or a reluctance to reveal previous convictions.

I fully endorse the Justice Committee’s recommendation in the report that suggests that Ban the Box should be extended to all public sector vacancies, and that the Government should consider making it mandatory for all employers. Previously advocated by the Work and Pensions Committee in 2015, the Ban the Box campaign seeks to remove the criminal record tick box from job application forms, and instead candidates would be asked about criminal convictions later. That might seem like a small move and, as others have said, it is not perfect, but it would open up job application opportunities to those who might not otherwise consider making such an application.

Meaningful rehabilitation must be precisely that. It must be holistic, both inside and outside prison environments, and enable people who have offended in their youth to be fully able to pursue careers rather than leaving them blighted by criminal convictions from decades earlier. The Government’s response to the Committee’s report acknowledges that, on release from custody, people are six to nine percentage points less likely to reoffend if they enter employment, and I welcome the steps taken in recent years to roll out Ban the Box across civil service vacancies.

On Tuesday, the Committee took evidence from my right hon. Friend the Member for Tottenham (Mr Lammy), who I see is no longer in his place, following his review of the treatment of and outcomes for black, Asian and minority ethnic individuals in the criminal justice system, and he made a very powerful argument here today. The Ministry of Justice’s employment and education plan from 2018 notes that criminal record checks may cause additional stigma for those in the BAME community, and we must do more to address that.

As my fellow Committee members have already referred to, it is often some of the most vulnerable people who have been affected by the rules around the disclosure of criminal convictions. Take the case of Sammy Woodhouse, a woman who was the victim of childhood sexual exploitation but was given a criminal record, and who has painfully had to relive her trauma following the disclosure of her convictions. Sammy has been a tireless campaigner and has undertaken a huge array of admirable work since waiving her anonymity, but the fact remains that no matter how much people such as Sammy want to use their experiences to help others in vulnerable situations, the barriers to employment in those areas still exist for them, because they have that criminal record against their name. But it is precisely people like Sammy whose experiences, no matter how horrific, could help others in similar situations. By treating people like Sammy as victims rather than criminals, we would give them the opportunities that they rightly deserve.

I agree with the Select Committee report’s conclusion that the principles of youth rehabilitation are undermined by the system for disclosure of youth criminal records. We are capable of making significant progress on that issue: the Ban the Box initiative should be rolled out fully across the public and private sectors, combined with an appropriate DBS system that ensures records are disclosed only when the conviction is relevant to the job being applied for and proportionate to the offence. We all need to be able to have faith in a holistic, empathetic, rehabilitative justice system that gives young offenders a chance to move on from past mistakes.

I again thank the Chair of the Committee, the hon. Member for Bromley and Chislehurst, for his work on this issue. I look forward to working with him and other Committee colleagues to further our efforts in this important area.

Victoria Prentis (Banbury) (Con): I will start by apologising profusely for not having been present at the beginning of the debate, and I apologise to my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), whose speech I missed a great proportion of, and to the Minister. My day job is slightly fraught at the moment, and I was engaged in the Chamber when the debate started.

Were this debate about anything else, I would not have come, but I feel more passionately about this subject than about practically anything else in the criminal justice sphere, and I have campaigned on it for many years. It goes to the heart of what our criminal justice
system is for: yes, it is about punishment, rehabilitation, and keeping the public safe. But is it really about ruining the lives of young people who come before it because they are silly, unwise and have not yet grown up, as the right hon. Member for Tottenham (Mr Lammy) said? Does ruining their lives serve any real, practical purpose for the rest of society? Many years ago, I came to the conclusion that it does not, and that we have the system out of kilter with the rest of the criminal justice system and with all notions of proportionality, so I really wanted to speak in this debate. I am going to go into the way the filtering system works—in some detail, I am afraid.

Of course, the criminal justice system needs to keep a record of what has happened and what crimes have been committed, but as far as I am concerned, unless there is a public safety element, nobody else needs to know. Criminal records are currently disclosed either by an individual—in person or on a declaration form—or via a check. The Disclosure and Barring Service issues official criminal record checks in England and Wales, and there are three levels of check: basic, standard and enhanced. There is a so-called filtering system that allows some spent criminal records to be filtered out, so that they will not be revealed in standard and enhanced checks. That system was supposed to allow the disclosure regime to operate in a more proportionate manner. However, it incorporates some significant exceptions, which means many offences are non-filterable.

Filtering operates in a mechanical fashion with no discretion, and there is no right of appeal. A single conviction can be filtered provided that it does not result in a custodial sentence, that it is not for a listed offence—that is, a serious offence—and that more than 11 years have elapsed since the conviction, or five and a half years if the person was under 18 when convicted. Single or multiple cautions for lesser offences can be filtered once six years have elapsed, or two years if the person was under 18—I hope you are still with me, Mr Walker; it is clear as mud, isn’t it? Convictions and cautions for listed offences and multiple convictions for lesser offences cannot be filtered, no matter how long ago they happened and regardless of the circumstances of the offence. Of course, many of the real injustices that Members have highlighted fall into those categories. In 2014-15, there were nearly 60,000 enhanced DBS checks in which cautions were disclosed, of which 8,500 related to under-18s.

Why does this matter? We have heard from many Members, including the hon. Member for Lewisham West and Penge (Ellie Reeves), that employers are very risk averse. They often assume that if there is a flag, they simply cannot hire, and we know that employers do not interview people who have ticked the box. As Lord Kerr has said, “it is wholly unrealistic not to recognise that many employers, faced with a choice of candidates of roughly similar potential, would automatically rule out the one with a criminal record.”

A criminal record acquired as a youth is, in effect, a life sentence. Although a person can change and learn from their mistakes, their criminal record cannot. In the past five years, more than 1 million criminal records that relate to offences from more than 30 years ago, when the person involved was between 10 and 35, were disclosed through enhanced or standard DBS checks.

We have also heard from the hon. Member for Lewisham West and Penge that people do not apply for jobs, because they are embarrassed by their criminal records. We have no method of working out what effect that has had on people’s lives—we cannot prove a negative—but it is clear that, in many ways, it is affecting people’s employment possibilities. The DBS system anchors people to their past and serves as a second and continuing sentence. The system affects people with a criminal record more profoundly, and for longer, than elsewhere in Europe—or the world, as we have heard.

Our predecessor Committee held a private seminar with eight individuals who had been personally affected by the disclosure of criminal records. All had found that their employment prospects were adversely affected by their childhood criminal records, and they told us heartbreaking stories of repeated rejection before they succeeded in getting a job, frequently one that was well below their level of ability. It is not only employment that is affected by criminal record checks: most social housing providers ask about criminal convictions, and since 2011 have had the right to apply blanket bans. Croydon Council states that if a person has “been involved in relevant criminal behaviour” they “will be disqualified from going on the housing register... Relevant criminal behaviour includes conviction of an arrestable offence in, but not restricted to, the locality of the dwelling.”

In addition to a criminal conviction, failure to prevent others from committing crime can be used as a reason to refuse housing. Bromford has said that “where the unacceptable behaviour is committed by a member of the household other than the applicant or any person living with them” it “will rely on the failure of the applicant or person living with them to prevent or deter the unacceptable behaviour as a reason to treat this as unacceptable behaviour.”

University and college admissions are severely impacted. Although I am pleased to say that the criminal conviction box has now been removed from UCAS applications, many universities continue to ask all applicants for any criminal records, regardless of the course they are applying for. We have heard extensive evidence about how criminal records can affect insurance for cars, housing and travel, which can restrict self-employment opportunities. People with unspent convictions also pay disproportionately more for the insurance that they are able to obtain, and we have heard compelling evidence that it is often difficult for them to rent a house, as well. These young people are leaving the criminal justice system, and money and rehabilitation hours will have been spent on them. The last thing we want to do is cut off their opportunities to retrain, get a job, a house or a car, go on holiday or travel for work. We are ruining every aspect of their life, so it is important that we look at this issue holistically.

I was pleased that the right hon. Member for Tottenham was able to speak about his report—which I was intending to quote from extensively, but given that he has done so, I will skip that section of my speech. However, I will say that I was having an informal chat with a group of staffers recently, who were in their early 20s. As we would expect, they were well-spoken, well-educated young people who had had many opportunities in life and done well for themselves. I was talking about this subject, which I talk about quite often, and I asked them,
“When you were a teenager, did you ever get into trouble with the police? Did you ever do something on the edge of what you should have been doing?” Every single one of the male staffers to whom I spoke recounted an episode that might have landed him in trouble with the police at the time he was involved in this slightly risk-taking and unwise behaviour. Had they been boys who were of a BAME background or were just less advantaged—less able to talk for themselves and less able to get their mum down to the police station to argue on their behalf—they all might have ended up in the criminal justice system, rather than just outside it.

Mr Lammy: I am grateful to the hon. Lady for raising the issue in the manner that she has. It is way more effective than I would be if I raised the same point. Does she know that there is a general statistic that child psychologists have found, which is that 70% of young people have committed a crime at some point? The vast majority were never arrested or caught. It is part of that journey to adulthood. Is she aware of this issue, which I have raised in the context of marijuana? Young people are sitting in a campus university as we speak, probably smoking a joint, and if you called the police, people would think you had gone mad. The same young people walking down Brixton High Road or in Salford will get arrested or a criminal record. That is the hon. Lady’s point.

Victoria Prentis: I could not agree more with the right hon. Gentleman. It is right that young people should be cut some slack generally, but it is not right that some people are cut greater slack than others. That is what I found very disturbing about his report. I was particularly disturbed by his section on Gypsy, Roma and Traveller communities, where the numbers of people in the community as to the numbers in the criminal justice system are truly astonishing. I was also disturbed by the effects on black women in the criminal justice system. I encourage anyone interested in this area to read his report properly, because there are some burning injustices in how the system operates. Like him, I have two teenagers at home at the moment, and how they behave and the risks they take are always a worry. We really do not want silly behaviour to ruin the rest of their lives. I cannot commend his marvellous report highly enough.

I am concerned that over the years, those of us who have campaigned in this sphere have not had big enough asks. I remember getting very cross, when I was first elected to this place, when campaign groups said, “Let’s ask for convictions to not be in boxes or asked about by all employers.” What are they for? What are they for? What are they for? Why do we have boxes? What are they for?

We made a recommendation on the impact on education, housing, insurance and travel, stating: “We recommend that educational providers do not automatically use information about spent criminal records to deny access to courses... We urge providers to do everything they can to support students with childhood criminal records”.

Local government guidance for housing authorities should be amended as a matter of urgency. Guidance from the Association of British Insurers could easily be strengthened to leave insurers in absolutely no doubt that they must not expressly or implicitly request customers to disclose spent offences. With travel, we recommend that where there really are safety concerns, the Foreign and Commonwealth Office should raise them with relevant Governments. If there are safety issues, that is different, but that is not the case in the vast majority of cases. The 2014 revisions on rehabilitation periods do not go nearly far enough. For some detention training orders and youth rehabilitation orders, the rehabilitation periods have increased to a completely disproportionate level.

The Committee concluded that the operation of the filtering system is wholly inappropriate for the records and should be radically revised. The Law Commission’s detailed and authoritative report on non-filterable offences is excellent and we endorse its conclusions. We discussed the potential advantage of allowing an application to have a record sealed, and I suspect the Chair of the Committee mentioned it at the beginning. I am sure the Minister will talk to us later about his plans for revising the filtration system. We hope that the recommendations of the right hon. Member for Tottenham in the Lammy review will be taken into account in the production of a new and more appropriate system.

Our final recommendations were about the disclosure of police intelligence and the discriminatory impact of the disclosure regime. I endorse those recommendations absolutely. I have trespassed a long time on this debate, and I thank you for your indulgence, Mr Walker, given I arrived late. This report is one of the best pieces of work that has been done by the Justice Committee. I very much hope that the recommendations are taken into account. Next week, I am going with a group of concerned colleagues who span the whole political spectrum to see the Home Secretary about this issue. I very much hope that the Ministry of Justice and the Home Office are able to work together at the pace of the faster, not the slower, of those two great Departments and that we will sort this out once and for all.

2.47 pm

David Hanson (Delyn) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker. I begin by thanking the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill)—he is my hon. Friend in this circumstance—not only for his chairing, but for his contribution today. We work as a very strong team on the Justice Committee. We, and it is good to focus on key issues. I am sure the Minister will respond to them in a positive way in due course. I also thank those who contributed with oral or written evidence
or who were involved in the informal seminar, as has been mentioned, where we met people who had committed offences that had impacted on their lives for a considerable period in terms of employment, housing and other services.

I want to focus on one simple issue: employment, which is central because work is one of the key planks for preventing reoffending. There are key issues to do with housing, drug and alcohol rehabilitation and maturity, as my right hon. Friend the Member for Tottenham (Mr Lammy) said, but ultimately the ability to get and keep work, to have self-worth in doing that work, and to progress through work, is critical.

We focus in the report on training, employment and through-the-gate services, including prison and youth offender institution training and community rehabilitation companies in adult prisons and elsewhere. Those are critical in helping people to get into work, but whatever the system does with that training, someone ultimately has to get a job with a public sector body or an employer. When an individual goes before a public sector body or employer, it might see that they have a criminal conviction that may be 10, 15 or 20 years old, and an initial value judgment may be made on that basis. That will stop someone accessing employment. Whether it is earlier or later in their life, that may lead to reoffending or stop them contributing in a way that is important to society as a whole.

The key question that I will focus on is one that a number of Members have touched on: banning the box. The Disclosure and Barring Service, which we have discussed, is important in relation to a series of jobs, but it does not relate to all jobs. Ban the Box is a simple idea that could, if adopted through Government and the private sector, help to ensure that we gave people an opportunity to show what they were worth prior to judging them for what they may have done 10, 15 or 20 years ago.

The simple idea, which my hon. Friend the Member for Lewisham West and Penge (Ellie Reeves) mentioned, is that disclosure happens after the job interview and job offer. The right to refuse is still there, but the judgments are made on the merits of the application and the individual in front of the employer—not on a conviction that may have happened some years ago. In his review, my right hon. Friend the Member for Tottenham emphasised the difficulties that BME individuals face, because those who have convictions will also encounter other prejudices. It is important that we tackle those head on and up front.

Ban the Box is an initiative of Business in the Community, which is a branch of the Prince’s Trust. It had the support of the then Prime Minister, David Cameron, in February 2016, and was taken forward by the current Prime Minister. It has had significant success with, according to my latest figures, 120 employers signing up and some 828,000 roles being taken forward. Many private sector companies, such as Adnams Brewery, Barclays Bank, Boots, Cambridge University Press and Fujitsu, as well as Bristol City Council and Nacro, have taken people on, and operate the Ban the Box scheme to ensure that they do not discriminate at the point of application and interview of individuals.

We made key recommendations in conclusions 1 and 2 of the report. As my hon. Friends mentioned earlier, we agreed “with the recommendation of the 2015 Parliament Work and Pensions Committee that Ban the Box, which applies to all criminal records, should be extended to all public sector vacancies, and that the Government consider making it a mandatory requirement for all employers.”

That is important, because we identified in conclusion 1 that “the laudable principles of the youth justice system, to prevent offending by children and young people and to have regard to their welfare, are undermined by the system for disclosure of youth criminal records” and by discriminatory practices that stop people getting employment, and which banning the box will address.

Those are the key recommendations. I have four or five fairly straightforward questions, which will give us an indication of the Minister’s thinking, and of whether the Government’s response and rhetoric match the aspirations that they have set themselves—it is important that they do. The first is simply this: how many employers do the Government believe to be operating a Ban the Box principle for their employment practices? Does the Minister keep a record of, or have access to, the number of employers who have that scheme in place? What is he doing to ensure that we expand and progress the scheme? What initiatives has he taken, or does he have planned, with major trade organisations, the CBI, perhaps the Trades Union Congress, businesses, the British Retail Consortium and a range of agencies to promote the idea of banning the box?

The Government’s response to the Committee helpfully said:

“The Ministry of Justice...will continue to explore options for promoting Ban the Box across both the public and private sectors, primarily by ensuring we lead by example.”

When I held a ministerial job, I may well have signed off such words, but I am interested in what they mean in practice. What initiatives are planned? What effort has gone in? Is it something that the Government have said in response to the Committee, and perhaps even—dare I say it?—to get through a debate such as today’s, will file away tomorrow and not worry about? What is the plan for the future on those issues?

Great play was made in the response that in “early 2018, we will publish an employment and education plan” to promote Ban the Box. Early 2018 is a year ago. What has happened in the past 12 months? What progress has been made in Government? Does the Minister know? Could he tell me—not today, but perhaps in writing afterwards—how many of the Departments before us in this great House of Commons operate Ban the Box principles? Do any not operate those principles?

Government is not just the Home Office, the Ministry of Justice, the Department for Environment, Food and Rural Affairs and other Departments; it is also health trusts, health boards, arts councils and a plethora of quangos. Has that been pushed by the Minister? Has he brought together the chairs of quangos to ask what they are doing about Ban the Box, and whether they have extended it to their organisations?

What about local government? That is a big issue and part of the public sector. The Government have said that they will look to encourage the public sector to ensure that Ban the Box is adopted. What has the Minister done to encourage local councils to undertake that policy? The issue of procurement was also mentioned.
The Government remain the biggest spender in the private sector across the country, commissioning builders, construction firms and purchasers. Have they checked with their suppliers about banning the box?

The simplest thing of all may be just be to make this mandatory. Then the Minister would not have to worry about extending it, and trying to push it forward and promote it—he would simply have to find a mechanism to check those who do not do it. If discriminatory practice emerges, the possibility of its being an offence could be explored, or at least the possibility of naming and shaming. As we recommended in our report, that might be the simplest way to make it a mandatory requirement for employers. I am interested, in a helpful way, in the progress the Minister has made, and what other progress there will be. Does he accept that it should be a mandatory requirement for employers as a whole?

I was asked by the Welsh Government last summer to undertake a review of prison, education and employment issues centrally. I undertook that review during the latter part of last year. The review was submitted to the Welsh Government in October of last year, and they helpfully published it last Thursday. One of the recommendations in my review of the Welsh Government’s responsibilities was that they should support the Ban the Box campaign in their own operation, procurement proposals and suppliers. I hope they will do that in Wales as a whole in response to my recommendations.

That review was commissioned by Baroness Morgan of Ely, an Assembly Member and Minister in the Welsh Government. It is now being taken forward by Kirsty Williams, who is also a member of the Welsh Government. I am very hopeful that my recommendations on Ban the Box will be adopted by the devolved Administration. However, the Minister has responsibility within the prison system and the youth justice system in England and Wales. Has he discussed that with his colleagues in Scotland, or with officials in Northern Ireland pending the resumption of the Assembly? Can we get a co-ordinated response across the United Kingdom on this issue?

As my hon. Friend the Member for Lewisham West and Penge, the hon. Member for Banbury (Victoria Prentis), my right hon. Friend the Member for Tottenham (Mr Lammy), who has superior knowledge, has already spoken about the incredibly important issue of the over-representation of BAME children in the youth justice system, I will focus on the issues that the Committee raised about discrimination against looked-after children in the judicial system. The sum of the Government’s response to the discrimination against those children is acknowledgment but nothing else. As for children with mental health issues or issues such as autism, they appear, sadly, to have been forgotten in the Government’s response, as they have been in the Government’s justice policy. I do not believe that that is acceptable.

Looked-after children in care are some of the most vulnerable people in our society. They have been removed from their homes because life there is no longer beneficial or safe for them, and many have been abused physically or mentally—often both. It is difficult for adults to come to terms with abuse, but for children it can often be impossible to understand what has happened to them and how they feel. It is often those who are closest and most trusted by these children who commit these abuses. These young people deserve care and understanding, but unfortunately the current system of disclosure of youth criminal records does not deliver that.

**Ms Marie Rimmer** (St Helens South and Whiston) (Lab): It is a pleasure to serve under your chairmanship, Sir David.

Let me begin by emphasising two guiding principles for the United Kingdom’s judiciary. The first is: “It shall be the principal aim of the youth justice system to prevent offending by children and young persons.”

The second is: “Every court in dealing with a child…shall have regard to the welfare of the child.”

I do not believe that a single hon. Member present would disagree with those principles.

The Government’s response to the Justice Committee’s report acknowledges the over-representation of BAME and looked-after children. Since my right hon. Friend the Member for Tottenham (Mr Lammy), who has an incredibly important issue of the over-representation of BAME children in the youth justice system, I will focus on the issues that the Committee raised about discrimination against looked-after children in the judicial system. The sum of the Government’s response to the discrimination against those children is acknowledgment but nothing else. As for children with mental health issues or issues such as autism, they appear, sadly, to have been forgotten in the Government’s response, as they have been in the Government’s justice policy. I do not believe that that is acceptable.

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**Mr Lammy**: I am grateful to my hon. Friend for raising such an important point. I declare an interest as the father of a formerly looked-after child. Does my hon. Friend agree that the phrase “looked-after” is one of the biggest oxymorons in our language? Of all the cohorts of young people we have discussed this afternoon, none makes as great a case for changing the criminal records regime as those children, who have been let down the most often—not just by their original parents, but by the state.

**Ms Rimmer**: I agree absolutely. I feel very passionate about this. “Looked-after children” are the most abused and ignored in our society, and they continue to suffer throughout life.

The Criminal Justice Alliance told our Committee that children in care are far more often criminalised than those in family homes. In family homes, minor infringements and indiscretions are dealt with in the home, but children in care do not have such a readily available support system. The records system does not provide context for the young person’s actions, nor does it distinguish between severity of crimes. Just for Kids
Law cited the case of a nine-year-old who had been physically abused and transferred to a care home, where he would frequently react badly and assault members of staff because of the high levels of abuse that he had suffered as a child. With help, he managed to do well at the home and when he was moved into foster care, but the charges of common assault against staff that he received during that traumatic time will follow him for years—a constant reminder of the abuse that he suffered and an additional barrier to flourishing as an adult, along with the many other barriers that looked-after children face. He is likely to face difficulties in work, education and social housing applications because of his record.

The impact that a caution can have in later life is often not explained to children. Convictions are often for offences that sound relatively serious, even when the behaviour is at a relatively low level. Just for Kids Law told us that children often focus on the fact that they are receiving a caution rather than on the category of offence. In some cases, for example, children have accepted cautions for non-filterable offences of assault occasioning actual bodily harm, whereas if their case had gone to court, it would have received greater scrutiny and they would have been far more likely to face a charge of common assault. Such cautions will limit people’s access to the job market, because a simple yes/no tick-box is often all the opportunity they will have to state their case in an application, and DBS checks will not provide the full context of their conviction. Barred from employment, many will find their options limited and may be pushed into reoffending in adulthood.

The issue extends to children with mental health issues or issues such as autism or post-traumatic stress disorder, who can struggle to understand what is being said to them or the ramifications of what they are agreeing to. Children with dyslexia may struggle even to read the documents placed in front of them. The director of CRB Problems gave us the example of a person who suffered from autism and entered the judicial system at a time when we did not provide the help or care that we do today and when support was hardly available at all. He received two convictions that cannot be filtered under current rules—a failure of our past system and a failure in how the disclosure of youth criminal records works today.

That example highlights a key problem with the disclosure of youth criminal records: it holds people prisoner to the understanding that we had in the past. People who might be treated with more compassion and understanding as a child today are held to a different standard as adults. I am not talking just about people charged five to 10 years ago, but about people who were charged as far back as the ’50s, ’60s or ’70s. In those days, our understanding of the issues that children with mental health issues face was miles behind what it is today, as we know from the National Police Chiefs Council’s evidence on the policing of children and young people.

For all those reasons, it is important for the Government not just to acknowledge the findings and recommendations in the Justice Committee’s report on the disclosure of youth criminal records, but to act on that abuse that he had suffered as a child. With help, he managed to do well at the home and when he was moved into foster care, but the charges of common assault against staff that he received during that traumatic time will follow him for years—a constant reminder of the abuse that he suffered and an additional barrier to flourishing as an adult, along with the many other barriers that looked-after children face. He is likely to face difficulties in work, education and social housing applications because of his record.

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for race and class and the effect that it has on whether people end up in the criminal justice system. The hon. Member for Cheltenham (Alex Chalk) alluded to the issue of class and he also made a succinct point. I understand that everybody has commitments and I want to acknowledge their contributions.

My right hon. Friend the Member for Delyn (David Hanson), a former Justice Minister, talked about education and employment, which are crucial. He touched on whether a conviction should be disclosed when someone applies for a job or whether it should be left to the end of the process, after someone has been considered on merit. That is an important point. Last but not least, my hon. Friend the Member for St Helens South and Whiston (Ms Rimmer) rightly talked about children in care. A lot of the children also have mental health issues and autism. We know that the child and adolescent mental health services in our local authorities have long waiting lists for children to be assessed. As she was speaking, I was reminded of a case that I had when I was a prosecutor many moons ago.

A young man of 14 or 15 was in a care home. He attended court to give evidence against his mother’s ex-boyfriend, who had been charged with indecent assault on his younger sister. He turned up at the court and, on seeing him, his mother went over to him and punched him in the stomach twice, and he burst into tears. He went back to the care home and sat light to a curtain. He quickly realised what he had done and tried to put it out, but the fire brigade was called. That goes to exactly the point that my hon. Friend the Member for St Helens South and Whiston talked about. Because the young man was in a care home, the police and prosecuting authorities got involved. I wanted to recommend no further action on the grounds of public interest. Sadly, my boss overruled me and said that we must proceed, so we came to a compromise and she at least agreed to a caution. That illustrates the point that if that incident had happened at home, the outcome would have been different; sometimes when children do things in anger at home, nothing happens.

For me, listening to all the speeches today has been important, and I hope the Minister and the civil servants are paying attention. I will now return to my scripted speech.

At the heart of any proper youth justice system is an attempt to rehabilitate an offending young person while protecting their fellow members of society. Although those two aims do not need to be opposed to each other, a knotty issue they throw up is deciding what information those with convictions and cautions must disclose later in life. In many cases some disclosure is essential to ensure that offenders are not exposed to vulnerable people in dangerous circumstances. Unfortunately, it is increasingly clear that our balancing act between personal rehabilitation and societal protection is worryingly skewed in favour of the latter. In fact, our wrong-headed, punitive approach means that we might be shooting ourselves in the foot, as forcing people to disclose largely irrelevant information years after a crime often deepens pre-existing social divides, as we have heard.

As was noted in both the 2017 Justice Committee report and the Government’s response last year, forcing people to disclose their criminal record is a power that needs to be carefully applied. Past convictions can have an impact on a person’s capacity to find housing or to take up a place at an educational institution, and can have an impact on finding employment. Sadly, by forcing people to reveal past convictions years after they have served their time, we throw up barriers and prevent them from becoming fully integrated members of society. For some, it leads to long periods on benefits, at significant cost to the state. Even worse, many return to the kinds of criminal activity that we should have provided every opportunity for them to escape, and end up in prison, at even greater cost to the national purse. Locking individuals into negative patterns is particularly foolish and cruel when they committed crimes as young people.

We are well out of line with other countries internationally. A 2016 report by the Standing Committee for Youth Justice compared the treatment of childhood criminal records across Europe and America and found that the system in England and Wales was distinctly more punitive. A criminal record acquired by a child in England affects them longer and in more restrictive ways than in any of the other jurisdictions studied. Not only do we criminalise an unusually high proportion of children, but the processes by which those criminal records can be hidden from employers are arcane and inflexible.

The 2017 Justice Committee review provided persuasive justification for wide-scale reform, listing 21 conclusions and recommendations. Although the Government’s response addressed each of the recommendations, I am afraid that in too many areas they chose to kick the can down the road. One justification for that was that they chose to take their case to the Supreme Court to defend our system of disclosures, but, as my right hon. Friend the Member for Tottenham said, the Government or the MOJ should have followed the Court of Appeal and dealt with the issue and not pursued it to the highest courts. It comes as no surprise to those of us who agreed with the findings of the original Select Committee report that a Supreme Court judgment this year found that our disclosure scheme is contrary to article 8 of the European convention on human rights on two key fronts: the rule that requires the automatic disclosure of all convictions where a person has more than one conviction, and the requirement that some childhood cautions be disclosed indefinitely. Importantly, we have a mechanism by which previous offences can be taken off DBS checks—a process termed “filtering”. However, that process also has major flaws. The current filtering will remove a spent childhood conviction from a DBS standard or enhanced certificate only when five and a half years has elapsed since the date of the conviction. It must also be the individual’s only offence and it must not appear on the list of exempt offences that will never be removed from a certificate.

—and clearly, going by what they have said today, other right hon. and hon. Members—urge reform on all three counts. Although five and a half years is significantly less than would be required for an adult—there is an 11-year wait before filtering can take place—that is still an incredibly long and pretty much arbitrary period. It means that it is difficult for 19-year-olds to get jobs because of offences—often minor—committed at the age of 14. That makes no sense, especially when they have not committed other offences. During those years,
most of us are growing, changing and maturing, and the law should be flexible and forgiving enough to recognise that.

The fact that convictions remain unfiltered if there has been more than one conviction or when the conviction is on the exempt offences list also holds back young people at a crucial time in their lives. The offences include those involving a degree of violence, drugs, and some sexual offences. That is a broad range of offence categories, and putting them on an unfilterable list prevents individual discretion and creates a single rule totally at odds with the need to achieve personalised restorative justice for young people. We need a child-specific system that recognises that the offences in the list are diverse and complex.

Robert Neill: I very much agree with the hon. Lady. Does she agree that her point about the need for a different approach for younger people is strongly reinforced by the conclusions in the February 2017 Law Commission report, which states precisely that the system bears disproportionately harshly on young offenders, and argues that some offences that might justifiably be non-filterable for adult offenders should be filterable for young offenders? She says that a different approach is needed, and the commission also said so.

Yasmin Qureshi: I entirely agree with the hon. Gentleman and with the Law Commission’s recommendation. I hope that the Minister and Ministry of Justice civil servants will also be listening, and will be reminded of what the Law Commission said. I hope they will take those things on board and that we will not find that, as my right hon. Friend the Member for Delyn said happened when he was a Minister, civil service-speak means we do not quite know what will happen.

My right hon. Friend the Member for Tottenham has spoken about the Lammy review, which he carried out. I will touch on it, because it is important. I am worried that its findings, which are relevant to the issue that we are discussing, are being ignored, as many other recommendations have been ignored. When we look at how unequal outcomes are for BAME children and for those in care when they pass through the criminal justice system at a young age, it is clear that there is something particularly wrong about tying them for the rest of their lives to crimes that they committed as children—worsening pre-existing inequalities. I hope that the Minister will be able to throw some light on that, and suggest what actions the Department is taking on issues set out in the Lammy review.

Another issue emphasised by the Select Committee was the need to recognise that young people mature at different rates up to their mid-20s—a point made by my right hon. Friend the Member for Tottenham. The right hon. Member for Chipping Barnet (Theresa Villiers), who is not in her place at the moment, concurred and recognised the potential of children who offend, and their capability to rehabilitate a reality. My hon. Friend is right to say that although the issue is technical and legal, it is about more than that. It affects real lives and, as hon. Members have said, continues to affect them for years after the offence is committed. We are grateful for the Committee’s recommendations.

My right hon. Friend set out with his typical eloquence and polite forcefulness how the system operates and what he feels does not work well. As hon. Members have said, at the heart of the debate there is a question of balance—striking the appropriate balance, as the shadow Minister said, between protecting the public and giving young people the opportunity for rehabilitation and to have a second chance and a future.

My right hon. Friend the Secretary of State for Justice recently set out his vision for a criminal justice system and the principles that should be at its heart; he is clear that the criminal justice system must have multiple aims—to deter, to ensure that there is both punishment and rehabilitation, and to protect society from crime. That means the system must be proportionate and, in the case of disclosures, relevant to those objectives. My right hon. Friend set out the need to move away from debates about soft or hard justice, and to think instead about smart justice that achieves what we would all want for society. That means knowing that, alongside appropriate safeguarding measures for children and vulnerable people, employment for those who have previously offended can support public protection. There are, as the right hon. Member for Delyn (David Hanson) said, few better tools for reducing reoffending than a regular pay cheque. We have made it clear that we want more employers to look past someone’s offending history and see their future potential, and I believe that rehabilitating people and getting them into employment is the best outcome for us all.

On taking office in 2016, my right hon. Friend the Prime Minister made a pledge that the Government would fight against social injustice and give people back control of their lives. She set out a vision whereby all
British citizens could go as far as their talents took them. Nothing should hinder that, and it should also apply to children who commit crimes or make an error. This must be reflected in the disclosure of criminal records.

I agree with the core position laid out by the Committee: employers should not regard the disclosure of a criminal record as an automatic barrier to employment. A balanced judgment should be exercised, having regard to factors such as a person’s age at the time of the offence, how long ago it was, and the relevance to the application or post in question. The Committee’s report goes beyond this and rightly highlights the need for proportionality, clarity and fairness, as well as seeking to ensure that the systems designed to protect the public and facilitate rehabilitation keep up to date with the reality of the modern world.

The Secretary of State for Justice has already identified that one of the best ways to help those who have offended to get meaningful employment is by working more closely with employers and expounding the benefits of hiring those with criminal convictions. That is why—to address one of the key themes in hon. Members’ speeches—I am happy to see the Government leading by example by rolling out Ban the Box across the civil service in 2016 and continuing to encourage its implementation across both the public and private sectors.

Whenever I see the right hon. Member for Delyn in a debate that I am speaking in, my heart both rises and sinks. It rises because he brings great expertise and knowledge of this subject; it sinks possibly for exactly the same reason, as I know he will ask me various challenging questions. He asked a number of questions, and I will try to answer some of them—if I do not answer them all, I will happily commit to write to him next week with detailed answers.

David Hanson: I am glad to see I serve some purpose, if there is anything wrong with the Minister’s heart—rise and/or sink, depending on his mood. He just mentioned the roll-out across Government, and it is important that he puts on record, either now or by letter, whether any Department is not operating Ban the Box.

Edward Argar: I take the right hon. Gentleman’s point. I am not aware of any Department not doing it. There may be some roles, perhaps in the policing or security aspects of Government, where there might be more complex considerations. I undertake to write to him with a clarification on that in due course, when I will answer a number of his other questions.

Robert Neill: Further to that point, will the Minister also commit to letting us know whether any of the Ministry of Justice’s contractors are not operating Ban the Box? The Ministry has considerable procurement leverage in these matters. Subject to the caveats about security, we would like to know that, too.

Edward Argar: I am happy to include that, if it is appropriate, when I write to the right hon. Member for Delyn—I will copy it to the Chairman of the Justice Committee, who makes a good point. I do not know whether that data exists, but I will endeavour to get it.

The right hon. Member for Delyn also asked, I think, about the direct impact on the Ministry of Justice. My understanding is that of those people with a previous conviction who applied through the approach that has been taken in the civil service since 2016, 92% subsequently secured employment, which is a positive outcome.

Beyond the guidance for employers, I am proud of the rehabilitative support we have offered in the past. As I say, I will write to the right hon. Member for Delyn with some detailed answers to his questions about the specific list of activities undertaken to ensure that responses and commitments went beyond responses and commitments and followed through into actions. One thing that he mentioned, to which I can respond directly now, is about the education and employment strategy, which was published in 2018 and was explicit, as I understand it, in referring to this. I will give him the detailed action plan that sits beneath the strategy.

I am proud of the rehabilitative support we offer to people who have offended in the past. Our education and employment strategy, published in 2018, sets out how we will transform our approach to ensure that those in the adult custodial estate develop the skills they need to secure employment on release. We are giving governors the power to commission education provision and engage with employers to take on ex-prisoners—for example, via the New Futures Network.

A number of hon. Members have mentioned the debate about the age of maturity and its impact on criminal justice. There is a live debate on whether it should be 18, 25 or somewhere in the middle, reflecting different scientific papers that have been put forward. I think that even the Lord Chief Justice has commented on this ongoing debate. It is something of which I am very much aware. A degree of caution needs to be exercised, if only because the age of 18 is when we deem people mature enough to enjoy certain rights and benefits. If we were to look at whether it should be 18 or 25, would that lead to a wider debate? If we are saying that someone is not criminally mature, what other rights and benefits come with a particular age? I am not setting out a particular view on that, but it does lead to a wider debate. We should not be afraid to engage in that, but we should be conscious of the wider implications.

As hon. Members have mentioned, the Supreme Court recently handed down its judgment in the case of P and others, which considered the disclosure regime. On the most fundamental point, the Court found—for the Government—that it was proportionate and practicable to make disclosure decisions in accordance with a clearly defined and unambiguous system, through the operation of legislative rules agreed by Parliament. However, as has been set out, the Court went on to find that two key features of the filtering regime are disproportionate as framed: the multiple conviction rule and the disclosure of youth reprimands and warnings. I will not recount the detail of how they operate, because hon. Members have already done so.

My Department is working closely with the Home Office to give proper consideration to the judgment. The Justice Committee’s report touched on something that is relevant. It highlighted the fact that responsibility in this area is split between the Ministry of Justice and the Home Office. Indeed, in some of the issues we have touched on, which I will turn to later, other parts of
Government also have a relevant interest, the Ministry of Housing, Communities and Local Government being an obvious example.

I saw the Committee’s suggestion that placing responsibility on a single Department could enhance coherence. We did not accept that recommendation for a simple reason: we come back to the balance at the heart of the system, that balance between a focus on rehabilitation—giving people a second chance—and an element of public protection. Part of that sits with the Home Office and part sits with the Ministry of Justice, which can lead to a creative and hopefully positive tension and balance. Where we must strive to avoid problems is when that balance and those counter-positions or counter-interests can lead to things taking a lot longer than they might do otherwise. In a few moments I will turn to the matter of timing, because the Chairman of the Justice Committee is a deeply patient man but does not have infinite patience.

We work closely with the Home Office to give these things proper consideration. Although that judgment has been handed down, the order behind it has not yet been sent over to us. We await that order. When it is received, it is important that we are speedy and timely in addressing it.

Robert Neill: One thing that might be able to speed these matters along is for the issue to be discussed by the Criminal Justice Board, a mechanism that is there precisely to give an overview across the whole criminal justice system, and which involves the two principally concerned Departments and others. Will the Minister undertake to have it raised on the board’s agenda?

Edward Argar: I will raise that very good point with the Secretary of State, who sits on that board. Although I cannot go into the details in advance of that order, I can say, and Members can read into this what they will, that I generally find justices to be wise and sensible in their opinions. They consider what they say extremely carefully and open-mindedly. I believe, from my experience in this role so far, that when one receives a judgment from the Supreme Court, there are often opportunities to look at it in broad, rather than narrow, terms. I will endeavour to reflect on that when the order comes through.

We previously committed to considering the Committee’s recommendations for reform of the criminal records system on receipt of that judgment, and we remain committed to that, because it is appropriate for us to consider any recommendations about the disclosure regime in the light of that authoritative ruling. The Committee’s recommendations sit neatly alongside it, so it makes sense to consider them in the round.

I now turn to a number of issues that came up in the debate. I am grateful to the Committee for highlighting such a wide range of issues in its report, particularly on access to housing, travel and insurance. I recognise the acute impact that lack of access to those things can have, as well as the cumulative impact on children who have offended. I will take each of the points in turn, but before I do so, I pay tribute to the speech made by the hon. Member for St Helens South and Whiston (Ms Rimmer), who rightly highlighted the need for us to understand not just the requirements of a regime but the context for each individual. She highlighted the impact on the behaviour of young people who have been looked-after children, who have had adverse childhood experiences and who may even have been victims of child sexual abuse or other forms of abuse. That should be a consideration, and she was absolutely right to raise the issue. Those individuals have a passionate advocate in her. She made her point forcefully and well, and I will certainly reflect carefully on what she said.

The Committee’s report concluded that the criminal record system undermines the principles of the youth justice system. Although we do not share that view, the Committee’s work highlights further opportunities not yet taken that can enhance the principles and the work of the criminal justice system if we reflect on how the disclosure regime operates more broadly. Children who come into contact with the police and youth offending teams are some of the most vulnerable children in our societies, as the hon. Lady highlighted. We all agree that rehabilitation is important in improving their life chances. Society has a right to expect that we will do everything possible to ensure that all people with convictions desist from crime. Those who offended as children are no different. We have a particular responsibility to children who fall into the categories that the hon. Lady highlighted.

We know how important employment, education and other factors raised by the Committee are in enabling rehabilitation. The hon. Member for Lewisham West and Penge (Ellie Reeves) highlighted that issue and touched on some powerful examples. We are committed to supporting children to turn their lives around. In 2013, the coalition Government changed the law so minor offences no longer needed to be disclosed. It takes significantly less time now for offences committed by children, as opposed to those committed by adults, to become spent, after which they no longer need to be disclosed for most purposes. Those features of the disclosure regime all relate to the fact that children who offend are often highly vulnerable and might not be as mature as adults who do so. There has been progress, and the hon. Lady would expect me to say that, but given her comments about pre-emptive action, I will not say, “That’s progress. That’s job done. We are in the right place,” because I believe that there is clearly more to do.

The Committee raised concerns about equality and disproportionality. I am committed to reducing disproportionate outcomes for BAME children in the youth justice system, and I share the concerns voiced by the right hon. Member for Tottenham (Mr Lammy) in his 2017 report. I reassure the shadow Minister that we take that report incredibly seriously. Since I was appointed to this role last summer, I have met the right hon. Gentleman a number of times. We announced last November via the Cabinet Office the cross-Government “one year on” update on the progress that has been made in that area. I have regular roundtables with those with an interest in this issue to chase up progress. We have a director general in the Department who is directly responsible for bringing officials from a range of parts of the Department together to drive forward progress on reducing disproportionality and implementing the recommendations in the right hon. Gentleman’s report. That reflects the fact that I recognise the need for systemic change. A key focus is on explaining or changing disproportionate outcomes for BAME children in the justice system.
I am also aware of the over-representation of vulnerable groups with multiple and complex needs—particularly looked-after children, excluded children and those with mental health issues. Again, it is a fundamental priority for the youth justice system to ensure that those children receive the support and intervention they need to fulfil their potential.

A number of Members touched on the disclosure of police evidence. In our response to the Committee’s report, we noted that disclosure of police intelligence can be an important aspect of the regime. That was a key finding of the Bichard report after the Soham murders. It plays a vital part in ensuring that children and vulnerable adults are protected. The police cannot automatically disclose all intelligence. Disclosure of non-conviction information is subject to a statutory relevance test, so the chief officer has to consider whether the information is relevant and ought to be disclosed.

That includes consideration of the individual’s age at the time of the offence, its seriousness and how long ago it occurred, but once again, as hon. Members have emphasised, the key is proportionality and relevance.

My Friend the Member for Henley (John Howell) touched on housing. Social housing is a precious resource, so ensuring that it is allocated fairly, as he set out, is crucial. We recognise the need to understand better how the allocation system is playing out in local areas, so we know whether it is striking the right balance between fairness, support and aspiration. In the social housing Green Paper, the Government propose an evidence collection exercise to help us to understand how the allocations framework is working across the country in different areas. Following that exercise, we will consider whether changes to legislation, regulations or statutory or best practice guidance are necessary, but we believe that making changes prior to having a clear evidence base would be premature. My Department continues to work closely with MHCLG colleagues to ensure that the points that my hon. Friend and others made, which are directly relevant in this space, are considered in that broader piece of work.

Robert Neill: I am grateful to the Minister for the constructive dialogue that we can have. In carrying out that evidence exercise, will he particularly bear in mind the evidence that we received from the Standing Committee for Youth Justice? Like me, the Minister comes from a background in London local government, and that organisation’s findings were that some 13 of the 30 London local authorities it looked at had housing policies that tended to have an unreasonable impact on the allocation of housing to former offenders. If, as he said, a pay cheque is one way of stopping offending, secure accommodation is another.

Edward Argar: My hon. Friend alludes to our shared past in London local government, where I first met him many years ago, when I had a little more hair and it was not quite so grey. He is absolutely right: I meet with the Standing Committee on Youth Justice and consider its reports and input with great care. It is for local authorities to ensure that their allocation schemes are lawful, taking account of any decision made by the courts. No authority may breach section 4 of the Rehabilitation of Offenders Act, which requires that a person who has a spent conviction be treated as if the offence was not committed.

My hon. Friend the Member for Henley also touched on education. As we set out in our response to the report, most higher education institutions are autonomous, independent organisations, and as such admissions are a matter for each individual institution. They are best placed to decide which applicants are the most suited for their organisations and the courses that they offer. Similarly, further education providers, including colleges, are independent organisations that can set their own entry criteria for qualifications, in line with those published by the qualification owner.

That said, we expect providers to take account of the Committee’s recommendation as part of a transparent admissions process. On universities, I am happy to say that for the 2018-19 cycle, UCAS has dropped the automatic requirement for all applicants to declare unspent convictions, regardless of whether they are relevant to the course for which the applicant is applying. The eligibility for Disclosure and Barring Service standard or enhanced certificates applies to work placements in the same way as other paid or voluntary employment. If a course does not involve a work placement that is eligible for a check, the university can only ask about unspent convictions.

Hon. Members raised the matter of insurance, the Association of British Insurers and other matters. The ABI published a good practice guide in 2011—it was updated in 2014—that sets out high-level standards of how insurers should treat people with convictions or related offences. The guide makes it clear that insurers should not ask for spent convictions. When an insurer is unable to provide full or any cover because of a consumer’s unspent conviction history, the insurer should provide information about alternative sources of help.

The hon. Member for St Helens South and Whiston touched on the UN convention on the rights of the child and similar. As stated in our response, the Government consider that the disclosure regime is compatible with the convention. It treats convictions and cautions received by those under the age of 18 differently from those incurred by an adult and, although I hear that hon. Members feel that those people should be treated more differently, we believe that we are compliant with the convention. In the light of the Supreme Court judgment, any future changes to the regime will take the convention into account.

I want to touch on the passionate speech of my hon. Friend the Member for Banbury (Victoria Prentis), and her passionate campaigning work. I am very pleased that she was able to dash from the main Chamber to deliver her speech. I know that she is a passionate advocate for the Ban the Box campaign. She speaks with eloquence and with great knowledge and experience, having worked on this issue for some time. I would be very happy to meet her to discuss that campaign more broadly if she feels that that would be helpful. If the right hon. Member for Delyn and others wished to join us, I would be very happy for them to do so.

There is always a balance to be struck between giving the employers the information that they need to make informed recruitment decisions and having a criminal records system that enables rehabilitation. I look forward to our bringing forward proposals both in response to
the Supreme Court judgment and to formally address the issues set out in the Committee’s report. As I said, my hon. Friend the Member for Bromley and Chislehurst is a patient man, but not infinitely patient—nor is his Committee. Hon. Members quite rightly highlighted that although words are important, and this place uses an awful lot of them, they must lead to action.

I am clear that we must, and will, act to address the issues raised and the Supreme Court judgment when the order comes forward. I hope that we can all believe and support a system that believes in redemption, rehabilitation and a second chance. More than ever, that should apply to children who, at a young age, make a simple mistake that should not blight the rest of their lives. I commit to working closely with the Committee in the coming months to respond to and address its points as well as those raised by the Supreme Court judgment. I am very grateful to have had the opportunity to speak on this subject.

3.54 pm

Robert Neill: It is a great pleasure to see you in the Chair, Sir David.

This has been an extremely well-informed and constructive debate. I thank all right hon. and hon. Members, Committee members and others, who have spoken. I am particularly grateful for, and warmly welcome the contribution of, the right hon. Member for Tottenham (Mr Lammy), whose work in this field we all pay tribute to and who recently engaged with us as a Select Committee. My colleagues from the Committee spoke powerfully and persuasively in this debate.

This is an area on which there was a good deal of agreement between the two Front Benchers, and so it should be. In such important matters of not only criminal justice policy but social justice policy, we ought to seek and are well able to achieve a broad cross-party consensus in this place.

This welcome the tone of the Minister’s response, because I know that he is genuine, and also welcome his constructive engagement with the debate and the Committee. I look forward to that continuing. There is compliance not just with the letter of the convention but with its spirit and the ability to take that further, and I know that he and the Secretary of State—both genuine reformers—will seek to do that.

I thank all our Committee staff who worked on the report—some of them are in the Public Gallery today. They did an excellent piece of work. I also thank all those witnesses who gave evidence to us, including those who brought their own experience of the system—it is not always easy to talk about—to assist us directly.

There is an opportunity to consider some of these matters in the other place as well. As the Minister knows, the noble Lord Ramsbotham has a private Member’s Bill—the Criminal Records Bill—which awaits Committee in the other place. If the Bill progresses further, the Minister’s colleague, the noble Lord Keen, will probably deal with it. I hope he will look as favourably as he can at the changes. It is a broader Bill, but includes specific provisions on rehabilitation periods for childhood and young person offences, which I hope that the Ministry will look at constructively. I am sure we would all want to recognise Lord Ramsbotham’s work in this field over very many years.

The Minister has been constructive, and I look forward to engaging further with him, as do all the Committee. He is right that I have a measure of patience—you, Sir David, will know more than anyone that a lifelong West Ham supporter has learnt to be patient over many years, although even our patience in that respect is not inexhaustible. However, I take the Minister’s comments in the generous and constructive spirit in which they were made. I again thank all Members who have participated in an important and constructive debate.

Question put and agreed to.

Resolved,

That this House has considered the First Report of the Justice Committee, Disclosure of youth criminal records, HC 416, and the Government response, Cm 9559.

3.57 pm

Sitting adjourned.
4.30 pm

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I beg to move, That this House has considered e-petitions 241584, 235138 and 243319 relating to leaving the European Union.

It is a real pleasure to serve under your chairmanship, Mr Gray, and to lead this incredibly important debate on behalf of the Petitions Committee. As hon. Members will be aware, the Committee decided to schedule a single debate on all three Brexit-related petitions because we wanted to ensure that all three, having reached the 100,000 signature threshold, were debated as soon as possible, so that they would not be overtaken by events.

It is entirely coincidental that the date is 1 April, but I must confess to hoping right up until noon that the Prime Minister was at some point going to reveal to the nation that the Government’s entire handling of Brexit has actually been the most painstaking and elaborate April fool’s day hoax in history, and that she does in fact have a plan to get us out of this mess. Regrettably, that did not happen, and we are still in a national crisis.

Of course, as is now inevitable for anything related to Brexit, one of the e-petitions has already been overtaken by events: 29 March has been and gone and, three days later, we remain members of the European Union. As such, with just under two weeks to go until the next deal or no deal deadline, we find ourselves through the looking glass, debating potential Brexit outcomes here in Westminster Hall at exactly the same time as colleagues in the main Chamber deliberate the ways out of this historic process, rather than one ludicrous situation. A national conversation should clearly have a plan to get us out of this mess. Regrettably, that did not happen, and we are still in a national crisis.

As I said, we are discussing three petitions. Despite being overtaken by events, e-petition 243319, calling for the UK to leave the EU on 29 March 2019 come what may, secured 175,121 signatures as of 3.30 pm today. I make that point because the petitions are all still open. That figure undoubtedly reflects the great unhappiness and frustration felt by many people across the UK that we did not leave the European Union on Friday, as the Prime Minister repeatedly pledged that we would. Indeed, I know that many thousands signing these petitions, alongside a small minority of hon. Members, strongly advocate that the UK should have left the EU on Friday without a deal, and that we should now do so on 12 April, leaving us to trade on the much-heralded World Trade Organisation terms.

It is clear that, for some, leaving the EU as quickly as possible has become of paramount importance in order to deliver on the narrow outcome of a referendum held almost three years ago, regardless of whether there remain any coherent, cogent arguments for pursuing that course of irrevocable action and regardless of the circumstances in which that might take place or the potential consequences for our country. There are some who suggest that every one of the 17.4 million people who voted in good faith back in June 2016 to leave the European Union did so safe in the knowledge that it could well mean exiting the world’s largest trading bloc after 46 years without a deal. Indeed, the wording of the e-petition suggests that both main parties pledged that in the 2017 general election.

However, I only need point them in the direction the Vote Leave campaign, which quite clearly stated: “Taking back control is a careful change, not a sudden stop—we will negotiate the terms of a new deal before we start any legal process to leave.”

Or the pledge made in the 2017 Labour party manifesto: “Labour recognises that leaving the EU with ‘no deal’ is the worst possible deal for Britain and that it would do damage to our economy and trade. We will reject ‘no deal’ as a viable option.”

Or, indeed, the 2017 Conservative party manifesto, which said that the Prime Minister would deliver: “The best possible deal for Britain as we leave the European Union delivered by a smooth, orderly Brexit.”

There were many other occasions when those playing leading roles in the campaign for our departure from the EU suggested what doing so would or would not involve. Perhaps the most notable example is Daniel Hannan MEP, who declared: “Absolutely nobody is talking about threatening our place in the single market.”

Regardless of what each person voted for at that time—I have spoken to many leave voters who voted for a variety of legitimate reasons and have completely different visions of what Brexit means—I know with absolutely certainty that nobody was discussing the need to set aside £4.2 billion to prepare for the ramifications of no deal, whether that means awarding a £108 million ferry contract to a firm that has no ships or our becoming the largest buyer of fridges in the world, in order to stockpile medicines, vaccines and blood products.

Rushanara Ali (Bethnal Green and Bow) (Lab): To reinforce my hon. Friend’s point, according to the Bank of England, two-thirds of warehouses have already been filled; we actually do not have the capacity to stockpile, because our system does not work like that. In the context of no deal, the economy will shrink by 8% and inflation will go up.—[Interruption.]

4.37 pm

Sitting suspended for a Division in the House.
4.52 pm

On resuming—

James Gray (in the Chair): As the sitting was suspended for 15 minutes, 15 minutes will be added to the end as injury time, so the debate will finish at 7.45 pm instead of 7.30 pm. We were listening to the hon. Member for Newcastle upon Tyne North (Catherine McKinnell).

Catherine McKinnell: My hon. Friend for Bethnal Green and Bow (Rushanara Ali) was in the middle of her intervention when we were interrupted for that vote, so I am more than happy for her to finish her intervention.

Rushanara Ali: I wanted to highlight the fact that, according to the Bank of England, warehouses are already running out of space—two-thirds are full. We do not have the capacity to cope with the kind of system that a no-deal Brexit would pose. If we have a no-deal Brexit, the worst-case scenario is an 8% reduction in our economy, with unemployment and inflation rising. Some 6 million people have signed the e-petition on revoking article 50, including 24,000 in my constituency. People are adamant that if we cannot settle this in the House in a way that protects their interests, jobs and livelihoods, then revocation should be on the table. I support my hon. Friend’s speech.

Catherine McKinnell: My hon. Friend speaks from the experience that we have shared as members of the Treasury Committee, scrutinising in agonising and often frustrating and concerning detail the economic impact of the Brexit proposals, and in particular the potential ramifications of a no-deal Brexit.

If anyone had told me when I was first elected to Parliament in 2010 that less than a decade later the Government of this country would be pursuing a policy that necessitates the stockpiling of body bags, I would have questioned my own sanity. Yet this is the appalling position that we now find ourselves in, because the Prime Minister has remained resolutely of the belief that she never-ending and hugely damaging parliamentary gridlock.

The reason I say all this, and why I have spent so much time holding the Government to account on this issue since 2016, is that I know that if we get Brexit wrong, it will significantly diminish our capacity as a country to fund our public services—to tackle the “burning injustices” that the Prime Minister once pledged to fight. I say to those who, quite understandably, just want Brexit to be over that if the UK leaves in the coming weeks, it is not over—Brexit and all of its ramifications has not even begun.

Turning to the second e-petition that we are debating, in the week after we were due to leave the European Union, and following two and a half meaningful votes on the Prime Minister’s withdrawal agreement, the only thing that is clear is that Parliament remains in Brexit gridlock, although today’s further indicative votes may help to provide some much needed clarity on a potential way forward.

I have long believed the answer to this seemingly never-ending and hugely damaging parliamentary gridlock lies in what is advocated by the second e-petition that we are considering. Signed by 185,542 people as of 3.30 pm, it calls for a second referendum to be held to enable the British public to choose whether to accept the Prime Minister’s deal—the one that she and the EU have repeatedly told us is the only and best Brexit deal available—or to remain in the EU with the deal that we already have.

Anna McMorrin (Cardiff North) (Lab): My hon. Friend is making an excellent speech on an important issue. Does she agree that, with the CBI and TUC calling this...
a national emergency, we need to take urgent action, decide on something and make sure that it goes to a public vote?

Catherine McKinnell: My hon. Friend succinctly says what I will say in more words.

I agree, and hon. Members are aware that I have campaigned for that outcome for the best part of a year. I have pressed for whatever deal the Prime Minister negotiated to be put back to the British public, given the enormity of the implications for our country’s future for decades to come. I have subsequently voted three times against the withdrawal agreement, because I simply cannot support something that I and the Government know will make constituents in Newcastle North and the wider north-east poorer. Indeed, as the Government’s analysis shows, the north-east will be hardest hit by any form of Brexit.

Christine Jardine (Edinburgh West) (LD): Will the hon. Lady give way?

Marsha De Cordova (Battersea) (Lab): Will my hon. Friend give way?

Catherine McKinnell: I give way to my hon. Friend the Member for Battersea (Marsha De Cordova)

Marsha De Cordova: My hon. Friend is making an eloquent speech about the petitions and the need for us to remain part of the European Union. My constituents voted 78% remain, and thousands have signed petitions to revoke article 50 or call for a second referendum. Does she agree that if the Prime Minister can keep bringing her deal back to the House for us to vote it down, it is about time that she put her deal back to the public with the option to remain?

Catherine McKinnell: It is a strong point. I have been clear about the potential ramifications of the Prime Minister’s Brexit deal and my concerns about exiting with no deal, but I am prepared to accept that many people in my constituency voted to leave and want to leave the European Union. That is why, if this Brexit deal is the best deal available—the only deal available, as the Prime Minister and the EU have told us—the Government should have the courage of their convictions and put it back to the people for them to have the final say.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): My hon. Friend is making an excellent point about people who still want to leave the European Union. Is it not the case that, given all the water that has gone under the bridge, if we do not put it back to the people, the deadlock that we in Parliament are trapped in will continue through the next stage of the negotiations? It will never be over unless we give it democratic legitimacy. Even if people want to leave, at least they can confirm it.

Catherine McKinnell: Absolutely. So much has become evident since the referendum vote in 2016 and we all, including the public, those in Parliament and those in the European Union, know more about what Brexit means. If the Prime Minister is confident that her deal is the best deal available for the country, we must surely go back to the public to ask if it is what they want for their families and communities, and for our country.

Andrea Jenkyns (Morley and Outwood) (Con): I thank the hon. Lady for giving way. Hearing your speech—

James Gray (in the Chair): Her speech.

Andrea Jenkyns: Hearing her speech makes me believe that she is trying to give the public the option of Brexit in name only, with the Prime Minister’s deal, or no Brexit. Is that fair to the 17.4 million people who voted to leave? She says that she is prepared to accept that her constituency voted to leave, but is she prepared to accept that the country overall voted to leave?

Catherine McKinnell: Absolutely. We had a referendum in 2016 that put the basic question, “Do you want to leave the European Union?”, and 17.4 million people voted to leave. I have said clearly that I respect all the different reasons on which those people based their vote to leave. I have spoken to many people who have given many different reasons why they wanted to leave the European Union and why they voted in that way.

We are three years on, however, and the hon. Lady’s Government have spent two years negotiating an agreement with the European Union. That is the only Brexit agreement that exists for us to leave with a deal. Given that we in this House have voted three times to rule out the catastrophic prospect of a no-deal exit from the European Union, I have made it clear, and many hon. Members share the view, that we must find a deal that Parliament can agree to.

In my view, if we are confident—as the Government say they are—that the Government’s deal is the best available, we should put it back to the public and let them have the final say. That is why I was proud to join many hon. Members and more than 1 million people to demonstrate in London on 23 March to call for the withdrawal agreement to be put back to the British public via a people’s vote. That is the only democratic way out of the impasse.

In contrast with the ugly, angry, threatening and sinister behaviour outside Parliament on Friday by people who have clearly hijacked the Brexit campaign for more dangerous ends, the People’s Vote march was fantastic. It was a positive advert for Britain and full of people who care deeply about the future of our country and its place in the world. As I have since made clear to my constituents, and to the Prime Minister directly, however, I recognise that we all now need to compromise in the national interest if we are to get out of this crisis.

Andy Slaughter (Hammersmith) (Lab): My hon. Friend mentions what happened last Friday afternoon. It is extraordinary that Parliament was closed down in the middle of the afternoon and our staff were sent home. I was with a party of schoolchildren who, ironically, were the chief debaters who had won a competition in the London boroughs, and were looking forward to their tour of Parliament. They were mainly black, Asian, and minority ethnic youngsters, including identifiably Muslim and Jewish children, who were then asked to leave the estate and filter out into the crowd. Is it not extraordinary that we can be brought to such lengths by a few extremists and thugs?

Catherine McKinnell: Yes; many hon. Members were disturbed by the scenes they witnessed on Friday directly and on the news. As many have made clear, those people
do not reflect the people who voted leave, but they professed to be the spokespersons for the leave campaign on the streets of London.

Here in Parliament, we have run out of road. We cannot keep going round in ever-decreasing circles while the international standing of our country diminishes further by the day. For me, compromise means allowing the passage of a deal through Parliament that I know will make my constituents poorer. I will allow that, however, to get past the gridlock, on the condition that we put it back to the people to make the final decision in a confirmatory, binding public vote.

Some people feel that the Beckett or Kyle-Wilson proposal somehow undermines the outcome of the 2016 referendum, the conduct of which has become increasingly suspect, and which was in some aspects downright illegal, or that it undermines the integrity of our democracy as a whole. It does not. Democracy cannot be undermined by trying to resolve an issue democratically or by holding a vote in which every single person in the country can participate. Democracy is surely an ongoing process, not one moment frozen in time to which our entire country’s future must for ever be held to ransom, regardless of the consequences that emerge.

Heidi Allen (South Cambridgeshire) (Ind): People talk about the divisiveness of a second referendum, which seems to be the biggest reason not to have one. To follow on from the hon. Lady’s point, however, I would argue that nothing could be more healing than involving the entire country in the decision about what to do next. Everybody’s voice is equal—nobody loses and nobody wins—because that is democracy. Fortunately, we do not live in a country where some voices are more important or more valid than others.

Catherine McKinnell: The hon. Lady makes the point well. There are people who think that the radical approach of democratically asking the public what they think would unleash an almighty backlash and all sorts of dangerous extremism, but I say to them that such extremism clearly exists already. We saw it on the streets of London on Friday and I am certainly not prepared to roll over and appease it.

However, there is always the prospect that the Prime Minister will refuse to change her approach and that she will lurch ever closer to 12 April with the threat of our crashing out of the EU still with us. That brings me to the third e-petition that we are considering today, which calls for article 50 to be revoked and for the UK to remain in the EU.

As hon. Members will be aware, this petition has been supported by an unprecedented number of people, although that is not surprising, because we live in unprecedented times. Indeed, this is the most signed petition ever received on the petitions website of the House of Commons and the Government. As of 3.30 pm today, it had received a staggering 6,034,845 signatures, over 26,000 times the strain of the highest usage it has ever experienced, and it is certainly the most signed petition ever. Indeed, this is the most signed petition ever. There are people who think that the radical approach of democratically asking the public what they think would unleash an almighty backlash and all sorts of dangerous extremism, but I say to them that such extremism clearly exists already. We saw it on the streets of London on Friday and I am certainly not prepared to roll over and appease it.

Dr Julian Lewis: (New Forest East) (Con): That is indeed an extremely impressive total of petition signatures. Therefore, would the hon. Member like to suggest that instead of having held the referendum in the first place, it would have been sufficient to put an e-petition in and get that particular fraction of the population voting for it, in order to set aside a democratic vote by a much larger number of people?

Catherine McKinnell: Clearly not. Before turning to the content of this petition—

Andy Slaughter: My hon. Friend is being very generous in giving way, but that was a bit of sophistry that we have just heard. Six million people—an extraordinary number—signed this petition as against some of the leave petitions, just as there was a 1 million-person march as opposed to the pathetic little leave march, showing a change in the zeitgeist, if I am allowed to use European words. Are we not seeing the people speaking up at last and saying, “We are not going to allow some of the people in the House of Commons to ruin the country, economically and politically, for the future”?

Catherine McKinnell: My hon. Friend has put that very well.

Before turning to the content and substance of this petition, I will first put on the record my gratitude to the Government Digital Service, which worked hard to keep the petitions website up and running under the strain of the highest usage it has ever experienced, which at its peak saw the petition receiving around 2,000 signatures a minute. I am keen to emphasise that, contrary to some of the rumours that have been put around to try to undermine the integrity of this petition, the Government Digital Service has a number of automated and manual systems in place to detect bots, disposable email addresses and other signs of fraudulent activity.

Mr Chris Leslie (Nottingham East) (Ind): On this point about the number of signatures—in my constituency, there were more than 9,500 signatures—I understand that General Data Protection Regulation rules mean that I cannot necessarily see who has signed that particular petition. Normally, however, in a petition we get a sense of who has signed. Is it possible that the House authorities would at least be able to email back those people who have signed the petition, to give them some feedback about what has happened to it in Parliament, because, like many others, I would like them to know that, yes, I am prepared to support revoke and remain, rather than have us crash out of the EU?

Catherine McKinnell: I am sure that is now on the record and the Petitions Committee, which is a formal cross-party Committee of the House that processes the petitions tabled by members of the public which reach the threshold for a petition to be debated, will obviously notify the people who have signed it, to tell them that the issue has been tabled for debate or that there is a response from the Government.

When someone signs a petition, they are directed to their MP, so that they can let them know if they want to. I have been contacted directly by constituents who have signed the petition and who want me to know that they have signed it, and obviously they can then receive feedback from me as a Member of Parliament. I am sure that there are many members of the public who have signed the petition who will be watching the proceedings today with great interest.

Dr Julian Lewis: May I just encroach one more time?
Catherine McKinnell indicated assent.

Dr Lewis: The hon. Lady is being terribly courteous and I really appreciate it. Let us just try this new form of democracy a bit more. Let us suppose that her party—the Labour party—gets its wish and there is a general election. Guess what? The Labour party wins and the right hon. Member for Islington North (Jeremy Corbyn) becomes Prime Minister. Then, some of us who did not like the result set up a petition and get 6 million people to say: “No, we ought to revoke that result and do it again.” Would she be satisfied with that?

Catherine McKinnell: May I clarify matters for the right hon. Gentleman, because he does not seem to understand the nature of a petition, which is a very long-established process in Parliament and a way for our constituents to express their view on matters, and for many years—probably since it began—Parliament has processed petitions and tabled them on behalf of MPs’ constituents? The nature of our modern democracy is that the petitions process has gone online and it was indeed the former Prime Minister who created the Government’s online petitions system in 2010. Since then, it has grown in popularity and use.

As a member of the Petitions Committee, I know that it processes a range of petitions on any subject that Members can imagine, but no petition has received the number of signatures that this petition has, and the right hon. Gentleman seems somewhat irked by that. However, a petition does not replace our normal democratic processes. It is simply a reflection of the level of interest in this issue and the strength of feeling among the public, for which, as representatives of our constituents, we ought to be very grateful, as they have the means to make their voices heard—and this petition is a roar.

Christine Jardine: I thank the hon. Lady for giving way and I will just reinforce that point. As someone who was elected here to represent my constituents, I find it extremely useful in the difficult decision-making process that we are going through to have the figures to show that more than 15,000 people in my constituency signed this petition and that they want us to reconsider matters, not blindly go off a cliff and crash out of Europe. It behoves us well to pay attention to what our constituents are telling us.

Catherine McKinnell: Indeed, because what this petition—combined with the million-plus people who gave up their Saturday to march here on the streets of London just a week ago—demonstrates is that there is a very large number of people in this country who are extremely concerned about Brexit, the Government’s approach to this process and the implications of all this for the future of our country.

Wera Hobhouse (Bath) (LD): The hon. Lady is generous in giving way. I come back to the suggestion that after each election somebody could launch a petition to reverse the result. The extraordinary thing about the 2016 referendum is that the Government, and many Members in this House, insist that the result of that referendum can never be changed, whereas we have elections every four or five years, so decisions can be reversed. However, in this case it seems that we can never, ever change our mind about the referendum in 2016.

Catherine McKinnell: That is an important point, which is now on the record.

Andrea Jenkyns: I thank the hon. Lady for giving way again. To raise a contrary point to the one just made by the hon. Member for Bath (Wera Hobhouse), does the hon. Lady agree that this petition and those in this place who support it actually have only one goal, which is to overturn the referendum result?

Catherine McKinnell: No, I completely disagree with that. I have already set out very clearly my views and my concerns, which I think are shared by a huge number of people. However, I absolutely share the concerns that have been expressed by those calling for a public vote on the outcome of the Brexit negotiations, because I did not come into politics to make my constituents poorer and I did not get elected to this place to drive my country and its economy off a cliff.

John Redwood (Wokingham) (Con): Perhaps, then, the hon. Lady would like to tell us why the remain Bank of England/Treasury forecast for what would happen in the first two years after a leave vote—it was said that there would be a recession, big job losses, an investment collapse, a share market collapse and a housebuilding problem, and the reverse of all those things happened, with jobs up and no recession, and we now have better growth than Germany or Italy—was so wrong and why we should believe her pessimistic forecast for 15 years’ time, when they could not get the first two years right.

Catherine McKinnell: Many of the predictions that were made—for example, that we would see a stall in investment or the economy being affected—have happened, and even when there is an increase in jobs, which the Government often like to talk about, we see more and more people using food banks and struggling to make ends meet. So, if anyone suggests that we are somehow better off now than we were in 2016, they are wrong. All the projections show that we will be only more greatly affected and that investment and economic growth will be further deflated.

The right hon. Member for Wokingham (John Redwood) makes his point, and he makes it regularly. I recognise that the economy was not the driving factor for many people when they voted in 2016, nor was it their determination that we must leave the EU as soon as possible at whatever cost. All the parliamentary sovereignty in the world will not make up for the impact of rising unemployment, reduced living standards and lost opportunities, not least in a region such as the north-east, which has been abandoned to the economic scrapheap too many times.

Rushanara Ali: Does my hon. Friend agree that since this whole affair began there has been no parliamentary sovereignty? It has been sovereignty for the Prime Minister and her Cabinet, trying to ram through a deal that has been rejected three times. It has been an obsession of the Tory party, and a division within that party. The whole country and its future are being roped into the collective breakdown that the Conservative party is having. The right hon. Member for Wokingham (John Redwood) will know, from his own party’s history and his part in it, about the Tory party’s tearing itself apart for the last three decades. And it continues, but this time it is destroying our constituents’ livelihoods.

Catherine McKinnell: My hon. Friend speaks with great wisdom and insight.
From speaking to my constituents, I am aware that many deep and entirely unresolved issues underpinned the leave vote back in 2016, including a huge sense of being left behind and not being listened to for far too long, but ploughing ahead with a damaging Brexit will not enable anyone to deliver on the pledges that were made during the referendum campaign. They will not address those issues, not least if the approach taken does not even have a clear democratic mandate, as is the case at the moment.

I have equally serious concerns about what continuing down this path could mean for the integrity of the United Kingdom, as it is currently formed, and I strongly urge others to consider whether that is more important than the outcome of one vote held three years ago, which—my hon. Friend the Member for Bethnal Green and Bow (Rushanara Ali) put it very well—was to shore up the Conservative vote and Conservative party support in the 2015 general election.

Anna McMorrin: As we have heard, the Electoral Commission found Vote Leave and Leave.EU guilty of corrupt activities. Does my hon. Friend agree that until the National Crime Agency has done its investigation we cannot take the result of that vote as clear?

Catherine McKinnell: Those concerns are being expressed by many members of the public as they watch the reality of the 2016 referendum campaign and vote unravel. As we get closer and closer to 12 April, I have been making it clear to my constituents that I am prepared to support the revocation of article 50 if necessary, to prevent our country from leaving the EU without a deal.

It is because I am as patriotic, and care as passionately about the future of my city, my region and my country, as anyone that I cannot stand back and watch us crash out of the EU in that way. Allowing such a scenario would be a dereliction of my duty as a Member of Parliament, which is clearly set out as that of acting in the interests of the nation as a whole, with a special duty to my constituents. It would be contrary to the responsibilities of Members of the House as set out by Edmund Burke as far back as 1774:

“Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.”

And, indeed, contrary to the guidance of Sir Winston Churchill:

“The first duty of a Member of Parliament is to do what he thinks in his faithful and disinterested judgement is right and necessary for the honour and safety of Great Britain.”

Those duties weigh heavily on us all, and they are responsibilities that I take very seriously.

Dr Julian Lewis: There is one slight difference between the hon. Lady’s examples and what happened in 2016, when the MPs, the Government and the Opposition—everyone—agreed that they would take the view of the electorate directly and obey the verdict that they gave them. That did not apply in the scenario she describes relating to Edmund Burke, great constitutionalist though he was.

Catherine McKinnell: The right hon. Gentleman seems a bit stuck in the past. What we are talking about today is what we directly face. We could rerun the 2016 referendum campaign. We can debate the rights and wrongs, and the arguments for and against, over and over. I did not vote for the referendum or to invoke article 50, for the very reason that I could see us setting a clock ticking on a negotiation without an agreed strategy or plan. Many Members did not vote to invoke article 50, and many Members who are in the House now were not even elected at the time of the referendum. We had a general election subsequently, and that general election returned a hung Parliament, so we are where we are. The petition considers the immediate possibility that is staring us in the face—a no-deal exit from the EU, which is the legal default position if nothing changes today, or this week, to remove that possibility for 12 April.

Rather than going over the history, I am interested to know what the right hon. Gentleman thinks. Is he genuinely happy for this economy just to be driven off a cliff, with all the ramifications that flow from that?

The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris) rose—

Catherine McKinnell: I was hoping the right hon. Gentleman would make a speech.

Dr Lewis rose—

Catherine McKinnell: I was hoping the right hon. Gentleman would make a speech.

Dr Lewis: I am sorry; I thought the hon. Lady wanted an answer now. I think there are three possibilities: the Government’s deal, leaving on World Trade Organisation terms and revoking the result of the referendum. I, together with 158 of my colleagues, which is more than half the parliamentary Conservative party, voted in the multiple options we were given about a week ago that we should leave on WTO terms, and I think that would be the right solution.

Catherine McKinnell: We can agree to disagree on that.

Chris Heaton-Harris: I will congratulate the hon. Lady properly later. She mentioned that things had moved on and that there had been a general election. Will she remind the House what the Labour party’s position was, in that election, on respecting the result of the referendum?

Catherine McKinnell: What is so difficult about the debate is that it has wedged itself to events in the past, rather than looking at the reality right in front of us.

Our country remains in a crisis. The situation is completely unacceptable and intolerable, and I am hugely aware of the costly uncertainty and anxiety that it is causing for businesses and people up and down the country, but I am also clear that, despite the Prime Minister’s disgraceful and inflammatory attempts to lay the blame at the feet of democratically elected representatives doing their jobs, this appalling mess is entirely of the Prime Minister’s, and the Government’s, own making.
The time-limited article 50 process was triggered without any plan or agreed strategy for where we wanted to end up—I voted against it at the time for that very reason—and months of valuable negotiating time were wasted on a general election that resulted only in a hung Parliament. After that election, there was a complete failure to listen and to reach out to or engage with MPs—either by party, geographically or according to their views on Brexit—to build that much-needed consensus, with every decision taken by the Prime Minister in her narrow party interest, rather than with the greater good of the country in mind. Yet more time was wasted by repeatedly postponing, or simply ignoring, meaningful votes on the agreement, even though it was clear some four months ago that it would not command Parliament’s support.

I implore the Minister not to respond to this important debate simply by trotting out the same tired old lines that we have heard from those on the Government Benches today, or what we have heard time and again about the Government’s approach to Brexit. I implore him to engage with the fact that this Government’s total failure to steer the country through this historic process has resulted in 6 million people signing a petition in a matter of days, calling for the only policy that this Government has pursued for the past three years to be reversed.

Craig Mackinlay (South Thanet) (Con): Has this petition not shown clearly what the People’s Vote is about, and made its veil drop? One could argue that the People’s Vote has no grand ambitions such as, “Let’s have democracy,” because this has nothing to do with another vote; it is about revocation. Will the hon. Lady now be honest and say that what she and others have been supporting through the people’s vote is revocation, not some grand democratic rerun of a vote?

Catherine McKinnell: I am not sure that the hon. Gentleman has been here for the full debate. [Hon. Members: “He hasn’t.”] He has not, so he was not here when I set out the three petitions that we are debating. This one is about revoking article 50; the previous petition was in relation to a second referendum on the EU debate. I take great exception to his suggesting that, in some way, I am being dishonest in what I am saying.

James Gray (in the Chair): No, the hon. Gentleman did not.

Catherine McKinnell: He did.

James Gray (in the Chair): Order. I am perfectly certain that the hon. Gentleman was not suggesting that the hon. Lady was being dishonest in any shape, size or form, and therefore I think we need not ask him to—

Catherine McKinnell: He did.

James Gray (in the Chair): I think he did not. However, Hansard will tell. But I am sure that he was not intending to do so.

Catherine McKinnell: Thank you, Mr. Gray. The hon. Member for South Thanet (Craig Mackinlay) did suggest that I should be honest. I have been honest, and I am being honest. This petition calls for the option of a revocation of article 50 to avoid us crashing out of the EU without a deal. The campaign that I support, which is for the Brexit deal that Parliament arrives at to be put back to the people in a public vote, is obviously connected to that, but is an entirely different proposition. I hope that has clarified it for the hon. Gentleman.

Instead of more dithering and delay, it is incumbent on us to urgently find ways to put a stop to this crisis. I believe that the only democratic way to move this process on for the country is one that would require an act of true national leadership by the Prime Minister: she must now agree to put her withdrawal agreement back to the public for a final confirmatory vote. If she is not prepared to do that, she—or we—must step back from the precipice and revoke article 50 in the short-term, medium-term and long-term interests of our still-great nation. It is clear that, however this Brexit saga ends, things have to change. As a country, we have an enormous amount of work and listening to do. We must rebuild to put our economy and our society back together and give everybody a stake in, and hope for, the future. The sooner we can all get on with that, the better.

James Gray (in the Chair): A glance around the Chamber demonstrates that a great many Members wish to take part in this debate. While I do not intend to impose a formal time limit, an informal limit of five minutes would be a courtesy to each other, and would make good sense.

5.33 pm

Mr Chris Leslie (Nottingham East) (Ind): The petition that I particularly wish to address is that signed by over 6 million members of the public, calling on the Government and Members of Parliament to be prepared to revoke article 50 in the face of a Brexit catastrophe and support remaining in the European Union. Over 8.6% of my constituents—some 9,500 people in my constituency—have signed that petition. In December, I and other Members whose constituencies will come back to me—I could name them, but I am trying to think of their constituencies—took a case to the European Court of Justice in Luxembourg. We took a risk and prosecuted the case that, as the United Kingdom, we had the unilateral right to rescind the notification of article 50 if we needed to do so. We took that case despite many people saying that we should not do it, that it was impossible, or that the decision to trigger article 50 was a one-way street.

We expected that once the mythology of Brexit—the unicorns—was held up to the light, and once Members of Parliament and other people looked at this question, we would find ourselves in the situation that we are in this week. We predicted that the concept of a jobs-first Brexit, or a Brexit that promised all of those wonderful things that were on the side of the big red bus, was a mirage that would prove impossible to deliver. There was a notion that Britain could pull up the drawbridge and everything would be fine: that we did not need to worry about our European alliances, or care particularly about the border between the Republic of Ireland and Northern Ireland, because these things could all be ironed out and it would be sorted out. We now know that is not the case.

Many of my constituents, and many hon. Members present, have looked at some of the options that we are debating in the other Chamber today: a customs union, the Norway option, the Canada option, or a supposed
Mr Chris Leslie: managed no deal. They have looked at the evidence, as they should, and have concluded that every single form of Brexit will make our constituents worse off. Therefore, how can I in good conscience say to my constituents, “That’s fine—no problem at all,” especially as they voted for remain? How can I possibly allow that situation to continue without giving them, at the very least, the right to sign it off through a form of final consent? They should have the final say.

I found myself finally having to leave the Labour party because I could no longer continue with the charade that somehow the Labour party was going to eventually get to the position of offering the public a vote. That option has remained on the ballot paper; it looks as though there has been some movement, and many good Labour MPs have been trying their best to get their Front-Bench team to support it. However, that was one of the reasons why I could no longer stay in the Labour party and had to join the Independent Group. Our view is that the public, if they so choose, should have the right to instruct their Government to revoke the article 50 notice and support remaining in the European Union. We are in a difficult set of circumstances, but if we want to truncate them and bring this situation to a conclusion sooner, a referendum is the best way to do so, rather than entering into four, five, six or seven years of long negotiations about our future relationship with the European Union.

Geraint Davies (Swansea West) (Lab/Co-op): The hon. Gentleman may know that I tabled the Terms of Withdrawal from the EU (Referendum) Bill on 6 July 2016, and that my hon. Friend the Member for Hove (Peter Kyle) is putting forward that proposal now. It is taking time, but we are getting there.

Mr Leslie: My hon. Friend has been very prescient on this issue. He has been consistent throughout—as have many hon. Members present—and I give him credit for that.

Faced with this petition, which has been signed by 6 million people, it is our duty to ensure that these views are not pigeonholed and sidelined in Westminster Hall, but that they are heard by the Government. It is not just a junior Minister—with respect to the hon. Member for Daventry (Chris Heaton-Harris)—who needs to hear the voices of the people, but the Prime Minister and senior Cabinet Ministers. When we come to the end of this debate, I do not believe we should simply nod through the motion that this Chamber, Westminster Hall, has considered this petition. It is important that we fight for those who have signed it, and take this issue to be considered in the main Chamber of the House of Commons. That is the position that I will be taking today.

5.39 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Gray. I rise in particular to speak on the petitions on the public vote and revoking article 50. Some 14,824 of my constituents have signed the petition to revoke article 50 to date. I keep watching as the numbers rise. It is a significant number of my constituents, and my constituency voted overwhelmingly to remain in 2016.

It seems that we have reached a real impasse in Parliament at this juncture. For all the political games that we are seeing played today, we need something clear and pure that moves forward. I am witnessing political fixes by the political elite for political survival, and that simply will not do. If Brexit gets through on the margins we are seeing in the votes as they progress—it may be meaningful vote 5 or meaningful vote 6—the country will never forgive Parliament for the economic disaster we see ahead of us. I have met employers in my constituency to discuss the impact that Brexit will have.

John Redwood: Will the hon. Lady give way?

Rachael Maskell: No, I will continue. I met a manufacturing employer just over a week ago. We are also due to lose 300 jobs in one of the agencies as a result of leaving Europe. We are in real need of high-skilled jobs in our city. There will also be a real impact on the university, not to mention our public services and our hospital, which is 500 staff short. The hospital recruited a cohort of 43 nurses from Spain. Only a handful remain today, because of what is happening over leaving the European Union. It is putting my local city at risk, so I will stand up for how people in my city voted back in 2016 to ensure that we do not end up in a disastrous Brexit mess.

The reality is that we are not seeing clear, cool, calm heads progressing the debate. We saw that clearly when the Prime Minister came to the podium and started pitching MPs against the people. We have seen it with her decisions, such as her catastrophic miscalculation on Friday. She thought that separating the political declaration from the withdrawal agreement would help to progress her deal, but we could all see that it would be a blind Brexit, with no leadership or certainty. People did not know what future they were voting for or who would be leading the negotiations.

It is absolutely clear that we need to move forward in a calmer way, and that will not be achieved over the next few days. It is clear that the country divided in 2016, but that has not yet been addressed by the Government. In fact, we have seen greater polarisation of our country with the austerity measures that have been brought forward. That has had a real impact. When people call for a different process to be exercised, and when people say, “Do not press this through,” it is Parliament’s duty to listen. It is unprecedented to see more than 6 million people take time out to sign a petition. As a result, it is so important that Parliament listens to the public.

I have questioned the Prime Minister, and I am confused. Why does she think it is okay for MPs to change their mind and vote time and again, yet it is not okay for the people of our country to do that? After all, every five years we expect the country to change its mind in voting in general elections. In fact, the Prime Minister wanted the country to change its mind so that the Government had a stronger majority. Clearly that did not go well for her, but that was after just two years. We are now nearly three years out from the 2016 referendum. My constituents are absolutely right to call for a public vote with the second petition.

Short of real political fixes, it seems inevitable that we will move to a longer extension. That would be the right move, giving us time to put our country back together and to decipher the relationship that we need with Europe.
as we move forward. Brexit will have a serious impact on our country. In the early stages, an amendment came forward for citizens' assemblies. That would be a helpful way of proceeding, before then moving to a further public vote to decide how to take things forward. I thank my constituents for signing the petitions, and I trust that Parliament will hear them.

5.44 pm

Wera Hobhouse (Bath) (LD): It is a big honour not only to serve under your chairship, Mr Gray, but to speak in this debate. More than 6 million people have signed the petition. Let us reflect on the extraordinary circumstances that have led to this debate and the extraordinary number of people who have expressed their will in this way, combined with the 1 million people who marched peacefully just over a week ago in the streets of London to voice their opinion. They are unashamedly and for good reasons voicing their opinion that they want to stay members of the European Union.

Throughout the past three years, I have campaigned to remain. Within two weeks of the 2016 referendum, we set up Bath for Europe with like-minded people. We understood that democracy is not only about majorities, but about people being represented. I have proudly represented the will of the 48% who wanted to stay in the European Union. I believe that the number of people who want to stay in the European Union is now more than 48%, and it would be wrong not to openly represent that view. It would be wrong to be demonised for that.

It is also true that the referendum happened, so my preferred choice has always been to put the issue back to the people. My view is that revoking article 50 is the last thing we can do, in extremis, if we do not get the people's vote over the line. I believe very much—I would have to test it with the people—that those who have signed the petition agree with that view. Many millions of people probably hope that we will get to a people's vote where they can express their opinion.

Dr Julian Lewis: Will the hon. Lady give way?

Wera Hobhouse: I will not, because many Members want to speak.

One reason that people have been inspired to sign the petition is the fear of no deal. It exercises a lot of people, and that is why we need to put a people's vote on the table now, not as our preferred option, but because no deal could happen. If no deal happens, the blame will lie firmly at the Government's feet, because they have options. They could agree to a people's vote. If that option was combined with the Government's deal, it would go through Parliament. Alternatively, they could revoke article 50.

If we crash out in two weeks, the blame will lie with the Government alone. I am proud of all the people who have signed the petition, including 18,000 in my constituency. That is the will of the people in Bath. Anyone who refuses to listen to the will of the people in 2019 is not a true democrat. Saying that the people have spoken once and should never be allowed to speak again is a travesty.

I am proud to hear the will of people and to hear them voice their concerns. I definitely listen to them, and I have not given up on the possibility of us staying in the European Union. I will fight to the end. I hope we get a people's vote, but in extremis we need to revoke article 50.

5.48 pm

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. The Brexit negotiations over the past two years have culminated in a constitutional crisis and the inability of our Government to resolve the single biggest issue that our country has faced in a generation. Our Prime Minister has refused to take any responsibility for her role in that crisis, yet it is she who has led us to the current impasse. Faced with a country split down the middle in its opinion on Brexit, the Prime Minister said almost nothing on Brexit between July 2016 and January 2017, except “Brexit means Brexit”. She failed at that early stage to chart a way forward that could bring the country together: a basis for negotiation with the EU that placed the national interest and protecting our economy, employment rights and environmental protections at the heart of the negotiating objectives.

In January 2017, the Prime Minister finally announced her Brexit red lines, which were essentially the red lines of the European Research Group—a hard-line sub-group of the Tory party not in any way representative of a majority of the country and advocating for the most divisive and damaging version of Brexit possible.

Heidi Allen: I am sure the hon. Lady is as curious as I am about tonight's documentary with Laura Kuenssberg, in which the Tory party Chief Whip says that his recommendation in the early days after the referendum result and after the 2017 general election result was that the Prime Minister could deliver only a softer Brexit that would reach a cross-party compromise in the House of Commons. It will be interesting to watch.

Helen Hayes: I thank the hon. Lady for her intervention. It will indeed be interesting to see that documentary.

It was the Prime Minister who took the UK into a snap general election in June 2017 and sought a mandate from the British people for her own explicitly hard interpretation of Brexit. She failed to achieve that mandate, but refused to accept that the will of the British people was not for a hard Brexit. It was the Prime Minister who negotiated with the EU on the basis of hard-Brexit red lines, and secured the only deal that could be secured on the basis of those red lines, when a negotiation genuinely based on the national interest might have yielded a different outcome. It was the Prime Minister who, despite facing the biggest defeat in parliamentary history on her deal, and two subsequent enormous defeats, recklessly and stubbornly failed to acknowledge that her deal cannot command support.

The vast majority of my constituents do not support Brexit—77% voted to remain in the European Union. They believe it will be utterly disastrous for our country and do not wish us to leave the EU. It is therefore no surprise to me that more than 26,000 of my constituents signed the petition calling for article 50 to be revoked, which is around 33% of the electorate. The many people who have been in touch with me about the petition support revocation because they oppose Brexit and because it is an essential protection against a no-deal Brexit, which is entirely within the power of the UK Government.
to implement. For those reasons, I support motion (G) and will vote for it tonight. Parliament has rejected no deal. If no deal and no extension can be agreed, revocation is the only responsible course of action for the Government to take to protect our country from the calamity of a no-deal Brexit.

My constituents are, however, hugely supportive of the opportunity for the British people to have a final say on Brexit by way of a confirmatory vote. The only democratic way through the terrible impasse in Parliament is to allow the British people to express a view on whether they wish to leave the EU with a deal capable of being agreed by the EU, or whether to remain in the EU. Those who support leaving the EU with a deal have nothing to fear from such a process. They would be free to campaign and vote according to their views. I would, of course, campaign for remain in any such referendum.

Three years on from the EU referendum, it is clear that the leave campaign lied, promising many things: additional money for the NHS and multiple trade deals with other large economic powers that have simply not materialised. We now know things that were simply not discussed in 2016, chief among them the risks presented by Brexit to security in Northern Ireland. The official leave campaign has now accepted that it broke the law to win by a very small majority. It simply cannot be claimed in this context that the 2016 referendum result can accurately be read as the will of the people for ever and a day.

Dr Julian Lewis: I merely point out that the remain campaign heavily outspent the leave campaign and the Government sent a letter—a leaflet—to every household in the country at a cost of £9 million with an entirely one-sided pro-remain argument in it, so the hon. Lady cannot claim that leave got the better of the options in getting propaganda out to the masses.

Helen Hayes: I simply say to the right hon. Gentleman that only the leave campaign was found by the Electoral Commission to have broken the law. That is the point.

The Government must act to stop the damage that Brexit is doing. The democratic way to do that is to renew the mandate to proceed any further by giving the British people a final say. If they will not do that, and we stand at the edge of the no-deal cliff, the Government must revoke article 50.

5.54 pm

Chuka Umunna (Streatham) (Ind): It is a pleasure to serve under your chairmanship, Mr Gray, and also a pleasure to follow my neighbour, the hon. Member for Dulwich and West Norwood (Helen Hayes). I agree with every single word she said. I want to speak to e-petition 235138 on holding a people’s vote, but, most of all, I want to talk to e-petition 241584 on revoking article 50 and remaining in the EU, which, as has been said, has been signed by more than 6 million people, including more than 25,000 people in my constituency, which is just under a third of the registered electors in Streatham.

I do not want to speak for long, but I will make these points. There is clearly no mandate whatever for the chaos that we have seen unfold in this country since the vote in 2016. Whether people voted leave or remain, there is simply no majority in the country for the mess that has unfolded, despite the comments that we have heard in this debate. Given that there is not a mandate for this mess in this House, hopefully the indicative vote process will indicate what there is a majority for. I very much hope it will be for a people’s vote. However, if there was no resolution, and on either 11 April or 21 May we faced falling off the cliff, it is clear that no responsible Government would allow this country to leave the European Union without a deal. I want to explain why, with particular reference to the Government’s own documents on the implications of our leaving the European Union with no deal. I want to draw attention to four or five of the points made in the documents that the Government—I hope the Minister will speak to this—have published.

First, we are told: “Despite communications from the Government, there is little evidence that businesses are preparing in earnest for a no deal scenario”, and the evidence indicates that small and medium-sized businesses in particular are unprepared for such a possibility. Secondly, “individual citizens are also not preparing for the effects” of our leaving the European Union with no deal. According to the evidence that the Government have published—their own economic impact assessments—if we were to leave without a deal on an orderly basis, we would be looking at the economy being 6.3% to 9% smaller than it otherwise would have been, but one of the things missed in the commentary is that that is an assessment of an orderly departure. If we were to leave and crash out on 11 April or 21 May without a deal on WTO terms, the contraction in the economy is likely to be far bigger.

Look at the practicalities: “Every consignment would require a customs declaration, and so around 240,000 UK businesses that currently only trade with the EU would need to interact with customs processes for the first time.”

I quote directly from the Government’s own briefing papers. If we read between the lines, we are looking at an increase in food prices, panic buying by consumers and tariffs in the region of “70% on beef... 45% on lamb... and 10% on finished automotive vehicles.”

And that before we look at the non-tariff barriers and their impact on the majority of the economy, which is service based. Based on the things that I have quoted from the Government’s own document, I do not see how any responsible Government could say that they had a mandate to bring about the disaster that they have published in their own papers.

[Steve McCabe in the Chair]

Chris Heaton-Harris: The hon. Gentleman raises important points from the paper. I am sure he saw the Treasury Monetary Policy Committee minutes last week that said 80% of businesses were ready for a no-deal scenario. He might have misread the number: it is 145,000 businesses that trade solely with the European Union and the Government have contacted them on three occasions so far. So, there has been some progress since the paper that he quotes from was published.

Chuka Umunna: I am just quoting from the Minister’s own document. Technically, he is—dare I say it?—the Minister for no deal. He is responsible for ensuring that
we are prepared if we leave in those circumstances. Never mind no responsible Government allowing us to leave without a deal; I cannot see how any Member of this House who held the post that he does as the Minister responsible could stand in the way of article 50 being revoked were we on the cusp of the disaster that he is supposed to be preparing for.

**Dr Julian Lewis:** Will the hon. Gentleman give way?

**Wera Hobhouse** rose—

**Chuka Umunna:** I will finish on this point: above all, the people who will be most angered by us allowing the country to crash out with no deal are the younger generations. For all the impact that this will have on older generations, the younger generations are the ones who will have to live with the results of Brexit for far longer than the rest of us. To my increasing surprise, every time we debate these matters, those people are never discussed. I think I am the first to mention them today; I am sure that they have been in everyone else’s minds. They are the ones who, above all, will never forgive this generation of politicians if we allow this catastrophe to happen.

6 pm

**Geraint Davies** (Swansea West) (Lab/Co-op): As I mentioned, on 6 July 2016 I introduced the Terms of Withdrawal from EU (Referendum) Bill to give people a vote on the deal, in the knowledge that what they were voting on in good faith might not be what was delivered. We have certainly found that to be the case. It is now clear from the evidence that Britain will be poorer, weaker, more isolated and more divided if we Brexit.

I stand here on behalf of people in Swansea West who voted to leave. They voted for more money, more trade, more control over migration and our laws, and they are getting none of those things. They see a £40 billion divorce bill and an economy projected to shrink by 10%. It has already shrunk by 2.5%—around £360 million a week, when we were promised £350 million a week for the NHS. Under the Prime Minister’s deal, we will still be controlled by EU laws. Under the absurd and irresponsible idea of no deal, we would be controlled by the WTO, which has 260 members, a massive commission, and an unelected pool of judges who would force various laws on us so that we could not, for example, choose to bring the railways and water into public ownership.

Migration will not be controlled, with an open border in Northern Ireland, and the no-deal scenario is a sort of Evel Knievel irresponsible madness. People who voted to leave did not know that Trump would be elected. They did not know that Trump would undermine trade, whether it is steel or Bombardier, undermine the Paris agreement, or undermine our world security by withdrawing from nuclear deals with Iran and so on. We are in a completely different scenario. They did not know that the Chinese would abolish the limited amount of democracy that they had, and that in any trade deals—

**Dr Julian Lewis:** Will the hon. Gentleman give way?

**Geraint Davies:** No, I will not give way—we have heard enough from you already, thank you. [Interruption.] We did not know that we would be crushed between China and the United States in terms of the EU’s ability to negotiate.

**Geraint Davies:** Just talk to each other then. [Interruption.]

**Geraint Davies:** I am sorry that Government Members have decided to leave, after multiple interventions to hear some logic. This is not the will of the people; this is a curse on the people by those such as the Members who have now left the Chamber, who do not really agree with democracy at all. We can see the empty Benches. They do not really care about the 6 million people who have seen that this is a complete shambles. Frankly, the people who vote for this will never be forgiven for what they are pushing on the country.

**Heidi Allen:** I appreciate that everybody’s diaries are incredibly busy in Westminster, but I find it extraordinary that there is now literally nobody on the side of the House that is responsible for responding to the petition, given it is of such a size. Does that not tell us how poorly the 6 million people in this country who are terrified by the prospect of Brexit feel? This is supposed to be democracy—I find it absolutely startling.

**Geraint Davies:** I completely agree. We have seen 6 million people in a matter of days saying, “Enough is enough—we want revocation.” A million people were on the streets, and for every one of them, there are probably 20 more. I personally could not make it: due to various commitments, I could not come along. We must have a vote of the people. Clearly there is a crying need for us to move forward.

**Daniel Zeichner** (Cambridge) (Lab): Further to the previous intervention, in the last debate in Westminster Hall we had exactly the same situation; very few Government Members attended. Does my hon. Friend agree that the petition shows a real passion on the side of people who want to remain! They do not want a fudge. For them, remain means remain, and that is what we should do.

**Geraint Davies:** People have the right to exercise their views, whether to leave or to remain, and increasingly people want to remain. They can see how awful this is. We have been talking about this matter endlessly, and if we do not revoke or have a public vote, we will spend another 10 years talking about it, with ridiculous deals that will push us down the economic toilet in my view. It is time to put Brexit out of its misery. It is time to let the people decide.

6.5 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr McCabe, in what has been an interesting, highly topical and well-attended debate, although I note that the leavers have now all left, after making a few interventions and, bizarrely, no speeches—something that I am sure that the public will have noticed.

I am very grateful to the hon. Member for Newcastle upon Tyne North (Catherine McKinnell) for opening on behalf of the Petitions Committee, on which we both serve. I echo her thanks to the Committee staff and the digital staff for all their hard work in surviving the petition. The number of signatories and the interest shown have certainly improved our processes. Few people will not have heard about the Petitions Committee as a result of the viral “Revoking Article 50” petition, so the Committee may become a tad busier in future. I also
pay tribute to the cross-party and cross-Parliament Scottish parliamentarians whose work has given us legal certainty on the ability to revoke article 50, without which the debate would almost be a moot point.

As of this morning, the “Revoke Article 50 and remain in the EU” petition has been signed by 10,156 of my constituents—a staggering number, although it seems almost paltry compared with some of the numbers that we have heard from other constituencies—the “Hold a second referendum on EU membership” petition has been signed by 229, and the “Parliament must honour the Referendum result. Leave deal or no deal” petition has been signed by 129. I am sure that all Members will have been inundated with emails about Brexit in general of late, and about the petitions and today’s debate in particular over recent days. The overwhelming majority of emails and messages that I have received are from people who wish to remain in the EU, and who would support revoking article 50 and/or going back to the people in a second referendum.

That is no surprise, given the volume of signatures on today’s petitions and the fact that 62% of Scotland voted remain, as did an estimated 58% of my constituents at the time, including me; I might add. I think it would be considerably higher if we had another vote today. During the 2016 referendum, and over the years since, I have seen nothing to shake my belief that staying in the EU is better than any of the possible alternative deals. Access to the EU single market and freedom of movement are vital both to protect jobs and to meet Scotland’s need for key workers in public services such as health and social care.

Much of the problem with the 2016 referendum was the result of its rather hasty nature. It was a relatively short campaign of a very vacuous nature. There were vague mantras and slogans on the side of a bus, the proposal was ill defined, and the reality is that, as other speakers have mentioned, Brexit means different things to different people; the number of emails that I have received from Brexiteers and leavers has proven that. As a consequence, agreement even among leavers is nigh-on impossible, as has been demonstrated through the parliamentary process and the impasse in this building to date.

People who voted to leave in 2016 did not vote to leave on 29 March or 12 April, as there was no date on the ballot. We need to pause and think seriously about the consequences of what we are about to do. I am reminded of the expression “act in haste, repent at leisure”. In this scenario, we may regret pressing on with the consequences of what we are about to do. It is a political choice. Crashing out of the EU with no deal need not be the default—it is not the only alternative to the PM’s deal. It is imperative that we choose to revoke article 50 and put the question back to the people, because we must ensure that the UK does not crash out without the express consent of our electorate.

As I have pointed out, Scotland did not vote for Brexit and we should not be dragged out of the EU against our will. Revoking article 50 would honour the wishes of the majority in Scotland. If this UK truly is a Union of equals and a family of nations, as Scots were promised during our referendum on independence, our different views must be respected. I implore the House to listen to them. If that is not possible, the UK is not fit for purpose and its days are numbered.

6.10 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a pleasure to speak under your chairmanship, Mr McCabe. May I put it on record how proud I am that Hornsey and Wood Green currently ranks as the constituency with the second-highest number of signatories to the petition to revoke article 50? That is the main argument that I will make in this debate, because I know that other hon. Members wish to contribute.

Andy Slaughter: I cannot compete with my hon. Friend—Hammersmith has only 22,346 signatories, although that is 30% of my constituents. However, I must observe that even New Forest East, whose hon. Member stormed out earlier, has 7,245 signatories. Is it not shameful that hon. Members cannot represent their constituents, who are desperate for a resolution and for us to take the lead?

Catherine West: My hon. Friend is correct. Even though a very small percentage of my constituents voted to leave the EU, I have tried to engage with them and talk about what happened in the election and why they felt like that. That is the spirit that we need to move towards as a Parliament, but it is difficult to do that when hon. Members leave the Chamber.

On the Saturday after 23 June 2016, I hired a small room in the old Hornsey town hall for any EU nationals who wanted to discuss their worries with me. When I opened the door, it was biblical: 500 people had come. They were not all connected to the EU in a personal way; for some, it was just a general feeling. That is the sort of constituency I have, but I still want to engage with those who hold the opposite argument, who may feel just as passionately even though there are fewer of them. I hope that this debate will take place in a spirit of co-operation and of listening to one another.

When 1 million people took to the streets of London on 23 March, it was quite an amazing day. Only last Monday, MPs voted to take control of the Order Paper in response to a Government who have failed to deliver
a deal that protects the interests of the British people. Yesterday, the petition that we are debating surpassed 6 million signatures—as it is 1 April, Mr McCabe, you may be amused to hear that this morning my other half came into the room and said, “It’s at 9 million!” I leapt out of bed and he said, “April fool.” At least we can try to maintain a sense of humour in these difficult days.

We know that the Prime Minister intends to make a fourth attempt at bringing her deal back—possibly on Wednesday, although the Minister may enlighten us further—and tonight MPs will take part in a second round of indicative votes. It seems completely nonsensical that the people should be prohibited from speaking again at this moment of intense crisis.

Nearly three years have passed since the narrow result, and we understand from commentators that with every passing week a further £600 million is wiped off the national economy. How can something like new computer systems for our ports—to give one example from my time on the International Trade Committee—be more important than providing free dental care for children in our most deprived areas, free university education for our students or the crucial funds that our local authorities need to fight knife crime? There are so many things that £600 million per week could be used for—it is enough to make one weep.

Each hour, £171,000 is spent on preparing for a no-deal Brexit, which we know would have a devastating effect on the economy and inflict disproportionate harm on deprived communities. To put it into context, that money could be spent on recruiting 8,500 nurses, 50,000 teachers or 49,000 police officers—a move that would begin to repair the damage done by eight-and-a-half years of austerity.

On 14 March, the Commons voted to extend article 50—an important step to ensure that the UK did not crash out of the EU last Friday. That action was necessary, but it is not a long-term solution. There are now 271 hours left of the short extension to article 50, so we must ensure that we have an insurance policy to protect the UK from a catastrophic no-deal scenario. As other hon. Members have said, that insurance policy is the revocation of article 50.

I was proud to support the amendment tabled by the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil), not least because he chairs the International Trade Committee, on which I sat until recently—I am sure that hon. Members will correct my faulty Gaelic pronunciation of his constituency. Many hon. Members present will be giving a lot of thought to a similar motion on the Order Paper this evening, which was tabled by the hon. Member for Edinburgh South West (Joanna Cherry) and has the same aim. If we are heading towards no deal, revocation seems the most sensible, straightforward and logical course of action. Her amendment would not preclude hon. Members from continuing to pursue a second referendum, as I shall, or from advocating a Norway or Canada-style deal.

I am proud to be voting for the revocation amendment tonight, along with the second referendum amendment that it will enable. I encourage all hon. Members to join me in the Aye Lobby—although I feel that I may be speaking to the converted in this funny debate, in which the Minister, as the only Conservative Member, is looking a little lonely.

6.16 pm

Ann Coffey (Stockport) (Ind): Our relationship with Europe continues to divide communities and generations. Many people see the relationship in terms of Europe’s economic value to us; some see it as a way of putting to rest forever the terrible wars that divided Europe for centuries, while for others it is a bulwark against oppressive regimes and it is a protection of citizens’ rights. Yet others see membership of the EU as a threat to national sovereignty and identity.

In the 1975 referendum, the British people voted to stay in Europe, with 62.7% voting yes. The referendum split the country and the then Labour Cabinet, and did not settle the question: almost immediately afterwards, anti-marketeers began their campaign to overturn the result. In the 2016 referendum, the people voted to leave the EU by a smaller margin; in my constituency, 53.2% voted to remain, compared with 46.8% who voted to leave.

I conducted a survey of constituents shortly after that vote, and I have just conducted another poll to see how people feel two years on. I sent out surveys to 4,500 households; 71% replied that they now feel that the people should have the final say on the Brexit deal, while 72% said that remaining in the EU should be an option in another referendum. The young were much more pro-Europe than older people: 83% of 25 to 49-year-olds said that there should be an option to remain, compared with 50% of those aged 64-plus. Of those who voted to leave, approximately a fifth either would now vote to remain or are undecided, with those in the 25-to-49 age bracket being most likely to have changed their mind.

The issue of sovereignty and what it means to be British, which was so important in 1975, continued as a strong thread in the replies to my 2016 and 2018 surveys. The latest survey contained many opposing views. For example, one respondent said:

“As a sovereign nation, I want the UK to remain in a community and work together to share information and provide mutual support.”

Conversely, another respondent said:

“We want our country back, our sovereignty, our laws.”

I voted to stay in Europe in 1975, partly for economic reasons. The economy—as probably no one present will recall—was in a very bad state, but my overriding reason was that as a young person I saw belonging to Europe as a break from the past, with the possibility of a better future. As a child, I was brought up in the shadow of the war because of the traumatic experiences of my parents and grandparents. Peace in Europe was an overwhelming prize for our generation. I wanted us to be a nation that took our place alongside other countries and contributed to the responsibility that the international community has to resolve some very challenging issues, such as climate change and migration.

Clearly, it was always going to be difficult to get support for the deal that the Prime Minister has brought back. Indeed, it is difficult to think of any deal that could win overwhelming support, because we all want very different outcomes. It is not very satisfactory for any option to be the majority view of the House by a handful of votes—although I believe that having another vote by the public on whatever option the House supports, together with the option to remain, is the only way forward. I do not think that another public
vote will settle the issue of what our relationship with Europe should be; communities and generations will continue to be divided.

I believe that the younger generation will, in time, have a more settled view of what its relationship with Europe should be. It is only when that happens that this issue will be resolved. The only long-term solution to the issue of identity is time. However, in a public vote, people would be voting this time on proper, detailed options for the way forward, with the full knowledge of what a deal with the EU would look like, and with the option of voting to remain in the EU if that appeared a better option. Perhaps that could put back into the debate a space for rational consideration, which would be welcomed by many members of the public.

6.21 pm

**Martin Whitfield** (East Lothian) (Lab): It is an honour to serve under your chairmanship, Mr McCabe. I thank the Petitions Committee for the debate on the three petitions and my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) for introducing it. We have heard a lot of very interesting arguments, and I extend my thanks to the 98 people in East Lothian who signed the petition asking to respect the original referendum—they have a right to a voice. I thank the 356 people in East Lothian who signed the petition to hold a second referendum. I thank the 13,099 signatories—nearly 12.5% of my constituents—who signed the petition to revoke article 50.

I offer the same thanks to all three groups, because this is a debate in which we need to listen to all sides. We need to address the concerns. It is not a debate in which time should be wasted with interventions and shouting down to try to silence the other side; that is a problem we have had in previous years, and we are not getting any better at it.

I also thank the hon. Member for Stockport (Ann Coffey), who reminds us that the precursor of the EU was an organisation to keep peace—that was its fundamental purpose. People looked to countries across Europe that were devastated by war and said, “How can we make things better?” We came up with the idea of trying to share, and we liked it; it worked. The UK was instrumental in the creation of that organisation, then we sought to join. We were shunned, but we did not take that as a no; we went back and asked again. We did so because we saw that what was happening there was the right thing for the future. It was the right thing for young people then the way it is the right thing for them now. It was right for industry then, just as it is now.

We live in a world where we have a growing challenge from the west and a challenge in the east. Standing together makes us stronger, which is important. I was going to pick up on a variety of comments such as, “Oh, it’s in your manifesto,” and so forth, but, given the shortage of time, I shall not give them the dignity that they do not deserve.

I shall instead answer my hon. Friend the Member for Newcastle upon Tyne North, who said that petitions have been used in Parliament for ages; they have, and date back to 1832. The very first petition was drawn up by the suffragettes, who wanted a vote, and presented to the House. I suggest that if we had listened to that petition then, some of what happened subsequently might have played out very differently and been more respectful of the sort of community and society that we want to live in today.

I want to look briefly at what article 50 says and why it should be revoked. It is a very simple clause:

“Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.”

It is those last two words—“constitutional requirements”—that have, as much as anything else, caused us problems. We have a challenging constitution; it is unwritten, but it is also versatile. It allows people to say, “This is what I think it is, and you disagree with me at your peril,” but our constitution works because we all agree on certain elements of it.

One of those elements is democracy. If we revoke article 50 as the petition requests, we will create space in which we can perhaps have a better discussion with people who are involved. Some young people in my constituency—primary schoolchildren—wrote to me, and one of them said, “We really should have another vote. We’ve talked about this; it makes sense.” Another boy wrote to me and said, “Why don’t we give the vote to everyone who didn’t have the vote then, but has the vote now? Let’s ask them.” Those young people are looking at adult problems that they know affect them, and coming up with solutions.

**Sandy Martin** (Ipswich) (Lab): Does my hon. Friend agree that should article 50 be revoked, that needs to be in conjunction with a people’s vote? We need to maintain people’s faith in democracy. If people are to have faith in democracy if we decide against something that was decided, albeit with a very small majority, we need to have another vote to be able to confirm the decision.

**Martin Whitfield**: I very much agree; we cannot have enough democracy. One of the questions that needs to be answered is what sort of democracy we want going forwards. We have looked at the referendum, and a group of people say, “The original referendum is sacrosanct; we can’t have another.” We have people who say, “We’ve had a general election—it’s sacrosanct, and we’re not going to change it.”

Very serious constitutional questions need to be addressed urgently. One way to do that is to create a space for that discussion to happen. The request to revoke article 50 does not mean that we will never leave the EU; it means that we can start to reconcile the country away from screaming and shouting and towards a situation in which discussion takes place and we can move forward together.

**Bambos Charalambous** (Enfield, Southgate) (Lab): Businesses are affected, and many of them do not know who they will employ in the future, what supply chains they will use and which regulatory regime they will use. Surely we need to have space to allow them to have certainty.

**Martin Whitfield**: Absolutely; I agree. The handling of the no-deal nightmare cliff edge has not been the greatest moment in parliamentary history. We can have a great moment in that history by opening up the discussion again and trusting our voters—the public—to take it forward.
6.27 pm  

Dr Sarah Wollaston (Totnes) (Ind): It is a pleasure to serve under your chairmanship, Mr McCabe.

“If a democracy cannot change its mind, it ceases to be a democracy.”

Those are not my words, but those of our first Brexit Secretary, the right hon. Member for Haltemprice and Howden (Mr Davis), who is one of many. The ability to change one’s mind is a beautiful thing and something that we should particularly value in parliamentarians. As Maynard Keynes said:

“When the facts change, I change my mind.”

Having a sealed mind—the inability to change one’s mind—is something that we should be very careful about. That is where we are at the moment, I am afraid. We are in a situation in which people seem incapable of changing their mind, but the public are not.

It is very difficult to quote a figure for the number of people who have signed the petition to revoke article 50, because it is changing. When we started the debate, it was 6,036,045, but the last time I checked—a couple of minutes ago—it was 6,037,286. Some 10,804 of those signatories are in my constituency, which is almost 16% of the electorate. I pay tribute to the 355 people who signed the petition to leave with or without a deal, because we should recognise their voices in the debate. I also pay tribute to the 496 people who signed the petition for the second referendum.

There are lots of reasons to change one’s mind. A good reason to change one’s mind is that the circumstances have changed. Another is that one has looked at the evidence. I come to this seeing both sides of the debate, because I started out—originally, when the referendum campaign was launched—as a soft-leave Eurosceptic. However, as Chair of the Health and Social Care Committee, I heard the evidence of harm week in, week out, and I came to the view that I was wrong. I was not afraid to say that. In fact, many colleagues said to me, “Don’t tell people that you’ve changed your mind. Just put a cross in a different box. It will be very bad for your political career if you change your mind.” It is astonishing that we have come to that—that parliamentarians are not honest and are not prepared to change their mind when they have looked at the evidence.

We focus on the idea that this is all about a WTO Brexit and trade, but from chairing the Health and Social Care Committee it became obvious to me that there is clear evidence of harm to social care, science and research from unpicking a close relationship that has brought enormous benefits for more than four decades. I looked at the harm that Brexit would cause to science and research. There is no version of Brexit that will benefit science and research, improve the situation for our health and social care workforce, or do anything positive for NHS funding.

Of course, the biggest, most remembered non-fact of all the referendum campaign was the £350 million a week for the NHS that never was. Those who led the leave campaign not only know that that was wrong, but valued the fact that people were quoting that figure and that there was a debate. I was in rooms with people who said to me, “Yes, we know the fact is wrong. It’s not a fact. It’s a gross figure, rather than a net figure,” but they were prepared to keep saying it. Many of those people now sit on the Front Bench. It is quite extraordinary.

We must consider the big picture and the extent to which people were misled knowingly and deliberately during the referendum campaign. We must consider the very real evidence that has emerged in every area of the degree of harm. We must be honest about the fact that there were many different versions of Brexit. I am a former clinician—I have said this before—and it would be ridiculous to take someone into an operating theatre more than 1,000 days after they had signed a vague consent form for an operation of some sort. The surgeon would be struck off. The surgeon in this case, I am afraid, is our Prime Minister. Now that we know all the circumstances of Brexit, she has a duty, once we have settled on a version, to allow people to go back and weigh up the risks and benefits of a known deal. That is what is required to give consent.

That is particularly true for young people. We are taking people into the operating theatre kicking and screaming with a consent form signed by their grandparents. We owe it to the British people to check that we have their valid consent before we carry out this extraordinary act of constitutional, social and economic surgery on the population. We have time to do so. We should take that time, and revocation is one way we could do that. We should revoke and reflect. As the hon. Member for East Lothian (Martin Whitfield) said, that does not cancel Brexit altogether; it just gives us the chance to pause. This is a significant decision, and we should take the time to ensure we get it right.

There are many good reasons to change one’s mind, but there are some that are less honourable, such as changing one’s mind because it suits one’s leadership ambition or because this has all become about the unity of the Conservative party. The country is looking on in horror; it does not see those as reasons to change one’s mind or to stick rigidly to a point of view when all the evidence to the contrary is compelling. Many of my constituents have said to me over and over again, “Why is it that all of you get to change your mind so many times but none of us does?” They just want the ability to reflect the fact that many of them have changed their mind.

Last weekend, I was with the million people—an extraordinary, positive outpouring from all around the country, walking past the Prime Minister’s door peacefully and asking her to put this to the people. I contrast that with the crowds that were outside the gate when I cycled out last Friday, screaming at me, “Traitor!” and “Bitch!”, and referring to other parts of my anatomy in a disgusting outpouring of hostility.

I hear the Prime Minister and others say that we cannot put this back to the people because it will unleash dark forces and division in our society, but those dark forces and division are already out there. We counter the far right not by appeasing them but by standing firm. Since when did this country not have a democratic process because we were afraid of the far right? I and many colleagues in this House have had to face that blast full on. I will not be quiet; I will keep saying loud and clear that it is time we put this back to the people.

6.36 pm  

Neil Coyle (Bermondsey and Old Southwark) (Lab): I congratulate my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) on her brilliant opening speech and on being a brilliant MP for my dad. I want to make four brief points, although there are some sub-points—things that might be a bit short.
It is three years since 37% of the eligible electorate voted to leave, and two years since the Prime Minister triggered article 50. Someone earlier described that as premature, but that is an understatement—it was reckless in the extreme. I voted against triggering article 50 and am proud to have done so. Everything we have seen since justifies the decision that I and all those who voted against took at that time.

I speak in support of the petitions in favour of a new people’s vote and revoking article 50 on behalf of an inner-London constituency with a more significant economic cushion. Other hon. Members have spoken about the harm, or the potential speed and depth of the harm, to their constituencies that comes from Brexit. I also want to challenge the idea that there is a north-south divide here, or that this debate is more affluent versus more disadvantaged communities, because that is simply not true.

In my constituency, some wards have 43% child poverty, there are hundreds of working people reliant on food banks under this Government, and there is a very significant homeless and rough-sleeping population. We should all be speaking about the additional damage that, of that bus, we had no idea of the depth of the lying and criminality that was going on inside the bus just three years ago.

I want to highlight some of the damage I have seen, even in an inner-London constituency. I have talked to employers and businesses from across my dynamic and vibrant constituency. Hospitality, construction and the public sector are struggling to recruit already, even before we get to any potential deal or crash out with no deal. I have seen two financial sector firms move to Frankfurt, and I have seen investment from different businesses go instead to Amsterdam when it would otherwise have gone to Elephant and Castle.

We have also seen damage in terms of democracy and the rise in hate. I echo the points made by the hon. Member for Totnes (Dr Wollaston), who spoke about events we saw on Friday. I think it deeply shameful that a neo-fascist was allowed to speak anywhere near the Cenotaph in our capital city.

We have also seen hate grow elsewhere. We now know more than we did before about Putin’s influence and about the depth of lawbreaking, overspending and criminality. Although some of us knew that those were lies on the side that the Prime Minister was trying to pull those visions together into some sort of whole. I will address that further in my speech.

Finally, even in Bermondsey and Old Southwark—a heavily remain constituency—I have spoken to multiple people whose views have shifted since 2016, as well as many more who still support leave but do not support the Prime Minister’s deal and do support a public vote. Voters whose views have shifted include a prison officer, a banker and a teacher. On Friday, I met a man and his best friend, who is Portuguese and is worried about her future rights in the UK. They recognise the crisis that we are in and the damage that we have seen. They want to revoke article 50 and they want a say on whatever course this country chooses to take. For those reasons, I will be voting today with those people in mind.
consider them at all times. We in this place are creating
their future and, frankly, if we pursue this Brexit, it will
be a very poor future—I include my own children in
that consideration.

My hon. Friend the Member for Linlithgow and East
Falkirk (Martyn Day) gave a trenchant speech, for which I
thank him. It was very measured and considered and
I agreed with everything that he said. The hon. Member
for East Lothian (Martin Whitfield) reminded us that,
ultimately, Brexit is a political choice. That must be
remembered during our votes tonight and in all our
consideration of this incredibly important issue.

I must highlight in particular the contribution from
the hon. Member for Totnes (Dr Wollaston), which was
extremely frank. She, too, spoke of the many different
versions of Brexit, and her condemnation of the hostility
that has arisen in recent weeks hit the nail right on the
head. She spoke of the whole Brexit debate unleashing
dark forces and division. We must stand up to the far
right rather than appease it.

The call rings out from Brexiteers that we must respect
the will of the people in the 2016 referendum. The question
that keeps recurring to me is, “What was the will that
was expressed?” For some, it was perhaps the £350 million
a week for the NHS, and they may be very disappointed
when that does not arrive. For others, it may have been
the higher wages that were promised during the leave
campaign, which is a benefit that does not seem to be
appearing any time soon. Some may have been wooed
by the promise to scrap VAT, about which we have
heard almost nothing since, or perhaps by the easy-as-pie
trade deals, of which we were supposed to have dozens
by now. Alternatively, was it the UK-EU trade deal or
the new immigration system that we were supposed to
have by May next year?

One thing that we still have is the pledge that there
will be no change to the operation of the Irish border,
as promised in a Vote Leave news release of 1 June 2016
by the right hon. Members for Surrey Heath (Michael
Gove), for Uxbridge and South Ruislip (Boris Johnson)
and for Witham (Priti Patel). The one promise left
standing is the one that seems to be causing all the
problems between the Tories and the DUP.

Despite all the fluff and flannel since 2016, it is fairly
clear that leave never meant leave and Brexit never
meant Brexit. In the blizzard of reasons for voting one
way or another, there was never a manifesto; there was
never a plan for what happens afterwards; and there
was never any vision of the future. No one was selling
truth or honesty, but there was plenty of prejudice and
imagined slight on offer; and plenty of gung-ho hot-headed
invective, but very little sober reflection.

Since then, however, we have all had a chance to take
stock. From hearing other hon. Members today, I know
that they, like me, have spent time talking to constituents
and have received a range of different responses. I have
met people who wanted to leave so that our laws would
be made at home, but who still wanted to keep freedom
of movement. I spoke to one lady who did not like the
control that she thought the EU had over our lives, but
thought we should have common standards for goods
across Europe. There was no single movement, and no
collective decision-making. There was no plan to vote for, no manifesto to be held
to, and no vision of a new constitution. Any politician
who says that they are simply respecting the will of the
people is actually just hijacking an advisory plebiscite
for their own personal or political advantage.

My constituency of Edinburgh North and Leith is
decidedly in favour of the EU. More than a quarter of
the population signed the online petitions to revoke
article 50. That reflects what is said to me across the
constituency on a regular basis. People are worried
about whether their doctor will still be here in future.
They are concerned about whether their neighbours
and friends will face pressure to leave. Concerned
constituents have made countless representations to me
about how the community will be affected if we no
longer have the flow of fresh faces and if we cannot
hang on to the new Edinburgh North and Leithers that
we have currently.

The wife of the regius keeper of the Royal Botanical
Gardens in Edinburgh contacted me because she was
concerned about her right to stay. She did not work
much while she was bringing up their children, but her
husband served with distinction in the Marines, and
was invalided out at the rank of lieutenant colonel. He
is also a member of Her Majesty’s Body Guard of the
Honourable Corps of Gentlemen at Arms, but that cuts
no ice. A constituent who does not want to be named
because she fears the repercussions came to me in fear
of being deported to the EU country that she left as a
toddler to come to the UK even before that country
joined the Common Market. She raised her family here
and looks after her grandchildren while her children
work, but her status here is now uncertain.

Catherine West: Does the hon. Lady agree that there
is a real risk of another Windrush situation developing
if the Government do not get a handle on this?

Deidre Brock: The hon. Lady is absolutely right. I
hope that the Minister is hearing this, because it greatly
concerns many people in my constituency and hers, and
across the United Kingdom. The situation needs to be
taken a grip of right now, so that those people can be
reassured.

Martin Whitfield: I will be swift. I am sure that the
hon. Lady will confirm that the substantial majority of
those in her constituency are indeed EU nationals, as
she said, but does not their angst about article 50 and
this situation show their commitment to wanting to stay
here to contribute to our society?

Deidre Brock: Absolutely. I completely associate myself
with that comment. My constituency is particularly
multi-dimensional, with a number of ethnicities across
the board. That is something I relish the most about my
constituency, and it goes back hundreds of years, because
Leith is a dock area. The embracing of new people on
our shores is particularly obvious in Edinburgh North
and Leith, and I am proud to be associated with that.

The sentiment repeated to me regularly by my
constituents, with very few exceptions, is that they want
to keep our links with the EU, preferably remaining a
full member state. That might be because we understand
the benefits of the EU, freedom of movement in particular.
As I am about to elaborate, just under 10% of the
population are non-UK citizens of the EU—we have
more than twice the UK average concentration—and
we understand the benefits of immigration and the
added cultural and economic value that immigrants bring. We understand how damaging Brexit will be—a chaotic one in particular. Parliament should heed such voices and we in this place have a duty to look out for their best interests.

We know that the deal negotiated by successive, legendary Brexit Secretaries, who all seem to have resigned in disgust at their own failures, has been disowned three times—and the cock has not yet crowed. There will be no rehabilitation and there is yet time for another denial if the deal is brought back a fourth time. I hope that the Prime Minister is willing to listen to the advice of the Lord Chancellor at the weekend and to acknowledge that the deal has no chance of passing and that she should be looking at other options. I certainly recommend hearty to her the revocation of the article 50 notification should be the most sensible course of action. There is no precedents for that. In any case, revoking article 50 seems set out by anyone advocating major change—there are no rehabilitation and there is yet time for another denial.

We should certainly make certain that no future referendum on such an important matter is allowed to proceed on the basis of hearsay, speculation, fevered invention and blatant prejudice. A proper position based on things such as facts and expert testimony should be set out by anyone advocating major change—there are precedents for that. In any case, revoking article 50 seems to be the most sensible course of action. There is no point trying to carry this nonsense any further forward.

We heard excellent speeches, too, from my hon. Friends the Members for Dulwich and West Norwood (Helen Hayes), for York Central (Rachael Maskell), for Swansea West (Geraint Davies), for Hornsey and Wood Green (Catherine West), for East Lothian (Martin Whitfield) and for Bermondsey and Old Southwark (Neil Coyle), and from the hon. Members for Bath (Wera Hobhouse), for Streatham (Chuka Umunna), for Linlithgow and East Falkirk (Martyn Day), for Stockport (Ann Coffey), for Totnes (Dr Wollaston) and for Edinburgh North and Leith (Deidre Brock).

Without doubt, the three petitions that we are here to discuss represent a range of views from across the country: from those who want to revoke article 50 immediately and to stay in the EU, to those who want to have left already, last week, with or without a deal. There are also those who want to hold another referendum between the Prime Minister’s deal and remain. I also recognise, of course, that one of those petitions has received astronomical and unprecedented support. We cannot deal with each of the petitions equally in the debate, because of the overwhelming support received by one of them—something that we have never seen before.

I hope that that is a trend that continues. It is great to see so many people take part in a process that, until Brexit came about, was not gaining much traction with the public. But my goodness people seem to know about it now. The strength of feeling shown by so many people about this cannot be dismissed—6 million signatures is an enormous amount. Even if we accepted that not everyone who signed it did so with exactly the same motive as one another, a clear message comes from such a large number of people taking time to sign a petition.

Jenny Chapman: It is a pleasure to serve under your chairmanship, Mr McCabe.

I thank all the Members who have contributed and made such excellent speeches with great passion and insight. It is great to be in a debate in which MPs are so at one with their constituents over an issue—but I must correct myself. I called it a “debate”, but clearly we have not had a debate. Our sharing of perspectives has been among people who broadly agree with one another, and the counter-arguments have not been heard because those who came initially to put them decided to leave. I am sad about that.

I am particularly sad for the 175,000 people, I think, who signed another of the petitions that we are also meant to be discussing—the one on leaving with or without a deal—because their champions walked away today. They need to reach their own conclusions about that, but I certainly regret that this has not been the opportunity that it might have been for the kind of discussion that is possible in this space but sometimes not possible in the main Chamber. That can often be the beauty of these events in Westminster Hall, as opposed to those in the main Chamber of the House of Commons. I regret that.

Nevertheless, we have had outstanding speeches. I particularly thank my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) on introducing the debate so well and comprehensively. Her constituents will be very proud of her for the job that she did today. Many people present have heard her speak on this issue in the past, and she maintained her high standard of contribution this afternoon.
that her party is abstaining while trying to talk up a petition of 6 million people who wanted something else?

Jenny Chapman: I am admiring and respectful of the petition, and I understand the reasons for it. I also do not discount the proposition put this evening. The Minister should not read too much into the fact that I am not voting for it. I would add that the Labour party will whip its Members this evening, unlike the Government, who dare not whip even their own Cabinet. If I were the Minister, I am not sure I would bob up and down quite as much on this particular issue.

Neil Coyle: Perhaps some clarification would help: my understanding is that there is no Whip for Labour MPs on this particular vote. Many of us will join colleagues from across the House—and, I am sure, the MPs on this particular vote. Many of us will join my understanding is that there is no Whip for Labour at any other stage in the Brexit process.

Neil Coyle: Perhaps some clarification would help: my understanding is that there is no Whip for Labour MPs on this particular vote. Many of us will join colleagues from across the House—and, I am sure, the MPs on this particular vote. Many of us will join the petition. Many of us will join.

What I interpret from the fact that 6 million people—thousands of them in my constituency—have signed the petition is how concerned, angry and frustrated people are with how the Brexit process has been mishandled by the Government. I do not think there has been the same amount of public support and cut-through for a petition the Government. I do not think there has been the same amount of public support and cut-through for a petition as much on this particular issue.

NEIL COYLE: Perhaps some clarification would help: my understanding is that there is no Whip for Labour MPs on this particular vote. Many of us will join colleagues from across the House—and, I am sure, the Minister—in supporting revoking article 50.

Jenny Chapman: I am grateful for my hon. Friend’s advice, which I am sure he would have given regardless of advice from his colleagues in the Whips Office.

What I interpret from the fact that 6 million people—thousands of them in my constituency—have signed the petition is how concerned, angry and frustrated people are with how the Brexit process has been mishandled by the Government. I do not think there has been the same amount of public support and cut-through for a petition at any other stage in the Brexit process.

Catherine West: In the last two weeks, figures have come out showing that Brexit is costing £600 million to £800 million a week. Does my hon. Friend think that might have influenced some people to sign the petition?

Jenny Chapman: There is definitely more of a sense of urgency. People feel that if they are to have their voice heard to make their case, they need to do it now, perhaps in a way that they did not feel previously.

Sandy Martin: My hon. Friend talked about the anger of some of those out there. Does she agree that there is a lot of anger from some people who voted leave as well? If we believe in democracy and we want to ensure that we can deal with the anger on both sides from people who feel they are ignored, the only way to do that is to have another vote, to enable people to vote on fixed propositions rather than simply nebulous concepts.

Jenny Chapman: I agree that there is anger on both sides. We have not always heard it, but in this debate colleagues have been at pains to make sure that when they talk about the far right, or the scenes outside Parliament last Friday, in no way do they characterise all leave supporters in that way. That has happened in the past, and it is a good thing that we have not seen that this afternoon. I credit hon. Members for making sure they have not in any way allowed that perception to be taken away from this debate.

The number of people who have signed this petition and others, and who have gone on marches and protests in recent weeks, shows how many people feel left out or ignored in this process. That has to be because, after the referendum, the Prime Minister was quick to say, “I will stand up for one side of the argument alone. The 52% will get what they want and to hell with everybody else.” That is a dreadful way to attempt to lead a country. In that situation, a Prime Minister ought to have tried to work through a way that is respectful to the outcome but listens to and bears in mind the concerns and anxieties of the 48%. I am elected but I do not represent just the people who voted Labour. I do not check how people voted before I work on their behalf. We are here to serve the whole country, however they vote at elections and in the referendum.

From what people are seeing, they think that Westminster is not working. They see a Prime Minister who, rather than listening to different views, keeps putting the same deal back to Parliament, hoping for a different result. I hope the Minister reflects on that and will set out how the Government plan to go forward. The Minister and I have been in a few of these petition debates, so I will not get my hopes up, but who knows.

On the first petition, to revoke article 50, we recognise the huge amount of public support and why it has touched a nerve with so many people. Any discussion about revoking article 50 would have to be considered in the context of a final choice between that and leaving without a deal. We recognise that, given the Government’s intransigence, we could get to that point, which was almost inconceivable a year ago. In particular, I have in mind the contribution made by the right hon. Member for West Dorset (Sir Oliver Letwin) in a recent debate when he said that he used to think that the Prime Minister would not take us out without a deal but no longer holds that view. He knows her far better than any hon. Member here does, and his assessment is that she would consider taking us out without a deal. For that reason, as a final choice, revoking article 50 would be preferable to leaving without a deal, but we are not there yet. I am glad we are not, and I hope we never get to that point.

Our clear preference is for Parliament to have the time and the opportunity to debate credible alternatives that can command a majority in Parliament. The next stage of that begins today in the Chamber. I wish it had begun earlier, and I hope progress will be made. I do not think that Back Benchers should have had to initiate it; the Government should have initiated it or a similar process two years ago, to find a mandate on which they could have negotiated, while being obliged to engage with Parliament if the Prime Minister had asked for control to successfully negotiate. That is not what happened, and unfortunately we have had to take control as parliamentarians. I hope we produce a positive outcome today from this exercise. We will see at about 10 o’clock this evening.

Revolving article 50 at this stage without consulting the public in either a general election or a referendum, which is what the petition asks for, would not bring the country back together. I can understand why people are so frustrated that they reach that conclusion, but without having some kind of democratic process, that would not achieve the reunification that we should all desire. It is not the preferred approach at the moment, but I recognise it is an issue that we might need to return to in future. That will not be enough for some colleagues, but it is the most straightforward explanation of Labour’s position that I can manage.

The second petition calls for a referendum on the Prime Minister’s deal. Labour would support a public vote, which we would call a confirmatory ballot, to prevent any damaging Tory Brexit or no deal. Labour colleagues here will have had several discussions over the months about the desirability or otherwise of another referendum.
Ann Coffey: Can the hon. Lady confirm that the confirmatory vote would have remain on the ballot paper?

Jenny Chapman: I do not see any point in going through another exercise such as that without having remain on the ballot paper. Everybody seems to have their own view on exactly what ought to be on any such ballot paper—whether two or three options, a single stage or multiple stages—but the principle of engaging the public further in that decision is gaining support. I do not know if it has a majority yet—perhaps we will find out later today—but the specifics of what goes on a ballot paper would need to be quickly resolved. There would need to be a process in Parliament to help inform that, but yes, if remain is not on the ballot paper, it is difficult to see the benefit of the exercise.

We have spent two years making the case for a Brexit approach that we believe could have commanded support in the Commons, but I have to recognise that, at this late stage, if the Prime Minister forced through her deal, probably after multiple meaningful votes, that would need further confirmation from the public, as would any deal that came at the 11th hour from the indicative votes process. We have also said that we would include remain as the default option against a credible leave option, so we sympathise with the petition—especially the part that states:

"Whether you voted leave or remain, you didn’t vote for us to leave the EU in disarray, with no deal, putting many peoples livelihoods and living situations at risk."

That brings me to the final petition, which calls for the UK to leave “deal or no deal”. I represent a seat that voted 56% to leave, and many of my friends and members of my close family voted to leave, so I know how strongly many people feel about that. However, I do not believe that leaving without a deal is what voters were promised in 2016, and I do not think it would be in the best interests of our country, or of my constituents or anyone else’s. It would cause huge damage to jobs, the economy and trade, and create enormous difficulties in Northern Ireland. That is why Labour has always said that there have been a number of people in the Public Gallery for the debate. I thank them both for being here and for not stripping off to make a point, as people did in the Gallery of the main Chamber this afternoon. I very much appreciate their attendance and their clothes.

The hon. Lady spoke, as she always does—I admire her for it—in a very honest and brave way. She represents a seat that voted leave in quite some numbers—something like 56.8%, I believe, not that I check these figures.

Catherine McKinnell: I would be interested to know where the Minister got that figure. Officially, Newcastle as a city voted remain, and the votes were counted on a city-wide basis, so there is no breakdown for my constituency. I wonder whether he has been reading the Daily Mail.

Chris Heaton-Harris: I always read the paper that my mother reads; it is very important to know where she is going to come at me next time. I apologise if that is not the correct figure, but I maintain that the hon. Lady is an honest and brave parliamentarian.

Sandy Martin: I know the estimated percentage of my constituents who voted leave. It is 56.7%. However, I have told them that my role is to represent their best interests, and that is what I am trying to do. I am trying to represent the best interests of them all—not just the people who voted for me, but the people who did not vote for me; and not just the people who voted leave, but the people who voted remain.

Chris Heaton-Harris: I think that is a completely honourable position for the hon. Gentleman to take. The hon. Member for Newcastle upon Tyne North, who has been straightforward throughout this process, is similarly honourable. As she said, she did not vote to activate article 50, and she has sometimes been quite outspoken, in a very polite way, about the process we have gone through in the House.

I hear the hon. Lady has had many conversations with people in her constituency, and many Members who contributed to the debate mentioned the many conversations they have had with leave voters. There are lots of reasons why people voted to leave, so we cannot say that everybody came behind one reason. Actually, there are lots of different reasons to vote to remain as well. People might have voted to leave because they wanted us to set our own laws—to have them set by this place, not by the European Commission—or to make our own choices about how to spend our money, or because they wanted to end freedom of movement. A number of people might vote for the Common Market 2.0 option today, knowing full well that means continuing freedom of movement, which their voters might well have been quite strongly opposed to. A number of people have said over the past couple of years that they voted to leave because they were concerned about how their wages had deflated against overall wage growth. People voted in the way they did for a huge number of reasons, and they are all legitimate. We must not debase the legitimacy of people’s actions.
I am very pleased that the hon. Lady was proud of the people who demonstrated last week, and I am quite sure she was proud to have the full and uncompromising support of her party leader at the front of the march. Oh, he wasn’t there, was he? I think he was in Morecambe. Perhaps she was nearly led from the front by her party leader.

Nineteen Members intervened in the debate, which I think is the most interventions I have experienced. The hon. Member for Darlington talked about the many petitions debates we have had in the Chamber. It is nice to have a full house of people—even on one side—talking about the petition, because these are very important decisions that we are making on people’s behalf.

I thank the hon. Member for Nottingham East (Mr Leslie) for his contribution. As long as he is on the other side from me, I feel—no, he is a very good gentleman, and I entirely understand his view on this subject. He said this debate should have taken place in the main Chamber. I have no disagreement with that whatsoever. Perhaps when so many people—more than a million, or whatever it might be—sign a petition, the Petitions Committee could consider whether the Floor of the House might be the best place for the debate. I am in agreement with him on that, but obviously it is a House matter, so it is up to the Petitions Committee how it goes about that.

Catherine McKinnell: On a point of fact, it is not up to the Petitions Committee where the debates are held. The Committee has an allocated slot on a Monday afternoon here in Westminster Hall. This is where we are allowed to hold the debates on petitions that we decide have passed the relevant thresholds. It would be for the House authorities to negotiate how that might be changed, but it is purely a matter of the procedure that the Committee has at its disposal that we have the debates here in Westminster Hall.

Chris Heaton-Harris: Perhaps the hon. Lady missed the email update last week to 19,000 doctors by Professor Russell Viner, president of the Royal College of Paediatrics and Child Health, who said:

“I know that many of you will have been watching the news about Brexit...with feelings of uncertainty and increasing alarm...I have been considerably reassured by governments’ preparations relating to medicines supplies...governments, the Medicines and Healthcare products Regulatory Agency and the NHS have been working hard behind the scenes...and we believe that our medicine supplies are very largely secured”.

His biggest concern was panic buying. As far as I am aware—I will happily take this up with the hon. Lady offline—NDAs have not been a practice of no-deal preparation for quite some time. I will happily correspond or have a conversation with her afterwards about that, because if she has concerns I would like to bring them into the open a tiny bit.

Dr Wollaston: Is the Minister saying that everybody who has been asked not to disclose any issues to do with the supply of medicines is now at liberty to disclose them?

Chris Heaton-Harris: I have said what I have said in public, and I will happily take that up with the hon. Lady after the debate.

I also thank the hon. Members for Swansea West (Geri Davis), for Linlithgow and East Falkirk (Martyn Day), for Hornsey and Wood Green (Catherine West), for Stockport (Ann Coffey), for East Lothian (Martin Whitfield) and for Totnes (Dr Wollaston). The hon. Member for Totnes cited a whole host of reasons why she is allowed to change her mind. I will not go back and quote all the things she said to her electorate in the 2017 general election. I also thank the hon. Member for Bermondsey and Old Southwark (Neil Coyle), and the hon. Member for Edinburgh North and Leith (Deidre Brock), who missed the point that wages are rising ahead of inflation at this point in time, and obviously I thank the hon. Member for Darlington, who informed us about Labour’s whipping.

More importantly, I thank the number of people who have expressed themselves to the Government in the three petitions we have debated, which ask us to reverse the 2016 referendum result, whether by revoking article 50 or holding a second referendum, as well as the exact opposite: that the Government ensure that we deliver the outcome of the 2016 referendum no matter what. The Government’s position remains clear: we will not revoke article 50 and we will not hold a second referendum. We remain committed to leaving the European Union and implementing the result of the 2016 referendum.

Parliament’s position is now also clear. In the series of indicative votes on 27 March, Parliament voted on the options of revoking article 50 and holding a second referendum. Neither option achieved a majority in the House. Indeed, the House voted, with a majority of more than 100, against revoking article 50.

The Government really do acknowledge the substantial number of signatures that these petitions have amassed. We also recognise the hundreds of thousands of people who marched in London on 23 March in favour of a second referendum. In particular—I do not think anyone has done this—I congratulate Margaret Anne Georgiadou, the creator of the revocation of article 50 petition, for
starting a petition that, at current count, has attracted more than 6 million signatures. That is a considerable achievement in anyone’s terms.

I want to take a moment to note that I, the Government and, I am sure, everyone in the Chamber, were disgusted to hear the reports that Ms Georgiadou has received threats and abuse for starting a petition. That is utterly unacceptable. Everyone should feel and be able to express their opinions and participate in political discourse without fear of intimidation or abuse. That is integral to our democracy and it should be at the front and centre of our minds when we debate and discuss all issues, including Brexit. It is those democratic values that underpin the Government’s commitment to uphold the result of the 2016 referendum.

Although I have elaborated on this process before, let me do so again, to reinforce exactly why it is that we must uphold the result. In 2015, Parliament voted overwhelmingly to give the British people a choice on whether to remain in or leave the European Union, allowing them to express a clear view to Government. Before we asked them to vote, the Government wrote to every household, committing to implement whatever decision they made.

On 23 June 2016, the British people expressed their view to Government. With nearly three quarters of the electorate taking part, 17.4 million people voted to leave the European Union. That is the highest number of votes cast for any single course of action in UK electoral history. More British people than ever before or since amassed in agreement on a single, clear outcome: they wanted the Government to deliver the UK’s withdrawal from the European Union.

Of course, Parliament also made a commitment to uphold the result of the 2016 referendum. In the 2017 general election, the British people cast their votes again, and more than 80% of voters voted for parties who committed in their manifestos to uphold the result of the referendum.

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Martin Whitfield rose—

Chuka Umunna rose—

Dr Wollaston rose—

Chris Heaton-Harris: I will happily give way to all three hon. Members, beginning with the hon. Member for East Lothian.

Martin Whitfield: I refrained from raising this in my speech, but the Conservatives also stood on a manifesto saying that they would not separate the withdrawal agreement from the political declaration. How can they keep to one bit of the manifesto but not the other bit further on in the same paragraph?

Chris Heaton-Harris: I give way to the hon. Member for Streatham.

Chuka Umunna: I thought the Minister might want to reply. The point he continues to ignore is the reason why he and his Government are in the mess they are in. Ultimately, the 2016 referendum gave a view on whether a majority of people participating in that referendum wanted to leave the European Union, but how to leave was reserved to Parliament. His Government put a very hard Brexit to the British people and lost their majority. The clash of those two mandates is why we are going through all this chaos right now, and yet again he is sticking his head in the sand and ignoring that fact. It is all very well asserting the result of the referendum, but it did not tell us how the country wanted to leave the European Union. That has been the essential problem in this process.

Chris Heaton-Harris: Forgive me for not answering the point made by the hon. Member for East Lothian. I was going to take all three interventions first, but let me do what the hon. Member for Streatham would want. Our manifesto was quite clear, and Labour’s manifesto was quite clear. My party wants to deliver on its manifesto commitment.

To respond to the hon. Member for Streatham, absolutely, things did move on between 2016 and 2017, and that is why his party—who and my party made the commitments they did. People understood that we would be leaving the single market and the customs union.

Chuka Umunna: The Minister is also ignoring what his own Chief Whip will say on BBC 2 later this evening: the Government have refused to alter course and change their red lines in light of the fact that they lost their majority. They cannot get measures and propositions through the House of Commons. That is why they are in the mess they are in.

Chris Heaton-Harris: I tend to disagree. First, obviously I have not seen a programme that has yet to air.

Chuka Umunna: It is online!

Chris Heaton-Harris: Forgive me—it is a tiny bit busy at this moment in time. Obviously I will watch and read every word that the Government Chief Whip might say and put that in the context in which it might have been said.

The hon. Member for Streatham might not have enjoyed reading his former party’s manifesto in 2017 at the general election, and I might not have enjoyed reading mine; but as well as spending a lot of time in my own seat, I canvassed across the country, from Bolsover to Coventry South, in Northampton and through swathes of south London, where people whose doors were knocked on rightly thought that Brexit was in the process of being delivered, because everybody agreed they were going to respect the result of the referendum. Yes, I do believe that there has been a bit of a democratic disconnect, but in a slightly different way from the way the hon. Gentleman believes it.

Vera Hobhouse: The one thing I struggle with is why, if the Prime Minister says with so much passion and conviction that her deal is what the people voted for in 2016, she is too worried to put it back to the people. If she believes it is what people voted for, she should proudly present her deal and just check that with the people.

Chris Heaton-Harris: I shall happily answer that point later in my speech.
Neil Coyle: The Minister seems to be struggling to split the hypothetical from what happened in the election. Perhaps he has the figures for the number of people who downloaded or bought the Conservative manifesto; however, as to the simplistic suggestion that the vast majority of voters read any party’s manifesto, we all know it to be untrue. The practical reality in constituencies such as mine was that in every leaflet I put out—in every interview and article, and at the hustings—I said I would continue to oppose Brexit, full stop, so it is completely false to pretend that in the election voters only voted in the knowledge that Brexit would be delivered. It is nonsense.

Chris Heaton-Harris: In a way the hon. Gentleman is making the point that I was trying to make to the hon. Member for Streatham, because people did pay attention to what individual MPs were saying in their constituencies—at least, more people than ever before attended hustings in my constituency, and I should like to think that that was reflected elsewhere. The disconnect comes from the fact that in the end lots of people vote, as the hon. Gentleman knows, for a party rather than an individual. If a candidate’s party, nationally, says something loud and clear, they are almost disrespecting their party’s manifesto by saying something different locally.

Sandy Martin: Surely the point of a manifesto is to let the voters know what the party will do if and when it forms a Government. We wrote our manifesto in the hope and expectation that we would be able to form a Government and carry through the manifesto that we wrote. Unfortunately for the British people, we were not able to form that Government or to take control of the Brexit process. Clearly, over the past two years, the present Government have not been able to take control of it either, but we can hardly be blamed for that, and I do not think that the electorate should be able to blame us for the fact that the Government have not been able to control their own Members or bring forward a feasible, viable Brexit process.

Chris Heaton-Harris: I do not think that I was blaming hon. Members collectively. I was just making a point about what people might well have expected. It is not just the Government but many colleagues who stood on manifestos promising to uphold the result of the referendum who have an obligation and mandate to do so.

Dr Wollaston: Does the Minister agree that it was the publication of the manifesto that was the tipping point for the Conservatives, and it was all going quite well until then, when things fell off a cliff? That was my experience.

Chris Heaton-Harris: The problem is that people sometimes do not like it when politicians say one thing and do another. We all recognise that, and it is a difficulty that we all might have at some point in the future. What if a Member goes round during a general election campaign saying “this constituency voted by 54% to leave. I think this is one of the things that annoys people, is telling them that they didn’t know what they were voting for. That was the purpose of the referendum, we accept the result. We have to go into this, absolutely understanding that the principle here is that we respect the outcome of the referendum and I think it would be a huge mistake to go into this promising that I’d be prepared to vote to actually overturn the deal and send us back into Europe”? That is what the hon. Lady said to her constituency.

Jenny Chapman: I remind the Minister that we are being observed here by members of the public in the Gallery, and also by many people watching at home, because they have a certain level of engagement with this debate, perhaps more than others. What they do not want to see is an attempt to undermine, one by one, Members who have made a case on behalf of the petitioners today. They would like the Minister to address the substance of the petition.

Chris Heaton-Harris: That is what I had started to do. Failing to deliver on the commitments that we, as politicians, have made to the people we serve, would be hugely damaging.

Deidre Brock: The Minister talks of a commitment to people’s original voting intentions but, at the very least, the accusations and, indeed, proof of illegal activity undertaken by the Vote Leave campaign, surely mean that a reconsideration of that vote by the Government is entirely appropriate?

Chris Heaton-Harris: I am afraid I completely disagree. Let me be clear. To revoke article 50 or to hold a second referendum would be failing to deliver on the commitments we have made. Parliament once again rejected those motions last week. Second-guessing or otherwise reversing the outcome of the 2016 vote damages the trust that British people place in their Government. It gives cause for British people to lose faith in politics and politicians and in the most important democratic practice of all—voting. I recognise, in the midst of the uncertainty, that the petitioners question why the British people should not have a chance to have a second say—a second vote—on Brexit. However, I ask Members what guarantees we could give, if we cannot show that we can uphold and respect the results of one referendum, that we could respect and uphold the results of a second. Would we need a third, or the best of five? What would prevent a third referendum? When would the uncertainty and the back-and-forth asking of the question end? When could we consider ourselves to have settled the question?

The Government believe we have settled the question. It was settled by the British people in the 2016 referendum. To question that vote and try to undermine what was expressed in it is a harmful precedent to set, and one that the Government are firmly unwilling to set. However, people have expressed an important message to us through the petitions. Through them, we recognise the frustrations and concerns caused by the current uncertainty. It is our view, and Parliament’s view as expressed in numerous votes last week in the indicative vote process, that the solution is not to revoke article 50 or hold a second referendum, thereby irreparably damaging the relationship between people and politics, but to try to move forward with certainty as we deliver on the instruction that was given to us. That is what the Government are trying to do.

7.37 pm

Catherine McKinnell: I thank the Minister for his reply. I was perhaps being a little unfair on him when I picked him up on his reference to Newcastle upon Tyne North being a leave constituency, because, as my hon. Friend the Member for Ipswich (Sandy Martin) pointed out,
there are projected figures for demographic analysis, and I know from the conversations I had on many doorsteps during the referendum campaign that many of my constituents were voting leave.

The discussion and the level of debate from those on the Government Benches have been disappointing throughout this debate, in terms of engagement with the substance of the issue. The point that gets forgotten is a reality check on where we are, rather than going around in ever-decreasing circles, arguing tit for tat about how we got here. We know how we got here. There was a referendum question put to the country that did not specify in any way how it would be delivered, and we had a Government who went ahead and held a general election, and lost their majority. We have a Prime Minister who has completely failed to engage with anyone but those within her own party on this issue, and to reach out and form a consensus.

We know why we are where we are. Like my hon. Friend the Member for Darlington (Jenny Chapman), I was disappointed that the few Conservative Members who initially attended the debate, to whom I gave many opportunities to intervene, got up and left before the end without making any substantive contribution. If I am perfectly honest, their contributions were like those in a school debating club—point scoring rather than engaging with the substance.

I marvel, horrified, when I find Conservative Members of Parliament dismissing out of hand the concerns expressed by the CBI and by chambers of commerce up and down the country that the facts around a no-deal Brexit put so many of our jobs and industries at risk, and that they are not ready, as they have said with absolute clarity. The Conservative party used to pride itself on being the party of business; now it dismisses it. It is a reality check on where we are, rather than going around in circles, arguing tit for tat. The point that gets forgotten is the public who took the trouble to go and sign up on the petition website, but it ignores the deep, gnawing anxiety of so many people in our country who are terrified of the prospect of a no-deal Brexit and want to know that—as politicians, as Members of Parliament, as a Government—we will not stand by while that happens to our country, with all the consequences it would bring.

Anyone who stands there and says, “I have no fear of a no-deal Brexit; it’ll be absolutely fine,” clearly has nothing to lose and is completely insulated, but I know that my constituents are not. I go back to the point that the Minister made about mine being a leave constituency; the honest answer is we do not know. The vote was calculated as a city, so we know that Newcastle voted remain very marginally. What I do know, as a Member of Parliament who represents, lives in and has children growing up in the constituency, is that I will not take any action if all the evidence, including the Government’s own analysis, points to its damaging my constituency’s prospects.

Even if it means not getting re-elected, the only basis on which I will make this decision is knowing that I have done the right thing in terms of all the evidence I am presented with. That is why this revoke petition has been so popular, but it is also the reason that the call for a confirmatory referendum on whatever Brexit deal the Government arrive at has gained so much support. I recognise, as do my colleagues, that there was a vote to leave the European Union, but how that would happen was not decided upon; that is something Parliament has to decide. We have seen the evidence. We have seen that every single Brexit option will make our constituents poorer, and the impact will be greatest on those in the north-east.

Therefore, my view and the view of many of my colleagues who will support the motion tonight is that we should allow Parliament to have that process, to pass it back through Parliament and give it back to the people to make the final decision. Given that they started the process in 2016, they can now make the final decision on how it ends. That is how I will find out whether this is a Brexit that my constituents support, because they will have the opportunity to vote for it in a referendum—a referendum that every single citizen of this country who can vote can take part in. That is a democratic resolution to the impasse that we find ourselves in here in Parliament.

We know how we got here; we know how to get out of it. It is about time that the Government stopped burying their head in the sand and going around in circles, engaging in a debate that is not taking us forward in any way; but only leaves us stuck in this Brexit chaos. I implore the Minister, rather than engaging in the tit-for-tat that is driving the country to distraction, to compromise and come to an agreement that Parliament cannot take this historic decision without the confidence that it is something the public support.

7.45 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).
Let me start by outlining the problem. It is simply that education for 16 to 18-year-olds has, broadly speaking, not been funded as well as that for other age groups. The Institute for Fiscal Studies has done research that shows that. The chart we used in our letter shows clearly that, of the four main categories of education—primary, secondary, further and higher—further education is the only one on which spending has fallen in real terms recently. It is therefore the most deserving of the four categories, but let it also be said—

John Howell (Henley) (Con) rose—

Melanie Onn (Great Grimsby) (Lab) rose—

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op) rose—

Richard Graham: I will give way in a second; let me just finish the sentence. I suspect that all of us here share the view that education in general is a good cause for the spending review and the Budget, so this is not to decry the other three categories but to highlight the importance of more funding for further education. Three colleagues wished to intervene—I think they were, in order, an hon. Friend and then two Opposition colleagues.

John Howell: I will be as brief as I can. Does my hon. Friend not think that FE colleges have the ability to improve the situation themselves by attracting good companies in to help fund apprenticeships? That is precisely what I am doing with the FE college in my constituency.

Richard Graham: My hon. Friend is always a great champion of these things, and he is absolutely right. Colleges can certainly help themselves by attracting good employers to offer apprenticeships, and we can help them by introducing some of the employers if need be.

Melanie Onn: Does the hon. Gentleman agree that the restrictions on FE funding have directly damaged the ability of colleges to recruit very specialist skills at the highest level, such as in engineering, meaning that vacancies exist for long periods and that colleges are often cutting short those types of course?

Richard Graham: The hon. Lady has brilliantly anticipated a line in my speech, and I agree with her.

Mr Bailey: Notwithstanding the Treasury’s historical aversion to hypothecated taxation, does the hon. Gentleman agree that, given that the Government are making a substantial surplus out of the apprenticeship levy at the moment, there is a strong moral case for recycling that money into the 16-to-18 sector?

Richard Graham: Hypothecated funds are interesting. I am an advocate of them for the field of care. I will leave my right hon. Friend the Minister to comment on the huge surplus being generated; I have not yet seen much sign of that surplus coming through in my constituency, but the hon. Gentleman raises an interesting point.

Mr Marcus Jones (Nuneaton) (Con): The point about recruitment and retention has been raised. Does my hon. Friend agree that the sector desperately needs
more funding? In a case I am aware of, there are staff who have not had a pay rise for 10 years. If that is the case, retention will become impossible.

Richard Graham: Yes. When it comes to pay rises, all of us will remember that take-home pay has increased by about £1,200 as a result of the tax-free allowance being almost doubled, but my hon. Friend is absolutely right on the wider point about being able to retain key staff. That point has been raised by other colleagues and is crucial.

Alex Chalk (Cheltenham) (Con) rose—

Sarah Newton (Truro and Falmouth) (Con) rose—

Richard Graham: I will give way to Cheltenham and then Truro.

Alex Chalk: Does my hon. Friend agree that FE is at its most successful when it is provided locally, in communities? Gloscol—Gloucestershire College—provides services in both Cheltenham and my hon. Friend’s constituency of Gloucester, but if the cuts increase, it will be at only one or other of those sites, and that will reduce the uptake of courses and damage FE provision in the county overall. Does my hon. Friend agree?

Richard Graham: Where my hon. Friend and constituency near-neighbour is absolutely right is that, in the case of Gloucestershire College, which provides those skills in Cheltenham, Gloucester and the Forest of Dean, there is only one provider, in effect, in the whole county. That is why further education colleges are crucial to the infrastructure of all our constituencies. I agree totally with that.

Mr Philip Dunne (Ludlow) (Con) rose—

Richard Graham: I must give way to Truro, and then I will give way to Ludlow.

Sarah Newton: My hon. Friend is being very generous with his time. I commend him for securing the debate. There could not be a greater champion for this sector than our right hon. Friend. My co-conspirator, the hon. Member for Scunthorpe, whom further education is really important. I know that my co-conspirator, the hon. Member for Scunthorpe, will come on to that point.

Julian Sturdy (York Outer) (Con): My hon. Friend on securing this important debate. He is right to highlight the importance of wider education funding, which has seen increases. However, York College, in my constituency, tells me that the big problem it faces is that while school sixth forms can cross-subsidise, colleges cannot. Does he feel that that issue affects all colleges?

Richard Graham: My hon. Friend is absolutely right. That is a significant issue, as is the issue of A-levels for those who went to schools without a sixth form, for whom further education is really important. I know that my co-conspirator, the hon. Member for Scunthorpe, will come on to that point.

Rebecca Pow (Taunton Deane) (Con): My hon. Friend deserves huge praise for bringing this debate to the House. The Minister also deserves huge praise, and I know she is listening and believes a great deal of what we are saying. In Taunton we have an outstanding sixth-form college, Richard Huish College, and an excellent university centre. However, those institutions tell me that, by 2021, they need at least £760 more per student to deliver the apprenticeship scheme, which delivers for business. Does he agree that we want to retain those students locally, because they have the skills we need for the future, and to deliver minority subjects, such as languages?

Richard Graham: I absolutely agree. The Minister, who is a former apprentice herself, is a huge champion for that, along with colleagues from across the House.

Matt Western (Warwick and Leamington) (Lab): The hon. Gentleman is being generous with his time. Related to the suppression of pay in the sector is a casualisation of contracts, which are being put out to subsidiary businesses within college groups, and that has an impact on the morale and pay of staff. Next Monday and Tuesday there will be strikes at Warwickshire College Group in my area. That is not what students need, and the sector does not need it either.

Richard Graham: The hon. Gentleman raises an interesting question. He is absolutely right that that is not what students need, and I am not sure that it is what colleges really need at the moment. Perhaps the Minister will touch on that.
We are looking for more funding, which is needed to ensure that good staff are hired and retained. Unused space needs to be used. Interestingly, around a third of the space in the nation’s further education colleges is currently unused, so there is a capacity opportunity, which could provide more space for more students to get those key skills.

We need more quality apprentices to be hired and trained. We all have stories from our respective constituencies about the importance of that. Colleges can make a huge difference in terms of the life opportunities apprenticeships offer. The key output from that will be a leap in business productivity, which we know is one of our country’s big, outstanding challenges.

Paul Farrell (Newcastle-under-Lyme) (Lab): Does the hon. Gentleman agree that, as well as funding for students, colleges face challenges with apprenticeships and, in particular, with the new non-levy apprenticeship scheme, of which the Minister is well aware? In my area, the Newcastle and Stafford Colleges Group has no funding for 18-plus, non-levy adult apprenticeships, and only enough funding until the end of September for 16 to 18-year-olds.

Richard Graham: The apprenticeship levy is an issue in itself, which I do not intend to address today, because it is slightly peripheral to what we can achieve in an hour and a half on the overall situation for further education colleges. The hon. Gentleman is right that there are ongoing issues, which I know the skills Minister is doing her best to tackle, and I am grateful to him for raising them.

More funding can achieve results in a couple of slightly softer areas, which are worth mentioning. The challenge around mental health is not unique to further education but exists across the education sector. There is no doubt about it: young students in general are facing more challenges than in the past. Funding to ensure that they get the support they need while at college is incredibly important and should increase their resilience and contribute to better results and opportunities. It is worth adding that to the checklist of things that could be achieved through more funding.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Does the hon. Gentleman agree that, as well as funding for students, colleges face challenges with apprenticeships and, in particular, with the new non-levy apprenticeship scheme, of which the Minister is well aware? In my area, the Newcastle and Stafford Colleges Group has no funding for 18-plus, non-levy adult apprenticeships, and only enough funding until the end of September for 16 to 18-year-olds.

Richard Graham: Lastly, at the soft end of what could be done, there is a range of enrichment activities, particularly for students aged 16 to 18, where colleges have opportunities to demonstrate that they can compete with other, better funded institutions.

Before I turn to the hon. Member for Newcastle upon Tyne Central (Chi Onwurah), who is from the engineering sector and a great advocate for it, I will just touch on a few general facts, which it is useful for us to bear in mind. There are 266 colleges in England—almost one college for every two constituencies. They educate the majority of 16 to 18-year-olds and 2.2 million other young people and adults. On average, there are 1,200 apprenticeships in every further education college. Students who are over 19 generate an additional £70 billion for the economy over their lifetime.

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): Will the hon. Gentleman give way?

Richard Graham: I will just make a bit of progress, then I will come to the hon. Member for Newcastle upon Tyne Central and then the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss).

The average pay for a college teacher—a number of colleagues have mentioned salaries as an issue—is £30,000, compared to £37,000 for a school teacher. I find that a particularly interesting statistic because it implies that we put a lower value on further education teachers than school teachers, which cannot be right. It is also worth highlighting that in 2017 alone the turnover rate in further education was 17%—almost one in five—which is higher than the rate in schools. As a result of funding issues, 63% of colleges have been making compulsory redundancies. If this was a business, we would have to assume that it was in decline. I think we would all say that it is time that we halted and reversed that process.

Chi Onwurah: The hon. Gentleman is absolutely right to highlight the devastating impact that lack of funding for further education is having, particularly on young people. Colleges such as Newcastle College in my constituency are doing great work in really difficult circumstances. Does he agree that adult education and lifelong learning, such as that delivered by the Workers’ Educational Association in hard-to-reach communities in Newcastle—which has also been severely cut and is likely to be cut more in the future—provides the kind of opportunities that we need, particularly for productivity in the fourth industrial revolution, as jobs change in the future?

Richard Graham: The short answer is that I agree. Qualifications for workers in key sectors have dropped. Qualifications for construction workers have dropped from 98,000 to 62,000. For engineers, the sector from which the hon. Lady comes, including plumbers and electricians, the figure has dropped from 145,000 to 46,000. That is a huge drop in a relatively short space of time, precisely at the moment when we need more engineers in this country, to take forward our technology revolution.

Julia Lopez (Hornchurch and Upminster) (Con): My hon. Friend highlights precisely the relevant point, namely that at the very moment when we should be looking at vocational skills in our economy, we are squeezing funding in that area. This is critical to where our country is heading in the next 10 to 20 years.

Richard Graham: I agree with that, as I think all hon. Members would.

Gill Furniss: The Newcastle and Stafford Colleges Group has no funding scheme, of which the Minister is well aware? In my area, Gill Furniss rose—

Richard Graham: I do apologise—I will come to the hon. Lady in one second. Some statistics, which the Minister is well aware of, suggest that on a national basis we are in the bottom quartile for the numbers of higher apprenticeships, which are the ones that include the greatest numbers of skills and will drive forward our technology businesses. At the same time—the hon. Member for Scunthorpe may touch on this—it is worth remembering that the entry qualifications, levels 2 and 3, play a very important role in getting some of our youngest and least-skilled constituents on to the ladder of opportunity, so we need support at both ends.
Gill Furniss: I thank the hon. Gentleman for giving way. I applaud the work of Sheffield College in my constituency during these difficult times. Does he agree that we are taking away a vital support system for many in our working-class communities, and that we will rob them of vital opportunities for the future, unless we change now, and start giving further education colleges the support that they need and individuals the community support that they need to realise their potential?

Richard Graham: I agree with the hon. Lady’s general point that it is incredibly important to give our young people maximum opportunities. Everyone has highlighted the role of further education colleges in that.

Karen Lee (Lincoln) (Lab): Will the hon. Gentleman give way?

Richard Graham: I will make a tiny bit of progress. I am conscious that a lot of hon. Members want to speak, so I will try to reach the end of my comments and bring the hon. Lady in before I finish.

It would be wrong of me not to mention the importance of Gloucestershire College—Gloscol—in my county of Gloucestershire, which I have known well for the last decade. The management have done their best to try to use resources to maximum effect and give our young people the opportunities that we are looking at across the country. Its 1,000 full and part-time staff serve some 3,500 students across the three campuses in Gloucester, Cheltenham and the Forest of Dean. It is clear, however, that even such a college, which has been rated good for the last three and a half years, is struggling to maintain the range of qualifications that my colleagues in Gloucestershire and I want it to provide.

I will not touch on South Gloucestershire and Stroud College, because the hon. Member for Stroud (Dr Drew) will want to, but I suspect that he will mention some similar issues. I also pay tribute to my fellow campaigner in Stroud, Siobhan Baillie, who has visited the college twice recently and has highlighted some of the issues that it faces, including—as is true for all colleges—the teachers’ pension increases that cost it £1 million a year. I hope that the Minister will comment on those pension costs, which are a real issue for many colleges across the country; she has spoken about them before.

Karen Lee: I have one brief sentence. I agree with the hon. Gentleman about young people, but colleges support older people and people of all ages as well. I left a grammar school with two O-levels, then went to college, and have mentioned.

Richard Graham: The hon. Lady makes a very good point, as shown by the warmth of approval purring through the Chamber. She is a fantastic example of what a further education college can achieve; perhaps we should have a colleges alumni group in Parliament.

Some of the comments that the Association of Colleges and other royal societies have fed in to me confirm the general picture that I and other hon. Members have painted so far, which is that we need more funding for teachers’ pay; more help to ensure that the range of subjects continues to increase rather than decrease; and more young people to get decent results in English and maths at A-level. We also need to tackle the shortage in science, technology, engineering and maths skills, which are vital for our country’s future, as several hon. Members have mentioned.

I will finish by alluding to a remarkable bundle of statistics. There are 171,000 16 to 18-year-olds doing A-levels in further education colleges—a huge army of young people who deserve to be taught well and given the resources they need—and 672,000 students taking STEM subjects in colleges, who also deserve the best teachers available from a sector where salaries are getting higher all the time.

For all the reasons mentioned, I hope that the debate encourages the skills Minister on her chosen path, which is to be the champion of further education colleges. I also hope it will ensure that, in this spending review and Budget, further education colleges finally get the increase in funding that they deserve, so that they can ultimately improve opportunities and productivity, and be the success that we all want them to be in our constituencies.

Several hon. Members rose—

Sir Roger Gale (in the Chair): Order. A large number of hon. Members wish to participate. I could impose a time limit of two minutes, but I do not think that is realistic, so I will impose a time limit of three minutes. Please bear in mind that each intervention adds a minute, so it is entirely up to hon. Members whether they allow other hon. Members the chance to speak at the end of the debate. I urge hon. Members to be as courteous and forbearing as they can.

Exceptionally, to facilitate the debate, I will give the batting order now. Those at the end may choose to intervene, on the almost-certain understanding that they will not get called, because I suspect that the time limit I am imposing will not be realistic—I appreciate that I am taking time myself. From the Opposition Benches, I shall call Daniel Zeichner, Paul Blomfield, Emma Reynolds, Liz McInnes, Mrs Sharon Hodgson, Luke Pollard, Jim Shannon, Marsha De Cordova, Derek Twigg, Dr David Drew, Rachael Maskell, Holly Lynch, Karen Lee, Gill Furniss, and—first, as one of the co-sponsors of the debate—Nic Dakin. From the Government Benches, I shall call Andrew Selous, Will Quince, Sir David Evennett, Giles Watling, Martin Vickers, Peter Aldous, Andrew Lewer and Derek Thomas.

I am afraid that those who are attending the debate who are not on that list and have not put in to speak will not stand a chance of getting called. I hope that is helpful. Moving swiftly forward, I call Nic Dakin.

9.56 am

Nic Dakin (Scunthorpe) (Lab): Thank you, Sir Roger; I shall rattle through my speech. I thank the hon. Member for Gloucester (Richard Graham) for clearly setting out the case for colleges, which is echoed by the big number of hon. Members attending the debate. I hope that the Government are listening.

Colleges provide a bridge between education and the world of work, help industry to find solutions, and secure real work contexts and experiences for students. In small towns such as Scunthorpe, they are significant engines of enterprise and social mobility. North Lindsey
College is showing great leadership by opening its new university centre as part of the drive to build higher level skills locally. John Leggott College celebrates 50 years of Ofsted recognising its pastoral support as outstanding.

Success does not guarantee future success, however. North Lindsey embraced the Government’s apprenticeship agenda and achieved growth of more than 30% against a backdrop of a national decline in starts. However, due to problems with the levy, non-levy-paying companies may not be able to provide apprenticeships for young people, which might be restricted as caps take effect. I would appreciate it if the Minister commented on that.

There has been a 22% decline in core funding since 2010-11. The average funding per student for 16 to 18-year-olds is 15% lower than for 11 to 16-year-olds and about half the average university tuition fee. Some 51% of colleges and schools have dropped courses in modern foreign languages; 38% have dropped STEM courses; 78% have reduced student support services; and 81% are teaching students in larger classes.

It is high time to raise the core rate, which has remained frozen at £4,000 per student per year since 2013-14. Recent research by London Economics found that £760 per student was the minimum amount of additional funding required so that there can be student support services where they are needed, protection for minority subjects and an increase in time for students. Raising the rate would benefit 1.1 million young people and the economy. The decline needs to be reversed now. Stabilising the core element of college funding would be a clear commitment to not only 16 to 18-year-olds, but colleges and their pivotal role in communities.

More than ever, as we contemplate life outside the EU, 16 to 18-year-olds are our future—this country’s future—and they deserve to be backed by all of us across this House and by our Government. It is high time to raise the roof, shout out for our young people’s future and raise the rate—that means the proper rate, not bits and bobs around T-levels, a larger programme uplift and maths levels. Those things are valuable and useful, but raising the rate is about the core funding that will make a core difference by transforming the lives of 16 to 18-year-olds and transforming the country.

9.59 am

Andrew Selous (South West Bedfordshire) (Con): I am very proud to have Central Bedfordshire College in my constituency. It is a multi-campus college, with sites in Leighton Buzzard, Dunstable and Houghton Regis, which are three of my towns. Of course, having a multi-campus college means that there are additional expenses.

For me, this issue is one of fairness. Every stage of education is important; none of us in Westminster Hall today has come here to do down our schools or the excellent work that universities do. We all want schools and universities to be well funded. However, the way that colleges have been treated in comparison with schools and universities is simply not fair.

How can it be acceptable that college teachers are paid on average less than 80% of the rate of school staff? We know that we have critical shortages of college teachers in engineering, maths and other critical subjects. We also know that the recent pay rise given to school staff of up to 3.5% was not given to further education. Again, that is simply not fair. We must stand up against it, because our colleges and their staff do brilliant jobs.

The second issue I will raise is the problem that this country has with productivity. The UK ranks poorly in terms of skills comparisons. The UK is in the bottom quartile of the OECD for level 4 and level 5 technical skills. Our colleges are the means of doing something about that. Productivity has been an issue in the UK economy for a very long time indeed, and it is our colleges that will be the answer.

It should also shame us as a country that, according to a report from the Centre for Social Justice, 85% of people who start their working lives in an entry-level job will finish their lives in an entry-level job. That is an appalling statistic, showing that only 15% of people escape and move on.

Our colleges are great poverty-busting institutions. They are the means by which we have the high skills that lead to higher pay and help people escape poverty. That is why further education is essential. We want our colleges to offer more. We want them to be open in the evenings and at weekends, so that people in those entry-level jobs can upskill while they work, in order to progress, to get higher pay and to put food on the table for their families and look after them. That is why this debate is so important.

10.2 am

Daniel Zeichner (Cambridge) (Lab): Recently, Carolyn Fairbairn, the director general of the CBI, spoke at Cambridge Regional College and said that further education colleges have “politically been neglected”, which has led to their historic underfunding. I think that theme will come through in many of the contributions this morning.

I represent an education city, but I see it as my business to speak up just as much for the further education sector as for the famous universities for which Cambridge is known.

When I spoke recently to the director of Cambridge Regional College, Mark Robertson, he detailed many of the funding issues that have been raised this morning. I asked what it would take for him to really make a difference. He smiled ruefully at me and said, “Even a 5% uplift would be absolutely game-changing.” It seems to me that it is important to get that across today: colleges are not asking for a revolutionary change regarding their settlement; they are asking for a relatively small reversal of the damage that has been done over the last decade.

The situation is particularly difficult in areas such as mine, where staff face very high housing costs, there is a lot of churn and a lot of people cannot afford to live and work there. Cambridge is an expensive city and if we compare the pay with that in some schools, we see that colleges are working at a systemic disadvantage.

One key issue is that students are being put through maths and English retakes consistently. I am told by staff that the retakes are very, very difficult. It is very hard to teach people who really do not want to be there and who are almost being set up to fail. I hope that the Minister will consider revisiting that issue, because frankly there are other ways of assessing whether people have the appropriate skills to take them forward. From what I hear, it seems that the retakes process is proving
counterproductive. When I speak to Pete Mulligan, a local University and College Union representative, he says that it is really difficult for FE staff who can see ways of taking people forward when those people are being forced down a very narrow route.

I will not repeat the figures that we have heard this morning, but I suspect that the strong message to the Minister from both sides of the Chamber today will be that as we come to the spending review, particularly in the light of the skills challenges around our changing relationship with the European Union, it is really important that we get this matter right. Obviously, there will be an argument about funding and the comprehensive spending review, but the fact there are so many Members here this morning—I have counted at least 20 Members on each side of the Chamber—sends a strong message to the Government that the situation needs to change.

10.4 am

Will Quince (Colchester) (Con): Further education is the crucial but sometimes forgotten link between secondary schools and universities; it is very much the Cinderella service. It can pave the way for an excellent university career or provide the opportunity to learn the vocational skills required to enter a competitive professional field, and is just as important as secondary or higher education. We cannot afford to neglect further education and we must correct the disparity in funding.

As many colleagues have said, the national funding rate for 16 and 17-year-olds has remained frozen since 2013-14, yet we know that, as with our schools, the cost pressures on our colleges are considerable. If we do not address that, there will be a huge issue—it has already been growing year on year.

Despite that, our schools and colleges have been doing an excellent job with the resources they have. Two colleges in my constituency, Colchester Sixth Form College and Colchester Institute, are both bucking the trend. In my constituency, A-level attainment is far above the national average, which is remarkable. Huge credit deserves to go to the teachers, staff and leaders who work within our schools and colleges. However, we cannot expect this success to continue if we do not take action to address the rising costs faced by schools and colleges, and their underfunding.

Those rising costs are having an impact: 51% of colleges and schools have dropped courses in modern foreign languages; 38% have dropped STEM courses, which we know we so desperately need; and 78% have reduced student support services or extracurricular activities, with significant cuts to mental health services.

Julia Lopez: A problem that I find in my constituency is that there is a disconnect between the jobs being generated by the economy and the ability of our education sector to provide the right skills for those jobs. Havering Sixth Form College, which is in my constituency, plays a key role in that process. For instance, going down the nursing associate route will be critical for our public sector. Trying to get that match between the public sector, the economy and our education sector is critical, which is why this debate is so important.

Will Quince: My hon. Friend is absolutely right. It is our colleges that are working closely with industry to ensure that our future workforce have the skills and competence that are needed to thrive and develop careers within those sectors. It is important that we keep that link alive.

As Members have mentioned, the Raise the Rate campaign is calling for the frozen national funding rate for FE students to be increased to at least £4,760 per student, to bring it closer to the level spent on 11 to 16-year-olds, which is some £5,341 per student.

I will conclude by saying that if we believe in social mobility and equality of opportunity, the heart of that process is within our education system. It is imperative that we invest in our people. I know that the Minister cares passionately about this issue. One of the frustrations with debates such as this is that we make the arguments to Education Ministers who know the arguments well and are well-versed in them. Therefore, this is really a message to the Treasury, and we say loudly and clearly, on a cross-party basis, that we need more money for our education budget and, in particular, for the Cinderella service that is further education.

10.8 am

Paul Blomfield (Sheffield Central) (Lab): I chair the all-party parliamentary group on students and we provide a voice for students in both further education and higher education. In this place, we spend a lot of time talking—rightly—about higher education, but not enough talking about further education. I therefore congratulate the hon. Member for Gloucester (Richard Graham) on securing the debate and on the work that he does with my hon. Friend the Member for Scunthorpe (Nic Dakin).

It is a real pleasure to see so many colleagues attending this debate; I am sure that it will send, through the Minister, a powerful message back to the Treasury.

I will keep my remarks brief. It is a delight to be able to scribble out many of the comments that I was going to make because so many other Members want to contribute to the debate.

I will briefly make a couple of points about Sheffield College, which provides a great education for 17,000 students from entry level to level six, across 25 subject areas. Crucially, 53% of its students come from disadvantaged postcode areas, including 75% of its BME students. Half of its 16 to 18-year-olds receive financial support from the college, because they come from low-income households.

When the right hon. Member for Maidenhead (Mrs May) made her first speech as Prime Minister—that seems like a very long time ago—she said that her Government “will do everything we can to help anybody, whatever your background, to go as far as your talents will take you.”

That is exactly the mission of Sheffield College and of the FE sector. Our college has strong leadership. It is ambitious for its students and in its mission to enable social mobility, and it is committed to upskilling, retraining and developing the skills of adults across the city.

Ahead of today’s debate, I asked the college what it needed to fulfil its role, and there were four asks. The first was that within the wider debate on education funding, 16 to 18-year-olds are recognised as a priority. College funding has fallen by 30% over the past 10 years, and that must change. Secondly, it asked that additional
funding be made available for adult students. Continuing on from previous cuts, the college’s indicative adult budget—

Wera Hobhouse (Bath) (LD): We need to add that further education colleges are the best opportunity for lifelong learning.

Paul Blomfield: The hon. Lady is exactly right, so it is disappointing that we see consistent cuts in the adult budget. In the year ahead, Sheffield College faces a further £120,000 of cuts, even though it is best placed to meet the needs of both individuals and the local economy.

The third ask is for funding to enable the college to recruit competitively. It is simply wrong that the average FE teacher’s pay is £7,000 less than that of a schoolteacher. The Government refuse to underpin FE pay awards in the way they do for schools. That is not fair to staff and it makes it difficult to recruit, often in key vocational areas.

Fourthly, the college asks for funding in capital investment. Our college has good buildings, but it struggles to maintain up-to-date learning resources, particularly in expensive areas such as engineering. The college wants to ensure that all students experience real work environments wherever possible, but in too many areas resources are not up to industry standards.

Finally, as chair of the all-party parliamentary group on students and as someone who is committed to student wellbeing and conscious of the challenges of mental health in our schools, FE colleges and universities, I would add that colleges have not had the necessary resources to provide the support that FE students need. I hope that the Minister will make the argument to the Treasury for redressing the underfunding of recent years and ensure that our colleges have the funding they need to make the real difference that they seek to provide for students.

10.12 am

Sir David Evennett (Bexleyheath and Crayford) (Con): I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on securing this debate on such an important topic. We have heard powerful arguments on further education funding, which I myself will come to shortly, but we should first take a moment to recognise the real achievements we have seen in further education in the past few years.

All Members here today will have some fantastic colleges and sixth forms in their area. In Bexley, we are fortunate to have a campus of London South East Colleges, which my right hon. Friend the Minister for Apprenticeships and Skills visited last year. She toured the campus, met students, apprentices and tutors and observed a number of lessons and activities. The college appreciated the visit, as it enabled it to showcase the outstanding work done by students, the facilities, and the plans to help upskill people in our area.

Much has been said about the financial challenges that further education establishments face. Although further education seems to be the poor relation of secondary and higher education, we must not forget that in the “Further education and skills inspections as at 31 August 2018: main findings” document, 81% of the 1,040 providers inspected were judged good or outstanding. We should praise lecturers in particular; I want to praise mine in London South East Colleges. They should be valued more, and it is really disappointing that they are not paid at the same level as teachers.

We need to realise that these colleges are the engines of our future economic success. They provide the young people we will need, when we leave the European Union, for the future of our economy, and the opportunities for our country to thrive in the global world.

We need to address the T-levels that are coming in, which we welcome. The £500 million investment, however, will not fully materialise until 2023 and, when it does, the majority of students will still be doing academic or applied general qualifications.

We need to ensure that further education establishments provide opportunities for older, as well as for young, people, and for social mobility. In my view, social mobility is absolutely key to the resilience of our country, and FE is the engine that can deliver it.

Time is short. There are so many more issues I would like to raise, but I will not repeat what colleagues on both sides have said. We hope that the debate will give more ammunition to my right hon. Friend the Minister in her campaign with the Treasury, to ensure that we get the extra funding we need for the FE sector. Education funding at all levels should, of course, be seen as a necessary investment for our country and should be increased, but FE colleges in particular should be a priority.

10.15 am

Emma Reynolds (Wolverhampton North East) (Lab): I congratulate the hon. Member for Gloucester (Richard Graham) not only on his eloquent speech but on taking so many interventions. I also congratulate every Member who is here, because their presence sends out a strong signal, not only to the Minister for Apprenticeships and Skills, who we know gets the message, but to the Treasury. I hope that the telecommunications in the Treasury are blaring away with Westminster Hall on the screens, because it is the Treasury that needs to get the message. That is why a cross-party consensus is so important. We are all essentially saying the same thing—that further education has been overlooked and needs sustainable, long-term funding.

We are lucky enough in the Black Country to have some fantastic colleges, including City of Wolverhampton College. It is a place that is close to my heart because I studied my Spanish A-level there alongside those I studied at school. The college provides vital educational opportunities to both young people and adults. It offers more than 300 vocational and academic qualifications to 4,500 students, covering a wide range of full and part-time courses, including a well-regarded journalism course. It also has some fantastic, but expensive to maintain, facilities that enable people to train in the trades, such as plumbing.

Many of the facts and figures have been covered by colleagues, but it is worth saying that the Institute for Fiscal Studies recently said that further education was the “biggest” loser in cuts to education. It simply cannot be right that funding per pupil for 16 and 17-year-olds has been frozen at £4,000 since 2014 and £3,300 for 18-year-olds, or that lecturers are paid about £7,000 less than teachers. It is not about just the money or the statistics; it is about what we value as a society and what
our objectives are. If we are serious about tackling inequality and about ensuring that our young people, and adults who have perhaps missed out on opportunities at school, fulfil their potential, we need to do something about the situation.

Louise Haigh (Sheffield, Heeley) (Lab): In Sheffield, we have a tale of two cities. The difference in life expectancy between the east and west is 10 years. One of the biggest differences is that in the east we have little access to schools with sixth forms, so FE is a really important unlocker for social mobility. Does my hon. Friend agree that this is fundamentally a class issue?

Emma Reynolds: Indeed. If we are serious about social mobility, we must fund further education better. More broadly, if as a society and as an economy we are serious about attracting more investment into the UK and competing in the world and, crucially—the hon. Member for South West Bedfordshire (Andrew Selous) and for Gloucester mentioned this—if we are serious about tackling low productivity, we cannot do anything about those things unless we invest in the skills of our young people and adults. We know that we have a problem with that in the UK; it is not a new problem. It is pretty clear to everyone here that we need sustained increases in funding for colleges, and the Raise the Rate campaign will, I hope, ultimately be successful.

The colleges have done a good job in raising the problem. Often in education debates, we focus purely on the early years, which are very important, and on primary and secondary and then university education, and further education is overlooked. That is why today’s debate is critical.

I say again that I hope the TVs in the Treasury are switched on to Westminster Hall this morning. I thank the Minister for her advocacy. This is not just the right thing morally; increasing and sustaining further education funding is the right thing to do for the prosperity of our country.

10.19 am

Giles Watling (Clacton) (Con): Thank you for putting me on the list, Sir Roger. It is lovely to be in a Chamber in which, for once, everybody is largely agreeing with each other. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on having introduced today’s debate, and the hon. Member for Scunthorpe (Nic Dakin) on the cross-party campaign to get this issue on the agenda ahead of the spending review. Even in these uncertain times, we must continue to fight for causes that we believe in. This is one I believe in, because I had something to do with further education many years ago before I went off into the realms of drama—come to think of it, I am back there now.

I will focus on the much-welcomed introduction of T-levels, which provide a multi-faceted and practical approach to education and prepare students for the needs of industry. Successful delivery of T-levels requires teaching staff with specialist industry expertise, up-to-date equipment, and smaller class sizes, all of which require more funding. For T-levels to be viable, the Association of Colleges believes that we need to introduce a base rate of £1,000 per student as a minimum. We need to get those T-levels right, as they provide the knowledge and experience needed to open the door into skilled employment. Such a potentially transformative scheme cannot be delivered on the cheap: a higher level of investment must be maintained.

Peter Heaton-Jones (North Devon) (Con): Yesterday, a group of us met the Chief Secretary to the Treasury to urge that FE college funding be increased in the upcoming spending review. Petroc College in North Devon is eager to get on with delivering the T-levels, exactly as my hon. Friend has mentioned. Does he agree that that is a vital thing to do?

Giles Watling: I agree with my hon. Friend. That is exactly what we are here to do, and judging by the comments from around the Chamber, I think that everybody else agrees with him as well.

I want this scheme to be a success, because I am sure that it would be particularly popular in my Clacton constituency. My area of Clacton lags behind the average in Essex and the national average for the number of members of the workforce without any qualification at all, which is why I encourage the Government to invest more in adult education. In fact, the only area in which we in Clacton beat the national average is the number of people who are economically active but have no qualifications; they make up nearly 10% of our workforce. I know from my conversations on the doorstep that people in Clacton have a real appetite for further education, and we have a great facility in Adult Community Learning Essex. I encourage the Government to take investment in adult learning seriously. It will pay great dividends in many areas, especially those such as Clacton, where many small and medium-sized enterprises are crying out for a skilled workforce.

10.22 am

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger, and I thank the hon. Member for Gloucester (Richard Graham) for securing this important debate. I have in my constituency Hopwood Hall College, a further education college that is in the top 10% in England for level 3 progress and has the highest achievement rate for vocational level 2 in Greater Manchester. That college is rooted in our local community, and is crucial to driving social mobility and providing the skills needed to boost our local and regional economy. My partner taught art and design at Hopwood Hall before he retired. I mention that because, later in my short speech, I will refer to his experience of teaching young people.

Many young people in my constituency also choose to study at sixth-form college. In my neighbouring constituency of Rochdale, we have Rochdale Sixth Form College, which in January this year was named the highest-ranked sixth form college in the UK for value-added performance for the fifth year running. However, although my local FE institutions enjoy success, both have expressed to me their concerns about funding issues and their long-term sustainability. The Institute for Fiscal Studies has highlighted the shocking cuts to 16 to 18-year-old and adult education over the past decade. It has stated: “Funding per student aged 16–18 has seen the biggest squeeze of all stages of education for young people in recent years.” Those funding cuts are affecting the sustainability and quality of FE provision, with colleges having to deal with an average cut of 30% while costs have increased dramatically.
Research from the House of Commons Library shows that when the educational maintenance allowance for 16 to 19-year-olds was scrapped by the coalition Government and replaced with a bursary scheme, expenditure through that scheme was only about a third of the expenditure on EMAs. When that happened, my partner was still teaching, and I remember him telling me that students were forced to drop out of his course simply because they could no longer afford the bus fare to get to college. The scrapping of the EMA scheme was a cruel blow to the most disadvantaged students and their efforts to access an education, and a Labour Government would reinstate that scheme, which has been proven to support retention of students in education.

Clearly, something has to change; this situation is just not sustainable. The solution, as many Members have already said, is to raise the national funding rate for 16 to 18-year-olds. It makes sense to do so, as there is little point in investing in pre-16 and higher education if the pivotal stage in the middle is overlooked.

10.25 am

Martin Vickers (Cleethorpes) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on his efforts to secure this debate.

We all know that Governments over the past 10 years or so have had to make some difficult financial decisions, but the FE sector has perhaps suffered more than others, and certainly more than is desirable. In places such as my constituency and the neighbouring town of Grimsby, which have suffered a significant decline over the past 30 or 40 years following the loss of their core industry, too many of our young people have been lacking a vision of the opportunities that lie ahead. FE colleges have done considerable work in building that vision; indeed, the principal at Franklin College in Grimsby said to me that his students “go on to contribute to the town, region and country”.

Jeremy Lefroy (Stafford) (Con): Does my hon. Friend agree that colleges play a vital role in the community, not just through education but through a far wider range of activities, as mine in Stafford—a member of the Newcastle and Stafford Colleges Group—does?

Martin Vickers: My hon. Friend is absolutely right. Colleges have given young people in the Cleethorpes area the opportunity to gain vision and ambition, and have helped to retain those young people in the local area once they have qualified, which is particularly important.

In the short time I have, I will mention some of the other points that the principals at my two colleges have drawn to my attention. They have, of course, highlighted the fact that, over the past 10 years, there has been a 30% funding cut in FE colleges. The principal at Franklin College pointed out that, to start off with, that actually helped, inasmuch as principals recognised there were economies to be made and efficiencies that could be gained.

One important point both principals have drawn to my attention is that FE students in this country get 14 or 15 hours’ tuition per week on average, compared with 26 hours in Canada, 27 in Singapore and 30 in Shanghai. We are in a competitive situation, and we need to train our young people to go out and get the qualifications that enable them to compete for jobs in what is, whether we like it or not, a global economy.

The Minister can see from the number of Members who have turned up how strongly feelings on this issue run across parties. I urge her to take these points away. We will give her our full support in her battles with the Treasury.

10.28 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I thank the hon. Member for Gloucester (Richard Graham) for having secured this important debate. I pay tribute to all the local colleges in the north-east and especially Sunderland College—I regularly meet its representatives, who do such a great job with ever-decreasing budgets.

Between 2010-11 and 2017-18, spending on further education and skills fell by £3.3 billion in real terms. At the same time, employers are reporting another rise in the number of vacancies they are facing as a result of skills shortages. To bridge the skills gap, further education needs investment. However, over the past 10 years colleges have had to deal with an average funding cut of 30%, while at the same time costs have risen dramatically. Funding for adult education has been cut by 62% since 2010.

Derek Twigg (Halton) (Lab): I am fortunate to have a good college, Riverside College, in my constituency. However, one thing that concerns me about the cuts and the impact of the funding problems with colleges is that adult education, which my hon. Friend just touched on, is a second chance for many people who may not have done well at school. They have another opportunity through further education to do better. We need more support for that.

Mrs Hodgson: Absolutely. In the past 10 years, we have seen enrolments for adult education drop from 5.1 million to 1.9 million. Funding for students aged 16 to 18 has also been cut by 8% in real terms since 2010. The current base for 16- to 18-year-olds is just £4,000 a year, as it has been since 2013, with no increase.

Dr David Drew (Stroud) (Lab/Co-op): One simple thing that could be done today would be to fund 18-year-olds at the same rate as 17-year-olds. It is absolutely wrong that they get less funding than children a year younger than them. Does my hon. Friend agree?

Mrs Hodgson: I absolutely agree. We also found that the budget did not increase when education became compulsory until 18. It just does not reflect the current cost of high-quality courses, including the new T-levels, as we heard from a Government Member.

I do not know whether the Minister wrote to everyone, but I got a letter from her last week, in which she said: “A strong FE sector is essential to ensuring everyone in our society, whatever their background, has the opportunity to succeed...At its core this means colleges need strong leadership and must be financially sustainable and resilient, so that they can invest in learning and respond to changing demands.”

Given that acknowledgement from the Minister that FE must be financially sustainable and resilient, can she please justify her Department’s constant budget-slashing of FE?
As we all know, education is the key to a bright future. We must ensure that everyone, no matter their age, has the opportunity to learn and develop new skills. The only way we can achieve that is for the Government to invest. I hope they are listening, and I hope the Treasury is watching, as my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) said. People in Sunderland and across the country deserve better than the current funding model.

The only way we can achieve that is for the Government to invest. I hope they are listening, and I hope the Treasury is watching, as my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) said. People in Sunderland and across the country deserve better than the current funding model.

10.32 am

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) and the hon. Member for Scunthorpe (Nic Dakin) on their leadership and on securing the debate.

Putting the funding of further education on a sustainable, financially secure and long-term footing is vital for those young people who will reap the dividends, for those communities in which colleges are based and for the greater benefit of UK plc. Without that investment, social mobility will decline still further and the productivity gap will widen to a chasm.

In Waveney, East Coast College, which includes Lowestoft Sixth Form College, provides an important bridge from the classroom to university and the workplace. In a coastal town where there has been economic decline, they are the cornerstone on which we can rebuild the economy and give young people the opportunity to realise their full potential.

The case for better funding of further education is strong. It will improve social mobility, particularly in those parts of the country where people have often been left behind. It is a vital stepping stone from the classroom to the workplace.

Derek Thomas (St Ives) (Con): Will my hon. Friend give way on that point?

Peter Aldous: I will carry on, if that is okay.

We are on the cusp of technological change and the advent of the fourth industrial revolution, and we are transitioning to a low-carbon economy. FE has a vital role to play in that by providing the skilled workforce that the UK needs to be a global leader. In Lowestoft, the energy skills centre is being built at East Coast College. It will provide students with the skills required for exciting, well-paid jobs in the fast-emerging offshore wind sector.

FE also better prepares students for university. The University of Suffolk has come a long way in a short time. It works closely with FE colleges across the county. A properly funded FE sector is vital if the early success is to continue to be built on.

The T-level initiative is welcome, but to be a success it needs to be properly funded. In towns such as Lowestoft, the college is an important component part of the local community and civic society.

I have got to the end without mentioning the “B” word, but I will do so now. Whatever happens with Brexit, there is no getting away from the fact that the British economy is competing in a global market. Our people are the engine of our success. At present, due to a poorly funded FE sector, we are stuttering along in third gear. It is time to fill the tank—or, should I say, charge the battery—so that we are running in top gear.

10.35 am

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Roger. I thank my fellow west country MP, the hon. Member for Gloucester (Richard Graham), for bringing forward this timely debate.

City College Plymouth has been on something of a rollercoaster ride in recent years. The college went into financial crisis last autumn, with a series of changes in principal. The current interim principal, Penny Wycherley, has been outstanding in steadying the ship and getting ready for her successor to start this year, but we need to acknowledge that the college is in financial crisis, and that is for a number of reasons.

First, the cuts to the FE budget have reduced the overall amount of money that the college has to spend. Changes in the way that funding is allocated have disproportionately hurt many colleges in the far south-west. The college has taken on huge financial capital liabilities in building the rather brilliant new STEM hub in Plymouth, which is delivering not only for City College, but for the wider city and the priorities of the local enterprise partnership. That has contributed to an exceptionally high level of recruitment of learners aged 16 to 19, meeting the local skills gap.

Toby Perkins (Chesterfield) (Lab): My hon. Friend is making an important point about capital expenditure. The previous Labour Government had a Building Colleges for the Future programme, which was cancelled in austerity times. Now, many college estates simply cannot keep pace, including in Chesterfield.

Luke Pollard: I absolutely agree with my hon. Friend. The lack of funding has meant that City College Plymouth has been unable to keep up with many of the repairs on its old building, leading to leaking roofs. It has not been able to replace technology with what it needs and has moved to leasing technology. It now faces financial barriers in moving off leasing to get the latest technology it needs.

Funding has also had a huge impact on college staff, who have not been given a cost of living pay rise or any other pay rise this year. That is not because they are not brilliant—they are exceptional—but because there is simply no money in the coffers for the college to do that. In an economy where the skills FE college staff have are in high demand, that means we are losing talent and skills. In particular, the engineering staff can earn salaries of £10,000 more simply by leaving the college and the jobs they love, and that is not right.

We need colleges like City College Plymouth to be motoring. It is a forward-thinking college. It has just launched its fantastic marine autonomy course, which will equip our young people with the skills they need to work in Plymouth’s world-class marine autonomy sector. Importantly, it will retrain people who work on the more heavy engineering side of the marine industries in the updated skills they need to succeed in a much more integrated digital marine environment.
Further Education Funding

Holly Lynch (Halifax) (Lab): My hon. Friend is making a passionate case for his local college. I had hoped to do a similar thing for my local college, Calderdale College, but as the clock is ticking down, I am not going to get the opportunity. Calderdale College has been forced to close its outreach centres, cut English for speakers of other languages by 50% and close some adult learning classes completely. Does my hon. Friend agree that that is counter to the social mobility that we all agree is so important?

Luke Pollard: I absolutely agree with my hon. Friend. The key message I want the Minister to take away is that we are all on her side in her battle with the Treasury. We are all ready, but we must resolve to not just talk a good talk about FE; we have to not vote for cuts to FE, and we have to make clear to Ministers, whether we are on the Government or the Opposition Benches, that we will not support further cuts to FE. An FE lecturer has tweeted me to say that people want:

“A real increase to bridge the gap, not just make it less small.”

10.38 am

Andrew Lewer (Northampton South) (Con): It is great to see so much support for this debate, which my hon. Friend the Member for Gloucester (Richard Graham) secured, and for his letter, even at this time of complete distraction.

I enjoyed and benefited from a traditional and formal further education at a school sixth form, Queen Elizabeth’s Grammar School in Ashbourne. There are still some very good examples of that education in my constituency of Northampton South. My focus today, however, is on FE colleges such as Northampton College and Moulton College, which serve my residents.

As speaking time is extremely short, I will make two quick points. More investment and spending on FE, like other public spending, does not have to mean higher tax rates. It does mean higher tax take, though, and the two are not the same. With a happy circularity, that higher tax take is brought about by higher productivity, which is itself brought about in large measure by better and more relevant skills and training, as my hon. Friend the Member for South West Bedfordshire (Andrew Selous) said. Clearly, FE is key.

A good measure of the pressure from voters for the B word, as already referenced by my right hon. Friend the Member for Bexleyheath and Crayford (Sir David Evennett) and my hon. Friend the Member for Waveney (Peter Aldous), related to migration levels. With a reduction in migration, the need for higher level skills and training is even greater. The incentive for employers to support and demand them is all the more obvious as the need to get more out of scarcer labour and therefore pay people more grows. So it is time for us to ensure that the Government are the fairy godmother for the Cinderella service referenced by my hon. Friend the Member for Colchester (Will Quince) to ensure a glittering and glorious educational future for our country.

Derek Thomas: In Cornwall tomorrow there is a meeting with parents and people with special educational needs because they are being told that their days will go from five days to three. As my hon. Friend says, investing in people for the future is the right to do.

Andrew Lewer: I thank my hon. Friend for that comment, which stands in its own right as a very good intervention.

Sir Roger Gale (in the Chair): I apologise to Members who have not been called, but I am afraid time has beaten us and I now have to call the Front-Bench speakers.

10.41 am

Gordon Marsden (Blackpool South) (Lab): It is a great pleasure to serve under your chairmanship, Sir Roger. I congratulate the hon. Member for Gloucester (Richard Graham), my hon. Friend the Member for Scunthorpe (Nic Dakin) and the Backbench Business Committee on securing this debate today. In the time I have available I cannot do justice to the multitude of speeches made. Members have shown a sharp eye for details about travel, EMAs, keeping rural and other colleges going, unused space, capacity opportunities, FE in the global market and the drop in level 2 and 3 qualifications.

Jim Shannon (Strangford) (DUP): Will the hon. Gentleman give way?

Gordon Marsden: No, I am not taking any interventions.

It is hugely important that FE is getting the attention it deserves; it is heartening and unprecedented in this year. Members have spent half the Session raising FE funding and raised related issues in recent education questions.

The excellent Westminster Hall debate secured by my hon. Friend the Member for Cambridge (Daniel Zeichner), who is in his place, showed that not new challenges, not new issues, but new urgency was required from the Government, given the state of FE funding. The recent statistics from the Love Our Colleges and Raise the Rate campaigns have highlighted that brilliantly.

We know that the statistics are a standing rebuke to the failure of all three Governments in the past decade to fund FE adequately. The Institute for Fiscal Studies found that spending and skills fell by £3 billion in real terms between 2010 and 2011. Those needing second and third chances have been hard hit and adult education has seen its budget cut by almost half. According to the Association of Colleges,

“Over the last ten years, colleges have had to deal with an average funding cut of 30%...Further education is the only part of the education budget to have had year-on-year cuts since 2010.”

The skills Minister knows all that and, to her credit, has tried to push her colleagues in Government, the Secretary of State and the Chancellor, on the funding envelope, but so far answer comes there none. This is at a time when the massive uncertainties around Brexit and its future impact on our economy make the role of FE in delivering new hope and skills all the more essential than at any time in the past 20 years.

Despite a unified sector lobby of the Government last autumn on the need for the Government to reverse their damaging cuts, the Chancellor has persistently failed to acknowledge it. In his financial Budget of October 2018 he talked about schools getting little extras, but FE did not even get the crumbs. Both he and the Education Secretary cannot be oblivious to the demands not only of the colleges but of everyone else involved in the world of FE—the training providers
who make up 60% to 70% of delivery; the employers who see skills programmes, both highly specific and generic, as essential to their success; and the LEPs, combined authorities and mayors, all of whom see such things as essential to success in the 2020s. As a consequence, the fabric of sustainability for colleges has become fretted and threadbare. Last year, the Department stated that there could be a best-case scenario of 80 colleges at financial risk and a worst-case scenario of 150.

The National Education Union's briefing states that colleges have suffered from cuts in activities such as tutorials, enrichment activities and additional courses. The Sixth Form Colleges Association has said similar things. Students have progressively had financial support reduced since the education maintenance allowance went, and the bursary fund that replaced it was insufficient. I know that the principal and teachers at the superb Blackpool and The Fylde College are moving qualifications across the piece, and they think action is overdue.

The Government must reassess urgently how they fund their apprenticeship programme. Last week Government stats showed that the apprenticeship starts between August 2018 and January 2019, two years from the levy launch, are still beneath the number of apprenticeship starts for 2016-17. A large part of that is because level 2 apprenticeship starts have fallen by more than a third in the space of a year. It is increasingly apparent that the Government levy is not designed or fit for purpose for SMEs or non-levy payers, as the Association of Employment and Learning Providers and Mark Dawe have consistently argued. We need to have a situation in which non-levy payers can train apprentices for small businesses, as some are having to turn them away.

We have seen apprenticeship figures go up, but the costs go up as well, so we have a Government, as the hon. Member for Gloucester emphasised in his speech, who need to take action at both ends of the cycle. Qualifications at levels 5 to 7 need to work. We need to sustain the fuel for them, but, as we have heard, levy payers and SMEs are starved of cash. The Government will seek to address some of the drops in qualifications through T-levels, but the money will not be seen in full until 2021-22 and we have no idea whether it will be sufficient. If there is a capacity issue, and, as we hope, T-levels take off, what capacity will the colleges have to deliver them if no additional funding is allocated by the Government? Where are the institutions supposed to deliver them if no additional funding is allocated by the Government? We have seen apprenticeship figures go up, but the costs go up as well, so we have a Government, as the hon. Member for Gloucester emphasised in his speech, who need to take action at both ends of the cycle. Qualifications at levels 5 to 7 need to work. We need to sustain the fuel for them, but, as we have heard, levy payers and SMEs are starved of cash. The Government will seek to address some of the drops in qualifications through T-levels, but the money will not be seen in full until 2021-22 and we have no idea whether it will be sufficient. If there is a capacity issue, and, as we hope, T-levels take off, what capacity will the colleges have to deliver them if no additional funding is allocated by the Chancellor? Where are the institutions supposed to deliver them? Even more crucially, how will we bring them to fruition in the 2020s? Our concern is that setting T-levels simply as a competitor to A-levels will be counterproductive to their take-up and viability. We have to focus on 16 to 18-year-olds at level 3 standard whose preparation has been largely geared towards taking A-levels. Assuming that that will fly for T-levels is a risky strategy.

The AOC has said that the Government need to have a base rate increase of £1,000 per student as a minimum, so will the Government commit to that? Successful delivery requires teaching staff, as we have heard, with specialist industry expertise, up-to-date equipment and smaller class sizes. Average college pay is £30,000 compared with £37,000 in schools, and it significantly lags behind industry. The University and College Union, nationally and its many excellent campaigns countrywide, has said the same for years. Who will actually teach the T-levels? Existing teachers who have received very little in funding for years for CPD or new teachers?

The UCU spelt out in crisp terms in its submission to MPs for this debate what they ask Chancellor and the Education Secretary to do. Pay has fallen in value by 25% in real terms since 2009. Teachers in FE colleges earn on average £7,000 less than teachers in schools. We hear a lot about red lines these days, but will the Minister commit to a red line for her Department to get that changed? Since 2010, around 24,000 teachers have left the FE sector: a third of the total teaching workforce. What will the Minister do to ensure that colleges can increase the pay of teachers and ensure that we have a qualified workforce to teach T-levels after their introduction?

It is clear from what we have heard today that more and more Members across this House, especially in this Chamber, know that FE is an essential factor in delivering the fair, socially mobile, economic and community strategies that we will need in the 2020s. We in the Labour party, with our new national education service plans and now the launch of our lifelong learning commission, see FE as an essential building block to achieve that process. Progression, progression, progression is stamped through everything that we need to do in this area as through a stick of Blackpool rock. For now and for today, what Members in this House—all of them—require from the Government is something a little more short term and modest. If the Minister wills the ends, she must will the means. She must require from the Government something a little more. We must commit here and now to start to make good on the promises and the rhetoric that have so far not been backed up with the funding that FE needs, particularly from the Treasury. She and the Treasury must hear loud and clear all of the excellent speeches and demands, and praise for their colleges and training providers, that Members have spoken of here today.
Anne Milton: I will come to that point in a minute.

Jim Shannon: Will the Minister give way?

Anne Milton: I would love to give way to lots of hon. Members, but time does not allow. I will make some progress.

FE delivers not only high-quality provision for 16 to 19-year-olds but lifelong learning, which was mentioned briefly. As we heard in a moving story from one hon. Member, it gives people chances to learn that they never had as a young person and the opportunity to retrain when their skills become outdated, to gain higher qualifications and to move along the career path. It also provides patient and caring support for those who are struggling to gain basic skills, opportunities for families to learn together and support for parents to help their children, as we all want to help ours. Although further education’s breadth is its strength, that breadth makes it hard to define: it is not school, but it is not university, so we need to articulate a clear vision.

As hon. Members have noted, funding per student has not kept up with costs. For 16 to 19-year-olds, we have protected the base rate of funding at £4,000 until the end of this spending review period, but that has been eroded by inflation. The Association of Colleges and the Raise the Rate campaign’s funding impact survey report have highlighted many of the issues and financial challenges. Reductions in 16-to-19 funding over recent years have partly been due to falling numbers of students; the number of 16 to 18-year-olds in the population has been falling for 10 years. The level is now 10% lower than in 2008-09, which poses difficult challenges for the sector, but it will start to increase again from 2020.

FE colleges are complex institutions that need to manage ebbs and flows in training provision and finance. On average, vocational courses cost more per student than academic programmes, so we provide more funding for most vocational courses for 16 to 19-year-olds through the programme cost weights. Further education institutions therefore actually receive more funding per 16 to 19-year-old student than school sixth forms, but that is purely a reflection of the greater costs.

I think that the thrust of the message from my hon. Friend the Member for Gloucester was that we need to do more to help our colleges. My hon. Friend the Member for South West Bedfordshire (Andrew Selous) spoke about the productivity potential of people who attend FE and about fairness. My hon. Friend the Member for Colchester (Will Quince) spoke about equality of opportunity; I wonder whether he might send a nice YouTube clip of this debate to the Chancellor, who I am sure would find it riveting. My right hon. Friend the Member for Gloucester and the hon. Member for Scunthorpe will take it on board.

One hon. Member spoke about second chances, and we often talk about third or fourth chances. I have had the privilege of seeing those fourth chances change people’s lives.

Jim Shannon: I congratulate the Minister and the hon. Member for Gloucester (Richard Graham) on their speeches. One of the great issues in my constituency is mature students who had a family early or who did not have much interest in education at school but pursued an interest in it at a later stage. Further education can give them that opportunity, as it does at South Eastern Regional College in my constituency. Does the Minister agree that mature students need opportunities in the same way that young people do?

Anne Milton: Very much so. This is absolutely about those second, third and fourth chances.

My hon. Friends the Members for Winchester (Steve Brine) and for Truro and Falmouth (Sarah Newton), both former superb Ministers, are now putting their weight behind the campaign to raise the profile of FE and highlight just how important it is for the prospects of young and—never let us forget—older people.

I am pleased to hear that my hon. Friend the Member for North Devon (Peter Heaton-Jones) met the Chief Secretary to the Treasury—keep on meeting her. We also heard from my right hon. Friend the Member for Ludlow (Mr Dunne) and my hon. Friend the Member for Cheltenham (Alex Chalk), for York Outer (Julian Sturdy), for Taunton Deane (Rebecca Pow), for Cleethorpes (Martin Vickers), for Stafford (Jeremy Lefroy), for Waveney (Peter Aldous) and for Northampton South (Andrew Lewer), among many others. They all made excellent contributions.

Rachael Maskell (York Central) (Lab/Co-op): I hoped to speak in this debate on behalf of Askham Bryan College and York College, two outstanding colleges in York. I urge the Minister to ensure that further education colleges have a fully professional mental health service,
because the levels of self-harm, eating disorders and even attempted suicide are way above the national average. Will she respond to that point?

Anne Milton: The hon. Lady is absolutely right. There are younger people, and indeed older people, for whom the school education system has not worked for whatever reason, who probably have a history of failing external examinations and who are often quite vulnerable or have special needs and all the associated problems that go with it.

We are listening to a wide range of feedback from many sources, including hon. Members present, and we are looking at the efficiency and resilience of the FE sector. The post-18 review will take a systematic view of provision and funding across post-18 education. We are also looking at levels 4 and 5, where we know that we need a much wider programme. If I had time, I would love to talk about the national retraining scheme, a partnership between the Government, the TUC and the CBI that we hope to roll out later in the year.

I must say to the shadow Minister that comparing apprenticeships today with apprenticeships before the 2017 reforms is like comparing apples and pears. I know that the apprenticeship system is not perfect, but believe me, in National Apprenticeship Week, I saw the extraordinary progress that has been made in the past year.

I am very aware that there are non-levy employers who are not yet on the apprenticeship service, and I want them to be on it as soon as possible. We are currently at the mercy of procurements and training providers. With procurements it never feels as if we are getting the right answer, but I assure hon. Members that all the levy money is recycled into the apprenticeships system.

I have been to south Devon, Bradford, Uxbridge, Harlow, Gloucester and many other places. Some colleges are thriving and some are struggling, but it is clear to me that they all have a motivation that is rarely seen in any other sector. We have put in £470 million to help colleges to restructure, but until we collectively recognise the added value that FE colleges give us, we will not see the changes in funding that are needed. That is how we give people a chance to turn their lives around and ensure that whatever their background, wherever they come from, whatever their family do and whoever they know, they too can get a great job and a career.

I congratulate my hon. Friend the Member for Gloucester and the hon. Member for Scunthorpe once again on their campaign, and I know that they will now be joined by many others. For me, they are pushing at an open door. Amid the cries for schools funding and the concerns for universities, FE can get lost. However, if we accept not only the personal gain for individuals but the potential productivity gains for the country, the case to the Chancellor is surely clear. With tin hats on, we continue into battle to make the case for further education.

Richard Graham: This debate has been 90 minutes of passionate appreciation of and support for further education colleges. I thank the Backbench Business Committee for granting it. I also thank the hon. Member for Scunthorpe, who is my co-skipper of the campaign for fairer funding for further education colleges, and all hon. Members who have spoken today for their huge message: “Let’s get the right resources for these national engines of skills, aspiration and social mobility.”

Sir Roger Gale (in the Chair): Order. Before we move on, may I thank all hon. Members for the courtesy with which this debate has been handled? In one form or another, all hon. Members who remained in the Chamber and sought to intervene got in—my congratulations. Motion lapsed (Standing Order No. 10(6)).
NHS Pension Scheme: Tapered Annual Allowance

11.1 am

Paul Masterton (East Renfrewshire) (Con): I beg to move,

That this House has considered the effect of the tapered annual allowance on NHS pension scheme members.

I have been aware of this issue for some time, as a local MP and as a former pensions law practitioner. Primarily through the work of the journalist Josephine Cumbo at the *Financial Times*, it has come to light that it is significantly more widespread and has much more serious implications for the NHS than I had originally understood.

I do not want to take up too much time on what the annual allowance taper is and how it works, partly because it is boring and incredibly complex, but a small amount of background is needed before explaining why it is an issue in the NHS and the consequences that seem to be flowing from it.

The tapered annual allowance was introduced from 6 April 2016. In short, it meant that from the 2016-17 tax year, a reduced annual allowance may apply to all pension savings by or on behalf of a member, depending on the level of taxable income within the tax year. It applies to individuals with a threshold income of more than £110,000 and an adjusted income of more than £150,000. For every £2 that an individual’s adjusted income goes over £150,000, their annual allowance for that year reduces by £1. The minimum reduced annual allowance someone can have is £10,000.

It will not be a surprise that the calculations of threshold and adjusted incomes are not simple in the least. They are massively confusing and make it very difficult to predict what tax bill will be incurred. As it cuts the annual allowance for the current year, an individual has no idea how much pension saving they can make.

Jim Shannon (Strangford) (DUP): The *Financial Times* reported that some doctors, GPs and dentists will receive a potential tax bill of £80,000. Does the hon. Gentleman agree that we and this Government have a duty to ensure that NHS staff have all the information so that no one faces unexpected tax bills?

Paul Masterton: The hon. Gentleman is absolutely right. One of the key issues is that because it reduces the tax allowance in the current year of work, it is impossible to work out what the annual allowance will reduce to, and people cannot plan. I will go on to raise some examples from my own constituents, as I am sure other hon. Members will want to do.

Andrea Jenkyns (Morley and Outwood) (Con): A constituent told me that he has been advised to take early retirement to avoid taxes. Does my hon. Friend agree that retaining long-serving consultants with experience in their fields is vital to the NHS’s success?

Paul Masterton: My hon. Friend is absolutely right, and that is why the issue is so important. I appreciate that we are talking about people who earn a lot of money and who have good pension schemes, but there is a serious potential knock-on effect of very senior doctors turning down hours or taking early retirement.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I received an email from a consultant who works in my constituency, informing me that one of the unintended consequences of the new arrangement is that he has reduced the number of hours he works in the NHS.

Paul Masterton: That is exactly right. I asked for a Treasury Minister to reply to this debate, because the underlying legislation is a Treasury issue, but it is important to have a Health Minister here today to hear at first hand the stories that are being raised by MPs.

In recent months, it has become increasingly apparent that the pension tax rules are resulting in unexpected tax charges being levied on a large number of GPs, senior doctors, surgeons and consultants right across the UK. I believe that if the issue is not addressed, serious capacity gaps in the NHS will only be made worse.

In Scotland, 7.6% of consultant posts are vacant, and more than half of those have been vacant for more than six months. There is a similar picture in the NHS in all other parts of the United Kingdom. In a recent survey by the Hospital Consultants and Specialists Association, more than 40% of the doctors questioned said that pension taxation changes had led them to change their plans and retire earlier than expected.

The way in which the tapered annual allowance operates means a significantly reduced annual allowance ceiling is hitting many of the NHS professionals that I, and the hon. Member for Strangford (Jim Shannon), mentioned in their mid to late careers. As their entire income is taken into account for the purposes of tapering, the threshold can be breached even by doing non-pensionable work, including covering for absent colleagues, extra programmed activities or waiting list initiatives. NHS staff on pay-as-you-earn cannot avoid the notional pension input amount calculation. As a result, many consultants are being hit with unexpected five-figure tax charges. A number are now dropping extra work, turning down hours or going part-time to negate or avoid the penalties.

Of course high earners should pay their fair share, and all the doctors who have contacted me want to do so, but they are paying rates of more than 60% as a result of the taper. Some are paying effective rates of more than 100%. Many consultants who continue to do non-pensionable overtime are effectively paying the Government to go to work, while receiving no additional pension benefit.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The hon. Gentleman is making a powerful, forensic speech on this critical issue facing the national health service. Several of my constituents have been in touch about it. One consultant mentioned that the impact of this issue on NHS Greater Glasgow and Clyde will be huge, because waiting list initiatives ensure that the health board does not receive penalties, so it militates against efficiency in the national health service and will cost more in the long run. It is a total false economy. Surely the Minister can take action with the Treasury to get this sorted out quickly.

Paul Masterton: The hon. Gentleman raises a good point. Our constituencies share a health board. The examples of people who work for NHS Greater Glasgow and Clyde show exactly the consequences and knock-on effects.
One surgeon contacted me to tell me that he was hit with a tax bill of £62,000 because he received a national award. People who receive a bonus or a pay rise can find themselves with a whopping tax penalty as a consequence. Rigid pay and pension rules in the NHS mean that their ability to mitigate the issue is pretty much non-existent, certainly compared with people in the private sector, because there is not the flexibility to reduce contributions or request cash in lieu of pension if there is a danger of breaching the allowance. The only option, as we have heard in Members’ examples, is to opt out of the scheme altogether or drastically reduce working hours. This issue is becoming a huge driver not only of early retirement, which in itself is extremely serious, but of enforced reduced working hours. That is having an impact on NHS care and creating lost capacity. Waiting times, which are a problem in various areas across the UK, are hit because these perverse rules mean that consultants refuse the overtime that is needed to help clear the backlog.

The investigation by the Financial Times found that the issue had increased the risk of delays in cancer diagnosis in some parts of the UK and lengthened waiting times for procedures such as hip replacements. Critical areas such as intensive care and radiology are also being affected. One consultant said that about 50 fewer patients were being seen per week in the cancer clinics they cover, as a result of doctors turning down extra shifts.

A consultant who lives in my constituency contacted me following receipt of a tax charge of £29,000, despite doing no work outside the NHS. He told me that he will now have to drop a session of clinical work to try to ensure that it does not happen again, and that he is actively considering early retirement, having reluctantly started to reach the conclusion that there is no incentive for him to continue his career beyond the age of 60. He has been forced into that position by the clear unintended consequences of the pension system.

David Linden (Glasgow East) (SNP): I congratulate the hon. Gentleman on securing this debate; the interest today shows that there is probably support for a Back-Bench business debate. He is absolutely right to highlight the huge financial penalties that people are incurring. One of my constituents in Barracknie is looking at a £15,000 tax bill, which he got at the end of January. That is not helpful. He has already told me that he is planning to retire early. Surely these examples only make the case to the Government that they need to take action.

Paul Masterton: I thank my hon. Friend for his kind comments, which are undeserved. There is a wider issue of the general complexity of the systems of reliefs and allowances in the UK pensions system. I hope not that there will be one single dispensation for one area of the public sector, but that we start to recognise that we need to look at the way the system is operating more generally and to work out whether some of the allowances and reliefs are actually necessary or effective, and whether they should be subject to a broader review.

A recent report showed that over 50% of respondents reported using the NHS “scheme pays” facility to pay off their unexpected tax charges. However, this does not work for all cases, and the amount is effectively treated as a loan that is then repaid back from the number of doctors and dentists benefit, with interest charged against the pension at high rates. That means it is usually costlier than paying up front, particularly for younger members. I fear that this issue could see us sleepwalk into a deepening workforce crisis in the NHS and result in consultants leaving the NHS early, even though they still have the skills and experience we need. Those individuals are important not just for patients, but for junior doctors in terms of the training and mentoring they receive on the job.

The British Medical Association firmly believes that long-term changes to the pensions taxation system are required in order to remove the disincentives that exist, and I certainly agree. The Library’s excellent briefing on pensions taxation makes reference to the impact of changes in the annual allowance on the public sector, and notes that the 2017 report of the Doctors and Dentists Review Body requested more evidence about the impact of the annual and lifetime allowance on early departure rates. The Treasury indicated that it would consider revisions to the NHS pension scheme if there was evidence that the number of doctors and dentists taking early retirement as a result of its inflexibility was substantial.
I want to ask the Minister a series of questions, and I appreciate that she might not be able to cover them all today. A number of them fall within the remit of the Treasury, but hopefully she will be able to take those away and arrange for either herself or a Treasury Minister to get back to me. First, what discussions did the Treasury have with the Department of Health and Social Care when the tapered annual allowance was introduced, and was this ever flagged as a potential problem? Secondly, what evidence has the Treasury collected on the numbers of doctors and dentists taking early retirement, following the 2017 report? If the answer is none, why is that the case and when will analysis be carried out of the impact on changes to the lifetime and annual allowances on the NHS? If evidence has been collected, what were the findings of that analysis, and are any changes being considered?

Thirdly, what consideration has the Treasury given to a review of the annual allowance taper more generally, perhaps as part of a wider review into simplifying the incredibly complex system of reliefs and allowances in the UK pensions system? Finally, have the relevant Government Departments had any discussions with the relevant parties on whether permitting more individual flexibility in the NHS pension scheme could be a solution? That is something that NHS Employers is calling for. This issue is not specific to the NHS—I have heard in recent days from armed forces personnel—but it does appear to be an area with a particular problem.

Although I appreciate that many people will not hold great swathes of sympathy for individuals on such high earnings who will still receive high levels of retirement pension that most of our constituents can only dream of, the reality is that if this results in consultants with much-needed expertise turning down work or leaving the NHS altogether, it will have major implications for the provision of services and the quality of care our constituents receive right across the UK, whichever colour of Government is in control of their NHS.

I am sure that the Treasury did not intend these changes to force experienced and committed consultants, surgeons and GPs to do less work for the NHS, but this is the reality being faced in the hospitals that serve my constituents and the Minister’s. It is good that the British Medical Association and NHS Employers recognise that this is a serious concern and met last week to discuss it, but they have not agreed a solution or a joint action plan. In reality, the ball is in the Treasury’s court.

I absolutely respect and agree with the Government’s position that we need to get the balance right between encouraging saving and managing Government finances, but this issue cannot be easily ignored. Legitimate aims to restrict tax perks for the wealthiest in society are exposing ever increasing numbers of long-serving and highly experienced NHS workers to massive tax charges. If we want high quality care in the NHS in Scotland and across the UK, we need senior doctors who have devoted their professional lives to the care and wellbeing of our constituents. It is ludicrous for us to face a situation in which the pensions system is acting as a disincentive and effectively forcing consultants to choose between working for nothing and affecting patient care.

I hope that this debate provides the first opportunity for us to say clearly that, whether the answer lies in adding flexibility to strict NHS pay and pension terms or with the Treasury using this as a reason to take a fresh look at the ridiculously complicated tapered annual allowance, this is an unintended consequence of the UK’s complex pension regime, which we need to sort out quickly to let those consultants get back to work.

11.15 am

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): It is a pleasure to serve under your chairmanship, Sir Roger. I thank my hon. Friend the Member for East Renfrewshire (Paul Masterton) for securing the debate; he made a characteristically thoughtful contribution.

We are the custodians of taxpayers’ money and need to manage the country’s finances in a way that gives value for money and allows us to live within our means. We also need to accept that when we make changes to the tax system, it changes people’s behaviour. I am grateful for the opportunity to look at these issues through the prism of the impact on the workforce in the national health service.

As my hon. Friend said, the annual allowance is a fiscal measure that operates across all pension schemes in both the public and private sectors. Alongside the lifetime allowance, the Government keep this measure under review to ensure that the benefit of tax relief on pension scheme contributions remains affordable. It is in fact one of the most expensive tax reliefs in the personal tax system. In 2015-16, income tax relief and employer national insurance contributions relief cost the Exchequer around £50 billion, with around two thirds going to higher-rate taxpayers. That is an important point to bear in mind, because we need to ensure that our tax system is progressive and managed efficiently. We will want to look at tax reliefs that favour the highest-rate taxpayers to ensure that our overall burden of tax is appropriate.

The reforms made to the lifetime and annual allowances in the previous two Parliaments are expected to save over £6 billion a year, and are necessary to deliver a fair system and to protect public finances. To ensure that the benefit the wealthiest pension savers receive is not disproportionate to that of other pension savers, the Government restrict the amount of tax relief available. The annual allowance does not taper below £10,000, and fewer than 1% of pension savers will have to reduce their saving or face an annual allowance charge because of this policy.

Julian Knight: Does the Minister agree that a potential issue is that this acts as a cap on the amount of tax relief that is given out? We know that this is not progressive in terms of higher-rate tax relief on pensions. Would it not be better for us to look at a system in which we have a flat rate of 25p, 28p or 30p in the pound, rather than the higher rate? That would mitigate, or mean that we did not need, those lifetime and annual allowances?

Jackie Doyle-Price: I shall not stray into policy that is not mine and that belongs to Her Majesty’s Treasury—that is a very convenient way for me to duck the issue. It comes back to the point that the moment we start to introduce complexity into our tax and allowance system, it brings perverse incentives. The overall goal in recent years has been to bring excessive deficits into kilter, having had excessive deficits. It is only natural that the Exchequer looks at where reliefs that are funded by the state are going to higher-rate taxpayers. That is
[Jackie Doyle-Price]

where we have got to with regard to the impact on public sector pension schemes, which by their nature are as we describe.

The NHS pension scheme is a generous and valuable part of staff reward packages, and is one of the best schemes available, notwithstanding the issues raised by my hon. Friend the Member for East Renfrewshire. It is right and proper for all hard-working NHS staff to expect financial security in retirement after dedicating a lifelong career to looking after the nation’s health.

For some senior clinicians, the generosity of the scheme, combined with their comparatively high levels of pay, means that their pensions build up to a level that breaches tax limits. Both the annual and lifetime allowances encourage pension growth at a steadier rate that is more aligned with typical pension growth experienced across the general population. To illustrate that, under the 1995 section of the NHS pension scheme, members who accumulate pension benefits worth near the £1 million lifetime allowance will have built up a pension of around £46,000 a year, plus a tax-free lump sum of £138,000 on retirement. Pensions of that size provide substantial financial security in retirement, and it is right that the Government take steps to limit the tax incentive to save further.

My hon. Friend raised concerns about the impact on our NHS workforce. With respect to discussions between the Treasury and the Department on the introduction of the allowance, the 2015 manifesto committed to “reducing the tax relief on pension contributions for people earning more than £150,000.”

That was a manifesto commitment we had to deliver. The tapered annual allowance fulfils that commitment and applies to all contributors to pensions, in both the public and private sectors. The impacts of the change, including on the public sector, were carefully considered at the time.

My hon. Friend asked about the number of doctors and dentists taking early retirement. Data from the NHS pension scheme administrator shows that 494, 490 and 424 hospital doctors took voluntary early retirement in the financial years ending 2016, 2017 and 2018 respectively. Those early retirements represented approximately 40% of dental practitioner retirements in those years. With respect to dentists, 145 retired early in 2016, followed by 143 and 115 in 2017 and 2018 respectively. Those figures represent more than half of all GP retirements in those financial years. With respect to GPs, in 2016, 695 took early retirement; in 2017, 721 took early retirement; and in 2018, 588 took early retirement. Those figures represented more than half of all GP retirements in those financial years. With respect to dentists, 145 retired early in 2016, followed by 143 and 115 in 2017 and 2018 respectively. Those retirements represented approximately 40% of dental practitioner retirements in those years. There is clearly an impact on the behaviour of practitioners.

My hon. Friend asked what consideration the Treasury and the Department have given to a general review of the annual allowance taper and the broader system of reliefs in relation to pension saving. Those are matters for the Chancellor, and the Government will continue to review all aspects of pensions policy, in line with our annual assessment of the public finances.

Jonathan Edwards: I am grateful to the Minister for giving way. She is highlighting some of the concerns that have been expressed about the unintended consequence of a capacity problem for the NHS as a result of the changes to pension relief. Given that health is a devolved issue in Wales, have the British Government received any communication from the Welsh Government expressing concern about the changes?

Jackie Doyle-Price: I have not, but this is about the impact of the pension and tax regime on the sector. I am not aware of any conversations with the Treasury, but if the hon. Gentleman has concerns, I encourage him to make representations. There are always unintended consequences with any policy, and we always need to challenge the operation of our policies to make sure they are in the right place and to decide whether they need to be refined, tweaked or changed in any way.

The Government recognise that pension tax considerations will contribute to decisions by some senior clinicians to retire early or to reduce their NHS commitments. For those who wish to remain in the NHS pension scheme, the annual allowance is a disincentive to take on additional work and responsibilities—that is very clear. The extra income increases the impact of the tapered annual allowance.

Some clinicians may judge that a reduction in their current NHS commitments, while maintaining scheme membership, better serves their financial interests. Employers tell us that the reduction in service capacity can be difficult and that capacity is expensive to replace. I assure my hon. Friend that the Government are listening carefully to the concerns raised by senior doctors and NHS employers about the impact of the tapered annual allowance.

That doctors may seek to limit or reduce their NHS commitments is of concern to Ministers, and something on which we are keeping a close eye. Maximising the participation of our clinical workforce is clearly essential to the delivery of our ambitions for the NHS. The quality and quantity of our workforce is always an important factor in the extent of the delivery of our objectives.

As an immediate step, the Department has sought to make available to NHS pension scheme members all possible flexibility under Her Majesty’s Revenue and Customs legislation and the current fiscal framework for public sector pension schemes. The BMA asked that we extend the scope of the voluntary “scheme pays” facility—implemented by the NHS pension scheme—to cover the payment of tax charges from breaches of the tapered annual allowance.

We have done that, but we have also gone further. The NHS pension scheme’s voluntary “scheme pays” facility has also been extended to cover tax charges of less than £2,000, which means that, from tax year 2017-18, a member can elect for the scheme to pay 100% of their annual allowance charge to HMRC on their behalf. The “scheme pays” facility allows individuals to settle their tax charge without needing to find funds up front, but HMRC requires an adjustment to the benefits accrued by members if a defined benefit pension scheme pays an annual allowance charge. That adjustment must be just and reasonable, and with regard to normal actuarial practice.

Accordingly, the NHS pension scheme applies an interest rate to the charge paid on the member’s behalf. That charge is deducted from the capitalised value of
the pension at retirement, with the interest rate set at the scheme discount rate. I recognise that, for some younger clinicians with many years before retirement, the compounding effect might influence the attractiveness of “scheme pays”, so I encourage members of the pension scheme to seek formal financial advice.

The Government will look at potential further measures. There is clearly considerable interest in this matter, and I assure hon. Members that we keep the impact of public sector pay and pensions policies under constant review, and take account of total reward and fiscal considerations. As my hon. Friend recognises, the issue is complex, and it is difficult for the Government to strike the right balance among competing interests. I do not think, however, that there is a case for exempting high-earning NHS staff, such as GPs and consultants, from a tax measure that is intended to apply to high-earning individuals. I also doubt that clinicians necessarily expect to be treated differently from other taxpayers.

The fiscal framework within which the NHS pension scheme operates is an important consideration. The NHS pension scheme, like most public service pension schemes, does not manage a fund of assets out of which pensions are paid. It is instead financed on a pay-as-you-go basis similar to that of the state pension, with contribution income defraying the cost of pensions in payment. Any change to scheme rules that provides flexibility could therefore have a significant effect on contribution income. That would have an impact on the Exchequer. We must balance that fiscal risk against the benefits of providing additional flexibility. Any proposed pension flexibility would be a matter for the Chancellor.

Clearly, this is a complex subject that we will have to keep under review in recognition of the fact that it drives behaviour in the NHS in a way that could cause us difficulties in the delivery of our overall commitments. We clearly want to retain the best, most qualified and expert staff in the NHS, and we need to be vigilant to ensure that our tax and pension benefits system does not stand in the way of delivering the best possible NHS.

Question put and agreed to.

11.29 am

Sitting suspended.
those goals—between giving young people a consequence for their actions and an opportunity to set themselves on the right path for the future.

Let me be clear about what I mean by segregation. I do not mean time out as an immediate response to violent or disruptive behaviour, or situations in which children must be physically isolated for their own protection or the protection of others. Solitary confinement—segregation, isolation or whatever else we might call it—is the deliberate removal of an individual from association with others. It was defined by the prison and probation ombudsman in a 2015 “Learning lessons bulletin” as “an extreme and isolating form of custody”.

Whatever the Minister might say in his remarks about solitary confinement and segregation—that children are not subject to solitary confinement—the Children’s Commissioner has been clear, as have the current and the previous chief inspector of prisons, that the conditions to which children are exposed fit the definition of solitary confinement.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Lady. On securing the debate. On the important point about a precise definition, or otherwise, does she agree that we need to get it fully and fairly established in the public mind so that we can determine year on year whether the problem is getting worse or improving? It does not help things if the goalposts change slightly, depending on the administration in place and how it does isolation or segregation.

Emma Hardy: I completely agree. That seems to be a sensible way to go forward with the problem. If we are to look at whether the use of solitary confinement is increasing, it makes sense to have a clear definition that everyone understands.

Most adult prisons have a dedicated segregation wing or unit, sometimes known as a care and separation unit, which allows prisoners to be moved off the main residential wings. That is mirrored in young offenders institutions, despite the fact that they hold much younger people. The conditions and rules for secure training centres, which hold even younger children, are a little better—children there are isolated in their own rooms or cells, or in empty classrooms or spaces, for shorter spans of time. We cannot escape the fact, however, that some children and young people are being held in conditions of isolation that are comparable to those for adults.

When assessing whether our existing segregation rules are fit for purpose, it makes sense to look first at the international rules setting out standards for the use of solitary confinement. The UN standard minimum rules for the treatment of prisoners, also known as the Mandela rules, state that given the devastating effect of solitary confinement on physical and mental health, it should be used only in exceptional cases, as a last resort, for as short a time as possible, after authorisation by a competent authority and subject to independent review.

The Mandela rules prohibit entirely the use of indefinite and prolonged solitary confinement—lasting more than 15 days—alongside its use for particularly vulnerable groups. Rule 45 explicitly states:

“The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.”

Given that prohibition of solitary confinement for more than 15 days and for those with mental health disabilities whose conditions would be exacerbated by solitary, among whom we could reasonably include children, the UK clearly and worryingly appears to be straying into territory that might violate the Mandela rules.

Victoria Prentis (Banbury) (Con): Does the hon. Lady agree not only that children of themselves are obviously vulnerable, but that the children she is talking about are particularly vulnerable? A disproportionate number of children with autistic spectrum disorder are in prison, as are many children with mental health issues and many who have been in care.

Emma Hardy: I absolutely agree with the hon. Lady. We know that from overwhelming evidence. So many children in our prison system have undiagnosed special educational needs and disabilities. As I said, what motivated my interest in this issue was all the work we are doing on children with special needs and disabilities, as well as the desperate need for early intervention and early support. When these children finally get to the point at which we as a society have failed them—when they are in prison—we should be pouring in money and resources, because how else will they ever have a chance to have some sort of effective life?

There are concerns right across the board about how segregation is used in the youth estate. Last October, after investigating those concerns, the Children’s Commissioner published her report on the use of segregation in youth custody. In it, she found excessive use of segregation in the youth estate, with children locked up and isolated in greater numbers, despite the overall numbers of those in custody falling at the same time—we are sending fewer children to prison, but those we are sending are more likely to end up in solitary confinement.

The Children’s Commissioner also found that the average length of segregation had doubled, with about 70% of episodes of segregation believed to have lasted more than a week, and many of those episodes involving the repeated segregation of the same children and young people. Again coming at that from an education point of view, I would say that any behaviour consequence that just results in the same behaviour over and over again is failing—it is not working, and it is time to try something else.

While the Children’s Commissioner notes that some children choose to self-isolate for a variety of reasons, which may be behind some rise in the figures, that does not account for all of it. If individuals self-isolate on a regular basis, surely that is an indication of serious problems with that young person. By self-isolating, they choose not to be part of the collective society of the institution, which is bad for their wellbeing, increases loneliness and isolation, and hampers their safety and mental wellness.

The Children’s Commissioner is not the only one who has raised concerns; many others have done so for a considerable time. The Howard League for Penal Reform, the Prison Reform Trust, the British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatricians and Child Health all condemn the use of segregation and its impact on young people. They criticise the Ministry of Justice’s continued use of the practice.
The Royal College of Psychiatrists recently argued that punishment for punishment’s sake brings out the worst in some young people, and does nothing to help them become positive members of society.

Rather than improving behaviour, solitary confinement fails to address the underlying causes, and creates problems with reintegration. I return to my previous point: what is the purpose of putting people in prison? Surely, it is twofold: it is punishment and consequence for their behaviour, and it is a chance for them to rehabilitate to become productive members of society. If we make that behaviour even worse by putting them in solitary, we are failing, because all they will do is leave prison, return to society, reoffend and cause grief and hassle for the people living in their areas.

The Howard League for Penal Reform, which does some excellent work in this area and provides legal advice and support to children in custody, reported more requests for assistance in respect of isolation than use of force. More people go to it upset about their child being isolated than about force, despite the fact that the media tend to cover the use of force more than they do isolation. In the written evidence submitted to the Joint Committee on Human Rights during its inquiry, a number of cases were highlighted, all of which make worrying reading and show that the numbers highlighted by the Children’s Commissioner are not just statistics but represent real children being harmed by segregation, who will go on to commit crimes again in their local area.

The evidence included a 16-year-old white British boy who was placed in isolation, locked in his cell for 23 hours a day for days on end and allowed out only for 30 minutes of solitary exercise. A 16-year-old black British boy was placed in a segregation unit, locked in his cell all day for 37 days and allowed out only with three members of staff. A 15-year-old Asian boy with attention deficit hyperactivity disorder was segregated while his mental health deteriorated. A 17-year-old black British girl with a history of trauma was forced on to a behavioural management plan that was reportedly not compliant with the Secure Training Centre Rules 1998, and was threatened with segregation if she did not comply. The mother of a 17-year-old black British boy said he spent over a month in segregation, and reported significant mental confusion in her son afterwards. Just as worryingly, the Howard League has reported that young people who experience solitary confinement often have their access to legal advice and support denied or restricted. Will the Minister look into this issue urgently?

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Some might say, “It may be slightly excessive, but these children committed crimes and deserve to be punished.” They may say, “If the prison needs to segregate them to keep order, it should be allowed to.” But we have to look back to our guiding principle of balancing punishment and rehabilitation. It is undoubtable from the evidence I mentioned that the balance is wrong; if we had struck the right balance, incidents of segregation would be going down, not up. It is vital that we design our system to address the underlying issues that led to the young person being sent to prison in the first place if we want to prevent future crime.

The biggest effect that segregation has on young people is on their mental health, contributing to what is already a severe and dangerous mental health epidemic right across our prison system. According to a survey by Her Majesty’s inspectorate of prisons, more than 30,000 people in the whole prison system are reported to have a mental health or wellbeing issue at any one time. That is around one in three of the average monthly prison population, which is a higher rate than in the general population, where one in four people are believed to have a mental health issue. However, given the poor screening and under-resourcing in relation to prisoner mental health, the widely held belief is that the rate is much higher.

The Howard League’s work on segregation—particularly its legal work to represent offenders who are subject to segregation—found that many prisoners who are removed from association are disturbed or damaged individuals who have behaved in a particular way as a result of their vulnerabilities, and who present no risk to security. Research published by the Prison Reform Trust into segregation units found that segregation was harmful to health and wellbeing, as over half of segregated prisoners said they had problems with three or more of the following: anger, anxiety, insomnia, depression, concentration and self-harm.

I keep making the same point: the problems will not go away by isolating children and young people—they will only get worse, which means these people will go out and reoffend. The Prison Reform Trust’s “Deep Custody” report found that more than two thirds of the 49 officers interviewed in segregation units said that most or the vast majority of segregated prisoners had mental health needs. Many offenders said they believed their mental health was a factor in the decision to segregate them.

Not only is the Ministry of Justice segregating people excessively, but it is doing it to those who are already dangerously at risk. The reason why that is so unhealthy and why we should be so appalled at the segregation of vulnerable young people is that a wealth of evidence shows that segregation has an adverse effect on anyone, let alone someone already with a mental health condition. The keys aspects of segregation noted by the Prison Reform Trust—social isolation, limited sensory stimulation, enforced idleness and increased, continuous control—are known factors in damaging an individual’s health and wellbeing.

Victoria Prentis: I do not know the answer to this question and I wonder if the hon. Lady does: is there a proven link between segregation and suicide risk?

Emma Hardy: I would not want to say so without having the facts in front of me, but that is an interesting question, and I hope the Minister will pick it up in his remarks. There is certainly a link through the effect on children’s mental health problems. We will have to see what the evidence says, but it would suggest there is a link.

Symptoms found in children who have been segregated include anxiety, depression, unprovoked anger, lack of impulse control, cognitive disturbances, hypersensitivity, paranoia and full-blown psychosis—to name just a handful. Those are not just minor issues. Indeed, the prison Service’s own guidance on segregation shows that it recognises the potentially damaging effect of segregation on mental health and on those who may be at risk of suicide and self-harm. Prison Service Order 1700 states: “research into the mental health of prisoners held in solitary confinement indicates that for most prisoners, there is a negative effect on their mental well-being and that in some cases the effect can be serious.”
Not only does solitary confinement have a detrimental impact on the mental health of the children, but it increases their chances of harm to themselves and others and makes them much more vulnerable to reoffending when they are released.

Those reports and findings relate to investigations and studies in the adult estate, but considering the widespread problems in the youth estate, it is more than reasonable to assume that the same issues are present in the youth estate too. It is certainly reasonable to accept that the proven negative impact on adults applies more so to children and young people, particularly when it is a widely accepted medical opinion that mental development, during which individuals are more susceptible to mental harm, does not cease until around the age of 25. Children who are more susceptible and more likely to be influenced are at risk of greatest harm.

The impact of segregation on children and young people goes beyond just the medical, because of its widespread use to restrict the ability of a child or young person to be part of purposeful activity in the institution holding them. That restricts their ability to take part in classes, studies, workshops or training that helps them increase their chances of not reoffending and of achieving a better life on the outside after their release, compared with when they went in. The Minister will know how desperately low literacy and numeracy levels are among children in prison, and how that limits their ability and chances when they are released. Surely, taking them away from study would have a further negative effect when they are released.

In theory, removal from free association, through segregation, should not prohibit access to education, but in many cases children are in their cells all day and allowed out for only 30 minutes. They do not always have access to education packs while in their cells. That has a negative mental impact. If they had something to do, and something to keep them occupied and busy in a constructive way, it would help to stave off the damaging effects of isolation on their mental health.

When the child comes out, they are further behind their peers, have even lower prospects and become vulnerable to reoffending. These children will not leave prison to go on to become productive members of society; they will leave and reoffend. That is failing children, it is failing victims of crime and it is failing society. The only thing that is changing is that young offenders are becoming adult offenders, so it is time for the Ministry of Justice to think again.

Mr Philip Hollobone (in the Chair): The debate can last until 4 pm. We have time for Back-Bench speeches until 3.37 pm, when we will go on to the Front-Bench spokespeople. The guideline limits are 10 minutes for Her Majesty’s Opposition, 10 minutes for the Minister and the three minutes at the end for Emma Hardy to sum up the debate.

2.50 pm

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone, and to follow the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy). She and I talked about this issue before the debate, so there will be a lot of overlap in our presentations. I am glad that she has interpreted the title of the debate very widely. It talks about youth inmates, which includes not only children but young adults. I will say a little bit about that in a minute.

As well as the hon. Lady’s Select Committee, the Justice Committee published a report, “The treatment of young adults in the criminal justice system”, some time ago in 2016-17, because we were concerned about the effectiveness of the treatment of young adults in the justice system. We looked at the needs of young offenders, their characteristics and the effective ways of working with them. We also went on a visit—this was in the days when Select Committees could go on international visits—to New York and Boston. Hon. Members may view the American system of governance as much stricter and tougher than ours. I could not disagree more. We found a much more liberal approach to the situation, with children treated kindly and efficiently, which had an enormous impact on their rehabilitation.

Mr Gregory Campbell: Before the hon. Gentleman moves on, although I fully accept his experience on his visit to that part of the United States, does he agree that, given the complexity of its judicial system, there may well be rapid and significant variations from state to state in the United States of America?

John Howell: The hon. Gentleman makes a good point. However, we chose New York because it has some of the toughest criminals. It was interesting to see how the situation was dealt with in that sort of tough environment. As I said, we found a very liberal approach.

Back here, we interviewed the parents of people who had been to youth offender institutes or prison, and I have to say that the feedback was utterly tragic. The personal circumstances of the individuals there had to be heard to be believed. We have to do all that we can to stop those sorts of occurrences. We looked at a wide range of ages—from 10 to 24—encompassing everything that the hon. Member for Kingston upon Hull West and Hessle talked about, and one thing we found was that men and boys account for a disproportionate number of people going through the criminal justice system. There is something about men and boys that needs to be tackled, and seriously.

One thing we looked at was the neuroscience involved—neuroscience has become a very trendy subject these days. A lot of work has been done on how the brain develops and matures. The evidence we heard showed that the brain develops over a much longer period, and that what we would generally describe as maturity is the last thing to develop. The hon. Lady may have experienced that with some of the children she used to teach. I hope that rings a bell with her.

It was also interesting that, as people got nearer to 18, their risk of reoffending actually increased, not decreased; there was something about reaching that age that created much more turbulence for the individuals. We all ought to look very carefully at how solitary confinement or segregation is imposed on people in that situation, because it is not something that immediately jumps out. In fact, there is strong evidence that involvement with the criminal justice system actually hinders the development of boys and men.

We need to do a risk assessment of people who are segregated or put into solitary confinement, and I will give a few examples of the stunning evidence as to why,
Learning disability among young people in the general population is between 2% and 4%, but among those in custody it is 23% to 32%—an enormous increase. Communication impairment in young people in the country is between 5% and 7%, but for those in custody it is 60% to 90%—almost all the people there have a communication difficulty. Those with attention deficit hyperactivity disorder are 1.7% to 9% of the general population, going up to 12% of those in custody, while those with autistic spectrum disorder run at a maximum of 1.2% of the general population, going up to 15% of people in custody.

We are dealing with a group of people who are, by any stretch of the imagination, vulnerable and who tend to need a risk assessment in order to assess how they are doing. I know that it has already been mentioned, but the number of people in youth custody who have already been in statutory care is running at two thirds—an enormous number. Again, that suggests that we are dealing with a very vulnerable population.

To produce the report, we went to the young offenders institution at Aylesbury, where we found that segregation was used to reduce movements among young people. However, staff said that it was used when there was a risk of gang violence. Dealing with gangs in that young offenders institution was one of the biggest tasks for staff. We asked the young people there whether they would like to be in a young offenders institution or a prison—many there at the time had been in both—and they said that the change in the justice system when going from a youth institution to an adult institution was like dropping off a cliff face. It is very important to bear that in mind, because it goes back to how they are treated in relation to solitary confinement.

The Justice Committee interviewed, and I have subsequently spoken to, Lord Harris of Haringey, who produced a very good review that looked at young people. We are dealing with a group of people who are, by any stretch of the imagination, vulnerable and who tend to need a risk assessment in order to assess how they are doing. I know that it has already been mentioned, but the number of people in youth custody who have already been in statutory care is running at two thirds—an enormous number. Again, that suggests that we are dealing with a very vulnerable population.

I will quote one of the witnesses we interviewed, Dr Gooch from Birmingham Law School:

“...it is the decisions that are made about how you use segregation and how you use adjudications, which are the disciplinary hearings within the prison. It is the values that you instil about where the boundaries are and what is appropriate behaviour. When you talk about grip, it is not about punitiveness. It is understanding when to lock down and when to use your security measures to their full potential.”

That sort of understanding of the situation suggests there needs to be much greater flexibility in the youth justice system.

I want to pick up on one last point: the question of purposeful activity, which the hon. Member for Kingston upon Hull West and Hessle also mentioned. I have a strong view that we need to instil as much purposeful activity as possible, whether it is in the adult or the youth section of the criminal justice system. On a former Justice Committee, I went to a prison in Denmark where the prisoners, who had a wide range of ages, cooked their own food. For safety’s sake, the knives were chained to the wall. Nevertheless, the very fact that they were able to cook their own food had a big impact on their ability to be rehabilitated. It made a great impression on me and when I came back I mentioned it to the then Secretary of State, and there are prisons where that happens now in the UK. Instilling purposeful activity into young people through education and skills training or whatever is absolutely essential. We need to keep that going if we are to tackle the problem.

I know the Minister will say that this situation never happens—he is laughing at me now—but that when it does happen a risk assessment is done. All I am saying is that in the Justice Committee’s experience, that did not happen. It is not commonplace for it to happen all the time in every case. Given the history that I have given of the differences between the mental illnesses that the general population of young people have and that those in prison have, it needs to happen.

3.4 pm

Imran Hussain (Bradford East) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Kingston upon Hull West and Hessle (Emma Hardy) for securing this important debate. She was absolutely right to do so, as the issue is covered much less than other wide-ranging problems in our criminal justice system. Even within the youth custodial estate as a whole, it sometimes does not get the airtime that it perhaps should. None the less, it is very important. I also congratulate her on making such powerful and substantial points. I will come on to some of the issues she raised, but she comprehensively covered a very difficult area and made particular reference to some of the international rules and laws that we are subject to and that we probably fall short of in terms of our compliance. She mentioned the Mandela rules, which I will come on to later in my speech.

The hon. Member for Henley (John Howell) spoke eloquently and drew on his previous work in this important area. He also spoke well on some of the broader issues and challenges in our criminal justice system. He highlighted some of the disparities around mental health issues—another area that perhaps does not get so much airtime in this place, but that should be of concern not least to the Minister and the Justice team, as well as more broadly across other Departments.

Hon. Members have already mentioned the report published by the Children’s Commissioner’s late last year, which should be a final wake-up call for the Government, as its verdict was so damning. It highlighted excessive use of segregation, solitary confinement or isolation—whatever we want to call it—by institutions holding children and young people, with a rise in the number of episodes of segregation taking place at the same time as we have seen an overall fall in the number of children and young people held in custody and a rise in the length of those episodes of segregation, with many instances going on for many weeks and sometimes months. Although that should be the final wake-up call for the Government, it is far from the first alarm that has gone off, with serious concerns repeatedly raised in recent years by a range of organisations involved in inmate and child health.

The picture painted by the Children’s Commissioner and others might not be the full one; tragically, the situation could be far worse. Hampering the ability of
organisations to report effectively on the issue is the lack of data being collected by the Government. The Children’s Commissioner herself stated that the lack of transparency in the recording of segregation is an issue that needs to be corrected. Her report states:

“the number and average length of periods of segregations are not published at all for YOIs...Figures for all segregations of young people should be collected centrally and included in the Youth Justice Statistics.”

On such an important issue as the wellbeing of children and young people, we need better reporting and better data from the MOJ. Frankly, I am alarmed that the data is not sufficiently recorded at present.

What the data and reports do agree on, however, is that segregation has an extremely damaging effect on the mental health of all those subjected to it, and particularly children in the crucial stages of development. The World Health Organisation has identified a range of typical mental health symptoms that are presented among those who have been segregated in custody. Medical associations here in the UK, including the British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatrics and Child Health corroborate those findings. That contributes to what is now an unequivocal body of evidence on the hugely damaging effect that segregation has on health and wellbeing.

Segregation poses huge risks of psychiatric and developmental harm, and various studies show that there is also an increased risk of suicide and self-harm among those in segregation. The hon. Member for Banbury (Victoria Prentis), who is no longer in her place, asked about that, and I think there is certainly a link between suicide and segregation. Our prisons are already in a severe mental health crisis, with more than one in three offenders across the whole custody estate reporting mental health issues, and many more likely to be experiencing them. We should not be adding to those worrying figures by segregating children and young people.

We cannot look at the issue in isolation, and there are other issues within the broader custodial estate that will have an impact on it. The Children’s Commissioner noted that poor child-to-staff ratios are making it harder for children to be moved around the prison. That difficulty is compounded by the overall shortage of experienced prison officers, as those who have gained vital skills and understanding, having worked with children for years, have left the prison service, and by the specific shortage of mental health-trained officers, who were forced out by Government cuts that left staff undervalued when they were being put through increasingly difficult and trying conditions.

The shortage of mental health beds across the country following underfunding and under-resourcing is also forcing many institutions to keep children and young people in segregation for long periods while they wait for mental health beds to become available. That abhorrent practice is damming of the crisis in our NHS. A report by NHS England last year that looked at the characteristics, needs and pathways in terms of the care of young people in secure settings found that 41% of young people placed in the youth justice estate had mental health or neurodevelopmental difficulties, as the hon. Member for Henley pointed out. We must ask whether we should be sending young people with such difficult challenges to custody in the first place, and whether they would be better placed in secure medical institutions that are better equipped. It is clear to me that, with the cuts to NHS services, many mental health services are being reduced in comparison with the need for them. The justice system is being used as a dumping ground for individuals when there is no capacity elsewhere.

We cannot ignore, either, the lack of procedural safeguards that allows institutions to place young people in extended segregation. The Howard League has stated that, when it requests paperwork on isolation—even when it is the subject of a legal challenge—it faces difficulties in obtaining it. It also states that children are denied clear targets to help them move out of segregation. Particularly critical, however, are cases where institutions were unaware that external professionals such as youth offending teams and social workers should be invited to segregation reviews. Coupled with the length and nature of segregation, that all amounts to a wilful violation of the internationally recognised Mandela rules.

It must also be noted that segregation is just one aspect of the many problems with our youth custodial estate that show how unfit for purpose it is—another point highlighted by other hon. Members. One of the biggest issues is violence. The chief inspector of prisons declared in his 2017 annual report that there is not a single establishment in the youth secure estate where it is safe to hold children and young people. That was followed up by his annual report last year, in which he declared that children continue to feel unsafe in young offender institutions, and that rates of violence against both staff and young people are higher than in previous years.

The youth custodial estate also shows how great the disparity between BME and non-BME offenders has become. According to the prisons inspectorate more than half of young people in YOIs are from a black and minority ethnic backgrounds. That is a massive disparity when compared with the general population, and we should be asking deep and serious questions about why our youth justice system and custodial institutions are locking up so many young people from black and minority ethnic backgrounds.

Staff in the youth custodial estate must be able to maintain order in their institutions, but it must not be through painful restraint techniques or extreme segregation measures. That view is shared by the UN Committee on the Rights of the Child, the European Committee for the Prevention of Torture and the UN special rapporteur on torture, who all agree that segregation should never be used on children and young people. The Children’s Commissioner, among others, warns about segregation practices in the youth estate, and the Minister must commit today to an immediate, independent review that has the power to make recommendations not only on the use of segregation in the youth estate, but on every facet of youth custody, with a view to rebuilding the broken system that is failing to keep children safe.

Mr Philip Hollobone (in the Chair): Minister, you have 42 minutes.

3.15 pm

The Parliamentary Under-Secretary of State for Justice (Edward Argar): As always, it is a pleasure to serve under your chairmanship, Mr Hollobone, but I suspect I will not detain the House for 42 minutes.
I congratulate the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) on securing what is—she is absolutely right—an important debate. I am grateful for the opportunity to respond. The issue has attracted much scrutiny in recent months, and rightly so. As the hon. Lady will be aware, I gave evidence on the subject to the Joint Committee on Human Rights last year. I will of course carefully consider the recommendations from the inquiry.

I am responsible, through my ministerial portfolio, only for under-18s institutions in the youth custodial estate, and of course Aylesbury is not in that group. However, in response to a point made by my hon. Friend the Member for Henley (John Howell), I want to point out that in the adult estate segregation should be used only as a last resort, when prisoners pose such a risk to themselves or others that no other suitable location is appropriate, and where all other options have been tried or are considered inappropriate. However, there is a specific approach for the under-18 estate.

I want to reassure hon. Members from the outset that children are never, and should never be, subject to solitary confinement in the UK. There is no universally agreed definition of solitary confinement, but rule 44 of the UN standard minimum rules for the treatment of prisoners—the Mandela rules that the hon. Member for Kingston upon Hull West and Hessle referred to—state that

“solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact.”

Removal from association, or segregation, is different. I appreciate that the shadow Minister referred to it as segregation, while others refer to it as removal from association, but I think we are talking about the same thing. It is a last resort for the protection of the child or others. It should never be used as a punishment and our rules are explicitly clear on that. To reiterate, it can be used, and is used, only when a child in custody is putting themselves or others at risk, when no other form of intervention is suitable to protect both the individual or their peers, or staff. I just want to mention in that context that segregation can be removal to one’s own cell rather than to a segregation wing. I shall talk later about the statistics and the impact that that matter has on them.

As to safety, the shadow Minister referred to the 2017 report, and I am sure that he would acknowledge that the chief inspector of prisons subsequently acknowledged that there had been improvement, and that the 2017 verdict on the youth estate was not the current one. However, the hon. Gentleman is right to highlight what was said in 2017, because it was a shocking and important report, and we rightly considered it carefully.

Under rule 49 of the Young Offender Institution Rules 2000, children may be removed from association for the maintenance of good order or discipline, or in their own interests, for up to 72 hours. The presumption is that children should be separated—placed in their room—rather than segregated to a segregation unit, wherever it is possible to do so. Children in YOIs cannot be segregated for more than 72 hours without the authority of senior managers in conjunction with the independent monitoring board and healthcare assessments. Segregation can be authorised by the young person segregation review board for up to 14 days at a time to a maximum of 21 days; a prison group director’s authority is required for anything beyond that. The prison group director must review any segregation of a young person that continues for 21 days, and for each subsequent period.

The youth custody service closely monitors the number of children removed from association under rule 49 of the Young Offender Institution rules, to ensure that all relevant management checks are in place—in a moment I will come on to points about mental health and educational assessments, which I know are of particular interest to the hon. Member for Kingston upon Hull West and Hessle. Those checks include the number of instances of children being removed for more than 21 days, which require a prison group director review and approval. The PGD will review the situation again after each subsequent 21-day period.

The reasons why children may be removed from association for longer periods of time vary. As the Children’s Commissioner and my hon. Friend the Member for Henley said, some may choose to “self-isolate”, and refuse to engage with the regime or mix with other children. That can happen for a variety of reasons, some of which I may come to. Other children have been involved in multiple violent incidents, and display violent behaviour towards other children or staff. Each individual case is carefully considered and reviewed to ensure that when children are removed for long periods of time, the reasons for that are appropriate, especially if they are putting themselves, or others, at risk. I labour the point about rules because it is important to be clear that safeguards are in place, and such measures are regarded very much as a last resort, often driven by safety considerations.

As I said to the Joint Committee on Human Rights—the hon. Member for Bradford East rightly highlighted this issue—accurate data is vital for the operational running of any organisation, and to understand what is happening. I asked the chief executive of the youth custody service to look into how data can be better collected and collated in a consistent format. Such data is often reported by different institutions in different ways, which limits our ability to draw the clear conclusions that we need to make evidence-based policy.

It is not true that during removal a young person will have no meaningful human contact. The child will continue to have regular contact with staff, and individual regime and reintegration plans are agreed, with the primary aim of reintegrating children back into regular association and a normal regime as swiftly as possible. Staff are expected to focus on helping children to manage their behaviour, so that they are able to return to regular association. Such reintegration plans can include visits back to residential units for activities such as association, and they could even include sleepovers in the child’s normal room as part of that process.

A member of the healthcare team must be informed within 30 minutes of a child being removed from association in a YOI, and they must complete an initial removal health screen for the young person within two hours. The hon. Member for Kingston upon Hull West and Hessle is right to highlight mental health needs, which we seek to pick up through those screenings. Along with my hon. Friend the Member for Banbury (Victoria Prentis), the hon. Lady mentioned safety in custody and the risk of suicide or self-harm. She is right to suggest that in other contexts some evidence has established a link between isolation in any context and increased mental...
health challenges, but in England and Wales there have been no deaths among under-18s in prison custody since 2012. As she said, we must do everything possible to ensure that mental health is protected and there is no harm, but thus far we have been partly lucky, and—more importantly—thanks to the diligence of staff in our YOIs and STCs, there have been no deaths in prison custody of under-18s.

While removed, the child must be monitored at a frequency determined by an individual and tailored assessment of their needs. It is desirable to have greater interaction between staff and the child in segregation, to help that child manage their behaviour and return to regular association more swiftly. Such interaction will also alert staff to any concerns about mental health issues, and any risk of self-harm or worse. Every child who has been subject to rule 49 of the YOI rules for a continuous period of seven days must have a detailed short-term assessment of needs initiated. Children removed for a continuous period of more than 30 days must have a detailed care plan drawn up that states how their mental well-being is supported.

John Howell: I hear what the Minister is saying. Will he do me a favour and ensure that he keeps an eye on the situation he has outlined, so that it occurs in every case?

Edward Argar: I am always willing to do my hon. Friend a favour, and he is right to highlight that point. It is important to have processes, but we need to know that they are followed. In a number of cases, I ask for random individual updates and snapshots of information, so that I can get a feel for whether things are being done the way they should be done, and I look at those files as appropriate.

Wherever possible, children should engage with the regular regime, and other children, during their time in custody. However, there are occasions when it is necessary to remove a child from association because their behaviour is likely to be so disruptive that keeping them in an ordinary location would be unsafe, either for them or for others.

Imran Hussain: The Minister is being kind with his time.

Edward Argar: There’s plenty of it.

Imran Hussain: Perhaps that is one of the reasons why, I did not intervene earlier because I wanted to allow the Minister to progress his points, but does he draw a distinction between solitary confinement and isolation? Does he think that they are two different things? The European Prison Observatory states that those are just alternative terms, and even the former Chief Inspector of Prisons, Nick Hardwick, says that although the terminology may change, those things are the same.

Edward Argar: As I said clearly to the JCHR, removal from association and segregation is different from solitary confinement or isolation. The Mandela rules mention having no “meaningful human contact”, but that simply is not the case when someone is segregated or removed from association. I set out previously just how much direct, meaningful human contact continues throughout that time.

When a child in a YOI is to be removed from association, they must be supported in making representations, with governors taking into account literacy levels, whether they need help from the advocacy service and what might be behind their behaviour—I have met the Howard League, and others, who make that point forcefully and reasonably. Prior to a segregation or removal from association, our experienced staff will do everything they can to de-escalate the situation in other ways. If a young person is removed from association, it is not a case of, “That solves the problem”. That is a reaction and a last-resort response based on safety considerations, and the focus throughout will be on what can be done to support that young person back into association, and address their underlying issues or concerns.

Rule 36 of the STC rules states that a young person who has been removed from association and placed in their room cannot be left unaccompanied for more than three hours in any 24-hour period. Providers keep records on staff observations, which must be undertaken at least every 15 minutes. Authorisation for keeping children “removed from association” is escalated during that three-hour cycle, with authorisation from the duty director to extend beyond one hour. All episodes are discussed at monthly performance meetings as part of the governance and oversight arrangements. In contracted-out STCs, the YCS monitor is informed within 24 hours about any removal from association. The monitor is given a summary of every occurrence of a child being placed in their room within 24 hours, and they receive detailed incident reports that articulate the circumstances that led to that removal.

As I explained to the JCHR last year, when a child is removed from association, they are given as much access as possible to the usual regime, including education and healthcare. That includes not only the provision of education packs and in-room learning but teachers attending to children in their rooms to teach them in person so that they have regular human contact. Children in YOIs are also given time in the open air, as the hon. Member for Kingston upon Hull West and Hessle said, and access to healthcare, physical education and legal advice, even when they are removed from association.

Individual regime plans designed around the child’s needs are agreed and reviewed frequently for each child by a multidisciplinary team. Staff in all under-18 YOIs have been given additional training on the use of segregation or removal from association, on the rules governing it and on how to ensure they comply with them. The use of segregation is heavily monitored by the youth custody service and the independent monitoring board, and indeed by me through my regular meetings with the chief executive of the service.

I am absolutely clear that the safety and well-being of the children and young adults in our care must be our highest priority, and I am committed to delivering wide-ranging reform to ensure that we are able to meet that priority in an increasingly challenging environment. The shadow Minister suggested that we needed a review of how youth justice, or youth custody, is conducted. I point him to the review conducted a few years ago by Charlie Taylor, which did exactly that. That review set the stage for us the direction of travel, which we are pursuing with the new secure schools programme, for example. I will touch on that before I conclude.
To provide some context, as hon. Members stated, there has been a sustained fall in the number of children entering the youth justice system in recent years. In the decade to 2018, juvenile cautions decreased by 91%, the number of first-time entrants into the youth justice system reduced by 86%, and, importantly in the context of this debate, the number of children in custody fell by 70%. The latest official statistics I have indicate that there were only 812 children in the youth secure estate as of January this year, a significant reduction from the almost 3,500 to 4,000 around a decade ago.

Those figures represent significant successes and are a testament both to the work and dedication of those who serve our youth justice sector in all capacities, and to the determination on both sides of the House to focus on rehabilitation and give young people the opportunity to reform and live a productive and successful life rather than being condemned at an early age to a life of going in and out of prison. However, that overall decline has resulted in a concentration in the youth secure estate of children who are convicted of the most serious offences—those who pass the bar above which custody is deemed the last resort for someone under 18 and demonstrate very complex behaviour.

The shadow Minister and others referred to the report by the Children’s Commissioner. We studied that carefully, but we challenged a number of her assertions, as I did openly at the JCHR. There are several reasons behind our challenge. The first is the change in the nature of data collection in the period that she looked at. That is not the only reason why we have seen the number of incidents we have, but we need to be careful about the data. Previously, if a young person was segregated in their own cell, it was not recorded as a segregation; a segregation was reported only if they went to a segregation unit or wing. It is important that we have clear data on any segregation or removal from association. That is one factor. It is not the only one, but it is a factor, so I just sound a slight note of caution there.

The other reason goes back to that really concentrated cohort of people convicted of the most serious offences. The average number of children held for violence against the person has increased by 11% in the last year. The proportion of children in custody for more serious offences, including violence against the person, robbery and sexual offences, has increased from 59% to 70% over the last five years. That is due to the increase in violence against the person offences, which now account for 41% of the youth custody population. The changing mix of offenders who make up that smaller overall number plays a part in both the rising levels of violence and the challenges faced by our youth custody estate.

Furthermore, as I think the shadow Minister touched on, despite the reduction in overall numbers, there has been an increase in the proportion of children from the black, Asian and minority ethnic community in custody. They currently make up around 45% of the custodial population. I am deeply concerned about the proportion of BAME children in custody, and understanding and addressing that is a key priority for me. Since my appointment, I have had the great pleasure of working with the right hon. Member for Tottenham (Mr Lammy) on implementation of the Lammy review. We have created a dedicated youth justice disproportionality team, which is working with stakeholders and criminal justice agencies to follow the principles we set out in response to the review, either to explain clearly why this is the case or to change the way the system works to ensure that there is not unwarranted disproportionality of outcomes for BAME children.

The hon. Member for Kingston upon Hull West and Hessle is absolutely right about the importance of not giving up on anyone, however challenging they are. Young people in custody are some of the most challenging people in our society, for a variety of reasons, as my hon. Friend the Member for Henley said. People may be challenging for mental health reasons or as a result of substance misuse. Often, people are challenging because they come from a background in which they experienced significant adverse childhood experiences or trauma, family breakup or domestic violence. There is a whole range of factors behind that. Where the severity of a crime justifies and requires a custodial sentence, our judiciary must have the power to impose one, but we should not give up on any of those young people, and we should work with them in custody to try to address the challenges and background issues they face.

John Howell: One of the other times children are at risk is when their parents are in prison. We at the Council of Europe have been very keen to ensure that there is very good treatment for that. Has the Minister come across that?

Edward Argar: My hon. Friend is absolutely right to highlight that factor. I have seen in my work on the female offender strategy the impact that a mother going to prison can have on a young person. It can put them at greater risk of offending or of becoming a victim of crime. I am not aware of the specific work by the Council of Europe, but I know that my hon. Friend is not only an extremely active and valuable participant in the Council of Europe but a strong advocate for its work, so I suspect that he will collar me outside the Chamber and raise with me the research and work it has done that I should consider carefully.

Like my hon. Friend, I believe that every child and young person in custody should have access to and be engaged in meaningful activities, including education and physical activities. The regime should be purposeful, meet the needs of the individuals, keep children occupied and active all day, and deliver the highest quality of education. That is why we have provided an additional £1.8 million of education funding for our YOIs in this financial year, and we are looking at the next iteration of the contracts for the provision of those services.

I am a particularly strong believer—even if my physique does not necessarily demonstrate it—in the benefits that sport and physical activity can bring, particularly in custody. As well as the obvious health benefits, they can provide children and young adults with a sense of achievement, discipline and purpose, and enhance their self-esteem, allowing them to take steps to transform their lives. That is why we are supporting organisations that want to work with children in the justice system and developing new partnerships between establishments, sports clubs and providers to increase access to such activities for those in custody. Members may well be aware of the twinning project that was launched last year to pair prisons with football clubs to deliver new coaching qualifications—33 premier league clubs are now signed up to that—and of the parkrun partnership, which currently operates in 11 prisons across the country, including Feltham, and is expanding.
As I said, engaging activities need to sit alongside effective behaviour management so that children can be out of their rooms and able safely to participate in the regimes and activities provided. That is why we have developed a new approach to behaviour management. Our new behaviour management framework for the youth estate, "Building Bridges", which was published in February and began its implementation yesterday, draws on research and best practice across our establishments and those of related sectors. It introduces a range of requirements designed to create the right conditions to encourage positive behaviour and proactive, positive cultures, and sets high-level expectations for supporting positive behaviour across all sectors of the youth estate. That will sit alongside a conflict resolution strategy, applying restorative justice principles, and the custody support plan, which will provide each child with a personal officer to work with on a weekly basis in order to build trust and consistency.

I have been encouraged by the progress made by these initiatives so far, but there is no room at all for complacency, as both the recent report on youth custody by the independent inquiry into child sexual abuse and the latest HMIP "Children in Custody" annual report, which the shadow Minister alluded to, have made clear. There is more work to do to ensure that youth custody is a safe and effective place for children to turn their lives around.

The HMIP report highlighted the disproportionate use of restraint and segregation in youth custody for BAME children in particular, so we have identified that as a priority area, within our wider strategy, to address race disparities within the criminal justice system. The IICSA report made a number of recommendations aimed at strengthening safeguarding arrangements for children in custody. Despite its shocking findings, we are grateful to IICSA for highlighting those issues. I have written to the inquiry's chair, Professor Jay, to confirm that we will respond as soon as we are in a position to do so.

More broadly—I come to my penultimate point—we are underpinning all of these reforms with investment in our workforce. The shadow Minister has raised that issue not just in relation to our youth estate but more broadly; I know that he takes a close interest in it. Since October 2016, we have increased the size of our frontline workforce across the prison service by more than 4,700 officers to relieve day-to-day pressures and enable the delivery of more proactive, positive initiatives such as those I have mentioned and the key worker scheme in the adult estate. But we do not only need more staff; we must invest in their training and development to provide them with the knowledge and skills needed to meet the complex needs of those in custody. That is why I was pleased to see that the Prison Officers Association endorsed our reform proposals for the youth custody workforce last week.

We are introducing a new youth justice specialist role and funding all of our youth custody prison officers to undertake a foundation degree in youth justice and transition to that new role on promotion and at a higher pay grade. The training and duties of the role will allow staff to engage with the root causes of children's offending and more effectively build positive and proactive relationships. More than 300 frontline staff have already voluntarily entered into the qualification, and I look forward to welcoming the first specialists on to the wings in the coming months.

It is crucial that the workforce in the custodial estate are as representative as possible of the group of children they serve. Following the Lammy review, HMPPS made a commitment that at least 14% of new recruits would come from BAME backgrounds by December 2020. I am pleased with the progress we are making in this area; between January 2017 and December 2018 18.5% of the formal offers that were accepted for recruitment to the YCS were from BAME candidates.

Finally, as I said, we continue to work on our proposal to develop secure schools, which we believe are the transformational step in a new approach to youth custody. At present we have prisons with an educational element. What we seek with the reform, and the first secure school planned for Medway, is to reverse that presumption and create instead a school with security, with the education and progress of the young person at the heart of the vision.

I am under no illusions about the challenge we face. We are talking about children who display the most challenging needs and behaviours, and considerable vulnerabilities. Our reforms will support establishments to provide better levels of care, help meet young people's needs and reduce the likelihood of the need to use separation. If it would be helpful, I am happy to meet the hon. Lady separately outside the Chamber to discuss the education screening, education work and mental health issues raised.

Ultimately, like all of us here, the Government wish to see a change in our system, with fewer young people entering it in the first place and, for those who do, a clear focus on rehabilitation and reducing the risk of reoffending, giving those young people a better chance at life. We want to see more children safer and happier, spending more time engaging in purposeful and constructive activities with a greater hope of a meaningful and crime-free future. I am grateful for the opportunity to respond to the debate.

3.44 pm

Emma Hardy: I thank the hon. Member for Henley (John Howell), the shadow Minister, my hon. Friend the Member for Bradford East (Imran Hussain), and the Minister for their contributions. I echo the point made by the hon. Member for Henley about the need to look at the risk assessments for isolation, ensure that they are routine and enforced, and to keep monitoring that closely.

I welcome many of the points that the Minister made, including his reluctance about the idea of having children in prison. He said it was a sign that society had failed. I totally accept his point about the concentrated cohort with extremely complex needs. I welcome his offer to talk to me on the education side and to look again at investing money further upstream, because the figures that the hon. Member for Henley highlighted relating to children with communication difficulties, children with ADHD and children who are autistic ending up in our prison service are shocking.

As my hon. Friend mentioned, we need to look at staff experience and staff ratios to see why so many more children are being isolated, because only so much can be explained by their having special needs and
disabilities, or undiagnosed needs. Perhaps we need to look at having more staff trained in mental health in our youth service, or specialists who know how to address and work with these young people. We also need a more joined-up approach with education and social services to prevent children from ending up in prison.

I thank the hon. Member for Henley for contributing, as well as the shadow Minister and the Minister. I hope that we will continue to have this conversation as we do not give up on any child. I hope that they can eventually become productive members of society again.

Question put and agreed to.

That this House has considered youth inmates in solitary confinement.

Mr Philip Hollobone (in the Chair): Order. The sitting will be suspended until 4 o’clock. If a Division is called during that time, we will meet back here as soon after the vote as the mover of the motion and the Minister can make it.

3.47 pm

Sitting suspended.

Pancreatic Cancer

4.4 pm

Nic Dakin (Scunthorpe) (Lab): I beg to move, That this House has considered treatment for pancreatic cancer.

I pay tribute to the hon. Member for Winchester (Steve Brine), who was an outstanding Health Minister and who I am sure will continue to make significant contributions to the fight against cancer. I thank members of the all-party parliamentary group on pancreatic cancer and associated charities for their work, and people watching on the Parliament channel for their interest and support.

It is time to up our game on the diagnosis and treatment of pancreatic cancer. Full marks to campaigners such as Ali Stunt of Pancreatic Cancer Action, who was inspired after surviving the cancer herself to set up a charity that focuses on improving early diagnosis in particular. We need even more people like Ali, with her determination and passion, to ensure we can make a difference. Once diagnosed, there is an urgent need for access to faster treatment for people who have pancreatic cancer.

Mr Ivan Lewis (Bury South) (Ind): I thank my hon. Friend for ensuring that this issue is brought to the attention of the House. Does he agree that, while there is a great emphasis on early identification of pancreatic cancer and we all share the concern that identification should come as early as possible, the speed of treatment is every bit as important? Does he agree that we have some way to go before we can be satisfied with that speed of treatment for most patients with pancreatic cancer in this country?

Nic Dakin: My hon. Friend is right: speed of treatment after diagnosis is an issue, and I will emphasise that in my speech.

Pancreatic cancer is the quickest-killing cancer: only one in four people survive a year and fewer than 7% of those affected in England will survive for five years or more. Those are appalling statistics, and they have not improved in this country in decades.

Jim Shannon (Strangford) (DUP): I commend the hon. Gentleman, who has been a spokesman for pancreatic cancer treatment and many other things in this House. I always look to him personally for his lead in these things. In the background reading I did before the debate, I saw that the latest findings showed that overweight 50-year-olds have a 25% higher chance of having pancreatic cancer. I never knew that before. That not only shows the need for people to be aware of how their weight affects their long-term health, but is a red flag that the number of pancreatic cancer patients could rise. If being overweight can lead to pancreatic cancer, we must ensure that appropriate treatment is available for that rising number.

Nic Dakin: The hon. Gentleman is exactly right: the more we learn about this disease, the more we can try to do things to prevent it and to support people so that they can get early diagnosis and treatment. The chances of survival for Kevin, the husband of my constituent Maggie Watts, were no better than those of his mother,
who died of the same disease 40 years earlier. Yet other countries are doing much better: Belgium and the USA have double the survival rates of the UK. We need the Government to work with the fantastic pancreatic cancer charities—Pancreatic Cancer UK, Pancreatic Cancer Action, Pancreatic Cancer Scotland and the Pancreatic Cancer Research Fund—as well as other stakeholders to deliver a step change in outcomes for pancreatic cancer.

Henry Smith (Crawley) (Con): I congratulate the hon. Gentleman on securing this important debate. Sadly, in January my former caseworker died of pancreatic cancer, so I saw the sudden impact of the condition and how quickly it can affect people, as the hon. Gentleman has eloquently set out, as well as the poor survival rates. What particular lessons does he think this country can learn from Belgium, the United States and other countries where outcomes and survival rates are better?

Nic Dakin: I pay tribute to the work that the hon. Gentleman has done on blood cancers in particular, and other cancer awareness issues such as this. He is right that we must learn the lessons from elsewhere, and hopefully I can demonstrate that there are things we can do to help us to catch up, once the diagnosis is in place, and get faster treatment.

One of the things that frustrates campaigners such as Maggie is the danger of accepting that little can be done after a diagnosis of pancreatic cancer. There is a sense of nihilism about this disease. Maggie’s optimistic initiative in response to her situation is called “Hope is Contagious”, and it should energise us all to redouble our efforts. No one should be written off.

Paul Kenny is a pancreatic cancer sufferer who has contacted me on Twitter, saying he has a “slim chance” of seeing his next birthday, but adding: “ Hopefully future generations of sufferers will be prevented or given better prognoses.”

Paul is right—we can do so much better, and we must.

Mrs Emma Lewell-Buck (South Shields) (Lab): My hon. Friend is making a powerful speech that will resonate with many people, including my own family. My lovely mother-in-law, Jean Buck, had stomach pains and was misdiagnosed with pancreatitis. She was sent home from hospital on a diet of bread and water. When back in hospital, she suffered a heart attack and slipped into a coma. Only then did the hospital suspect pancreatic cancer, but it was too late to operate, because she needed to breathe unaided and sadly she could not. That left my father-in-law, Maurice, my husband and his brother and sister with the heartbreaking decision of whether to end her life support—a decision that will haunt their grief forever. Does my hon. Friend agree that earlier diagnosis is key not only for those who are suffering, but for those left behind?

Nic Dakin: I thank my hon. Friend. In sharing that personal story, she makes a powerful argument about the need for better early diagnosis. Sadly, the story that she tells is the familiar one of undiagnosed general symptoms eventually, in an emergency, being diagnosed as pancreatic cancer. Very often, it is then too late to take action to address the illness. However, I want to focus on the fact that when we do diagnose early, we need to act early to cure people, because that is an area where we can certainly up our game.

At the moment, only one in 10 pancreatic cancer patients receives potentially curative surgery and only two in 10 receive chemotherapy, meaning that a massive seven in 10 people receive no treatment at all. That has to change. Last month, I delivered to the House a petition signed by an incredible 100,600 people supporting Pancreatic Cancer UK’s campaign to “Demand Faster Treatment”. They are asking for pancreatic cancer to be recognised as a cancer emergency and for people to be able to access treatment within 20 days of diagnosis in order to have the best chance of survival.

That ask is based on the latest evidence and best practice from existing fast-track models for operable and inoperable patients. Those models show that treating people with pancreatic cancer within 20 days increases the number accessing surgery by 20% and the number accessing chemotherapy by 25%. Those are significant improvements. Fast-track surgery will allow more people to access life-saving treatment, and we know that the survival rate is 10 times higher for those receiving surgery. The 100,600 people who signed the petition believe that those models should be the basis of a national optimal pathway for the diagnosis and treatment of pancreatic cancer to ensure that people with the disease can be treated within 20 days.

I want to be clear that I am not talking here about early diagnosis, important though that is—hon. Members’ interventions have underlined that—and I welcome the focus of the Government and NHS England on early diagnosis of all cancers. That can only be a good thing and it will help. However, there are currently many people with pancreatic cancer who have been diagnosed early enough to receive treatment but, unacceptably, do not receive it. That is the issue that I am focusing on today.

For example, more than half of people with stage 1 and stage 2 pancreatic cancer die within a year, and almost half of them, 42%, do not receive any active treatment at all—neither surgery nor chemotherapy. The data suggests that those patients are not prioritised and have not been treated as an emergency. Unfortunately, all the evidence shows that the Government’s current and proposed waiting times are not fast enough for people with pancreatic cancer. A one-size-fits-all approach is not improving, and will not improve, survival rates for pancreatic cancer.

It was disappointing that the recently published interim report of the clinically-led review of NHS access standards did not take the opportunity to propose a differentiated target for pancreatic cancer. If we really want to transform outcomes, it is high time that we had differentiated targets, including a 20-day treatment target for pancreatic cancer.

Behind the statistics are real people. We have heard about some of them today, and their stories help us truly understand the missed opportunities and devastating consequences of the current system. No one did more to mobilise people to sign the petition and help make the case for faster treatment than Erika Vincent. In February 2018, Erika was diagnosed with stage 4 pancreatic cancer, yet despite its advanced nature, she was made to wait two months for treatment—something that she described as psychological torture for her and her family.
While she waited, her cancer spread, bringing her more pain, and complicating the care that she would eventually receive. Erika believed that the delays to her treatment reduced the time she had left with her family. She chose to spend much of that time championing the need to treat pancreatic cancer as an emergency, believing, as I do, that pancreatic cancer patients cannot afford to wait. Sadly, Erika passed away just weeks before the petition calling for faster treatment—a petition that she had done so much to assemble and put together as part of a campaign—was presented to the House.

Erika’s story stands in stark contrast to that of Liz Oakley. When Liz was diagnosed with pancreatic cancer in January last year, it took just 12 days for her to be scheduled for surgery—the only cure for pancreatic cancer. Liz had already survived breast cancer twice. She is both a testimony to the remarkable progress that has been made in the treatment of other cancers and living proof of what is possible for patients with pancreatic cancer.

There is a compelling case for treating pancreatic cancer as a cancer emergency and for creating optimal fast-track pathways. Far too many people have been lost to this disease too early. For far too long, pancreatic cancer has been forgotten, neglected, written off. The Government can commit today to changing that. Will the Government look at developing optimal pancreatic cancer pathways? Will they evaluate rolling out fast-track surgery models across England? Will they commit to the ambition of allowing people with pancreatic cancer to access treatment within 20 days of diagnosis by 2024?

Thankfully, we have seen huge changes for other cancers. Lung cancer is a good example. Back in 2005, the national lung cancer audit showed that patients with operable lung cancer were not referred for surgery, and it was shown that the surgery rate could be tripled in a cancer network within one year. Between 1985 and 2005, there were just 3,000 operations a year; that increased to 7,250 in 2016. That is inspirational. It shows what we can do. It shows what we can achieve when a cancer is treated as a cancer emergency, as pancreatic cancer must be now. Hope is contagious. Let us make it happen.

Mr Philip Hollobone (in the Chair): The debate can last until 4.34 pm.

4.18 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Scunthorpe (Nic Dakin) for the articulate and passionate way in which he made his case. He has a long history of campaigning on this issue, and long may he continue. We know that we need a conscience when it comes to driving improvements throughout the health system, and it is always instructive to hear people’s experiences. I thank the hon. Gentleman for all the work that he does inchairing the all-party parliamentary groups on cancer and on pancreatic cancer.

I am very grateful to the hon. Gentleman for sharing the stories of Ali Stunt, Maggie Watts and Erika Vincent, because we need to remember that we are not talking about some vague disease that happens to other people; it happens to real human beings and their lives are incredibly affected by our failure, or otherwise, to take action in these spheres. They also inspire us. The fact that Erika Vincent dedicated so much of her final days to raising awareness is inspirational, and we would be very poor if we did not take action following that.

I also thank the hon. Member for South Shields (Mrs Lewell-Buck) for sharing her family story. Again, she illustrated that this can happen to any one of us. When we are in a position to do something about it, we must act.

No one will be surprised that tackling cancer is a major priority for the Government. We have presided over year-on-year increases in survival rates, so that today they are at the highest levels recorded. However, we should not rest on our laurels and be complacent. That is good progress, but we must do better—our ambition is to do better.

Last October, the Prime Minister announced a package of measures with the aim of detecting three quarters of all cancers at stages 1 or 2 by 2028. These measures will see improvements to our screening programmes and new investment in state of the art technology, to further improve diagnosis and boost long-term research and innovation.

That represents the cancer element of the NHS long-term plan, published in January, which sets out how we will achieve our ambition of 55,000 more people surviving cancer for five years in each year from 2028. Colleagues will be aware that the Secretary of State is placing considerable emphasis on prevention, so we need to look at what else we are doing, in terms of screening and research, to tackle these issues. All of that is to be commended, but we must not be complacent. We can learn from the examples of Belgium and the USA, where much greater advances have been made.

The hon. Member for Scunthorpe reminds us all that survival rates for certain cancers remain stubbornly low, including for pancreatic cancer, which is the least survivable of all cancers and so merits special attention. As he alluded to, late diagnosis is a key reason for that. We know that less than a quarter of people have their cancer diagnosed at stage 1 or 2, compared to half of people for all other cancers.

The new early diagnosis ambition represents a huge opportunity to change that for three reasons. First, the ambition must apply to all stageable cancers, including pancreatic cancer. NHS England is working with Pancreatic Cancer UK and others on how we can adjust the current national measure of early diagnosis to include pancreatic cancer for the first time.

Secondly, within that headline measure, the Government are committed to publishing regular data on individual cancers. We need to be transparent about how we are performing in this area, so that we can identify which cancers we are tackling in terms of early diagnosis, and which need more attention. That will provide a powerful catalyst for all the charities to come together and work with NHS England to deliver that change.

Nic Dakin: I thank the Minister for the serious and thoughtful way in which she is responding to the debate. Does she think that there is an opportunity to look at a 20-day target for moving from diagnosis to treatment, which would make a real difference to this cancer?

Jackie Doyle-Price: Indeed. I will come to that point, if the hon. Gentleman bears with me.
I would like to highlight the other unsurvivable cancers that suffer from late diagnosis, which, as well as pancreatic cancer, include cancer of the stomach and oesophagus. We must ensure that we also focus on those cancers.

The focus of the hon. Gentleman’s speech was that pancreatic cancer should be treated as a cancer emergency. Pancreatic Cancer UK’s recent demand for faster treatment set the ambition to treat pancreatic cancer within 20 days from diagnosis by 2024. The hon. Gentleman mentioned Liz Oakley. The fact that she had treatment within 12 days shows that it can be done. We should embrace that level of ambition. While we recognise that great achievement and advance, we should ensure that that is the experience across our national health service.

What I will say does not quite meet the hon. Gentleman’s request, but I think he will welcome the direction of travel. NHS England will shortly be introducing a faster diagnostic standard of 28 days for all cancer patients, including those with pancreatic cancer. That will mean that every patient can expect a definitive diagnosis—yes or no—within 28 days. Taken together with the 62-day referral to treatment standard, all patients should expect to start their treatment within 34 days of diagnosis.

I know that is not quite the target that the hon. Gentleman set me, but if we can ensure the whole system works to that efficiency, we will make great strides in tackling this. I cannot emphasise enough that we should never lack ambition in how far we are prepared to drive improvements. That standard of treatment within 34 days is the maximum, but I expect trusts always to treat patients according to clinical need and to prioritise those needing urgent treatment, such as Liz Oakley, who received treatment within 12 days.

We welcome Pancreatic Cancer UK and all other stakeholders working with the pancreatic cancer clinical community to develop practices to shorten the time before treatment even further. It is important that we continue that dialogue, not just to be reactive, but to build confidence, because poor survival rates are well understood. We do not want people to be diagnosed and automatically think that there is no hope. There is always hope, and our NHS services must ensure that people understand that.

NHS services for pancreatic cancer have improved significantly in recent years. I am grateful to the hon. Gentleman for Winchester (Steve Brine) spoke at the taskforce’s launch and put the Government’s full support behind it. Research into innovative medicines and treatments is extremely important. We accept that there is an unacceptable research funding gap, with less survivable cancers receiving five times less research funding than more survivable cancers, which we need to address. Cancer Research UK has prioritised increasing research into hard-to-treat cancers, including pancreatic cancer, but more needs to be done.

In closing, I reiterate that, as a Government, we have made considerable progress, but there is much more to be done. I am grateful to the hon. Member for Scunthorpe and all hon. Members who have taken an interest in the debate. I know that they will hold the Government’s feet to the fire to ensure that we carry on making real improvements in treating and supporting people with pancreatic cancer.

Question put and agreed to.

Resolved,

That this House has considered treatment for pancreatic cancer.
Puppy Smuggling


4.37 pm

Nigel Huddleston (Mid Worcestershire) (Con): I beg to move,

That this House has considered the matter of puppy smuggling.

It is a pleasure to serve under your chairmanship, Mr Hollobone. I am grateful for the opportunity to introduce the debate. I extend my thanks to the many organisations and bodies that have been campaigning on the issue for a long time, not least the Dogs Trust. It has one of the country’s largest rehoming centres in my constituency and it is a pleasure to work with it.

This is the second time that I have introduced a debate on the topic, and I am pleased to be joined again by hon. Members from across the House. That is not surprising, as there are 9 million dogs in the UK—probably more; we do not know exactly—and many more dog lovers. I also have here a book that contains the pledges of 137 Members of Parliament who are committed to stopping puppy smuggling. I hope that that conveys to the Minister how deeply concerned we are about puppy smuggling, and I am not the only Member of Parliament who will say that this issue is also of great concern to my constituents.

In the previous debate that I secured on this subject, I told the House how puppy smuggling was a multi-million-pound industry—an illegal trade. Hundreds of puppies are intercepted at our ports and borders each and every year. I will come on to some of the issues surrounding security at our borders a little later, but it is likely that thousands more puppies slip through the net and remain unidentified.

Maggie Throup (Erewash) (Con): I thank my hon. Friend for giving way and also for securing this really important debate. He talked about measures being put in place at the borders. However, does he agree that it is not only important for us to put measures in place in the UK but that we need international co-operation as well, to stamp out this horrendous practice?

Nigel Huddleston: My hon. Friend makes an important point, and I will come to some of the recommendations later on. Although much of the focus of my recommendations will be on what the UK Government can do, we also need to lobby internationally to ensure that there is fair treatment and awareness across countries.

Andrea Jenkyns (Morley and Outwood) (Con): Does my hon. Friend agree that unscrupulous dealers are now taking advantage of the pet travel scheme and that that scheme needs to end after Brexit?

Nigel Huddleston: I thank my hon. Friend for making that point; indeed, I am just about to come on to it. I think we are suffering from the unintended consequences of some changes in schemes and programmes.
Of course, puppy smuggling at heart is an industry perpetrated by people who are motivated purely by money. They can make up to an incredible £35,000 per week by illegally transporting puppies through our borders, to be sold to unsuspecting dog lovers in the UK. The root cause of puppy smuggling seems, indeed, to be the ease with which gangs can abuse the pet travel scheme that operates across Europe, which is otherwise known as PETS.

John Spellar (Warley) (Lab): I thank the hon. Gentleman for giving way; he rightly identifies the large sums of money that can be made either by individuals or by organised crime gangs. These criminals appear to make a very fine cost-benefit calculation, which reinforces the need, expressed by a number of animal charities, to increase the penalties for maltreating animals. There should also be confiscation of vehicles, so that this business is no longer a paying business.

Nigel Huddleston: I thank the right hon. Gentleman for making that point. Indeed, many and various recommendations have come out of this debate, and of course disincentivising this really despicable trade in every way we can is very important. Penalties, fixed fines and indeed criminal sanctions are, of course, the things that we all need to consider.

Damian Green (Ashford) (Con): I am grateful to my hon. Friend for giving way. Is it not also the case that as well as increasing penalties, which I strongly agree with, it is important that those penalties are available against a wide range of offences? There has been some argument that the specified offences in the current draft of the Act are not wide enough to cover all the offences that will be committed in the process of smuggling puppies.

Nigel Huddleston: I thank my hon. Friend for giving way; he rightly identifies the large sums of money that can be made either by individuals or by organised crime gangs. These criminals appear to make a very fine cost-benefit calculation, which reinforces the need, expressed by a number of animal charities, to increase the penalties for maltreating animals. There should also be confiscation of vehicles, so that this business is no longer a paying business.

Nigel Huddleston: I thank the hon. Gentleman for giving way. I think we can all appreciate that. However, does he agree that one of the advantages of leaving the European Union will be that it will offer an opportunity to introduce far-reaching animal welfare regulations that go beyond the existing framework, including the reintroduction of tests for rabies?

Tracey Crouch (Chatham and Aylesford) (Con): I am grateful to the hon. Gentleman for raising that point; I am sure that the Minister is listening. I had said that there were some unintended consequences to PETS. In an effort to harmonise travel between European countries, PETS was relaxed in 2012. Among the changes were the removal of the requirement for a puppy to have had a rabies blood test and a lowering of the minimum age for travel from 10 months to just 15 weeks. Since the relaxation of the PETS rules, there has been a considerable rise in the number of puppies entering the UK. In 2011, just 85,000 puppies legally entered Great Britain, but by 2017 that figure had more than trebled.

Marsha De Cordova (Battersea) (Lab): I congratulate the hon. Member on securing his second debate on this vital issue. My constituency is home to Battersea Dogs and Cats Home, which is incredibly concerned about this particular issue. Does he agree that, rather than a reduction in the market, there needs to be a wholesale ban on the smuggling of all puppies?

Nigel Huddleston: I thank the hon. Lady for that intervention; indeed, I also pay tribute to the Battersea Dogs and Cats Home for what it has done. And she makes a very valid point. All of these options need to be carefully considered.

Hundreds of puppies are intercepted at our ports each year, and although we cannot accurately assess the scale of the puppy-smuggling trade—it is, after all, illegal and therefore difficult to assess fully—it is likely that the true number of puppies being smuggled into the UK reaches into the thousands and not just the hundreds.

The most recent report into puppy smuggling by the Dogs Trust has also uncovered an alarming new trend of puppies from non-EU countries, such as Serbia, being taken to EU member states, given fraudulent EU pet passports and then smuggled to the UK from there.

Alex Sobel (Leeds North West) (Lab/Co-op): I recently spoke to a constituent who had driven 200 miles to pick up a French bulldog puppy. It was meant to be the perfect family pet, but after its first check it emerged that it had both heart and kidney problems, as a result of bad breeding practices at what turned out to be a puppy-farming operation. I wholeheartedly support the hon. Gentleman’s call for better regulation of puppies entering the UK.

Nigel Huddleston: I thank the hon. Gentleman for raising that point; I am sure that the Minister is listening. However, does he agree that one of the advantages of leaving the European Union will be that it will offer an opportunity to introduce far-reaching animal welfare regulations that go beyond the existing framework, including the reintroduction of tests for rabies?

Nigel Huddleston: I thank the hon. Member for her intervention; indeed, one of the recommendations that I will come to in a moment is to introduce a test for rabies. We cannot do so at the moment, because we are in the EU, but that is an opportunity that we could take once we have left the EU. I also thank her for raising the “B word”.

Puppies should be at least seven months old before travelling to an EU member state from a third country, but the Dogs Trust found that in Serbia puppies as young as 10 weeks were given fake documentation, so they could gain entry to the UK.

It is worth reflecting on the truly awful conditions that some of these poor animals have to endure. To evade detection, puppies are sometimes squashed into the hollow of back seats or covered in blankets and bundled under a front seat. They are often sedated to
prevent them from making any noise or moving around. The Dogs Trust has told me that it has intercepted at the border puppies that have been given such heavy doses of sedative that it has taken them several days to come to. Travelling to the UK by car from countries such as Lithuania, Latvia and Serbia can take up to 30 hours, during which time puppies are given no toilet breaks, no time to exercise and very little, if any, food and water.

One case that exemplifies just how awful the trade is, is that of Lola, a French bulldog who was transported hundreds of miles from Lithuania, with temperatures in the van she was smuggled in reaching more than 40° C. She was heavily pregnant and it is illegal for a travelling pet to be pregnant. Shortly after being taken in by the Dogs Trust, she gave birth to four puppies, but it was such a difficult birth and she had been through such a traumatic experience that two of them were stillborn.

Lola has since had a number of health issues, ranging from infections to respiratory diseases, with some requiring surgery, but the Dogs Trust has managed to arrange treatment and she has been successfully rehomed. However, had Lola not been detected at the border, she and her puppies would have been advertised online and sold to an unsuspecting family who had no knowledge of the state of their health. Imagine someone bringing a new puppy home to their family, to very excited children, only to discover that it was unwell, possibly diseased and requiring treatment that could cost thousands of pounds.

The trauma of the journeys these puppies are forced to endure often leads them to develop behavioural issues and some, unfortunately, do not recover from their health issues and end up being put down. After rescuing 39 puppies from one commercial dealer, the Royal Society for the Prevention of Cruelty to Animals found that six needed to be put down immediately and two thirds had congenital defects. The RSPCA has also cited an investigation that found that about 20% of puppies bought on the internet died within six months.

What can be done to put an end to this trade? There have been many suggestions and, as has been mentioned, some of the changes can be made once we have left the EU. I wish to acknowledge and show my appreciation for the fact that the Government take animal safety and welfare seriously—for example, all the work that they have done on the banning of ivory sales and third-party sales of puppies. But they could, and should, go further. For instance, I urge them to bring before Parliament as soon as possible the already promised increase to five years of the maximum sentence for animal cruelty. That would apply to puppy smuggling.

I also ask the Government to consider introducing on-the-spot fines for those caught illegally importing dogs, and I encourage them to improve the presence of border officials at our ports, to carry out more visual checks at all hours of the day, every day of the week. The current disparity in the border presence between off-peak, in-week and weekend and evening slots can all too easily be exploited by smugglers.

Post-Brexit, the Government could reintroduce a requirement for dogs to have a rabies blood test and set a restriction on how soon after the test they could travel. That could increase the age at which dogs could legally enter the country to six months, say. The benefits of that in tackling puppy smuggling are twofold: it is much easier for officials to assess accurately the age of puppies once they have reached six months, and the incentive to smuggle puppies in the first place would be reduced because they are less desirable to the public once they are that bit older.

I know that the Minister is familiar with the issues we have raised; he and I have had many conversations in the past. Colleagues wish to bring up many other points, so I will finish my speech. I know that the Minister will listen carefully, and I look forward to his response.

Mr Philip Hollobone (in the Chair): The debate can last until 5.40 pm. I am obliged to call the Front-Bench spokespersons no later than 5.17 pm, and the guideline limits are five minutes for the SNP, five minutes for Her Majesty’s Opposition and 10 minutes for the Minister, and then Nigel Huddleston will have a few minutes to sum up the debate. Until 5.17 pm, it is Back-Bench time, and nine Members are seeking to contribute. I want everyone to be able to do so, so I am afraid there will have to be a time limit of two and a half minutes to ensure that everyone can get in.

4.54 pm

Angela Smith (Penistone and Stocksbridge) (Ind): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on calling this very important debate. I will not go through the detail he laid before us.

It is clear that puppy smuggling is a problem that has grown significantly in the past few years. Let us be clear that the pet travel scheme—PETS—has been a great boon to many pet owners, enabling them to take their much-loved pets around the continent without the need for quarantine. I think there is broad consensus that the 2012 relaxation and harmonisation of the rules governing the scheme made it even easier to take pets across borders. However, in a country such as the UK, where for many years demand for puppies has outstripped supply, that was always going to increase the risk of smuggling activity on the part of unscrupulous dealers ready to make cheap money out of a grossly unethical and cruel trade.

Illegal puppy smuggling involves poor breeding practices and sometimes appalling conditions, with many of the puppies suffering disease. The hon. Member for Mid Worcestershire laid out the detail on that very well. Many puppies are not properly vaccinated and false certification of the animals as they are sold on to unsuspecting individuals here in the UK is a key part of the illegal trade.

If we are serious about animal welfare and committed to preventing the suffering of such animals, immediate action is needed to improve enforcement of the pet travel scheme. It is clear that we need tougher penalties for those caught illegally importing dogs. We have waited a long time for the Bill that would allow for five-year sentences for animal cruelty offences and my key question to the Minister is: when will we see that Bill? If the Government do not publish it and have its First Reading, they should let a Member do it via a private Member’s Bill. We can do it quickly—in a day—if we have the will. The focus on enforcement must also be shifted away from the ferry companies and Eurotunnel to Government agencies, with visual checks of dogs entering the country.
I will leave it at that. I do not have much time and others want to speak. I want to hear the Minister’s view, particularly on those animal cruelty sentencing powers.

4.57 pm

Rachel Maclean (Redditch) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone.

I care a great deal about this issue, as do many of my constituents. I am a dog lover, and the proud owner of two rescue dogs, Phoebe and Herbie, who give me such joy. I want to speak about this matter and, like the many constituents who have written to me, to call for more action.

Our exit from the EU affords us an opportunity to improve on what is already a good regime. I am delighted that my constituency neighbour, my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston), has secured this debate and laid out in his comments all the actions that need to be taken. I do not, therefore, need to add much more, but will just touch on some brief points.

Three areas need to be looked at: our efforts at the border; our internal regulations; and the international engagement we pursue. As hon. Members have mentioned, central and eastern European countries—Hungary, Poland and Romania in particular—most often provide the supply of puppies, which feeds a growing demand for fashionable dogs. Given the rise in the demand for fighting dogs too, other nations are becoming involved, including the USA; it is worth noting that some 13 American bulldogs have been intercepted at the border in the past year. However, the issue is predominantly a European one, and the EU pet travel scheme is routinely abused, allowing puppies to cross our borders to feed the growing demand. Forged documents, corrupt vets and an absence of border checks in the Schengen area all contribute to that environment.

Although we are leaving the European Union, we are not leaving Europe or this problem behind, so we have to keep working with the states that are most heavily involved. Lithuania, for example, has introduced legislation that means that pet passports can be issued only by a vet from the state veterinary service. Figures from the Animal and Plant Health Agency show a huge reduction in the number of illegally landed dogs, from 106 in 2016 to just three in 2018. However, more countries need to act. Many countries are involved, and we need to co-operate with them all.

Many of the steps that have been outlined are not new, but they would bring the regulations back up to a more robust level and deter criminals from smuggling puppies into the UK. I pay tribute to Battersea Dogs and Cats Home and the Dogs Trust. I was delighted to go with my hon. Friend the Member for Mid Worcestershire to Downing Street to present the petition, and I thank everyone for their efforts in clamping down on the trade.

5.1 pm

Sir David Amess (Southend West) (Con): I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on introducing this debate, but we have discussed this issue so many times and now we need action. I rather agree with the hon. Member for Penistone and Stocksbridge (Angela Smith), in that I look to my hon. Friend the Minister to do something about this issue.

I have had two rescued pugs—a difficult breed. At the moment, we have a French bulldog; my daughter has it at the weekends, and my wife and I have it during the week, so we have the best of both worlds. Of course, puppies are very cute, but looking after them is a huge responsibility.

As we have heard from my hon. Friend, I want today to discuss the unintended consequence of the pet travel scheme and the relaxation of EU legislation that criminal gangs have taken advantage of the lack of harmonisation of ID, registration and database requirements to circumvent the pet travel scheme and use it as cover for the mass illegal smuggling of puppies. Harmonisation would strike a significant blow to the heart of this barbaric, illegal trade. We are nations of animal lovers, and we cannot delay any longer.

5.19 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to speak in this debate, and I thank the hon. Member for Mid Worcestershire (Nigel Huddleston) for securing it.

We know that puppy smuggling is increasing, but the scale of the problem is, by its nature, difficult to assess. Puppy smuggling now represents the third most frequent organised criminal activity to emerge from the RSPCA’s intelligence gathering, with only animal fighting and illegal hunting more frequent. The challenge is that the deterrents against that type of criminal behaviour are simply not robust enough: the fortunes that can be made far outweigh the punishments meted out, and that has to change. The real way to stop this barbaric trade is to enhance public awareness of the issue by highlighting the consequences of this vile illegal trade for dogs and for families.

The Dogs Trust and others have warned that damaging changes to the pet travel scheme in 2012 have resulted in an influx of puppies being illegally imported from central and eastern Europe into the UK for sale, with corrupt breeders abusing the system. Such mistakes must not be compounded inadvertently, but must be comprehensively addressed. An important aspect of tackling that abuse is cross-border co-operation with our European neighbours, and I hope—to mention the “B” word—that any form of harmonisation of ID, registration and database requirements to circumvent the pet travel scheme and use it as cover for the mass illegal smuggling of puppies. Harmonisation would strike a significant blow to the heart of this barbaric, illegal trade. We are nations of animal lovers, and we cannot delay any longer.
In 2012, when the rules were relaxed, the number of dogs entering the UK under PETS increased by 61%, and the age at which they could be imported was reduced from about 10 months to just 15 weeks. That has made it easier for smugglers to flout the rules and bring in unvaccinated puppies who are too young to travel.

As we have already heard, we are a nation of animal lovers; let us prove it. Through a simple Bill, we could change the way in which puppies are treated, and dealing with the wicked online behaviour of these crooks and criminals is key to that. We need to hear a strong message from the Minister.

Mr Philip Hollobone (in the Chair): Westminster Hall would not be complete without Jim Shannon.

5.3 pm

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on having set the scene, and thank him for giving us a chance to speak on this issue. With a wife who is as dedicated to her volunteer work at Assisi as I am to this House, it is little wonder that I stand to speak today. I am also an animal lover, and a dog lover in particular, so I wanted to weigh in during this important debate. I thank the charities that work in this area, such as the RSPCA, Battersea Dogs and Cats Home, Dogs Trust and Assisi, as well as the World Dog Alliance, which campaigns against dog meat as food; I look to the Minister to give a quick update about where we are on that issue, if he can. That charity has been very involved in educating people to be aware of exactly where their puppy has come from.

My parliamentary assistant recently bought a dog, and I will tell Members what she did, because it is what we should all be doing. She asked to see the mother and the father of the dog; she checked with a registered vet as to how many litters the mother had; she went to the home of the owners for a second visit to see mums and babies; and she asked for the papers of the parents. She was as thorough in doing that as she is in her work with me. She also told me that before I spoke in the last debate on puppy smuggling, she would never have done that. That is what we should all be doing, and that was a plus for her.

David Simpson (Upper Bann) (DUP): This will probably be the fastest speech that you have heard, Mr Hollobone. Does my hon. Friend agree that we have heard a lot about puppy farming, but that if we were talking about cattle, horses or sheep, there would be a bigger noise about puppy farming, but that if we were talking about cattle, horses or sheep, there would be a bigger noise about it and something would be done?

Jim Shannon: I thank my hon. Friend for his intervention, and he is absolutely right. That is the focus that we want to put into this debate.

Official figures from the Department for Environment, Food and Rural Affairs show an increase in the number of dogs brought into the United Kingdom of Great Britain and Northern Ireland. In the first year, 2011, the number was 85,000; in the most recent year, 2016, the number was 275,000. If that does not disturb Members, it should. It is time that we made more people aware of what they could be getting, and how these little dogs come here.

I ask for four things. First, we should increase the maximum penalties for those caught illegally importing dogs, and introduce punitive fixed penalty notices. Secondly, we should shift the focus in enforcement of pet travel legislation away from the carriers—that is, the ferries and Eurotunnel. Thirdly, we should introduce a centrally accessible database to log pets’ microchip numbers and their date of entry into Great Britain. Fourthly, we need intelligence-led enforcement to identify dealers and traders who are regularly importing multiple puppies.

This is a matter for people in the street who care that the animal they bring into their homes to become a part of their family is an animal that has been cared for. I support making life impossible for those who are flouting the rules with no regard for welfare, and that is why I am here today to support the hon. Member for Mid Worcestershire, as is everybody else present.

5.6 pm

Neil Parish (Tiverton and Honiton) (Con): I thank my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) for securing this debate, because it is good to keep our concentration on the issue of puppy smuggling. I am also delighted to see the Minister here; we are expecting great things from him, because as my hon. Friend the Member for Southend West (Sir David Amess) said, it is time for action, not just words.

The statistics show that there are between 9 and 11 million dogs in the country. If a dog has an average life of 10 or 12 years, we can work out that we probably need somewhere between three quarters of a million and a million puppies every year. From the statistics on what we breed in this country and what is bred in Ireland, we know that there is a huge shortage of puppies, which is being filled by illegal gangs. It is relatively easy to falsify veterinary certificates and all sorts to get puppies through the border. When a person comes to the border, it is largely the paper trail that is checked, rather than someone looking into the vans and vehicles and finding where those puppies are. We need to be much stronger. It is not just about a paper trail; we have to actually get into the vans and find out what is happening.

I admire what the Dogs Trust has been doing. The evidence it has given the Select Committee on Environment, Food and Rural Affairs shows that puppy smuggling is a real problem. Our Committee released its “Animal welfare in England: domestic pets” report back in 2016-17, and one of our recommendations was that the Government ban third-party puppy sales. At the time, the Government were not sure whether they wanted to do so, but since then the Secretary of State has looked into the issue and announced a ban. If we could bring that about, we would at least be able to work out exactly where puppies come from. They would be with their owners, and we would buy them from those owners and from proper breeders. It would be more difficult for people to smuggle puppies in and pretend that they have come from wherever. We will never stamp out all puppy smuggling, but we can stamp out a lot of it.

I ask the Minister to please take action, because this cannot go on. This is not only about the misery caused to individuals, but about diseases potentially being brought into the country. These puppies are far too young and not properly socialised, so I look forward to the Minister’s actions.
5.8 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you in the Chair, Mr Hollobone, and to follow the Chair of the Environment, Food and Rural Affairs Committee, the hon. Member for Tiverton and Honiton (Neil Parish). I was a member of his Committee for three years, and I spent a long time following him, so this is not a novel experience. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on having secured this debate.

Suffice it to say, the illegal transportation of puppies is a serious issue. Underage and unvaccinated animals are being smuggled from mainland Europe for sale in the UK, causing suffering to those puppies and endangering the health of animals here. Concerns about the illegal transportation of puppies include underage puppies being removed from their mothers too young and fears that some vets are falsifying data on pet passports for the pet travel scheme, including falsely declaring that puppies are more than eight weeks of age. Illegal importation is putting pressure on animal rescue centres, particularly in the south-east of England, and controls at border inspection posts are few and ineffective. It is still unclear how those will operate as Britain leaves the EU. There are also concerns about consumer protection and the risk to human health.

The RSPCA believes that the market for the puppy trade in Britain is anywhere from 700,000 to 1.9 million pups annually. Poor breeding, dealing and trading practices can have a long-term impact on animal welfare, leading to chronic health and behaviour problems and disappointed consumers, who find their new puppies falling ill or dying not long after purchase. Many would like to see the reintroduction of the requirement for a rabies blood test, which would reduce the risk of disease spreading, and the introduction of a wait period. Will the Minister comment on that?

Puppy smuggling is a shameful practice that causes trauma to innocent dogs and can lead to the spread of diseases to other dogs and humans in the UK. Puppies ought to be protected from that treatment, and consumers ought to be prevented from unwittingly purchasing an animal that may be unhealthy and badly behaved. It is time to raise sentences, bring in more rigorous border checks and increase consumer understanding to ensure that this immoral trade is stamped out and that animals are kept free from harm. I thank Battersea Dogs and Cats Home, the Dogs Trust and the RSPCA for their briefings.

5.11 pm

Ross Thomson (Aberdeen South) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on bringing forward this important debate. Puppy smuggling is an abhorrent crime, carried out with no regard for the welfare of puppies trapped in unimaginable conditions for days at a time. Like everyone else, I want to do everything I can to bring it to an end.

Those involved in the puppy smuggling trade rely on low animal welfare standards and high-volume breeding, treating these beautiful animals like products on a production line that runs from puppy farms in eastern Europe to homes in the UK. There is no doubt that puppies raised and sold through the industry suffer life-long physical and mental impacts, leading to chronic health conditions and often severe behavioural problems.

It is clear that the Government cannot eradicate the problem alone. We all have to take responsibility for ensuring that puppies are not sourced through third parties. Guidelines and advice from the Department for Environment, Food and Rural Affairs on the buying of puppies and dogs have not gone far enough in ensuring that those wishing to purchase puppies know the harm that third-party selling and puppy smuggling can cause. Demand and supply go hand in hand, and the scourge of puppy smuggling cannot be eradicated unless both are addressed and preventive measures are upheld to deter and stop those at both ends of this cruel supply chain.

I am sure all Members welcomed, as I did, the Government’s announcement that they intended to bring forward stricter punishments for animal cruelty offences. Tougher custodial sentences are long overdue for those who inflict harm on animals, such as the barbaric and unscrupulous criminals who facilitate puppy smuggling. I remain concerned, however, that the Government have not laid legislation to that effect before Parliament.

Brexit presents us with an opportunity to improve and tighten the rules and regulations on animal welfare. It is incredibly clear that the Government must take action to protect animal welfare and end puppy smuggling for good. We cannot delay any longer. We risk falling behind on the issue, and to do so would be to fail every one of the puppies trapped in this barbaric trade.

5.13 pm

Chris Evans (Islwyn) (Lab/Co-op): I thank you for calling me to speak, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on calling this important debate. I am a dog lover. I lost my Labrador 18 months ago, and I still think about him every day, as sad as that might sound. [Hon. Members: “Aw.”] I have the sympathy of the audience, which is always a good move.

The issue goes beyond DEFRA. There should be cross-Department, joined-up thinking. Each element of the debate about puppy smuggling touches on three major Departments. It is estimated that more than 80,000 puppies a year come from places such as Ireland, Romania, Hungary and Lithuania. As we heard from the hon. Gentleman, criminal gangs can earn more than £2 million annually from the puppy trade. A ring of puppy dealers in Manchester was found to be earning £35,000 a week, with puppies being sold for anything between £550 and £1,000, depending on the breed, despite being purchased for only around £200 each from a puppy farm in Ireland. The trade costs the Treasury millions in lost tax revenue. The issue should be addressed by the Treasury.

If we are talking about puppies being smuggled in, the Home Office has to look at controls at border inspection posts. They are few and far between and are often ineffective, meaning that more puppies are allowed to be smuggled into the UK. It is unclear how that will operate post-Brexit. Checks that do take place are insufficiently intelligence-led, meaning that information sharing needs to be improved between agencies, carriers, customs officials and vets. That issue should be addressed by the Home Office.
We have the DEFRA Minister here, and there is one thing he can do. I want to join other voices in paying tribute to Battersea Dogs and Cats Home and the Dogs Trust for their campaign to increase animal cruelty sentences from six months to five years. I cannot tell the Chamber how important that would be in tackling puppy smuggling. It has to be introduced right now. I agree with my hon. Friend the Member for Sheffield—

**Angela Smith:** I am the hon. Member for Penistone and Stockbridge.

**Chris Evans:** Sorry. I know my hon. Friend is a Sheffield Wednesday supporter. If the change cannot be brought in by Government, they should at least provide time for a private Member’s Bill so we can introduce it forthwith. The change has been promised for a long time, and the issue is ongoing. Action needs to be taken now.

**Sir Roger Gale** (North Thanet) (Con) rose—

**Mr Philip Hollobone (in the Chair):** Ah! Sir Roger, I am afraid you have only a minute, but you are welcome to it.

5.16 pm

**Sir Roger Gale:** That is fine, Mr Hollobone. I will make three points very quickly in a minute. First, I live 15 miles from Dover. I use the cross-Channel ferries about 16 times a year. I am subjected to regular checks. The police are searching for firearms, drugs and terrorists. I cannot believe they cannot find puppies too.

Secondly, this is about money. We have to kill the trade, and the way we do that is by taking away the vehicle and crushing it in front of the owner on the quayside at Dover.

Thirdly, my son is a vet in a small animal practice. He picks up the bits of this trade time after time. It is miserable. The people who buy the puppies face considerable distress. The short answer is public education: if it is cheap, it is probably also nasty.

5.17 pm

**Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): It is an absolute pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on securing yet another important debate on puppy smuggling almost 17 months to the day since he last brought the same matter to the attention of the House. He has spoken in detail again and outlined all the issues extremely well. I also congratulate all Members who took part in the debate. This issue has support across the House. Although I do not have enough time to cover all the points that were raised, I thank everyone for their contributions and I support their points.

I am proud to say that I stand here representing two groups that have appeared to make significant progress on the issue in the 17 months since the last debate. First, as primary sponsor of the hugely popular Lucy’s law campaign to ban third-party sales of puppies, which will finally remove the market for smuggled pups, I commend the UK Government for confirming that historic change to the legislation, which I believe is imminent—

**Angela Smith:** Will the hon. Lady give way?

**Dr Cameron:** I will not, because we have little time.

**Angela Smith:** I just want to ask whether the same is being done in Scotland.

**Dr Cameron:** I will come to that. That historic change to the legislation will be the first major legislative step to help tackle not only illegal puppy smuggling and selling from abroad, but legal licensed puppy farm cruelty in this country.

Secondly, I am chair of the all-party parliamentary dog advisory welfare group, APDAWG. The group has successful meetings on this subject and well-attended members’ events. APDAWG—buckled by a well-supported early-day motion and an e-petition, which secured over 100,000 signatures in just 13 days, and supported by the RSPCA, the Kennel Club and almost every other welfare organisation in the UK—was instrumental in the success of Lucy’s law. I commend all the work done to bring that forward.

Since I am the owner of a rescue dog, Rossi—a French bulldog, which is one of the most popular breeds for smugglers—it is not surprising that puppy smuggling is a subject close to my heart. It is also close to the hearts of my constituents in Scotland, where it is not uncommon for puppies to be smuggled in from Ireland and sold on via third-party dealers. The smuggling of puppies into the UK mainland for resale has been ongoing for many years and has repeatedly been raised by organisations such as Dogs Trust, which I commend for its work.

Welfare issues in pups and adult dogs include the conditions at breeding establishments where puppies are born and reared; the age at which puppies are separated from their mothers; the conditions under which puppies are transported; the length of travel time; the low standards of hygiene and increased risk of disease in undernourished, stressed young animals; the risk to public health and the health of the resident pet population from non-endemic and potentially zoonotic diseases entering the UK; and false documentation, fraud and tax evasion. That is by no means a complete list, but it gives some idea of the serious nature of the issue and how it affects both animals and humans.

The commercial sale of puppies through licensed third-party dealers provides a legitimate market for puppies imported from outside the UK. The existence of that market has significantly facilitated the lucrative legal and illegal puppy trade. Illegal dealers have been able to advertise and trade alongside licensed sellers because, under the outdated and recently repealed Pet Animals Act 1951, it has been perfectly legal for puppies to be sold on a commercial basis by persons other than the breeder, away from where they were born and without being seen alongside their mothers.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which were introduced in October, have considerably tightened up the licensing requirements for dog breeding and selling. As we have heard, in December 2018 the Government committed to banning third-party sales of puppies and kittens in England in a measure known as Lucy’s law. That will be a significant development in the fight against puppy smuggling, so will the Minister give us a date for bringing it to fruition?
It is hoped that Wales and Scotland will also ban commercial third-party puppy sales to ensure that legislation is consistent across the UK and that anyone who sells a puppy on the UK mainland is totally traceable and accountable. Both legislatures have consultations under way on the issue.

I hope that I have suggested what the issues today are. I look forward to the Minister’s response.

5.22 pm

Sue Hayman (Workington) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. As other hon. Members have done, I thank the hon. Member for Mid Worcestershire (Nigel Huddleston) for securing this debate and for keeping up the pressure to get this terrible activity banned. We need to keep up that pressure if we are to make progress.

There is huge public appetite for robust action to improve the lives of animals and strengthen the animal protections in our laws. We are a nation of animal lovers, and we want all our animals to be well loved and given the opportunity to live happy and stable lives. Puppy smuggling is just one of many serious animal welfare issues that all Members read about in our postbags. Since last year’s debate on the matter, I have been proud to launch the Labour party's animal plan, which pledges to take increased measures to tackle puppy smuggling. It has received an excellent response and we are working on the next version, which I hope to be able to share with hon. Members shortly.

It is obvious that the humane treatment of animals should be a benchmark for a civilised society. As parliamentarians, we must send out a strong message that the illegal importation of puppies is a cruel practice that must stop; there has been extraordinary consensus on that today, just as there was last year. The Animal and Plant Health Agency and many animal welfare charities such as the Dogs Trust, the RSPCA and Battersea Dogs and Cats Home have done a lot of crucial and very welcome work to tackle puppy smuggling.

As my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) said, it really is time for the Government to act. I know that their commitment to banning the third-party sale of puppies and kittens through Lucy’s law, which the Minister announced in December, has been welcomed by Cats Protection and many dog charities—it is indeed welcome, but we need to see results as soon as possible. The pledge to increase sentences is also welcome, but the legislation needs to be introduced as soon as possible so that we can debate it, scrutinise it and get it on the statute book; I hope that the Minister will give us some idea of when that will happen. In the meantime, Government agencies need the resources to tackle puppy smuggling by enforcing the current legislation. We need to ensure that we have sufficient border guards, with greater international co-operation between police forces to crack down on the problem properly.

As we have heard, dogs should be available only from licensed and regulated breeders or from approved rehoming organisations. Unfortunately, the current legislation does not protect the welfare of all dogs or the interests of all consumers, so the only solution is to ban third-party sales entirely. We have heard about the terrible treatment of smuggled dogs and the terrible diseases and health problems that they can suffer, as in the really sad story that the hon. Member for Mid Worcestershire told. As long as there is a market for cheap, intensively bred puppies, such welfare problems will persist, because the incentives for non-compliance far exceed the penalties.

Availability may artificially inflate demand, so unless we reduce the supply of cheap, poorly bred puppies from dealers and smugglers, we will never bring a more responsible buying culture into society. Ministers have said that prospective buyers should always insist on seeing a puppy interacting with its mother in the place where it was born, but that advice is inconsistent with the ongoing legality of third-party sales, because it concedes that neither animals nor consumers can be protected by the regulations imposed on the industry. We therefore need a third-party sales ban as soon as possible.

I do not think that it is too ambitious to want to move on now, or to ask the Government to do more to enable that. Animal welfare must not be swept under the carpet or undercut, so I ask the Minister again for a commitment that he will continue to show that he understands the need for this legislation and that he will do everything he can to stamp out this appalling trade.

5.27 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): It is a pleasure to see you in the Chair again, Mr Hollobone. I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on securing the debate. It is a testament to the hard work of my hon. Friend and many other Members, and to public concern, that so many are present. I am grateful for his work and his active communication.

Since my appointment as Minister, it has become increasingly clear to me that we need to tackle the abhorrent puppy smuggling trade from end to end by looking at both supply and demand. I have spent a lot of time working with officials on the issue. Like all other hon. Members who have spoken, I have zero tolerance for the unscrupulous dealers and breeders who are simply abusing the pet travel scheme—we need to put an end to that.

I am grateful to my right hon. Friend—no, my hon. Friend; I am elevating him before his time, but I am sure that his time will come—for highlighting such an abhorrent case, which brought home just how awful and how illegal puppy smuggling activities are. We need to do everything we can to protect animals, their potential owners and other humans who may suffer from the health risks. We must tackle the issue as best we can and with real urgency.

Along with 137 other Members of Parliament, I have pledged to be part of the Dogs Trust's campaign to end puppy smuggling. I stand by that commitment fully, and I am very grateful to the trust for its hard work on this really important issue. We must also respect the important work that the RSPCA and Battersea Dogs and Cats Home do to shine a spotlight on the issue.

DEFRA’s overall comprehensive approach to tackling puppy smuggling encompasses international engagement, enforcement, tighter regulations and public communications. We have been doing a great deal of work on all those fronts since the last Westminster Hall debate in 2017.
The Government continue to raise the issue of puppy smuggling at an international level. My hon. Friend the Member for Tiverton and Honiton (Neil Parish), the Chair of the Environment, Food and Rural Affairs Committee, raised that issue today. International engagement is particularly important in the wake of intelligence such as that mentioned by my hon. Friend, which suggests that puppies from non-EU countries such as Serbia are being illegally imported into the UK with EU passports and microchips, to make them appear EU-bred. Our chief veterinary officer has written to Serbia and Hungary, which is one of the potential receiving countries, to highlight our concerns.

Neil Parish: I have raised this point before. At the moment, people can bring in five puppies legally. I do not think that anyone needs five puppies for their own need. Will the Minister look at that? I mention the word “Brexit”, and leaving the EU under whatever system and circumstance. Can we reduce the allowance to two puppies? I really do not think anyone needs five puppies; it is just open to abuse from criminal gangs.

David Rutley: My hon. Friend has been very consistent on this point in Committee and in other meetings, and that is something that we will be able to look at. We have sympathy with the point that he, and many others, make.

To highlight the international dimension of the issue, I note that it is not just us who are concerned about the illegal puppy trade. At a recent international forum, Austrian, Dutch, German, French, Italian and Danish representatives all highlighted the increase in the trade.

Many hon. Members, such as the hon. Member for Penistone and Stocksbridge (Angela Smith), my hon. Friend the Member for Aberdeen South (Ross Thomson), and the hon. Members for Islwyn (Chris Evans) and for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) have talked about the need to increase 10-fold the maximum sentence for animal cruelty, from six months to five years. We are absolutely committed to that, and I am very keen to bring that to the House—

Neil Parish: Do it!

Sue Hayman: When?

David Rutley: And we will do it very shortly. This is a huge priority for us. Obviously, it requires primary legislation. I hope that hon. Members can see that I am as committed as they are to bringing this forward as soon as we can, but it requires other parts of the Government to work with us. We will push it through. I know that the hon. Member for Workington (Sue Hayman) will cut me a little bit of slack, because she knows that I am keen to move the matter forward.

The hon. Member for Workington raised resources. We have increased resources at major UK ports by one third since 2017, specifically to detect smuggled puppies. That has helped us to intercept tragic cases such as that of Lola, the heavily pregnant French bulldog, who has already been mentioned today. Last year, we also launched our new dog importation intelligence steering group. It consists of national enforcement agencies such as Her Majesty’s Revenue and Customs, Border Force, the police and the Royal Society for the Prevention of Cruelty to Animals, who are forming a collaborative partnership with the Animal and Plant Health Agency to disrupt puppy smuggling. I know that my right hon. Friends the Members for North Thanet (Sir Roger Gale) and for Ashford (Damian Green) are concerned about that issue.

Our collaborative relationship with Border Force continues, and last year Border Force established a special point of contact at Dover, who is specifically in post to share information and intelligence on suspected puppy smuggling. DEFRA and APHA officials have been working in partnership with the Dogs Trust since 2015 on the Dover puppy pilot, which aims to tackle the illegal importation of puppies by providing additional resource to seize and quarantine smuggled puppies, as well as to ensure that they are placed in secure, caring homes afterwards.

APHA continues to be fully engaged at the border, and last year we saw a downturn in the number of non-compliant puppies seized. It is, however, too early to draw any conclusions from that single result, but we will continue to monitor the situation and to shine a spotlight on the issue.

Based on what we have seen so far, there is limited overall evidence of concealed smuggling, with the exception of one case last year in which Border Force collaborated with APHA to intercept 10 heavily sedated and concealed puppies. My hon. Friend the Member for Mid Worcestershire mentioned that case in his opening remarks. I will be discussing the issue in more detail with the Minister for Immigration when I meet her later this month to further our continued collaboration on puppy smuggling, which is one of the requests that has been made. We need a joined-up approach.

Improving and ensuring the welfare of animals is at the heart of our recent welfare reforms. In December last year, we announced that we were going to ban the third-party selling of puppies and kittens. I was proud to be able to do that. Third-party sales are often linked to so-called puppy farms and to shocking welfare conditions, which many of us have seen on video or TV footage. It is absolutely abhorrent, and a ban will mean that puppies and kittens younger than six months can only be sold by the breeder directly or adopted through rescue and rehoming centres.

When the selling of puppies is restricted to licensed breeders, that will also help to deter people from attempting to bring puppies into the country to be sold here. The ban will help to tackle puppy smuggling as well as to address welfare issues here in England. I know that hon. Members are interested to know when that secondary legislation will be laid, and I can tell them that that will be later this spring—so, very soon.

Tracey Crouch: This spring!

David Rutley: There are plenty of other things going on—I can see hon. Members complaining, but we are moving forward later this spring. There is much more that we want to do to move this forward—

Neil Parish: Get on with it!

David Rutley: We are getting on with it. As many hon. Members have said, we need to look at the effectiveness of on-the-spot fines. We will look at that and will review
the effectiveness of mandating carriers to conduct 100% visual checks of all dogs travelling. For example, Eurotunnel has a pet checking reception, built in 2015, which gives it the capacity to visually check many dogs, and we will be exploring the positive impacts of that in tackling puppy smuggling.

We need to do more on communications with the public to help them to understand the commitments they are making at the point of purchase, and to help them think about where the puppy that they are so keen to buy has been sourced from.

Coming back to the “B” word, which a few hon. Members have mentioned, we will be considering our future approach to regulation in the context of the negotiations on our future relationship with the EU. We are open to actively exploring future options and opportunities for our pet travel scheme, and will look at each of the recommendations from the Dogs Trust and the British Veterinary Association as a part of that. I hope that that gives some reassurance to my hon. Friends the Members for Southend West (Sir David Amess) and for Mid Worcestershire that we are committed to taking further action, and that we will continue to ensure that there are robust controls on disease and animal welfare after we leave the EU.

My time is just about up and I hear some shouts outside, which I hope are not about this particular subject. I and the Government are committed to working collaboratively with colleagues to take further action on this vitally important issue.

5.37 pm

Nigel Huddleston: I just briefly say a very big thank you to so many colleagues, from all nations and all parts of the UK, who have contributed to the debate and have made so many compelling arguments and constructive recommendations in so many different policy areas where we can take action. I also thank the Minister for the content and the tone of his response. I do not doubt for one minute his sincerity. I have trust and faith that we will see action from him, but we wish to be very clear that there is a sense of urgency. There is a bit of impatience, but we will trust the Government that they will take action. We are a nation of dog lovers and animal lovers. Let us take some more action so that we can really show that.

Question put and agreed to.

Resolved.

That this House has considered the matter of puppy smuggling.

5.38 pm

Sitting adjourned.
Westminster Hall

Wednesday 3 April 2019

[Mr George Howarth in the Chair]

Votes at 16

9.30 am

Jim McMahon (Oldham West and Royton) (Lab/Co-op):
I beg to move,

That this House has considered votes at 16.

It is a pleasure to serve under your chairmanship, Mr Howarth. In November 2017, I brought this subject forward in a private Member’s Bill, which sought not only to modernise the age at which people can vote, but to reform political education in schools and much more. After many years of debate and campaigning to extend the franchise, the time has now come to give 16 and 17-year-olds the right to vote.

I feel a great deal of pressure, not because of the grandeur of this place, but because of the young people from my town who inspired me to present my private Member’s Bill and to continue the debate after that, because they believe so passionately in this issue. When I presented my private Member’s Bill, I had the pleasure of having members of the Oldham youth council in the Public Gallery. They were disappointed that the Bill did not proceed, but I am continually inspired by their faith, spirit and continued vigour as they seek to achieve their aim of extending the franchise to 16 and 17-year-olds.

Across all age groups, people in Oldham generally say, “I didn’t know what I was about when I was 16 and 17, so why should we extend the vote to 16 and 17-year-olds today?” It strikes me that we are setting the bar much higher for 16 and 17-year-olds than for over-18s when it comes to taking part in our democratic exercise. If we wanted to be completely flippant about it, we could say that the only test at the moment when it comes to our franchise is whether someone believes what is plastered on the side of a bus. The truth is that there is no real age test when it comes to participation in our democratic and civic institutions. It should be about spirit, commitment and making the effort to be an active citizen taking part in our democracy.

I am always impressed at the quality and tone of the debate in my local youth council and the Youth Parliament. I am also impressed at how much research goes into everyday issues that we might take for granted. These young people are thinking about their lives and what the future brings, so certain issues mean much more to them.

Extending the franchise is not about left or right. Some Conservatives are concerned that a lot of 16 and 17-year-olds will be more left-leaning, and they think, “They’re not going to vote for us, so why on earth should we prioritise giving them the franchise, when it could be to our detriment at the ballot box?” I do not believe that that is a robust argument, but it has been used.

When I go to my sixth-form college, Oldham College or my local youth council, there is a genuine range of views across the spectrum of political opinion. It is not the case that all young people are Labour left voters; there is a richness of debate and challenge when they take part in political exchanges. I genuinely say to our Conservative friends that there is nothing to fear. However, we all need to make an effort to reach out and to convince young people that we are worthy of their vote. That is healthy for democracy.

The fact is that our democracy and our franchise have always evolved. Some 200 years ago, men and women marched from my town to Peterloo in Manchester, demanding the right to vote—no taxation without representation—and for us all to be treated equally. A number of those people did not return home: five people from my town were killed at Peterloo demanding the right to vote. Last year we reflected on 100 years of women’s suffrage. In my town, we fought for two years to raise funds for a statue of our heroine, Annie Kenney, not only to remember her contribution, but to remind us that what we too often take for granted today was hard fought for by generations that went before us.

We are not just the beneficiaries but the custodians of those rights—they are fragile, important and precious, and we should value them. However, they come with a responsibility to take on reforms in our generation too.

Extending the franchise to be more inclusive is the democratic challenge of our generation, and it is one we should take up. Let us bear in mind that less than 50 years ago, 18, 19 and 20-year-olds were denied the right to vote. Our democracy and our franchise have always been evolving, and we have sought to expand them, rather than to narrow them down, and to include and engage people.

Alex Chalk (Cheltenham) (Con): The hon. Gentleman makes the point about extending the franchise and about democracy being a progressive, ongoing process. On that basis, would he rule out extending the franchise to 13-year-olds? What is it about 16 that means it should be the limit? Why not go lower still?

Jim McMahon: That is a fair challenge. At what point do we draw the line? I would say it is at the point at which young people take an active interest in politics, which is generally when they go to sixth form or college or they begin their life as an apprentice in the world of work. That is also the point at which they begin to pay national insurance, and there is that fundamental point about those who pay direct taxation wanting to have a say in how the Government spend that taxation on their behalf. No taxation without representation—that matters as much for 16-year-olds as for 18-year-olds.

In truth, this is not about 16 and 17-year-olds at all. Under the Fixed-term Parliaments Act 2011, if we gave people the right to vote on their 16th birthday, it would be another five years until they could vote in a general election. It does not mean that, at the point at which they turn 16, they will elect a Government; it is the point at which they become part of the franchise, taking part in local, mayoral and devolved elections.

Chris Elmore (Ogmore) (Lab): In terms of devolved institutions, the Welsh Government are currently consulting on extending the franchise to 16-year-olds in local government elections and the next National Assembly for Wales election. That is being done collectively, across all parties in the Assembly. It is interesting to see the different approach taken by Government Ministers here,
compared with the cross-party approach taken in the Assembly. However, does my hon. Friend agree that we must have a franchise across the whole United Kingdom that goes right across the age range, starting at 16? As he pointed out, paying national insurance is quite significant, and people should have a say from the time at which they are required to pay tax.

Jim McMahon: That is a fair point, and I will come on to how diverse the franchise is becoming across the UK.

How many of us, as parliamentarians, receive emails about local council issues, such as street lights not working, potholes and bins not being collected? That shows a basic lack of understanding on the part of people who are currently part of the franchise about where power and responsibility sit. In some cases, they do not know what the council or the Government are responsible for.

Many people also do not understand the role of the judiciary in our politics and democracy. That is why some newspapers can put pictures of three judges on their front pages, calling them “Enemies of the people”, and the general public swallow it. People do not necessarily understand the important role the judiciary plays in terms of checks and balances in our democracy.

A key component of my private Member’s Bill—it was not just about extending the franchise—was about providing democratic and civic education in schools so that every person who has gone through our school system on their route to becoming an adult is fully equipped to hold us all to account. If they do not know who is responsible for what, they do not know who to hold to account. It is easy for politicians, in whatever tier of government, to pass the buck and not take responsibility. That basic education was an important component of my Bill.

Throughout the campaign, we have heard many of the same arguments that prevented the vote from being given to women, the working classes and 18-year-olds in the past. “How on earth will they know what they are voting for?” “Surely if we extend the franchise to women, the working classes and 18-year-olds, the right to vote will bring down democracy.” There is a common thread between the arguments that were used in times gone by and those used today to deny 16 and 17-year-olds the right to vote.

David Linden (Glasgow East) (SNP): Is the problem not the inconsistency of that argument? In respect of the 2016 referendum, Brexiteers, who are, by and large, in favour of keeping the franchise as it is, often say, “Oh, people knew what they were voting for.”

Jim McMahon: There are lots of inconsistencies in the arguments that took place during the Brexit referendum and that continue to take place. In the political debates we have in schools and colleges with 16 and 17-year-olds, there is a richness—they explore ideas. We all hold street stalls and sessions where we engage with members of the public, and I would say that that education and willingness to reach out should not be restricted when it comes to 16 and 17-year-olds. If politics is to be renewed—we are in quite a depressing state when it comes to trust and faith in our democracy—that will require a different approach.

There are two very different approaches in this place. On the one hand, there is the sense that, if we restrict the franchise to the fewest possible people, it will be purer. We see that in individual voter registration, in the need to produce ID at polling stations and in several other cases. On the other hand, there is a contradiction, because a couple of weeks ago we considered the Overseas Electors Bill, which seeks to give indefinite voting rights to people who do not live in this country but who live abroad as British citizens. There is an inconsistency in how we apply these things.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank my hon. Friend for securing the debate. On the issue of women being given the right to vote, the first woman to take her seat in Parliament was elected in 1919. She represented Plymouth, Sutton, which is the same seat that I represent. In many cases, the same arguments were used against her standing for Parliament as are used against the fantastic young people who protested outside my office during the climate strike. Does he agree that these young people are passionate and determined and want to take part because they realise that the changes that take place here and in local councils affect them?

Jim McMahon: I absolutely agree. The world of information and knowledge-sharing has changed so much in the time I have been involved in local and national politics. Social media, and the self-organisation that takes place across social networks, are huge, and they connect people across the world, so issues and protests that take place on the other side of the world can be relevant and spark activity here too. I am not sure that our politics has got its head around what that means for our democracy, politics and activism or how we might respond to that. The general sense is that we should expand the franchise, rather than narrowing it down to its purest possible sense, which is what the Government will say they believe in. I believe that our democracy is enriched by having the most participation possible.

In many local elections, only one third of the voting public turn out. If we consider the numbers, not just by ward, but by polling district, in some cases the turnout is 10%. Whole communities are self-selecting to be disconnected from our political process, but that is not their fault—it is ours. We have collectively turned our backs on communities that have chosen not to vote, because we narrow down the type of people we speak to, canvass and reach out to. The debate is about not just extending the franchise to 16 and 17-year-olds, but renewing our democracy more broadly.

The evidence is there. In Scotland, 75% of 16 and 17-year-olds turned out to vote in the 2014 independence referendum. Such was the passion of young people during that campaign that the leader of the Scottish Conservative party professed to being a “fully paid-up member of the ‘votes at 16’ club”.

So this is not a partisan issue. When people take the time to search out and understand the evidence of what is taking place in the UK, it is compelling.

In Wales, young people are due to be given the right to vote too, so if we fail to modernise, young adults in England and Northern Ireland will be denied that which their Scottish and Welsh neighbours have by right. For
our United Kingdom to be truly united—by common rights and responsibilities, and with people having an equal voice in our democracy—we must have democratic equality.

Educating and empowering people will have positive and long-lasting results, and will equip future generations with a refined understanding of our politics, our Parliament, the judiciary and how our country is governed. That knowledge will be carried through a person’s life and across generations, and the habit of voting, too, will be instilled at a young age. Extending the franchise will help to increase voter turnout by inspiring young people to participate in political life from an early age.

The Labour party is fully committed to making votes at 16 a reality for 1.5 million young people in our country. It has been included in our three previous manifestos, and there is a real determination to make it happen. Support in Parliament does not stop there, however, because hon. Members from the SNP, the Liberal Democrats, Plaid Cymru and the Green party are also fully behind votes at 16, as are many Conservative Members. It is a genuinely cross-party issue; we just need the time to make it a reality and bring people together.

I strongly believe that defending and extending the franchise go hand in hand, so now is the time to stop talking about giving 16 and 17-year-olds the vote and to provide time in Parliament for a full debate to make it a reality. If we believe in a United Kingdom, we have to have a united say and a united stake in our democracy. Let us give young people in England and Northern Ireland the same powers, rights and responsibilities that young people in Scotland have, and those in Wales will soon have, and genuinely bring our country together.

Several hon. Members rose—

Mr George Howarth (in the Chair): Order. In view of the number of hon. Members who want to take part, I will impose an informal time limit of five minutes. If hon. Members stick to that, we should be able to get everybody in.

9.47 am

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): It is a privilege to serve under your chairmanship, Mr Howarth. I commend the hon. Member for Oldham West and Royton (Jim McMahon) for securing the debate and for all his work to promote votes for 16 and 17-year-olds.

I come to the debate as a convert. In my past life as a Member of the Scottish Parliament, I voted against lowering the voting age in Scotland, along with my Scottish Conservative colleagues. We objected not because we opposed a discussion about extending the franchise, but because we did not support singling out the Scottish independence referendum for the trial.

Time has moved on, however, and 16 and 17-year-olds voted in the independence referendum, the 2016 Scottish Parliament elections and our local council elections—indeed, some in the Scottish borders even managed to vote for me. In the last few years, I have spoken to many young voters in the borders at school debates, at hustings, on the doorsteps and on polling day. I have been hugely impressed by their political engagement and understanding. It is clear that they take the responsibility seriously.

There are perfectly valid reasons for keeping the voting age at 18, as there are for lowering it to 16, but many of those arguments miss the point. In this country, there is no single age at which all responsibilities and liabilities are imposed; where we draw the line is largely arbitrary. At 18, we can vote, but we cannot adopt a child or supervise a learner driver.

The argument is not about when we become adults—there is no fixed age at which that happens, and of course, not all 16 and 17-year-olds are equal—but I find it convincing that when the voting age has been reduced, the turnout of 16 and 17-year-olds has been comparable to the electorate at large, and higher than that of 18 to 20-year-olds. If lowering the voting age helps to encourage voter participation in our democracy, that alone is a compelling reason to consider it.

The reality is that 16-year-olds can already vote in Scotland and will soon be able to vote in Wales. Like it or not, the decision has been made in other parts of the United Kingdom and now we have an uneven system across the United Kingdom, which is not satisfactory. I accept the UK Government’s position that the voting age should stay the same; that is a perfectly coherent position to take, even though on balance I think it is the wrong decision.

I understand that some colleagues from both sides of the House are looking at this issue from a purely party political angle. Most people—wrongly, I believe—think that young people are more likely to vote for Labour or, indeed, the Scottish National party in Scotland. I would say that, first, if lowering the voting age is the right thing to do, party politics should not come into it. Equally, I point out to my Conservative colleagues that it was the accepted wisdom that 16 and 17-year-olds would overwhelmingly support Scottish independence in 2014, but that was not the case.

In my view, the Conservative party should lead on this issue. We are the party of personal responsibility, and what better way for someone to demonstrate their personal responsibility than by making their mark on the ballot paper? Extending the vote to 16 and 17-year-olds would make a significant difference to these young voters; it might even convince them to vote Conservative as they grow older.

Finally, it would be remiss of me not to point out that I believe that the other parties are being slightly hypocritical about this issue. Labour made it illegal for 16-year-olds to buy a cigarette when it was last in power and, similarly, the SNP wants the age at which someone can buy a cigarette to be raised to 21 in Scotland. Indeed, the SNP Scottish Government are trying to appoint a state-sponsored guardian for all children up to the age of 18. The message from those parties is, “We trust you enough to vote but we don’t trust you enough to make decisions about your health.”

Danielle Rowley (Midlothian) (Lab): Does the hon. Gentleman think that smoking and voting pose the same risks?

John Lamont: I am grateful to the hon. Lady for that point. This issue is not about risk; it is about personal responsibility and about when people are able to make decisions about whether to vote or how to vote, or decisions about their health. It is about being consistent. How on the one hand can we say, “You have the
responsibility and are able to vote,” and on the other hand say that we want to take away young people’s ability to make choices about whether or not they buy a cigarette?

This is an issue that I believe the Conservative Government should take the lead on and I will continue my campaign to persuade them to change their policy.

9.52 am

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Howarth, and I congratulate the hon. Member for Oldham West and Royton (Jim McMahon) on securing this debate and on piloting his private Member’s Bill. It demonstrates how ridiculous the processes in this House are that although, in my view, there is clearly a majority for votes at 16, because of the arcane private Member’s Bill system the hon. Gentleman’s Bill will not pass.

It is a great pleasure to follow the hon. Member. Member for Berwickshire, Roxburgh and Selkirk (John Lamont), who made a very thoughtful speech up to a point, and then, as is typical of the Scottish Tories, there was the bingo tick box where he bashed the Scottish National Party. In many respects, I think that the road to Damascus has been walked by people such as the hon. Gentleman, and although it is tempting for someone whose party has supported lowering the voting age since the 1960s to take the high ground, I think that if there is an inconsistency there and, as is natural with matters relating to devolved competences and reserved competences, my view is that if Westminster will not do something, it should devolve the matter and we will do it in Scotland.

The hon. Member for Berwickshire, Roxburgh and Selkirk spoke about the need for consistency on this issue. I just think that allowing voting at 16 is the right thing to do. Of all the things that I have encountered in my time in politics, it is the one thing that I just cannot get my head around. Why in 2019 are we still debating this issue? I am afraid that I take a different view on the issue of votes at 16.

In particular, I commend the four new members of the Scottish Youth Parliament who were elected to my seat: Lewis O’Neill, Stacey McFadyen, Jason Black and Masham Bukhari. Those young people will all try to take forward their views and represent our community. However, in many respects those young people will be limited to doing so in the Scottish Youth Parliament and for some of them that will be as far as they are able to interact with democracy, at least in terms of the Westminster Parliament. That is because, as the hon. Member for Berwickshire, Roxburgh and Selkirk outlined, we have an inconsistency in Scotland, whereby young people can vote at 16 in elections to community councils, the Crofting Commission, health boards, local government and the Scottish Parliament, but then it stops, because they cannot take part in a Westminster election.

Quite often, I am faced with a situation where I go to schools—I do a huge number of school visits—with local councillors or the local Member of the Scottish Parliament, and the kids who we speak to at a high school will be able to question me, Ivan McKee or Annette Christie, and they can vote for Ivan or Annette, but they will not be able to vote on whether or not I am their elected Member of Parliament. There is an inconsistency there and, as is natural with matters relating to devolved competences and reserved competences, my view is that if Westminster will not do something, it should devolve the matter and we will do it in Scotland.

The hon. Member for Berwickshire, Roxburgh and Selkirk spoke about the need for consistency on this issue. I just think that allowing voting at 16 is the right thing to do. Of all the things that I have encountered in my time in politics, it is the one thing that I just cannot get my head around. Why in 2019 are we still debating this issue and having ridiculous interventions, like the one we had earlier on about 13-year-olds? This is a matter of principle and it is up to this Parliament to set things right.

9.56 am

Alex Chalk (Cheltenham) (Con): Thank you very much for calling me to speak, Mr Howarth. It is a real pleasure to follow the hon. Member for Glasgow East (David Linden). If I may say so at the outset, what a pleasure it is to hear this matter being debated in a responsible and uplifting atmosphere, because there will be young people watching this debate and those are the sorts of qualities that have been in short supply recently.

However, I am afraid that I take a different view on this issue to other hon. Members and I will explain why. One of the points made by the hon. Member for Oldham West and Royton (Jim McMahon) that resonated with me was that democracy is enriched by having the widest participation possible. That sounds unanswerable, but it begs a question: what is the widest participation possible? Should 13-year-olds be allowed to participate? I have met some 13-year-olds who speak with great authority on political issues. However, the fact is that we in this House have to make a decision about what the cut-off point for such participation should be.

What should be the underlying principles for that decision? The first principle that we have to grapple with is whether we take the view that it is only adults who should be able to vote, or whether we say that people who are not yet at the age of majority should be...
able to vote. I take as a starting point the UN convention on the rights of the child, which is absolutely clear. It says that young people have the right to be treated as children, and by the way that means that they should be afforded the rights they should enjoy as children up to the age of 18. That manifests itself in issues such as service on the frontline, and so on and so forth.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Will the hon. Gentleman give way?

Alex Chalk: I will give way to the hon. Gentleman in a moment; let me just develop the point a fraction.

That acknowledgement of the age of majority at 18 is, in fact, reflected across the overwhelming majority of countries that are signatories to the United Nations. We could be forgiven in this place for taking the view that, “Well, actually, the world is moving towards 16,” but that is simply not the case at all. The United States, France, Germany, Italy, Portugal, Spain—in all those countries, the voting age is 18. In other parts of the world, things differ; for example, in Singapore the voting age is 21. It is true that some countries are moving in the direction of allowing voting at 16, Austria being one, but they remain overwhelmingly in the minority.

If we want to take the view that adulthood begins at 16, it is critically important that our country does so consistently. Otherwise, we would have the very odd situation where someone would be perceived to be old enough to vote in an election, but when they came out of the polling station they would not be entitled to walk across the road and go into a betting shop to “vote” on the outcome of that election; that would be odd. That acknowledgement of the age of majority at 18 is, in fact, reflected across the overwhelming majority of countries that are signatories to the United Nations. We could be forgiven in this place for taking the view that, “Well, actually, the world is moving towards 16,” but that is simply not the case at all. The United States, France, Germany, Italy, Portugal, Spain—in all those countries, the voting age is 18. In other parts of the world, things differ; for example, in Singapore the voting age is 21. It is true that some countries are moving in the direction of allowing voting at 16, Austria being one, but they remain overwhelmingly in the minority.

If we want to take the view that adulthood begins at 16, it is critically important that our country does so consistently. Otherwise, we would have the very odd situation where someone would be perceived to be old enough to vote but not mature enough—so the law says—to use a tanning booth or buy fireworks. I am not saying for a second that this is not a legitimate argument to have, but people watching this debate might take the view that there is a broad consensus in Parliament to move towards votes for 16-year-olds. I do not sense that there is such a consensus and, critically, that view is not echoed in the court of public opinion. Polling tends to suggest that there is not a majority in favour of reducing the voting age.

David Linden: Will the hon. Gentleman give way?

Alex Chalk: Let me make one last point. Before I came into this place, I spent a lot of time as a barrister, and when I go into schools in my constituency such as Pate’s Grammar School, Balcarras or Bourne Side and ask, “If you were accused of a crime you had not committed, would you be happy to be put on trial with a jury made up of 16-year-olds?”, the schoolchildren often say, “Perhaps not.” Just imagine the inconsistency. The trials that I have prosecuted might involve post-mortem photos—really grisly and explicit photographs—and we take the view as a society that people aged 16 are not old enough to watch a film in the cinema such as “The Wolf of Wall Street” or “The Silence of the Lambs”, or to see those kinds of explicit photographs in a jury trial. If those people were considered old enough to vote, that would be a troubling inconsistency.

Gavin Robinson (Belfast East) (DUP): The hon. Gentleman is making a point about how we need to follow opinion polling. Does that mean that, based on opinion polling, he will be making representations to legalise capital punishment again?

Alex Chalk: No, I do not think that. Of course, it is right to recognise that opinion polls do not determine everything that happens in this place, but I would hate for the impression to somehow be given that there is a groundswell of popular support for votes at 16. That is not the case at all. By all means, let us have the argument in this place and try to shift public opinion if that is where some Members want it to go, but it would be wrong to create the impression that public opinion is with them. I simply do not think it is.

Gavin Robinson: There is a strength to the hon. Gentleman’s argument about consistency, although I detect a change in the overall direction of travel of Parliament on this issue. Could I ask him to return to his point about consistency, reflecting that there is now a lack of consistency with Scotland and Wales?

Alex Chalk: There is, and one could take the view that because the position has changed in Scotland, we should reflect that throughout the entire United Kingdom. That is a legitimate argument, but if one takes the view that the decision in Scotland was an aberration, why would we want to continue it elsewhere? I want to make it crystal clear that Scotland has a very large measure of devolution; it is a country, to a very large extent, and it is important to recognise its differences. [Laughter.] Well, it is a country.

Mr George Howarth (in the Chair): Order.

Alex Chalk: If Scotland wants to introduce votes at 16, that is a matter for Scotland, but I do not see that it is an argument for doing so across the United Kingdom. Of course, one recognises the injustice of some 16-year-olds not being able to vote—I have met some extremely
sophisticated and politically astute young people—but there has to be a dividing line somewhere. If we want to make the age of 16 that dividing line, it has to be consistent across the piece. It is not consistent now, and unless we are going to change our fundamental assessment of when adulthood begins, the case for changing the voting age has not been made.

Mr George Howarth (in the Chair): I do not want to inhibit people from interveneing, because I accept that it is a useful way of conducting the debate. However, the more interventions that are made and accepted, the less likely it is that I will get everybody in. I am going to reduce the informal time limit to four minutes.

Danielle Rowley (Midlothian) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. My apologies for laughing. I am just glad that this debate has confirmed that Scotland is a country. I thank my hon. Friend the Member for Oldham West and Royton (Jim McMahon) for securing this debate, and for the huge amount of work that he does on this issue. I imagine that it is an honour for his local young people to have such a great representative who stands up for their causes and beliefs.

I will not focus my remarks on what can and cannot be done at certain ages, because I find that argument reductive; it often limits the discussion. Instead, I will focus on what can be made possible, and the huge opportunities that lie in extending the franchise to 16 and 17-year-olds. One of the reasons why I am so passionate about extending the franchise is that it would be a huge step towards ensuring that young people and the issues that matter to them are properly represented in this place, in policy and in practice. Young people and their diverse insights are hugely missing from this place. As Labour’s youngest MP, I was very aware during my first year here of the gap between my age and the average age of other MPs, and I am sure that others present will have had similar experiences.

One key reason why young people are under-represented is that far too often, their creativity, energy and focus are not captured by politics at an early enough age. Many young people are not encouraged to see their interests in political terms, or taught about the opportunities that they have to influence the political system. If young people were able to vote while still in an educational setting, engagement with the electoral process would be encouraged and supported, as we saw during the Scottish independence referendum. Currently, the majority of young people leave formal education without having an opportunity to vote, and being able to vote while receiving proper political and civic education is a fantastic opportunity that we are not taking advantage of.

There is much that we can learn from how young people engaged with the electoral process during the Scottish independence referendum. I have covered that topic before, so I will not go into it in depth, but I will point out that during that referendum, the younger age bracket accessed information from the greatest variety of sources and looked at the most information. Research has shown how engaged they were, and some 97% of 16 and 17-year-olds in Scotland who voted in that referendum say that they would vote in future elections. That is evidence of how turnout can be increased through engaging at a younger age.

Clearly, young people are deeply engaged with political issues, and in some cases are a driving force behind change. In the past few months alone, young people have been a leading voice on many issues, most notably climate change. Thousands of young people across the UK have been taking part in climate strikes. Those young people are informed and articulate, and have a clear idea of the scale and urgency of the problem—a far clearer idea than some colleagues in this place. Their generation is being let down on the issue of climate change by generations of decision makers before them, and they understand how urgent these key issues are, yet they will not be able to vote on them.

One of the signs at the recent climate protest said: “If you don’t act like adults, we will.” That bashes out the argument that young people are not mature or intelligent enough. I know loads of adults, including a lot of my pals, who are not really engaged in politics and would be quite happy to admit that they do not know the issues inside and out. It is not about how mature or intelligent someone is; that cannot be the test of whether someone can vote.

As a young and newer Member of Parliament and a campaigner, I have felt more affinity with young people out on the streets, taking up placards and shouting about issues they care about, than with some colleagues in this House, especially on the Government Benches. In her initial response, the Leader of the House said that the climate strikes were truancy. It baffles me that someone who cares about democracy, politics and engagement could look at young people taking action and think it is a negative thing.

I will round off my remarks, but there is so much that could be said in this debate. These are turbulent times in politics. We have decisions going on that will have lasting effects not only through the next electoral cycle, but for years and years to come. It is crucial that young people have a say. I congratulate the young people who have been making their voices heard, the Members of the Scottish Youth Parliament in my constituency and all the young constituents who regularly write to me to let me know their thoughts.

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Howarth. The Labour party values our young people. We value their thoughts, determination and wisdom. Some of the best, most informed contributions I have ever heard have come from young people. Their values are well thought through. They hate injustices, and they want a fairer, different kind of society. For this place not to hear their voice is a huge mistake.

I recall my frustration when I was young that other people were making determinations that were so removed from the world I was growing up in, and young people feel that today. We have to heed their voice. For the past few weeks in Westminster, the Government have been putting party and self-interest above the country, and young people can see right through what they are doing. I spoke to some 14 to 16-year-olds, and they understood how the Government are not listening to them.
Alex Chalk: Will the hon. Lady give way?

Rachael Maskell: No, I will not; the hon. Gentleman has spoken long enough. The Government are not listening to young people. They have not had a say and the Government have not even tried to reach out to them at such a crucial time, yet those young people, all being well, will live a lot longer than most people in this place. We are debating their future and they cannot understand why their voice just does not count.

When I meet young people, the issues they want to discuss are the burning injustices across our society. They advocate their points with passion, deep understanding, thoughtful political processing and reasoned arguments that are outstanding and well researched. They also look to the longer-term consequences of decision making, which is rare in this place. I am inspired that young people have such thought, and it gives me real hope. They re-energise me and recommit my focus on the important issues we are here to fight. It is arrogance that denies our young people a voice. They rightly put this place to shame. They put many in this place to shame for not wanting them to have their franchise. The Labour party values that voice and the challenge young people give us all. We will give 16 and 17-year-olds the vote.

Another side to politics that arises from this issue—people should not patronise by saying we need to educate young people first, although I am a massive advocate for political and citizenship education—is that today, it is the young people who are educating politicians. While the Government are self-absorbed in their survival, the young people who have denied a vote are finding an alternative political voice. It is not a cross on a piece of paper, but something far more powerful. They are taking to the streets and challenging this archaic monument. They are showing Westminster that they have a voice and are going to use it. They hold the power, and they will make the change and use it to highlight the biggest political issue of our time. The climate strikers have just started their campaign, and they will take power and show up this place if it does not respond to the most pressing issue on our planet, which is causing so much conflict in our world. It is causing people to move from their homes. It is causing floods and famine on our Earth. I was overwhelmed by the determination of the 200 climate strikers in York, and I expect far more to come out a week on Friday.

If denied a vote, young people will find another way of doing politics that will surpass this place. They are determined, defiant and demanding change. We all have power, young and old. The question is what we do with it. In order for the climate strikers to have climate change at the top of the political agenda, Labour will not only give young people a vote, but will listen to their voice.

10.15 am

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Thank you for calling me to speak, Mr Howarth. I congratulate my hon. Friend the Member for Oldham West and Royton (Jim McMahon) on his passionate speech and his tenacious pursuit of the objective of votes at 16 in this Parliament. To Scottish MPs, it feels a bit of an antediluvian argument, because the practice is normalised in Scotland in pretty much every election apart from general elections. Wales is soon to follow, if it has not done so already.

It feels like the direction of travel and momentum is very much in favour of the objective. It is great to see the level of consensus in the all-party parliamentary group’s report on votes at 16. That is welcome, and it is great to see the journey and reasoning of the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) on supporting votes at 16. I do not necessarily agree with his point about libertarian decisions on cigarettes and so on, but it is welcome to see that level of consensus developing in the House.

Thinking of my journey, I was probably quite precocious as a young person. I read newspapers quite young. I used to watch political TV shows. I remember when Andrew Neil started presenting “This Week”, and now it is finishing. When I was 12, I was sitting watching those programmes. I was always a bit of a nerd when it came to politics. When I visit schools and speak to young people, I am impressed by their level of engagement with and passionate views about the political system. They are passionate about championing their objectives for life and society and passionate about trying to improve the world around them.

I have seen nothing more moving since my election than the effort by young people at Springburn Academy when two of their school-friends who were asylum seekers were threatened with deportation. Somer and Areeb Bakhsh were children and had lived in Glasgow for years. They had been there all the way through school with their school-friends, and the entire school mobilised to go down and support them outside the Home Office. Thousands and thousands of young people signed petitions to keep their friends in school. That was a powerful expression of the agency of young people. Even though they did not have a vote, they were willing to engage with the political system and fight for their friends. That is the reality of what we are looking at.

We are talking about young people, and their education is not simply about slavishly following a curriculum; it is about championing their understanding and passion, and giving them an opportunity to follow their passion and give it expression in as many ways as possible, including in the political system. That is why votes at 16 is such a positive measure. If we can implant and embed the idea of voting and participating in a democracy while young people are still at school and in an educational environment, that would go a long way to establishing and normalising that behaviour for the rest of their lives. There is clear evidence that is the case in Scotland, particularly when we look at the referendums that have taken place and subsequent elections. The engagement from young people has been incredibly positive. I am fully convinced, as are most people in Westminster Hall today, that it is the way to go. I encourage the Government to look at the evidence in that regard. The APPG’s report is compelling.

One of my biggest challenges is that my constituency has the lowest turnout in the UK. Only 51% of my constituents voted in the EU referendum, and only 53% participated in the general election. Looking at the wider issues in society, it is about engaging people generally in our democracy. Why are we so hung up on extending the franchise to 16 and 17-year-olds? There is a much more urgent crisis in our democracy, and that is
engaging people, particularly those from working-class and lower socioeconomic backgrounds, in our democracy. The measure would be a small but positive step forward. In light of developments in other parts of the UK, votes at 16 would certainly be an entirely reasonable step to normalise and make things consistent with what is clearly established in the rest of the UK.

Mr George Howarth (in the Chair): To get the final three speakers in, I am imposing a formal three-minute limit on speeches.

10.19 am

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab). Thank you for calling me to speak in this important debate, Mr Howarth. I congratulate my hon. Friend the Member for Oldham West and Royton (Jim McMahon) on securing it.

Over the past two decades our politics has been marked by a decreasing turnout among young people at elections, leading to a self-fulfilling prophecy where political parties focus their campaigning efforts and policy proposals on the older voters who are more likely to turn out at elections. However, I would argue that although young people are not engaging in traditional party politics, they are quite clearly a political generation. I am regularly contacted by young people in my constituency who campaign on the issues that matter to them, such as Brexit or climate change. I regularly meet young people who engage in political activity through trade unions, campaign groups or charities; and I regularly help young constituents who suffer as a result of political decisions, such as the botched roll-out of universal credit.

All the issues that matter to young people and impact on their lives are influenced by decisions taken in this House. That is why we need to look at increasing turnout among young people and extending the franchise to 16 and 17-year-olds. As the Member of Parliament for Coatbridge, Chryston and Bellshill, I have already witnessed the positive impact on turnout and engagement that can be achieved by extending the franchise. When the decision was taken to extend the franchise to 16 and 17-year-olds for the 2014 Scottish independence referendum, there was a large degree of scepticism about whether it would have any notable impact, yet 89% of 16 and 17-year-olds registered to vote and 76% turned out to vote.

Since the referendum, 16 and 17-year-olds have also voted in elections to the Scottish Parliament and for Scottish councils. In the recent Scottish council elections, I was challenged on why they could vote for me in a Scottish council but not vote for me as an MP. It is good to see that the Welsh Government are expected to legislate for votes at 16. It is the Conservative party that wants to filibuster when we were in the other Chamber, so I pay tribute to organisations such as the Labour party, Plaid Cymru, the Scottish National party and all the other parties who get involved in supporting 16-year-olds.

Votes for 16-year-olds are important. Working men had to organise and mobilise through the labour movement, and even lay down their lives in the first world war before securing the basic democratic right to vote. Women from all classes and backgrounds had to organise and mobilise in the suffrage movement, as suffragists and suffragettes, with many struggles in the face of a hostile Government that used the full force of the law against them. There is a reminder in this House of their struggle for democracy: a plaque to Emily Wilding Davison resides in the Chapel of St Mary Undercroft in this Parliament. It was placed there by the late Tony Benn with assistance from the Leader of the Opposition. It should serve as a stark reminder to all of us in this House of the individual and collective efforts that brought about the democracy that we now often take for granted. In the proud tradition of the Chartists, suffragists and suffragettes, we will not stop campaigning until we finally secure votes at 16.

10.23 am

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is a pleasure to speak under your chairmanship today, Mr Howarth.

The hon. Member for Cheltenham (Alex Chalk) has displayed all of his skills as a Wykehamist and a barrister to argue that black is white, but that is what they are taught to do. Should I find myself in an English court, I would look no further than the hon. Gentleman to defend me. He would make an extremely good job of it—not that I agree with one word of what he said.

I am probably the person here who is furthest away from the age of 16. My first point is that times have changed. Years ago, when I was at school at Tain Royal Academy in the highlands, the idea of a politician or an MP visiting the school was absolutely impossible. Politics did not enter our lives. We knew nothing about it, and it was not encouraged at school. How very different things are today. The hon. Member for Glasgow North East (Mr Sweeney) has visited schools and he interacts with classes. We all do that and we all see how sophisticated the 16, 17 and 18-year-olds are in discussions.

During the independence referendum, as the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) said, classroom discussions with voters were extremely sophisticated. All of us who were involved north of the border came away thinking, “My goodness me; they really do know their stuff.” When they came to cast their votes, we must not think for one second that they were ignorant votes; they knew what they were doing. As I gaze around all corners of the House of Commons, I see gentlemen and ladies of much older ages who do not make such intelligent decisions as did the young that I saw during the independence referendum. The same is true, as other Members have said, of local government and Scottish Parliament elections. I have complete confidence in the wisdom of that electorate. I have no problem with it at all. It is absolutely refreshing to see them engage in the process in the way that they do. The UK should be of good heart; it has nothing to fear at all.

I will close with a short anecdote about the one political event that crossed my radar when I was at school. My English teacher, a remarkable man called Jack Paterson, tapped me on the shoulder in my English class and said, “We are having a mock election. You will be the Tory candidate.” That might come as no surprise to Conservative Members. I stood in the Tain Royal Academy mock election. I made an impassioned speech
in the hall as to why people should vote for me and I quoted at some length from Edward Heath’s leaflet. Unfortunately, I came bottom of the poll with 18 votes. Perhaps that shows that even though I said it against myself, the electorate were quite sophisticated and clever in the way in which they made their decision.

10.25 am  

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op):  
As we have heard, 16 and 17-year-olds are knowledgeable and passionate about the world around them. Participation in free elections is a fundamental right. Despite what the hon. Member for Cheltenham (Alex Chalk) says, it is a right enshrined in the convention on the rights of the child, which states that children have the right to participate in decisions about their lives and that it should be age-appropriate. Of course a three-year-old is different from a 16-year-old, but even the convention acknowledges that when young people—or “children”, if he insists on using that word—have capacity, they should have recourse to democratic participation. He was therefore right that we should heed UN and international agreements.

The hon. Gentleman also mentioned countries that we should follow: Germany, Italy and so on. Germany, of course, has votes at 16 in its local elections. Italy does not allow people to vote for the Senate until they are 25, and it is even older for certain other roles, such as the presidency. If we are to benchmark from other countries, we will get into a worrisome position. This House should lead and not simply follow. It should take a moral stance and not just say, “What is the lowest common denominator?”

We can look at best practice around the world and in Britain, and at how young people participate. Often, the debate focuses on whether young people have the right capacity and on the group of young people who might not know. Let us talk about the 600-odd members of the Youth Parliament and the 85% of schools with school councils, where young people participate.

I also want to touch on the importance of democratic rights coming first. We should first engage in voting and then enable the other rights and responsibilities and age limits to come in. Eighteen is the worst age to start voting: people leave home and live a chaotic life. Starting earlier means that people will continue to vote for the rest of their lives. If someone votes in their first election, they are likely to vote continuously throughout their lives. An 18-year-old who does not vote is likely to be a 50-year-old who does not vote. A 16-year-old who votes together with the family is likely to be a 50-year-old who votes, and I want to increase voting for all.

10.29 am  

**Mhairi Black** (Paisley and Renfrewshire South) (SNP):  
I thank everybody for coming, and the hon. Member for Oldham West and Royton (Jim McMahon) for securing such an important debate.

Like most Members, I regularly meet youth organisations and youth representatives from different areas in Renfrewshire, including people from the university and local Members of the Scottish Youth Parliament. Two things always come out of any conversation. The No. 1 complaint is: “Why can’t 16 and 17-year-olds vote?” The second one is adults asking me, “How do we get young people involved in politics?” That is the one question that I am asked everywhere. It is very simple: we do it by accepting that politics affects them just as much as it affects us.

Surprisingly, I agreed with the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) that party politics should not have anything to do with this debate. Do not worry—we parted ways very quickly in his speech. I was unsure whether he wanted to lower the smoking age limit or abolish it altogether. All I knew was, as is always the case with Tories, it is all about personal responsibility until the rich are the ones breaking the rules.

Ultimately, I have to ask: why would any functioning democracy fear more people having the vote? The whole point of a democracy is that we have different perspectives. The same argument applied when I stood in this Chamber not that long ago to speak about the minimum wage. We talked about the fact that it is totally unjustifiable that, even though two people have the same tasks and responsibilities in a job, purely because they were born in different years they do not get paid the same wage. That does not make sense, and is in complete opposition to the idea of personal responsibility, which we are always hearing about from the Government. It is exactly the same when it comes to votes. If someone is allowed the responsibilities of life, they should have the same rights.

The hon. Member for Oldham West and Royton correctly said that there is no age test when it comes to participation. In many ways, I serve as an example of that. After we lost the independence referendum, suddenly lots of people were encouraging me to put my name forward to stand for Parliament. My first reaction was: “Don’t be stupid—I’m 20. What a ridiculous idea.” What changed my mind was that so many older people who I respected, and whose views throughout their lifetime I respected, said to me, “If Parliament’s supposed to reflect society, why is nobody young in it?”

What has been normal for us has to change. I thought that I could not do this job. I thought, “No—politics isn’t for me; it’s for the adults. All we get is a little pat on the head, and told to go away to the Youth Parliament if we want to get involved.” We need to change that, because the decisions that are made in this House daily have drastic influences on the paths open to people in their lives.

Ultimately, politics is about perspective, and trying to understand as many different perspectives as we can. We cannot understand someone’s perspective if they are not even part of the debate. We have seen living, breathing examples of that, and heard about them throughout this debate. In the 2014 Scottish independence referendum, 75% of young people used their vote. The quality of that debate was phenomenal, and it was wide-ranging. Honestly, I could not go anywhere without hearing people talk about the referendum—people of all different viewpoints, backgrounds and ages.

I was on the losing side of that referendum, and I am still basking on about the great influence it had because young people were involved. Compare that with the EU referendum, where roughly 1.5 million 16 to 17-year-olds were denied a vote. They are now seeing their opportunities to work and live abroad snatched away right in front of them. Fundamentally, if someone is old enough to get
married, have sex, join the Army, leave home, work full time and pay tax, frankly they are old enough to hold a pen at the ballot box.

10.33 am

Cat Smith (Lancaster and Fleetwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. We have heard a great many contributions from Members on both sides of the Chamber, and we have had quite a lot of consensus. It is notable that we have heard fantastic contributions from a number of Members from Scottish constituencies. There is a really strong argument that, where people have seen votes for 16 and 17-year-olds work successfully, they have warmed to it.

I thank my hon. Friend the Member for Oldham West and Royton (Jim McMahon) for securing today’s debate. He campaigns tirelessly on this issue and is a great advocate for young people in his constituency. They have asked him to raise this issue in Parliament, and he has done so diligently. I enjoyed his comments about his constituency’s connections to Peterloo and about the Oldham suffragette Annie Kenney, reminding us that this is about not just extending the franchise to 16 and 17-year-olds but extending democracy and increasing participation.

I shared my hon. Friend’s frustration two weeks ago when this House did not have the opportunity to debate his amendment to the Overseas Electors Bill—an amendment that had gathered cross-party support and would have been a significant step towards securing votes for 16 and 17-year-olds. We can safely say that private Members’ Bills have not been an effective vehicle on this issue. I therefore welcome the opportunity to debate this important topic, and I look forward to hearing the Minister’s response.

Many arguments have been made about the age of maturity. The hon. Member for Cheltenham (Alex Chalk) argued strongly on that, and I disagreed with him on a number of issues. I enjoyed his comment that a 16 or 17-year-old is not eligible to serve on a jury. Of course, neither is anyone above the age of 75. Unless we are going to restrict the franchise at the upper end as well, his argument is somewhat inconsistent. Such arguments fail to capture the spirit of the debate. Above all, this debate is about strengthening our democracy, inclusion and how to involve all society in shaping a vision for our country. I believe our democracy would be made stronger by such an improvement to it.

A key reason why Labour is strongly in favour of votes at 16 is that it would help to increase voter turnout and develop lifelong voting habits. A recent study by Demos found that only 37% of young adults in the UK feel that British politics today reflects the issues that matter to them, which concerns me. No wonder we are seeing high levels of voter apathy and low turnout when voters are not directly engaged from a young age and feel unrepresented from their first point of contact with the political sphere.

Alex Chalk: If the hon. Lady thinks that young people have the right level of political maturity to vote at 16, does she think that they have the right level of maturity to buy fireworks? If she does, why did her party vote in favour of banning that?

Cat Smith: The hon. Gentleman is confusing two different issues. One is about our rights as citizens; the other is much more about society, welfare and protection. Basically, there are some things that a person can do that will kill them; however, voting is not known to lead to death, at least not directly. When people make such arguments regarding the right to buy alcohol, cigarettes or fireworks, it confuses two different issues.

It is fair to say that we agree across the House that there is no magic age at which someone becomes an adult; it is a spectrum. The majority of people of a particular age might be of a certain maturity, but we all know fine well that an 18 or an 80-year-old might lack the maturity to do many of the things they are legally able to do.

Mhairi Black: In the hon. Lady’s experience, has she—as I have—met many 16-year-olds who have more life experience and understanding in their pinky than half of the people in this place?

Cat Smith: The hon. Lady makes the point that life experience is different for everyone, and all of us come here with very different life experiences. Many 16, 17 and 18-year-olds have experienced far more in their lives than a 40, 50 or 60-year-old, and she is right to make that point.

I must make some progress, because I am aware that I need to leave time for the Minister’s response, which we are keen to hear. It is fair to say that there is no silver bullet for improving participation in politics. The way that people come into contact with politics in their formative years is a crucial part of it, but that is not the only thing that we should focus on. Evidence from the Scottish referendum and the 2017 Scottish council elections demonstrated that turnout rates among 16 and 17-year-olds were much higher than among 18 to 24-year-olds. That point was made by my hon. Friend the Member for Midlothian (Danielle Rowley), who also highlighted that 16 and 17-year-olds were more likely use a broader range of sources to research how to use their vote, arguably using it in a much more mature way than older voters.

We know that an individual who has voted once is more likely to vote in future elections. The young people I mentioned were aided by the encouragement of their families and schools to become politically engaged, which should be a lesson for us throughout United Kingdom.

“Voting is a habit that is formed early, and we ought to treat it as such...It is important that we take...a progressive stance on these matters.”—[Official Report, 18 June 2015; Vol. 597, c. 527-532.]

I hope the Minister agrees with those words, not least because she said them in this House in 2015. For that reason, I am optimistic that we will find there is a great amount of consensus between the two Front Benches.

The recent school strikes that my hon. Friend the Member for York Central (Rachael Maskell) highlighted demonstrate that young people are aware of the world around them and are trying to take part in the democratic system, despite not having the right to vote. They have been inspired by a 16-year-old from Sweden, Greta Thunberg, who has risen to international fame for her work on the issue.
I believe that change is imminent. Across the United Kingdom, politicians have begun to recognise the changing tides. My hon. Friend the Member for Glasgow North East (Mr Sweeney) mentioned the situation in Scotland, which has left us in the bizarre position where 16-year-olds living there can vote in local elections but are denied the right to vote in a UK general election. My hon. Friend the Member for Ogmore (Chris Elmore) mentioned the Welsh Labour Government, who are seeking to extend the franchise in Wales to 16 and 17-year-olds. There is now a fundamental inequality of rights in this country, because the right to vote has effectively become a postcode lottery—a situation that is morally and politically unsustainable for this Government. It is time that 16 and 17-year-olds had equal rights across our country for all elections.

A cross-party consensus has emerged. I acknowledge the great work of the all-party parliamentary group on votes at 16, chaired by my hon. Friend the Member for Midlothian, which is about to publish a report highlighting the consensus across many of the political parties that have taken part in the debate. It is important for Conservative colleagues to realise that this idea is not a threat to their party. After the Scottish referendum, Ruth Davidson, the leader of the Scottish Conservatives, described herself as “a fully paid-up member of the ‘votes at 16’ club”, having witnessed its positive impact. Since then, various Conservative politicians, including George Osborne, have claimed that there is widespread support for the policy among Conservative MPs and have called on the Government to lower the voting age to 16 or risk losing the support of younger generations.

It is our duty as politicians to catch up with the modern age. It was only in 1970 that the voting age was lowered from 21 to 18, allowing teenagers to vote for the first time in the UK, and exactly the same arguments were prevalent then that are used today to prevent 16 and 17-year-olds from voting. The Government are quickly finding themselves on the wrong side of history. Our past is littered with bold actions, proud speeches and even lives lost to win and defend the right to vote. Given the Minister’s personal support for the issue, I hope she will have the courage and determination to convince the rest of her colleagues to do the right thing.

I will address some points that were made about public opinion and then move on to the issues that were raised about the standard age of majority. My hon. Friend the Member for Cheltenham (Alex Chalk) referred in passing to the state of public opinion, so let me furnish hon. Members with some detail. In 2004, in one of the most comprehensive reviews and consultations to date on lowering the voting age, the Electoral Commission found that two thirds of people thought that the right age was 18. Instructively for our discussion, it found that more than half of 15 to 19-year-olds agreed. In 2008, the then Labour Government established the Youth Citizenship Commission, which found that although the majority of 16 and 17-year-old respondents were in favour of lowering the voting age, all older categories of respondents were opposed to such a change—an interesting detail.

Jim McMahon: The 2004 Electoral Commission report also recommended that a further review be carried out in four to five years, but that review has not yet taken place. Will the Minister commit to it now?

Chloe Smith: I almost misheard the hon. Gentleman. Gentleman and thought that he said “45 years”, but he rightly notes that the recommendation was four to five years. No, I am not in a position to commit the Government to such a review today, because the Electoral Commission’s own review concluded that the age should not be changed and, as I shall set out, the evidence still says so.

In 2013, a YouGov poll of voters of all ages and political views found that they opposed changes to the voting age—even the majority of young people did not want 16 and 17-year-olds to have the vote. More recently still, in April 2017, a very large poll of adults found that only 29% were in favour of lowering the age to 16, while 52% were against it.

The international state of play has been discussed, but I will not dwell on it because hon. Members’ examples were well given. The topic that I really want to address, and that the bulk of our debate has focused on, is the age of majority. We have to face up to the fact that 18 is widely recognised in this country as the age at which one becomes an adult. Rightly, we have a range of measures to protect young people below that age. It is a concept in our laws: there is a wide range of life decisions that entail taking on significant responsibility, for which this Parliament has judged that 18 is the right age.

Not only is the Government’s stance built on a bedrock of public opinion, from which we take our manifesto commitment, but there is a clear consistency to it. I do
not think that the same can necessarily be said of all the arguments that have been made in this debate. Either someone is old enough or not—both cannot be true, so which is it?

Let me start with health. We generally seek to protect children and young people, who can be some of the most vulnerable members of our society, from actions—either by themselves or by others—that could be detrimental to their health. For example, Parliament has raised the age at which a young person can buy cigarettes; private vehicles carrying someone under 18 must now be smoke free; and we have introduced legislation to ban under-18s from buying e-cigarettes. As I suspect hon. Members know, the all-party parliamentary group on smoking and health recommended only last month that the age at which someone can buy cigarettes ought to be raised from 18 to 21.

The arguments are fundamentally about health and damage: I wonder whether there are hon. Members present who voted against such measures, because they have an argument to answer about consistency. We as a society determine that young people need that additional support and protection. If we consider them to be minors in that area, why do we not in another area?

A further health example is sunbeds, which have been mentioned. Another, which draws on the point about how we differ in parts of our country, is that the Public Health (Wales) Act 2017 raised the minimum age for getting tongue and intimate piercings in Wales to 18. That is a recent way in which the age has gone upwards. A non-health example is that of buying fireworks, which has also been mentioned.

There is a serious consistency point. Someone is either old enough or they are not, and that is not only an idea that is based on health examples—there are plenty of other areas where Parliament has made the same judgment. It includes the right to take out credit, to be able to gamble, to sit on a jury, to own land or property and to legally sign a contract. We could also look at the way the criminal justice system works, where young people are treated differently, with different types of courts and institutions.

Let us move on to the two areas that require parental consent: marriage, other than in Scotland, and joining the armed forces. Those concepts have been discussed in today’s debate. We have to be able to return to the central point of understanding whether someone is or is not old enough, and we should be honest on that point.

Cat Smith: Will the Minister give way?

Chloe Smith: I have to continue as I must allow time for the hon. Member for Oldham West and Royton to wrap up the debate.

The field of education and work is also relevant. At the age we are talking about, young people can choose to participate through full-time education, a job or volunteering combined with part-time study, or by undertaking further training—many young people choose to do so because it gives them good prospects. I think we would all argue that having people in education post 16 helps the economy and society more generally.

If we determine that it is good for individuals and for young people collectively, we have to address that question to ourselves when we talk about their voting choices.

That leads to the question of when people work and pay tax. Some people—I think the hon. Member for Oldham West and Royton mentioned it first in the debate—make the “no taxation without representation” argument. A minority of young people work—a small number—but not very many of them pay tax, in part at least because of the raising of the personal allowance. Those who earn least in our society, including our young people, will not be required to pay tax until they earn more.

I understand the argument that one could work and therefore one could pay tax and therefore one has an interest. It does not follow that the tax should be linked to the right to vote, especially if we turn the argument around. If we turn it from “no taxation without representation” to “no representation without taxation”, we would essentially be saying that those who are unable to work or the lowest earners in our society should not get the vote. That is the corollary of the argument, and it needs to be drawn out. If we want to make a link between tax and voting, we have to look at the opposite case as well. It is right that we should do so.

Parliament has determined time after time that we have such a thing as an age of majority, and we seek to protect people who are younger than that age. We have to confront that in today’s discussion.

I move on to what else we should, must and do do to improve citizenship education and expand the range of ways that young people can participate in our democracy. The Government absolutely recognise that point and have a record of action to prove it. We work in partnership with a range of civil society organisations, including the British Youth Council, to help young people be involved. The Government facilitate the UK Youth Parliament, and last year we saw the success of National Democracy Week. Of course, the national curriculum now rightly includes citizenship education.

I am so pleased that the hon. Member for Oldham West and Royton reminded us of Annie Kenney, because that allows us to look at what the Cabinet Office did for the suffrage centenary last year. It delivered a range of things to help young people get involved in our democracy. I urge hon. Members to look at the toolkit, the democracy ambassadors scheme and the school resources, which are there for us all to use in our constituencies. Those resources help us to do the practical work in a way that makes a difference, and help young people to be in their rightful place in our democracy, as part of what we should all be doing to promote and improve the way that we do politics. We do that by including young people, but also by being respectful of the arguments that go with that; what public opinion really says; what minority and majority really mean; what commitments such as those in manifestos actually mean to people; and how we can consider all of those things together in a way that means that everyone is welcome in our democracy, at the right age. That is as it should be, and it is a good thing.

10.55 am

Jim McMahon: I thank all hon. Members who have contributed to this important debate. It is more fundamental than extending the franchise; it is about our whole
democracy and the value of our politics. I find myself not only coming to the conclusion that our politics is broken—repairable, I hope, but broken—but wondering how broken our United Kingdom is, and how little voice English residents have. Scotland and Wales have taken the initiative, because they have devolved institutions that want to take the lead. In England, we are being held back by the UK Parliament, which will not even facilitate a debate on the Floor of the House to test the will of Parliament on this issue. That is the frustration.

We know that there are different views—we take a different view on some of the arguments that are deployed—but we have been denied the opportunity to test the will of Parliament and have a vote on the issue. For me, that is the most scandalous part of how our democracy works. We have seen the private Members’ Bills process frustrated time after time. We have seen parliamentary gymnastics deployed to make sure that the Government do not have to face up to difficult decisions.

It is correct to say that the Conservative party manifesto is one that the Government seek to deliver, but let us be honest about the parliamentary gymnastics that were employed when the Overseas Electors Bill came to the Floor of the House as a private Member’s Bill with the Government’s support. They deliberately arranged for it to be talked out because they did not want to face a potential vote on votes at 16. Their own manifesto commitment was denied because they did not want to face a vote on this issue.

To be frank, some of the explanations that have been given on objections do not hold water. My son Jack, who is an apprentice, is old enough to pay tax on the income that he earns. He is affected by public transport when he goes to work, in the way that every other worker on that bus is affected, and he contributes to his taxes for that. He is old enough to have taken driving lessons and before he is 18, he is very likely to be driving a car. Where the age line sits is not an argument that really holds water, for the same reasons that have been explained around consideration being given for some public health issues moving from 18 years to 21 years. It would not follow that the age of voting is then increased to 21—that is a nonsense.

I would respect the Government more if they really stated why their objections on this issue are so firm. It is not about the age of maturity. It is not about a common age across public health and protection issues. It is because they just do not believe that 16 and 17-year-olds will vote Conservative. It is as cruel as that. It is the same reason that we are seeing ID being introduced at polling stations, denying the right of people to cast a vote in some cases, when the evidence base is flimsy. We have seen that with individual voter registration, where people are deliberately pushed off the register. We see it through the stuffing of the House of Lords with people who are more likely to vote the Government’s way—I accept that every Government does that, so it is not an entirely partisan point. We see it at every opportunity, including the proposal to reduce the number of MPs. Why? It is about gaming the system, rather than expanding our democracy.

I appreciate the debate that has taken place. I would like to have won the hearts and minds of the Government, but I have to accept that we are running out of time, and maybe it is a fight for another day.

*Question put and agreed to.*

Resolved.

That this House has considered votes at 16.
Children's Social Care Services:  
Stoke-on-Trent

11 am

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I beg to move,

That this House has considered children's social care services in Stoke-on-Trent.

It is a pleasure to serve under your chairmanship, Mr Howarth. It is not a pleasure to be having this debate. Children's services, and the role that councils play in protecting the most vulnerable children in our societies and communities, should be taken away from the party political arena. The Ofsted report that was received by Stoke-on-Trent City Council, showing the failures across the local authority area to help the most vulnerable people, is worthy of discussion with the Minister in order to work out how we can put that system back together. The report is one of the saddest things that I have had the displeasure of reading in my short time as a Member of Parliament.

We know that when it comes to engaging and working with young people, Stoke-on-Trent is now a city of two tales. The Minister will be acutely aware of the excellent work being done by Professor Liz Barnes and Carol Shanahan under the opportunity area, and I am sure he will agree that they are exemplars of good practice across the country, and of how people can achieve very impressive things when they get their act together. The flipside of that—the other side of the coin—is a children's services department that has now been rated “inadequate” in all four areas of the Ofsted report, which has highlighted some shocking outcomes that prompt the question whether the local authority is fit to continue running that service, and whether the individuals who are responsible for running it at cabinet level are fit to continue in public office.

I do not wish to draw too much on the politics of it, but I want to read out a few of the findings from the Ofsted report, which will set the context for what we are discussing this morning. It starts by saying:

“Children are not being protected...Vulnerable children are not safeguarded in Stoke-on-Trent...There are insufficient fostering placements to meet local need and many children are placed in unregulated placements. The local authority knows that some of these placements are unsafe.”

It states:

“Too many children come into care in a crisis or wait too long to be reunited with their families.”

It also says:

“As a result of poor leadership, management oversight and an absence of clearly evaluated performance information, services for children have seriously declined since the last full Ofsted inspection in 2015.”

That is a damning indictment of a children's services department, regardless of who is running the council. As a result of those shortcomings, young people are suffering in my constituency and across Stoke-on-Trent.

Gareth Snell: I could not have put it better myself. My hon. Friend has rightly pointed out that, as a local authority, Stoke-on-Trent has a level of casework that is higher than the national average. Each individual within that team is managing more cases than the British Association of Social Workers would deem acceptable for any authority, let alone one such as Stoke-on-Trent, where demand is higher than the national average.

The part of the report that I found most shocking stated:

“Support for vulnerable children, including those at risk from child sexual exploitation, going missing...private fostering and extremist ideologies”

was failing. The report basically says that young children in our city are at risk of being groomed for child exploitation and criminal exploitation. I do a lot of work in this place on modern slavery, and I am appalled to know that not only is it happening in my city, but it is happening in my city because the one authority that is ultimately responsible for dealing with that has failed. I hope the Minister will pick up on that later, not because I want to kick about the council—we will do that in the forthcoming local elections—but because, fundamentally, something must change in Stoke-on-Trent so that we are no longer rated “inadequate” across the four areas when the Ofsted inspectors next come in, and so that I can look into the eyes of my constituents and say, “Yes, your children—if they ever end up in the care system—will be safe and looked after.” That is something that I cannot do currently.

Ruth Smeeth: Although my hon. Friend may not want to bash our councillors, it is important to make it clear that we did not have that rating when we were last inspected in 2015. In fact, we were rated “good”. As Ofsted has made clear, these services have seriously declined since the last full Ofsted inspection in 2015. The majority of recommendations made at that inspection, and at a focused visit in 2018, have not been actioned. It seems that the council has actively disengaged from the process and not followed the Government guidance in this area.

Gareth Snell: Again, my hon. Friend makes an excellent point; I agree wholeheartedly. The report makes it quite clear that there has been a marked decline in the provision of children's protective services in Stoke-on-Trent since 2015. That coincided with the last round of local elections, in which the City Independent group took control of the local authority. If we are being honest, its record of attendance at the corporate parenting panel demonstrates its disinterest in this area. Of the 16 meetings that one councillor could attend, she attended zero, and she is responsible for the funding of children's services across the council—eight apologies, and eight non-attendances.

We should make it clear—I will ask the Minister later on—whether there is anything that the Government think they can do to ensure that councillors that have working extraordinarily hard and achieving good things, but are not being well managed and are not being supported to deliver. Their casework involves over 25 cases. Does my hon. Friend agree that this shows that there has not been the appropriate management or political leadership focus on this area, and that they have abandoned the professionals, who are trying to do their best?
responsibility for these very important areas, including both adults’ and children’s social care, are compelled to attend those meetings, to further their understanding of what is going on. From councillors who have been on the corporate parenting panel, where they have heard from caseworkers who feel under pressure and stretched, I know that information was available at that time to the local authority members who make these decisions, had those members chosen to attend. The fact that they chose to attend none of those meetings shows the interest they have in that service. As a Parliament, we should talk collectively about how we can reinforce to people in decision-making roles their responsibilities.

I want to touch briefly on another comment in the report, which said:

“The response to children and young people who may be at increased risk due to contact with extremist ideology is not robust”.

Stoke-on-Trent is a city in which we have had our problems with both the far right and organised Islamist terrorism, and we need to ensure that we protect our young people from both extremes. The report clearly states that young people are not being protected from extremism activity in a place where we know it is taking place. I do not understand how any local authority or councillor can stand up and defend the report in the way that Councillor Janine Bridges did by saying that things are much better under her watch than they have ever been.

The report sets out in black and white one of the starkest arrangements for protecting young people anywhere—not only in the west midlands, but in the country. I wonder whether the Minister could help me better understand at what point Government step in to start to resolve some of this directly. Frankly, I have no faith that the City Independent group that currently runs the council with Conservatives has either the political ability or the determination to resolve this, other than saying that everything is all right. That has been made quite clear in the leaflets that are being delivered around the city ahead of local elections, which say how wonderful children’s services are. It beggars belief that there is this lack of connection between what is written in black and white by the authorities that are responsible for this, and what is written by the people who have taken decisions that led to this chronic failure in the first place.

Jeremy Lefroy (Stafford) (Con): I thank the hon. Gentleman for bringing this very important debate to the House; it is vital that this issue gets debated. I understand that Stoke-on-Trent City Council is in quite close contact—particularly through the multi-agency safeguarding hub—with Staffordshire County Council and other excellent councils, such as Leeds. Has he seen a determined effort by the leadership to ensure that—even now—the deficiencies pointed out in the report are beginning to be addressed?

Gareth Snell: The hon. Gentleman points to the MASH system in Staffordshire County Council, which is one of the areas where Stoke-on-Trent City Council has made a rod for its own back. Across the border, in Staffordshire County Council—literally on the doorstep—is a system that is more robust and much better than the one that Stoke-on-Trent City Council operates. A lot of the agencies that are involved in it, including the police and some of the third-party organisations, work with both authorities, so it is not as if it was not possible to tap into that system to see how it works.

The officers that my hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) North and I have spoken to understand the severity of the report and want to fix the problem. The officer corps desperately wants to resolve it, and the social workers we know are heartbroken. They have taken it personally, because it is young people entrusted to them who have been let down. However, I have not seen any element of acceptance from some parts of the political leadership that there is a problem that needs to be resolved. They took to the airwaves on the day the report was published to dismiss it and say that it was the Government’s fault for not giving them enough money, local MPs’ fault for not shouting about it previously, and in some cases the families’ fault for having the audacity to find themselves in need of social care in the first place.

I do not have the sense that the cabinet member responsible and the leader of the council understand the gravity of the report that is in front of them. If I am being honest, I do not believe that they have any interest in resolving this problem, because this is not the sort of politics that they want to do. They are not interested in rolling up their sleeves and dealing with the difficult parts of civic life in Stoke-on-Trent. They like to do the fun, happy stuff, such as cutting ribbons in front of new car parks, filling potholes and having their pictures taken—but children’s social care is the sort of stuff that matters to people on a day-to-day basis.

Jeremy Lefroy: The hon. Gentleman and I have joint concern for the city, which is important to the whole of Staffordshire, not just its residents. I understand that an improvement board has been set up to deal with the situation. What is his understanding of its work and its effectiveness so far?

Gareth Snell: There is an improvement board, but unfortunately, given the timing of the report and the purdah period for the local election cycle, no one will tell us what is going on with it, what actions it is taking and whether it is looking to Staffordshire County Council, which I hold up as an example—it is run by a good Conservative administration, which has taken responsibility for these issues and is dealing with them. This is not about Labour and Conservative party politics. There are perfect examples around the country of good Tory councils doing this well, and examples of Labour councils doing it well. This is an example of a council doing it badly, and the leadership refuse to accept that.

Ruth Smeeth: Does my hon. Friend agree not only that the council is doing it badly and has dismissed the report, but that it has failed to acknowledge the impact on families in our city and has not said sorry? Councillor Janine Bridges and Councillor Ann James have acted as if this has nothing to do with them, despite the fact that both of them have been responsible for delivery for the past four years. During that time our children, including homeless children, have not received the support that they are due under statutory provision. Homeless 16 and 17-year-olds do not always receive a timely or
thorough response to meet their needs. We have young people on the streets and a political leadership that will not even say sorry.

Gareth Snell: That sums up why there is so much frustration with this process. Our city has problems. None of the MPs who represent it, including me, my hon. Friend and the hon. Member for Stoke-on-Trent South (Jack Brereton), who would have been here if he was not restricted by his Parliamentary Private Secretary role, would hide that fact. We saw the same when the Care Quality Commission did a system-wide review and found that older people were being left in their beds covered in urine for days because of a social care failing in Stoke-on-Trent City Council. Our frustration stems from the fact that, unless the problem is so stark and is written in black and white in a report that is so damaging that it requires a political intervention at this level, or is splashed in the headlines of our newspapers, nothing gets done and nothing gets changed. There is no remorse, no apology, and no sense that anything that the council was responsible for was its fault. It is always the fault of the Government, of everybody around them, and of the agencies not doing their bit. It is about time that people such as Councillor Bridges, Councillor James and their partners in the coalition took responsibility for the decisions that they have taken over the past four years, which have led us to this place.

My hon. Friend the Member for Stoke-on-Trent North is right. We are highlighting some of the starkest parts of our society. It is a constant badge of shame for me that, when we highlight the awful parts of our society, they always manifest themselves in Stoke-on-Trent in a way that is even worse than they had to be. If we got the basics right—if we got the bread-and-butter politics right and had given a damn about the people we are there to serve—some of this would not have happened.

I am sure the Minister will say that every child service department is now stretched because there is increasing demand. He will say that it is a demand-led service, and the local authority has no immediate control over the demand. I accept that, but if we know the demand is there—if there is a constant reporting system that says, “There is a problem with this system”—and people choose not to act on it, choose not to attend corporate parenting panels, choose to divert funding to other departments, choose not to engage with the Local Government Association, choose not to participate in county-wide programmes, choose to defer the decisions that they should be making to officers, choose not to turn up to reports, and choose not to say sorry, that is a pattern of behaviour of failure. That is not a coincidence or a coalescing of misfortune; it is a pattern of behaviour that has led to systematic failure.

I sincerely hope that the work being done by officers, the social work team and the people who are coming into the local authority is effective. A commissioner has been appointed to establish whether this should stay with the local authority or whether it should become a county-wide programme. I hope the Minister will take heed of what we suggest: we think it should stay with the local authority. We genuinely believe that, once the election is out of the way—whatever the outcome—there will be a renewed appetite to fix this. I have always been a believer that local authorities should clear up their own messes. I appreciate that that is his decision, not mine, and the commissioner’s report will guide him. We have some responsibility for this. We will hold whichever political party is running the council responsible for fixing this, and we know that the Government will do so, too.

I ask the Minister to address these points. Where there are clear examples of councillors not engaging in their executive-level functions, what can we and the Government do to ensure that they take those responsibilities seriously? This is not just a matter of funding; there is clearly a cultural issue. What can the Government do to help change the culture in Stoke-on-Trent? If there is a plan, I will happily work with them to deliver it. Importantly, what does the Minister believe we can do to ensure that when Ofsted comes in next time, it does not give us a catalogue of failures that shows that young people in Stoke-on-Trent have been let down?

11.18 am

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): It is a pleasure to serve under your stewardship, Mr Howarth. I congratulate the hon. Member for Stoke-on-Trent Central (Gareth Snell) on securing this debate, and I commend the hon. Member for Stoke-on-Trent North (Ruth Smeeth), my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton)—my PPS—and my hon. Friend the Member for Stafford (Jeremy Lefroy) for engaging with it.

The hon. Member for Stoke-on-Trent North raised the important issue of social workers. We must not forget to thank the frontline workers. I went up to Doncaster after the turnaround there, and I met social workers on their own without directors in the room. I asked, “What happened? Seventy per cent. of you are the same people who were here when you were failing, and yet you are now ‘good’.” To a man and woman, they said to me, “It’s because we had strong leadership—political leadership and officer leadership—that believed in us. It was consistent, it was there for us and it supported us in what we were trying to do.” That is a strong message to take from that.

I commend the leadership in Staffordshire County Council—the political and officer leadership. The chief executive and the director of children’s services are both outstanding. I wholeheartedly agree that nothing is more important than the work that we do to ensure that vulnerable children are able to live safe and happy lives and achieve their potential wherever they live in our country. The hon. Member for Stoke-on-Trent North mentioned the 2015 Ofsted inspection. Sadly, Ofsted’s rating was “requires improvement” but services were in a much better place than they are today—the hon. Lady is absolutely right about that.

The inspection of local authority children’s services report states that there are demonstrable failings in protecting the most vulnerable children. The Government have always been crystal clear that it is the responsibility of the local authority to manage their service to ensure continuous improvement and proper protection of all children, but Stoke’s decline—all service areas are now deemed “inadequate”—since its last inspection in June 2015, which the hon. Member for Stoke-on-Trent Central
mentioned, is deeply concerning and highlights the urgent need for central Government intervention. It is important that we act quickly on improvement, so we are funding Leeds—an outstanding authority and one of our “partners in practice”—to provide immediate peer support to Stoke and help ensure that children there are safe.

In the light of the seriousness of that systemic failure and as the hon. Gentleman mentioned, the Department will also appoint a children’s services commissioner to conduct on my behalf a three-month review of Stoke’s capacity and capability. The commissioner will look at all evidence and views, and will report to me after three months on whether the council can improve in a reasonable timeframe—I take on board the hon. Gentleman’s comments on that—or whether services are more likely to improve if run by another organisation, such as a children’s services trust, to which he referred, or a better-performing local authority.

As I mentioned earlier, I saw at first hand in Doncaster how trusts have been effective in securing change in local authorities that have had some of the most serious failures. Doncaster is now rated “good”, having been a failing local authority for children’s services. Birmingham and Slough are now no longer “inadequate” after years of failure. Local authority partnerships have also shown success. The Isle of Wight has improved from “inadequate” to “good” as a result of its partnership with Hampshire.

That is not to say, however, that local authorities cannot improve themselves when there is the commitment and the capability to do so—I think that is the point the hon. Gentleman sought to make in his outstanding remarks. I enjoyed visiting Bromley and Bexley earlier this year. Both have been the focus of Government intervention in recent years and are now deemed “good” and “outstanding” respectively. There was real commitment, from the political leadership to the officer class and all the way through, to deliver on that.

The Department has a good track record of working with local authorities to improve “inadequate” services. Since 2010, 44 local authorities have been lifted out of intervention and have not returned, the significance of which should not be underestimated. I am also keen to focus on preventing failure, which is why the Department has developed a new improvement programme over the past 18 months. Bringing local authorities together through regional improvement alliances, and identifying “good” and “outstanding” authorities to be our partners in practice, is helping to get ahead of failure, while supporting sector-led improvement. Since April 2017, the number of “inadequate” local authorities has been reduced by a third, from 30 to 20. We are on track to achieve our target of having less than 10% of local authorities deemed “inadequate” by 2022.

I recognise the importance of supporting performance improvement across all local authorities, so that more and more are providing “good” and “outstanding” services to children. The Department’s innovation programme focuses on ensuring that families receive the right support at the right time by adopting and adapting the best new practices, and continue to do so with the advent of the new What Works centre. That initiative seeks better outcomes for children, young people and families by helping practitioners and decision makers across the sector to inform their work with the best possible evidence.

Some promising signs are emerging from the innovation investment, such as an integrated edge-of-care service, “No Wrong Door” in North Yorkshire, which has delivered extraordinary results: 86% of young people in North Yorkshire stay out of care, with greater stability and improved educational and employment outcomes. The Department, with the Treasury, is committing £84 million over the next five years to build on learning from the examples in North Yorkshire, Leeds and Hertfordshire—the most promising innovation projects. The programme is called “strengthening families; protecting children”, and it aims to improve social work practice and decision making in up to 20 local authorities, and to support more children to stay safely at home with their families.

We will also continue to learn from What Works, and understand how we might further strengthen the quality of social work practice. The most valuable resource is our people—the workforce. The practice of staff locally, from the leadership of directors of children’s services to the decision making of social workers, is all paramount to ensure that children get the right support at the right time. That is why we are undertaking a programme of reforms to ensure that a highly capable, highly skilled and highly confident workforce make good decisions about the best outcomes for children and their families.

I recognise that Stoke and other local authorities are delivering services in a challenging environment—there is no doubt about that; the hon. Gentleman was right to highlight it—and they have had to make difficult choices to meet the needs of the most vulnerable. At the autumn statement, the Chancellor announced an extra £410 million to address pressures on adults’ and children’s social care services.

The Department is also working closely with the sector to build the strongest evidence base for long-term children’s services funding, as part of my pitch for the spending review. We are in dialogue with the Ministry of Housing, Communities and Local Government to inform a review of relative needs and resources, which the hon. Gentleman mentioned. That will make sure that the money gets to where it is needed most after future Government funding settlements.

I thank the hon. Gentleman for raising this important issue. I mention for the record the fantastic work that he and the hon. Member for Stoke-on-Trent North do to champion the opportunity area programme. With people of such passion, commitment and quality, we can turn children’s services around in the local authority. I am pleased to hear that we share the ambition to ensure that the most vulnerable children in Stoke have the safety and stability that they need to achieve their potential. I hope that I have provided reassurance of this Government’s commitment to taking urgent action to support Stoke-on-Trent in its journey to improve children’s services, so that all children are well protected and cared for and their social workers are supported to practise safely.

Question put and agreed to.

11.28 am

Sitting suspended.
Infant First Aid Training for Parents

[Mr Philip Hollobone in the Chair]

2.30 pm

Mr Philip Hollobone (in the Chair): Although the title of this afternoon’s debate is “Infant First Aid Training for Parents”, there is some debate about whether it should not be “parental first aid training for infants.” No doubt, all will be revealed. I call Sarah Newton.

Sarah Newton (Truro and Falmouth) (Con): I beg to move,

That this House has considered infant first aid training for parents.

It is a pleasure to serve under your chairmanship, Mr Hollobone. You make a good point—I was never an excellent scholar, and I am sure my English can be improved upon. In the course of the debate, I hope to provide a good explanation of what I was seeking to achieve in securing it.

I would like to begin with Rowena’s story. Rowena had been shopping in a department store with her mother and her five-month-old daughter. They had stopped for coffee in the children’s section, where there were lots of mothers with their babies. Seated near their table was a mother feeding her nine-month-old baby girl some home-made food. Given that they both had little baby girls, they exchanged compliments on the girls and continued with their business.

Leaving her daughter with her mother, Rowena went off to buy some coffees. While in the queue, she heard screaming and a terrible commotion. Looking around, she realised it involved the mother she had just met. Rowena could see that something was wrong with the little girl, who was not moving and was very quiet. Instinctively, she left the queue and ran to the back of the café to see what she could do.

When Rowena arrived back at the table, she saw that two other customers had come to the mother’s aid. They were trying to calm the mother down while furiously patting the back of the baby girl. Rowena quickly realised that the baby was choking on the baby food that she had been fed. Fortunately, Rowena knew what to do. She told the women attempting to help to stop and that she had first aid training, and she took the baby. Because she had completed a baby first aid course, she felt confident enough to help.

Rowena sat on a chair and held the baby face down along the length of her left leg, with the head lower than the knee. She started to give her back blows, hitting her firmly between the shoulder blades. After Rowena delivered the second or third back blow, the baby girl started to cry, so Rowena realised that she could breathe and that the blockage in her throat had gone. She handed the girl to her mum and reassured both of them that everything was okay.

The mother was quite shocked and upset, and so was Rowena. She realised the significance of her intervention. She said:

“I didn’t fully realise until that point what had just happened and the gravity of it”.

She said it had a big impact on her. That day, Rowena had done something remarkable, yet so very simple. With a few simple actions, she had saved that baby’s life. I want to enable every new parent or carer to receive high-quality training.

Andrea Jenkyns (Morley and Outwood) (Con): I commend my hon. Friend on bringing this debate to the Chamber. I had first aid training with the Red Cross over a decade ago, as did my father. My dad put it to use when my mum had a mini-stroke, and my mum ended up using it on my dad when he was dying. I am a mother of a two-year-old little boy, Clifford. I am sure most parents would agree that the most precious thing in any parent’s life is their children. My hon. Friend has prompted me to go and be retrained, especially now that I have my little one. If we can, cross-party, encourage as many parents as possible to do that, that will be a win-win for us and for parents across the country.

Sarah Newton: I very much welcome my hon. Friend’s intervention as a young mum. Rowena had her first aid training through the Red Cross, which can provide my hon. Friend with specialist training for babies and children. Administering first aid to a young child is quite different from administering it to an older person. I commend my hon. Friend, and I hope that, as a result of our work today, many more parents will do the same.

John Howell (Henley) (Con): This is an excellent debate. The scale of the task we face is quite enormous. A survey published in The Daily Telegraph not so long ago showed that only 24% of parents thought they had the skills to be able to stop their child choking. That is a very small percentage. What can we do to encourage a vast number of parents to get the training?

Sarah Newton: My hon. Friend makes an extremely good point. I am blessed to say that I have three children, who are in their twenties; I remember how many times I was worried about them and went to my GP or to A&E unnecessarily. I wish I had done the training, because I would have felt much more confident as a parent—I certainly would have saved some valuable time in A&E and with doctors.

I was prompted to secure this debate to continue the work I have done to prevent avoidable deaths from sepsis. We have made huge progress, and the Government have done excellent work with the UK Sepsis Trust to make sure that parents are aware of the symptoms of sepsis, as are our healthcare professionals, from paramedics right the way through to people in hospitals, and professionals in nursery schools and primary schools. They are all having sepsis training. That is important, and now is the time to build on that and to empower parents to spot the signs of not only sepsis but all other serious illnesses.

Mary Robinson (Cheadle) (Con): I thank my hon. Friend for securing this important debate and for sharing Rowena’s story. We all know that story could have turned out very differently. My constituents Joanne and Dan Thompson set up Millie’s Trust after their daughter Millie tragically passed away in a choking incident in October 2012. The trust provides paediatric courses for nurseries, emergency first aid courses for workplaces and first aid courses for families, including for young children between the ages of eight and 16—that may answer your earlier question, Mr Hollobone. Does my
hon. Friend join me in recognising the wonderful work of Millie’s Trust and charities like it, which offer courses not only to give confidence and reassurance to professionals and parents, but to ensure a good grounding in first aid, potentially giving life-saving information to people in situations such as Rowena’s?

Sarah Newton: Rowena’s story might not have ended so well without the wonderful work of Millie’s Trust and all the other organisations that ensure that people have the training to empower them to take the right action at the right time.

That brings me neatly to the statistics from the Royal College of Paediatrics and Child Health, which suggest that 21% of child deaths involve a modifiable factor—something that could have been done to prevent that death. That is quite a significant number of lives that could have been saved if the appropriate action had been taken.

Emma Little Pengelly (Belfast South) (DUP): I congratulate the hon. Lady on securing this important debate. The statistics that she outlines demonstrate how important first aid training could be—it could genuinely save lives. Given the number of agencies and organisations that young parents engage with, from schools and nurseries to GP practices, is there not a good opportunity to save lives? Given the number of agencies and organisations important first aid training could be—it could genuinely save lives.

Sarah Newton: The hon. Lady makes a very good point. I hope that in our small way—as a result of this debate, the people watching it from outside the Chamber and the media coverage we secure—we will encourage people to take up that opportunity. That is a really good idea.

I have been listening very much to healthcare professionals in my constituency. Dr Simon Robertson, a consultant paediatrician at the Royal Cornwall Hospitals NHS Trust, told me:

“I have been a consultant general paediatrician for the last 12 years. I see children referred into hospital from their GPs, and the emergency department.

From the view of a general paediatrician a child illness and resuscitation course for all parents makes practical sense for the families and NHS services.

Parents are expected to make important decisions about their children’s health and about seeking medical advice. But we know they find it difficult to work out if their child has a minor viral illness, or something more serious. Unfortunately not all parents are educationally equipped to read instructions from their red book, NHS Choices or health advice apps like the ‘HandiApp’. For them, we know they really need time and practice in a supportive environment to learn these decision making skills. We repeatedly see this in the families we teach resuscitation to on the wards.

What is needed in my opinion, is a course for all parents and carers the necessary skills to empower them to apply, so using dummies and having practical sessions with lots of time for questions and discussion at the end. I know that I would not be happy to undertake those actions unless I had practised them on a dummy first; having just looked at instructions or a diagram, I would still be very nervous about the amount of pressure to apply, so using dummies and having practical sessions and reassurance is really important.

Jim Shannon (Strangford) (DUP): I thank the hon. Lady for bringing this subject forward for consideration, and I commend her for the work she did as a Minister. I am very pleased to see her active on the Back Benches with the rest of us. I became a grandfather for the third time just before Christmas, when my grandson Austin—I already had two granddaughters—was born. I am very mindful that parents are immensely stressed after the birth of their baby, given the care babies require. For each parent to have just a bit of knowledge about these things at that time can be the difference between life and death. Does the hon. Lady agree that there is an opportunity, through the antenatal classes that mothers do with their local trust and GP, to instil in parents the basic skills she refers to?

Sarah Newton: I thank the hon. Gentleman for his contribution. I will come on to what I would like the Government to consider doing. I do not think we should be prescriptive about how this training is enabled. Lots of organisations provide such training—Kernow Resus is one such organisation, but we have also heard about the Red Cross, St John Ambulance and Millie’s Trust—and of course there is the NHS workforce themselves: maternity nurses, and healthcare professionals who visit families at home. We should not be at all prescriptive about how we might enable this training, but it is important that all parents have the opportunity to participate.

Most courses cost around £30, which will seem to most of us like a very modest investment, but not every parent will be able to afford that. That will be a real barrier for some families. That is why I would like the Government to enable universal access to high-quality,
[Sarah Newton]

evidence-based training delivered by fully qualified providers. That would give us the opportunity to reduce morbidity and mortality and, importantly, family distress. It would also help tackle the associated costs of treatment, hospital admissions and even possible litigation. We have seen huge improvements in child and infant health in our country. The number of deaths of babies and small children has fallen significantly, but it is still far too high, so I really hope that the Minister will consider seriously how we might take forward this relatively modest, straightforward intervention.

The NHS is rightly focused on preventing ill health and injury, and I am delighted that the Government are investing so much in it. I am sure everybody in the Chamber is fully supportive of that investment. It would require only modest investment to pilot this training in a couple of geographical areas and work with a couple of local commissioning groups to see how they might go about delivering it. We have heard about a range of options they might pursue. By giving commissioning groups responsibility to see how they might go about that, we could collect proper evidence about not only the impact on families and the reduction of deaths and harm to children, but the impact on acute trusts and primary care in an area if, as a result of being more confident, parents do not engage with the NHS quite so much.

This would be a small but vital step. It would be such a positive contribution. We would have more Rowenas, and far fewer families would have to cope with the dreadful grief of losing a loved one.

Several hon. Members rose—

Mr Philip Hollobone (in the Chair): Order. The debate can last until 4 o’clock. I am obliged to begin calling the Front Benchers no later than 3.27 pm. The guideline limits are 10 minutes for the SNP, 10 minutes for Her Majesty’s Opposition and 10 minutes for the Minister, and then Sarah Newton will have three minutes at the end to sum up the debate. Until 3.27 pm, it is Back-Bench time. Two Members have indicated that they would like to speak. I call Douglas Ross.

2.47 pm

Douglas Ross (Moray) (Con): Thank you, Mr Hollobone. It is a pleasure to serve under your chairmanship. I commend my hon. Friend the Member for Truro and Falmouth (Sarah Newton) for securing this important debate, and for the various points that she raised. The way she delivered her remarks shows that the care and compassion she displayed as a Minister continues on the Back Benches. We heard from the interventions of several hon. Members how important this issue is for many people.

I approach the debate as the father of a 22-day-old; young Alastair was born three weeks ago yesterday. That is where my interest in this issue comes from. I am now mentioning my son and my wife quite a lot in the Chamber; it seems my soft side is coming out. To compensate, I remind people that when I was first elected, a magazine did a profile of all the Scottish Conservatives who had been elected, in which I was described as “tough as teak”. I have a tough side and a soft side, which I hope to balance in the debate. I was keen to take part in it for personal reasons, but also to explain some of the issues that my constituents face. While I was shocked and disappointed by the Red Cross figures that showed that just 5% of adults had the skills and confidence to provide emergency first aid to infants, I had to accept and admit that I was among the 95% who do not have those skills and have not gone through that training. I probably should have. In the nine months ahead of Alastair’s birth, I thought we had prepared for everything. We bought nursery equipment and new clothes, and even went down to the detail of how we would introduce our child to our dog. Those are all things we thought about, and it was only when this debate appeared on the Order Paper that I thought we had done nothing about preparing ourselves for this new human being coming into our lives and how we would care for him and look after him if, in the unfortunate situation described by some hon. Members, he required emergency first aid.

One of the great benefits we got ahead of my wife giving birth was the care, understanding and education of our antenatal classes. They were excellent. At Dr Gray’s and throughout Moray we have excellent midwives. We went along to Moray College on two Thursdays to attend the classes, which really prepared us both, giving us all the knowledge and information we needed for the birth and the first few days. I now wonder why we do not introduce an element of first aid training into those antenatal classes. There is a captive audience of parents wanting to know more about the first stages in their child’s life and the birth process, and they could be told how to provide emergency treatment for an infant if they require it once they are home.

Emma Little Pengelly: I endorse what the hon. Gentleman and my hon. Friend the Member for Strangford (Jim Shannon) have said about antenatal classes. The parents are there and they want to learn, so that is a good opportunity. Does he agree that there are alternative opportunities, such as through Sure Start, to target families to support them on looking after their child? There is that opportunity after the child’s birth to give parents those necessary skills to save lives.

Douglas Ross: I fully endorse what the hon. Lady said. If there is not time or there are other constraints that mean a first aid element cannot be included in an antenatal class, perhaps there should be a signpost saying, “This is something you can consider. Here are some of the organisations who could do this,” just to put it on people’s radar. They are very excited about the birth of their child and fascinated by the birth process, which they have gone along to learn about, so just mentioning that may be a trigger that would make some parents consider, “Actually it is important to go to that organisation, or another, to get that training.”

Jim Shannon: I congratulate the hon. Gentleman on the birth of his son, which I would have done anyway. Will he be a footballer or a referee—who knows?

There is another option; the health visitor calls to check on the child and the mother, and there is a follow-up after birth. There are many ways other than statutory ways of doing this.
Douglas Ross: Absolutely. One of the texts I was reading before I came to the debate was from my wife, who had had her weekly meeting with the health visitor this afternoon. That is something we can look at, and at the end of my remarks I will explain what I think we could do in Scotland and for other new parents in Moray.

Having not had the option or opportunity to do that training, antenatal classes, we looked at what first aid training was available in Moray for people with infants. During my research for this debate, I was notified that there were no classes at all in the Moray constituency; parents must travel to Aberdeen—a 70-mile journey each way. As I think my hon. Friend the Member for Truro and Falmouth said, the classes cost about £40, which is not much for some but prohibitive for others. Those classes cost roughly £40 to £50 in Aberdeen, 70 miles away, or in Dundee, 150 miles away. I mentioned in a previous Westminster Hall debate the downgrading of our maternity services in Moray—I am fighting against that—and surely we must ensure that first aid training in Moray is also available in a constituency the size of Moray, because we want to attract people to come here and set up their families. We must have everything possible available to them.

Since I did not take these classes, I looked at some of the things I could learn at them. My hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson), who will follow me, will give far more information, given her medical background; I look forward to listening to her. However, for example, I was fascinated to learn that, to treat a burn on an infant, the burn area must be put under cold water for 10 minutes and then covered with cling film. I think I could do the cling film bit, but keeping my 22-day-old baby under a cold water tap for 10 minutes would be challenging, given how difficult we have found bathtimes. I also noted that the best cure for any bumps was putting what we in Scotland call a cloot—frozen peas in a towel—on the bump. I therefore learnt a bit in preparation for the debate, which I hope provides reassurance that things are progressing.

Many more new parents would feel confident and more comfortable in the knowledge gained from such classes. It is not simply about not knowing but about a lack of confidence, as my hon. Friend the Member for Truro and Falmouth said. We can have how we would do something in the back of our mind—we may have seen something we could try on television—but having the confidence that results from practising on dummies, as she mentioned, before having to take that step is important. Of course, we all hope we will never have to use that know-how.

I commend the Government’s proposal for health education to become compulsory in primary and secondary schools from September, requiring schools to teach first aid and life-saving skills. That is important because by the time a pupil leaves school they will have all the skills we are mentioning today, having been taught to administer cardiopulmonary resuscitation as well as learning the purpose of a defibrillator and basic treatment for common injuries. In Scotland, I really back the “Save a life Scotland” strategy, which aims to equip 500,000 people in Scotland with CPR skills by 2020—that work to be done in primary and secondary schools with partner organisations the Scottish Ambulance Service, the Red Cross, Chest Heart & Stroke Scotland and many others.

St John Ambulance states that when a child stops breathing, only one in four parents know what to do. When 82% of people feel it important to know first aid and 80% are interested in first aid, surely this is as good a time as any to include first aid training in a number of elements, whether antenatal classes or our national curriculum, so that people who lack knowledge and confidence have that built up, so that they know they are not doing something wrong if faced with a situation where they need to perform first aid.

One of the best sources of information for the debate was the “save a life” survey carried out by Mother and Baby magazine, which we have become regular subscribers to. It found that 62% of parents said that knowing first aid skills would make them feel more prepared for parenthood and 57% said they would leave an injured child until an ambulance arrived, which is wrong. If we learn basic first aid skills, we can assist a child in those cases. It also found that 55% of parents said they lacked the skills necessary to save their child in the event of a life-threatening accident and 72% of parents would not know how to assist an unconscious child with CPR, or even deal with burns or scalds. Only 19% of parents interviewed—less than one in five—had been on a first aid course in the previous five years. We should change that, and thanks to my hon. Friend the Member for Truro and Falmouth having secured this debate, we can go forward on that.

In a number of years of marriage, I have found it is best to leave the final word to my wife. When I told her that I was to speak in this debate and what I was to say on training for new parents about infants, she said, “You don’t want to have to do it, but having the knowledge is reassuring.” That is how we should go forward. We should ensure that my wife, and all parents in Moray, in Scotland and across the UK, have that knowledge to save a child’s life if required, even if we never want them to have to use it.

2.58 pm

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I congratulate my hon. Friend the Member for Truro and Falmouth (Sarah Newton) on securing this important debate. She has been a champion of raising awareness to reduce avoidable deaths through working with the UK Sepsis Trust—sepsis is also a major killer of adults and children—and I am delighted that she has now lent her voice to the cause of infant first aid training for parents. As a paediatric consultant, this is an issue close to my heart.

My hon. Friend highlighted the alarmingly high number of cases where something could have been done to prevent a child’s death: 21% according to the Royal College of Paediatrics and Child Health. I should declare my membership of that organisation. Working on a children’s ward for the last 15 years, sadly I have seen far too many of those 21%. However, I have also seen children whose lives were saved by passing members of the public, as was described earlier in the case of Rowena, by doctors or health professionals, or by visiting family members who just happened to spot something and were able to help.

My hon. Friend the Member for Truro and Falmouth powerfully described a case of a child choking. As we approach Easter and then summer, mini-eggs and grapes
are particular culprits. Advice should include how to manage a choking child, as well as simple measures to prevent choking. Chopping up grapes into little pieces, sitting down while eating and not running about with things in the mouth are helpful in preventing choking, but it can still happen to anybody, young or old, at any time. We should all know some of the manoeuvres that can help, such as the one my hon. Friend described in the case of the baby choking. The baby should be held face down across the adult’s legs, so that the baby’s head is lower than the adult’s knee, and blows should be applied to the baby’s back, between the shoulder blades.

That sort of information does not take long to learn, but can have a huge impact and can be responsible for saving somebody’s life. The information is already provided to a number of parents. I have delivered infant first aid to parents whose children have been in hospital. Each of the neonatal units that I worked on in the midlands provided first aid training to parents before they left hospital, in part because pre-term babies are more vulnerable when they have just left hospital and in part to provide parents with the confidence to manage very small babies when they go home, as was described by my hon. Friend the Member for Moray (Douglas Ross). Training is also provided routinely to parents who have had a child die in the past, but obviously we want to look at prevention.

The hon. Member for Belfast South (Emma Little Pengelly) talked about contact with health visitors and midwives. Evidence shows that parents are particularly receptive to messages about healthcare and first aid when they have just had their baby or when they are expecting their baby, as my hon. Friend the Member for Moray mentioned. That is a time before life becomes really busy, when one can reflect on the joy that is to come and be well prepared for it.

There are lots of opportunities for first aid training to be provided. There are antenatal classes, where training can be signposted or provided, as well as nurseries. I strongly believe that the practical advice should not just include what to do when things have gone wrong, but how to stop them going wrong in the first place. My hon. Friend the Member for Moray mentioned burns. I remember the case of a child who walked past a lit candle; it caught her dress and she got severe burns to her whole front. In that case her mum knew what to do—drop her to the floor, roll her over and stop the burning—and treated the situation appropriately, but even so the injury was severe and could have been prevented if the candle had not been left on such a low table.

Using seatbelts and car seats are among other simple measures that we know we should to do. One major cause of preventable deaths in children is drowning, so there should be simple advice about making sure that children are not left unsupervised around open water. I have seen this particularly in situations where there has been open water and a group of people, often at a big family event, where everybody is looking after the child but there is not one specific person watching to see that they do not end up in the water. At one of my children’s christenings, I was upstairs in a bedroom on the other side of the house when I saw from the window that a friend’s little boy had gone towards the small pond we had in the garden and that he was on his own. I ran downstairs and was fortunate that he had not gone into the pond by the time I got there. My husband was out with a digger the following day getting rid of the pond. It was not worth the risk, but if people have such ponds they need to be carefully managed. I have certainly seen children drown in those situations.

Jim Shannon: One thing that can be neglected in homes is fluids in cupboards. Years ago, when we were younger, fluids were kept in lemonade bottles and similar containers, and children did not realise that. I well remember when my second boy was very young—he was the one who everything seemed to happen to—he managed to get a gulp or two of Brasso. He had the shiniest backside that any child ever had, but that is by the way. It can easily happen that a fluid can be drunk or absorbed by a youngster. We need to take steps in our own homes to ensure that all fluids are under lock and key, wherever they may be.

Dr Johnson: I take the hon. Gentleman’s point about fluids. I noticed when I bought some washing detergent last week that the lids now have a clasp that is especially difficult to open, so children cannot consume those little bubbles. No one is ever perfect; I know that if I looked for hazards to my three children in my own home they would be there. So far, thank God, I have been lucky and I hope that will continue, but we can all do things to reduce risk.

I am glad that the Government are committed to ensuring that all early learning staff have first aid training, but it is time that they did the same for parents. Since 2016, all newly qualified level 2 and 3 early years staff must hold a current paediatric first aid or emergency paediatric first aid certificate. The Millie’s Mark quality scheme, which was commended by my hon. Friend the Member for Cheadle (Mary Robinson), was also launched in 2016. It requires childcare providers to train 100% of their staff in paediatric first aid, not just to have one trained person on site at any one time. The 300th nursery gained Millie’s Mark last summer, which was a cause for celebration, and I am proud those nurseries include Dappledown House Nursery and Appletree Corner Daycare in my constituency. My son’s nursery has offered parents first aid training in the last couple of months, so the message is getting out there and that needs to continue.

The efforts to provide safety in schools should now be matched to provide safety in the home. The time and financial investment needed to provide that is small. It costs £30 for two and a half hours of invaluable training on some of the most common causes of avoidable death, including choking, and ways of providing resuscitation. Providing preventive medicine is one of the best investments we can make. As well as avoiding tragedy, it takes pressure off our NHS services, which are facing ever-increasing demand. It is the right thing to do for both our children and our country, and I am glad to lend my support to this cause today.

3.7 pm

David Linden (Glasgow East) (SNP): The hon. Member for Strangford (Jim Shannon) is telling me that I will get endless amounts of time, but I will not indulge the House and will try to be relatively brief.
It is, as always, an immense pleasure to serve under your chairmanship and to see you here today, Mr Hollobone. Can I, as others have done, congratulate the hon. Member for Truro and Falmouth (Sarah Newton) on securing the debate? I always thought she was a conscientious Minister. I was annoyed that the week she resigned I had had a productive meeting with her about taking forward some changes to regulations. I hope the Government will appoint a new Minister soon and that we can follow that up. In one respect it is sad that she has left Government, but, as Members have said, it is good to see her on the Back Benches pursuing this issue. We wish her well, not just for this campaign but for her future time here.

In opening the debate, the hon. Lady spoke movingly about the story of Rowena. There was something incredibly encouraging and powerful about the story, which leads us to think about how many of us have received infant first aid training. It certainly gave a lot of us food for thought. Her asks of the Government are modest. She is not asking for billions of pounds of spending—perhaps if her colleagues from the DUP did it, they might have more success—but in all seriousness, she is looking for a modest change. I hope that the Minister is taking note and will take that back to the Department.

The hon. Lady was right to highlight the fact that it is great that organisations such as St John Ambulance and the Red Cross offer training on a commercial basis—they are charities and they have to cover their costs—but it is a bit sad that people have been asked to pay £30 or £40. As the hon. Member for Moray (Douglas Ross) highlighted, it is not just the cost of the courses that must be considered; if people travel to Edinburgh, Dundee or Aberdeen there are travel costs as well, which will be more than £40. He was right to put that on the record.

When we discuss the health service, I try to focus on the preventive spending agenda. As the hon. Member for Sleaford and North Hykeham (Dr Johnson) said, this idea backs up preventive spending. If we empower parents and give them first aid training, it means that fewer people will present at accident and emergency at hospitals, and that can only be a good thing further down the line. There is a safety aspect to the argument, but also an economic aspect. The hon. Lady was right to put that on the record.

We had interventions from the hon. Members for Morley and Outwood (Andrea Jenkyns), for Henley (John Howell), for Cheadle (Mary Robinson), for Belfast South (Emma Little Pengelly) and for Strangford. We also had two excellent contributions from the hon. Members for Moray and for Sleaford and North Hykeham. As we know, the hon. Member for Moray has become a dad recently and has joined the club of dads who are also MPs. I know that he will be having sleepless nights at the moment. I sometimes tell my wife that I come to Westminster for a rest and a good night’s sleep. I am sure he is doing that as well.

A new parent spends so much time preparing for the arrival of a child, whether it is painting the nursery or getting the pram, but we miss out something as basic as first aid for infants. We now have two children, one of three and one of six months. Jessica was born in September. I had moved into a new house and was bolting drawers and wardrobes to the wall. As I was listening to this debate, I thought about how I spent so much time thinking about how to bolt IKEA furniture to the wall and yet I have done no first aid training, which is absolutely bonkers.

The hon. Member for Moray is right to say that there is a tremendous opportunity at antenatal classes. I know that the hon. Member for Truro and Falmouth does not want to be too prescriptive, but it is certainly something that we should look at in Scotland, and I would be happy to work with the hon. Gentleman on making representations to NHS Scotland. He was right to put on the record the case of Dr Gray’s in Moray. Every time I have spoken in these debates and mentioned it, I get in trouble for not trumpeting the Scottish Government line on it, but as a constituency MP he is absolutely right to put it on the record. He is a powerful champion for his constituents and it is good that that is on the record again.

The hon. Member for Sleaford and North Hykeham spoke with her professional expertise as a paediatric consultant. I have the great pleasure of chairing the all-party group on premature and sick babies—something that I will talk about later. As for paediatric consultants and neonatal staff, certainly in my experience of two occasions, we see those guys as gods when we are on the neonatal units, so it is really encouraging to have the hon. Lady in the House using her professional expertise in this debate. She was right to put on the record some of the public health messages that we as politicians can get out to our constituents, whether it is about cutting up grapes or highlighting the dangers that come up around Easter with mini-eggs.

One of the reasons I was asked by my party to sum up the debate is because I have a personal interest in the subject. I have two children, both of whom were born prematurely. On both occasions, there was a stay in the neonatal intensive care unit. We had two similar but slightly different experiences, the second of which was in September when my daughter was born and spent almost a month in hospital. She came home on oxygen and is still on oxygen at six months old. She gets it 24 hours a day. Before leaving the hospital, we were given an excellent document from the charity, Bliss, “Going home on oxygen”. Before we got that document, we had done the car seat test. For my daughter to leave hospital, she had to be able to be in a car seat for an hour to make sure that she did not stop breathing. The last thing that we did before taking my daughter home was to practise CPR on a dummy, which is an incredibly stark experience. On the one hand, you are there as a dad getting to take your daughter home. You have been on the neonatal unit and have put all of your trust in the staff, but you have to go home. As I was preparing for this debate, it struck me that it is good to provide CPR training and to practise on a dummy, but even now we are not yet at the stage where we have had the full infant first aid training course.

I congratulate the hon. Member for Truro and Falmouth on securing this debate and moving the issue up the agenda. There is much that we can do, even if it is simple things such as making sure we use our voices as politicians to encourage training. Her asks are very modest and she certainly has our support to further the agenda.

3.14 pm

Julie Cooper (Burnley) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Truro and Falmouth (Sarah Newton)
on securing this important debate. The subject has had a lot of attention in the news recently, but not much attention in this place. Having listened to the speeches and talked to colleagues across the House, I do not think there will be much disagreement here today. The fact that there are not many Members here says more about the subject than it does about any other business in this House, important as it is: any Member seeing the title of this debate might say, “It’s a no-brainer. What is there to talk about? Of course it is something we support.” It is important to put these things on the record.

Members have talked about their personal experiences as parents and grandparents—I am sure we all want to congratulate the hon. Member for Moray (Douglas Ross) on the new addition to his family. People have spoken movingly about their own children and grandchildren. As a parent and a grandparent—I am going to be a grandparent again next week—I am reminded of how important the subject is, and we ought to give proper consideration to it. This debate gives us that opportunity, so I am grateful to the hon. Lady for securing it.

John Howell: As the hon. Lady rightly says, a lot of people have spoken from personal experience, but we as MPs have a role far beyond that—we are champions in our own constituencies. Does she not think that we should take the lessons learned and go out and make these points very forcefully in our constituencies?

Julie Cooper: I am grateful to the hon. Gentleman for that important intervention. I shall certainly speak with a loud voice about the subject in my constituency, and I encourage all Members to do the same.

The other point made by the hon. Member for Moray was that access is not easy. In preparation for this debate I checked up on access to training courses for my constituents and found that, even though I represent an urban community, it involves a 60-mile drive or a long train journey on a slow, rickety train line. That presents a massive barrier to my constituents accessing such training. I totally take the point that the hon. Gentleman makes, and I agree with him entirely.

The safety of our children is and always should be paramount, and it is therefore important that, in the event of an obvious health emergency, parents have at least a basic knowledge of first aid so that they can take action before professional help arrives—actions that might save the child’s life. The hon. Member for Truro and Falmouth made a strong point about how it is important that parents are trained to recognise the symptoms of what can be serious diseases, such as sepsis and meningitis. It would be useful if parents were equipped to recognise the symptoms before they decide whether to call 999 or take their child to hospital, because knowing how to spot the symptoms really does save lives.

First aid, as the term suggests, is the first medical attention that a person receives after an accident or during a medical emergency. Despite what many people have been led to believe, first aid does not have to be delivered by medical professionals—we have established that. A person’s chances of surviving a medical emergency are increased dramatically if a member of the community can respond with first aid immediately. What happens in the crucial minutes after someone dials 999 or the NHS’s 111 and before professional help arrives can be the difference between life and death. The British Red Cross reported that close to a quarter of infant deaths could have been prevented had there been a qualified first aider on hand, and who better to be trained than the parent?

Dr Caroline Johnson: A few weeks ago I was walking to a parliamentary event across the square, and I came across a man who was unconscious and not very well. When I called 999 for an ambulance, I noticed that the ambulance operators who answer the phone provide detailed and step-by-step advice to callers about what to do. That is a beneficial thing to note.

Julie Cooper: That is an important point. I have been on the receiving end of that with a family member, waiting for an ambulance and listening to instructions. Nevertheless, I appreciate that having the confidence to follow those instructions, particularly with a young child, might go a little beyond that.

This is about re-teaching people about what they think they know. There is a lot of so-called knowledge out there among people who think they know first aid, but that is often based on what they have seen in the media, which sometimes puts style before substance. In fact, procedures shown for dramatic effect often bear little resemblance to safe first aid. Furthermore, carrying out procedures without proper training might do more harm than good. First aid for babies is also vastly different from first aid for adults and other young children. Such important matters should be regarded as key parenting skills.

All parents, irrespective of their ability to pay, should have access to high-quality first aid training as a priority. Access to first aid training is about more than skills; it is also about building confidence and resilience. The British Red Cross surveyed a group of people it had trained in first aid, and asked whether they felt the training had contributed to their personal wellbeing. Three quarters of the respondents said it had made them more capable and more reliable in an emergency, and half said it had made them more determined and better at finding their way out of difficult situations.

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bathes and children between the ages of six months and three years. However, the Red Cross reports that, when questioned, 66% of parents had not been taught to recognize a febrile seizure, and 65% did not even know what one was. The baby and first aid course gave Leanne the knowledge and skills to act, but most importantly it also gave her the confidence. She said:

“I’m grateful that I had attended a baby and child first aid course which meant I knew what to look out for and how to deal with a febrile seizure.”

Because of her first aid knowledge, she felt calm and able to act for her daughter.

We have heard many examples of such events, and we are grateful to the hon. Member for Sleaford and North Hykeham (Dr Johnson) for sharing her expertise. People in the wider public often talk about MPs living in a bubble or ivory tower, but the hon. Lady’s expert and practical knowledge demonstrates yet again that Members of Parliament are in touch and know what is happening out there. As the hon. Member for Henley (John Howell) said, it is right and proper to use our position to spread that knowledge and champion causes such as this.

In 2014, Mumsnet sponsored 20 mums to take part in British Red Cross baby and infant first aid training. All the mums rated the training highly, and one said:

“I really enjoyed the course as every single thing discussed could easily relate to me and my children. All the videos of real-life scenarios really brought it home how easily these things could happen, but now I feel confident and that I could make a real difference to the outcome, and would feel so much more knowledgeable on what to do in an emergency situation.”

As we have heard, there are many different providers of first aid training for parents of infants. I specifically mentioned the British Red Cross, and other hon. Members have mentioned St John Ambulance, which offers first aid courses designed specifically for babies and children. There are also local providers, such as the one championed by the hon. Member for Truro and Falmouth. In addition, the NHS provides an online app to support parents with first aid for their infants. One parent said:

“Although you could read everything on the app and watch the videos for free, I think doing it in a class environment really makes you take it all in. It will also make you feel more confident if you were ever to need to help someone or your own child.”

As the Secretary of State for Health and Social Care often reminds us, technology in the NHS is helpful, but it is not a substitute for services delivered by real people. In terms of first aid provision for parents, such apps can be useful to reinforce training given in a class setting, but they should not be seen as a substitute.

Dr Caroline Johnson: The hon. Lady is generous in giving way. Does she agree that both technology and face-to-face contact have their benefits and can be combined? A “sim” dolly is an electronic version of a resuscitation dolly, and when supervised resuscitation is provided to a baby, it provides electronic feedback on whether compressions are deep or fast enough, as that can be measured electronically by the dummy itself.

Julie Cooper: I am grateful to the hon. Lady for her expertise in that technology, and such things can be used in combination with a class setting and training to support existing knowledge. I agree that, on specific occasions, such technology has an important role.

In terms of treatment, we lack consistency of provision and access. We have already spoken about distances to, and charges for, courses being a barrier for some parents. Shockingly, research showed that 95% of parents did not know what to do when shown three examples of life-threatening medical emergencies. Surely it is time to ensure that training is available for every parent in every region. I take the point that we ought not to be prescriptive, but in leaving things to local providers, we must ensure that no one falls through the gaps and no parent is missed.

The Royal College of Paediatrics and Child Health has warned that UK infant mortality levels are among the highest in the developed world. There are many reasons for that, but cuts to local child services, community health projects, and community midwives and health visitor roles have undoubtedly not helped. It is clearly desirable to ensure that this important provision is adequately funded, but a significant proportion of deaths could be prevented by ensuring that all parents are equipped with important first aid skills.

Of course, a parent first aider is no replacement for a health visitor or paramedic, but they can be the first line of defence when it comes to helping their children live longer and healthier lives. Informed parents can prevent unnecessary trips to the GP and inappropriate hospital admissions, and it is a shame that despite the support that community and parent first aiders provide to the NHS and families, they are barely mentioned in the NHS long-term plan. That is important because if the Secretary of State is serious about making the NHS the best health service in the world, and about having an NHS that promotes health and wellbeing through a focus on prevention, the Government must make first aid in the community a priority. Equipping parents to look after their infants is a good and important step.

Will the Minister take action to ensure that universal first aid training forms part of the antenatal care available to parents? This is about providing families and communities with the skills to step forward in an emergency so that tragedies can be avoided. Learning such skills can be the difference between a life saved and a life lost.

3.29 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): I join all colleagues in thanking my hon. Friend the Member for Truro and Falmouth (Sarah Newton) for bringing this important subject forward for debate. She has brought to it her characteristic good sense and made her case extremely well. I join colleagues in paying tribute to her work as a Minister. I must say that I had to work with her regularly when she was Minister for Disabled People and I miss her terribly, but if today is anything to go by, I am sure she will keep me busy from her position on the Back Benches, and I thank her for that.

I thank all hon. Members who have participated today, particularly my hon. Friend the Member for Moray (Douglas Ross), who brought his perspective as a new parent. If he will forgive my saying so, as he was articulating some of the things he learned, it brought home to me how new parents can be a bit like rabbits caught in headlights, thinking, “Oh my goodness, I’ve got this fragile thing, what am I to do?” Again, that brings home the need for parents to feel confident in looking after their newborns.
My hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson) gave a forensic exposition of the risks children face, and reminded us that we are equipping people with good, common-sense practical skills for things that can happen to anybody. She made her arguments extremely well. It is always a pleasure to listen to the hon. Member for Glasgow East (David Linden); again, he brought the subject to life beautifully with his own experience and spoke excellent common sense.

I am surprised to hear that the hon. Member for Burnley (Julie Cooper) is a grandmother, but that probably explains why she speaks from such a well-informed perspective. I am glad that she shared Leanne’s story, because it was a perfect example of how going through a course made that parent feel confident about how to deal with a child in distress, and helped her to understand exactly what the condition in front of her was.

Faced with such evidence, we can only do more to spread the news to parents that it is a good idea to equip themselves with first aid skills. From an NHS perspective, as the hon. Lady mentioned, if parents know more about their children’s conditions, there will be fewer visits to A&E and fewer visits to GPs, and that will make the NHS more effective. In a sense, what is not to like?

There are many providers of such products in the market. We have heard about St John Ambulance, the Red Cross and other local providers, and I would not want to favour one or other of them, beyond highlighting that those courses are available, as well as material on the NHS app. I hear what the hon. Lady says—that that is no substitute—but I tend to see these things as complementary. Today’s new parents are of the smartphone generation and want to access material via apps, and we must ensure that we have a good spread of information available to parents.

The death of any child is a tragedy, and the more we can do to support people to be the best possible parents, the better, because it is vital to the longer-term outcomes for the health and life chances of their children. I know my hon. Friend the Member for Truro and Falmouth gave of Rowena’s story and the fact that Rowena felt able to take someone’s child and help them because she had had that grounding. Such things can obviously go the other way, and none of us wants to be in the position of thinking, “What if?” or, “If only”. There is clearly every reason to encourage as widespread training in first aid as is possible.

My hon. Friend has a simple ask: she wishes the Government to fund a pilot project to generate evidence for a further roll-out of the project she has witnessed locally in Cornwall. The National Institute for Health Research welcomes funding applications for research into any aspect of human health, and any application will of course be judged in the normal way. Awards are made on the basis of the importance of the topic to patients and health and care services, value for money and scientific quality, so I encourage her and the team she is working with to apply for such a grant so that we can, as she says, demonstrate that the training has an impact on outcomes and provides better value for money for the NHS. It seems to me to speak for itself, but I encourage her to go through that process.

Julie Cooper: Can the Minister assure us that, if funding is achieved for such a pilot and the training is shown to be beneficial, the Government will commit to universal provision?

Jackie Doyle-Price: That will come down to the evidence base. The hon. Lady raised some questions about prevention in her speech. Following the long-term plan, we are working up our wider proposals for prevention, and we see interventions in the early years and childhood as extremely important, so we will look at what measures we need to take in that context. At this stage, I am not able to commit to universal provision of a particular product, but we need to look at how we can best equip parents with the tools to look after their children as well as they possibly can.

Every parent wants their child to stay safe. Frankly, my hon. Friend the Member for Sleaford and North Hykeham scared me to death with the risks she highlighted, because they illustrate just how easily any one of us could fall victim to an accident, and for a child that is especially the case. We know that unintentional injuries are one of the main causes of premature death and illness for children in England. To put a figure on that, every year in England 55 children under the age of five die from injuries in and around the home, which is 7% of all deaths of children aged one to four. That is pretty stark. We can factor on to that the 370,000 visits to A&E departments and 40,000 emergency hospital admissions in England each year because of accidents at home among under-fives.

Preventing accidents is part of Public Health England’s priority of giving children and young people the best start in life, and is an area to focus on. I was struck by

There is information on the NHS website with tips for new parents, including information on the signs of a serious illness in a baby or toddler, but it is important that health visitors talk through common conditions with parents. It is a question of confidence; it is about making parents feel confident that they know what is happening to their child and that they can do their best to help them.

That was brought home by the account my hon. Friend the Member for Truro and Falmouth gave of Rowena’s story and the fact that Rowena felt able to take someone’s child and help them because she had had that grounding. Such things can obviously go the other way, and none of us wants to be in the position of thinking, “What if?” or, “If only”. There is clearly every reason to encourage as widespread training in first aid as is possible.
the reference to choking, because that is a situation where knowing what we are doing can be the difference between life and death; by the time an ambulance has been called, it will be too late. There is much more that we need to do to educate people on how to deal with a child who is choking, because it is something that can happen to any child. We have all seen children excited and gobbling their food down, and with that obviously comes the attendant risk.

As I mentioned, health visitors are accessible to all parents and provide a trusted source of knowledge, advice and information. I want to make sure that we take full advantage of health visitors in that space. Through our work on early years, we are looking at what more we can do to support them, to make the most of that intervention. I am confident that if we make better use of that workforce, we can take a lot of action in this area, not least because parents find engaging with their health visitor less intimidating than they perhaps find medical professionals or anyone else; it is a relationship built up in the home. Health visitors are also the part of the scheme that deals not only with mum but with dad and the rest of the family as well, which is so important. Health visitors lead and support the delivery of preventive programmes for infants and children from nought to five years old through the healthy child programme, including by giving regular advice on accident prevention and links to wider community resources.

Julie Cooper: Does that mean that the Minister is committed to restoring the number of health visitors?

Jackie Doyle-Price: The hon. Lady will be aware that there has been a fall in the number of health visitors, following a peak in 2015. I am extremely committed to making sure that we have an ample supply of health visitors, because they are on the frontline of early intervention; they are an army. She will know that the NHS long-term plan, recognising that local authorities have borne the brunt of fiscal discipline in this area, explicitly says that we will strengthen the relationship between the NHS and local authorities in this space, because that is clearly good for health outcomes. I hope that that reassures the hon. Lady.

I could go on for much longer, Mr Hollobone, but I do not want to stretch your indulgence unduly. I thank my hon. Friend the Member for Truro and Falmouth for all her work on this matter and on raising awareness of sepsis. We will continue to co-operate in this area. I can tell her that Public Health England very much has this area on its radar, in terms of giving advice to parents on how best to look after their children. We will continue to work with the Royal College of Paediatrics and Child Health to establish a single, England-wide paediatric early warning system to improve the recognition and response of healthcare services to deteriorating children or young people across England in primary and community care, including in the ambulance service and hospitals. Information and advice to help parents recognise and respond to signs and symptoms of ill health are freely available.

We must continue to champion and promote this cause. I thank midwives and health visitors for their tremendous work—they play such an important role in this—as well as providers of first aid courses. I look forward to engaging with my hon. Friend further on this matter.

Sarah Newton: I hope, now that we are at the end of the debate, that the words on the Order Paper are beginning to make a bit more sense. It has been a fantastic debate, and I am grateful to the many Members who have come along today, particularly as there has been so much about Brexit in the main Chamber. That people have chosen to spend time here this afternoon underlines how important this issue really is.

It was great to hear from the parents in the room, including my hon. Friend the Member for Morley and Outwood (Andrea Jenkyns), and my hon. Friend the Member for Moray (Douglas Ross) and the hon. Member for Glasgow East (David Linden), who I congratulate on becoming new fathers and on being prepared to speak so personally and eloquently about their journey as parents. If as a result of this debate we have done nothing more than to make sure than they sign up to courses and tell all their friends who are also young parents to go out and do those courses, we will have achieved something.

I also thank the hon. Member for Burnley (Julie Cooper) for reminding us of the important contribution of grandparents. More than ever, grandparents care directly for babies and children, so it is important that they are also trained and feel confident, because things change over time. It is good to hear a grandparent’s point of view.

As my hon. Friend the Member for Henley (John Howell) rightly reminded us, we are all champions in this place, whatever our personal experience. Whether we are like my hon. Friend the Member for Seaford and North Hykeham (Dr Johnson), who brings huge professional expertise, or we are unqualified but passionate advocates for our communities, we have a very important role. I am sure that the my hon. Friend the Member for Henley will join my hon. Friend the Member for Cheadle (Mary Robinson) and the hon. Members for Belfast South (Emma Little Pengelly) and for Strangford (Jim Shannon) in leading campaigns in their constituencies to raise awareness of the courses and training that are available, so that more parents feel confident and able to identify the signs of serious illness or injury and to take appropriate action.

I am grateful to the Minister, whom I thoroughly enjoyed working with; I miss working with her. I will certainly take up her kind offer to follow up on the debate. I was particularly interested in her point about the NHS long-term plan and the important future for health visitors. I agree: when I was a new mum, the health visitor arriving each day was a really valuable service. That support from the health visitor was essential in starting me off on my parenting journey. I understand that the Minister is personally committed to developing that workforce, not only in numbers but in their range of skills, and that she is looking at what further roles they may play in providing this important training to new parents. Her suggestion that we work on that is really positive.

I will certainly take up the opportunity to evaluate the first aid courses that are available in my community in Cornwall and the impact that they are having not
only on families, but on our local NHS. My hon. Friend the Member for Sleaford and North Hykeham warns me that the forms can be very long and that it can be an arduous process, but we will certainly give it a go. I look forward to working with my hon. Friend to do what all of us in this room want: to make sure that parents of any age get the best possible support in starting that amazing journey of being parents, so that all their children grow up to be healthy and happy, and we avoid all preventable deaths and injuries.

Question put and agreed to.

Resolved.

That this House has considered infant first aid training for parents.

3.47 pm

Sitting suspended.

Non-stun Slaughter of Animals

4 pm

Mr Laurence Robertson (Tewkesbury) (Con): I beg to move,

That this House has considered non-stun slaughter of animals.

It is a pleasure to serve under your chairmanship, Sir Henry. I am grateful for the opportunity to speak on this issue, which is of concern to me personally, as well as many of my constituents and the wider public. I thank the British Veterinary Association for campaigning on this issue and its guidance ahead of this debate. I declare that I am an honorary member of the BVA, for which there is no reward other than regular contact, which is available to all hon. Members. Many constituents have contacted me on this subject, including quite a few from the farming community.

Like many other people I am a consumer of meat and an animal lover, and I do not believe those two positions are mutually exclusive. A discussion of the non-stun slaughter of animals must be based not on strength of feeling, but on evidence. Having considered some of the evidence, I feel that there is a strong case to be made for the banning of non-stun slaughter. The BVA believes “that slaughter without pre-stunning unnecessarily compromises animal welfare and that animals should be stunned before slaughter.”

Sir Greg Knight (East Yorkshire) (Con): Does my hon. Friend agree that the situation could be vastly improved in the short term by changing our labelling laws and requiring products to be labelled to show whether stunning has taken place? Does he further agree that one benefit of leaving the EU is regaining control of our food-labelling laws?

Mr Robertson: I agree with my right hon. Friend on both of those points. I will come on to say more about the former point; I suspect that I will be called out of order if I go too far down the latter.

Jim Shannon (Strangford) (DUP): Like the hon. Gentleman, I eat red meat regularly and I am also an animal lover. However, I do believe we can accommodate people. If we had the labelling to indicate whether stunning was used, people would have the opportunity to choose whether to buy that meat.

Mr Robertson: I agree with the hon. Gentleman’s comments.

Pre-stunning renders animals immediately unconscious and insensible to pain before they are slaughtered. In the absence of stunning, animals can feel the pain of the neck cut, experience a delay to loss of consciousness and experience the pain and distress of aspirating blood into the respiratory tract. While there is no nice way to end an animal’s life, many would agree that that is a particularly distressing account of the last moments of an animal’s life.

John Howell (Henley) (Con): I understand what my hon. Friend is saying about stunning, but unfortunately, it does not always work. Something like 26,000 cattle, 100,000 pigs and 9.5 million chickens are mis-stunned each year. How do we solve that problem?
Mr Robertson: My hon. Friend raises a good and important point. I do not pretend for one moment that the practice is absolutely perfect. It does need to be improved, but the objective should be to go down that road, rather than have animals slaughtered without stunning. He raises a perfectly good point.

Yasmin Qureshi (Bolton South East) (Lab): Is the hon. Gentleman aware that on many occasions stunning involves sending a very strong electric shock to the animal, which can suffer for about 20 or 25 minutes while it is being made unconscious, causing excruciating pain?

Mr Robertson: That should not be the case, but if it is, that practice needs outlawing as well.

Several hon. Members rose—

Mr Robertson: I will give way as often as I am requested to do so. However, I am not yet on my second page. I am sure you will agree, Sir Henry, that time is limited as this is a half-hour debate and we have already used five minutes. I will give way to the hon. Member for Penistone and Stocksbridge (Angela Smith), then the hon. Member for Ilford South (Mike Gapes) and then my hon. Friend the Member for North Cornwall (Scott Mann).

Angela Smith (Penistone and Stocksbridge) (Ind): I will be brief. Does the hon. Gentleman acknowledge that one way to deal with this issue is to look at labelling from the potential of blockchain technology, which could provide complete traceability within the system and help to identify those abattoirs that are identified as having those issues, thus putting consumer power at the heart of the process?

Mr Robertson: That is a good point. I will come on to say that all this needs discussing in detail.

Mike Gapes (Ilford South) (Ind): Many of my constituents have contacted me about this issue. Does the hon. Gentleman agree that the traditional methods of slaughter, which are used in the Muslim and Jewish religions, are in fact more humane than some of the modern practices, which either do not work properly or do not give due consideration to the welfare of the animal?

Mr Robertson: That point has been raised with me. Perhaps the hon. Gentleman has seen appendix one to the briefing from the BVA, which gives quite a bit of distressing evidence about the non-stun slaughter of animals. Let us try to move on.

Scott Mann (North Cornwall) (Con): I am grateful to my hon. Friend for bringing this debate and taking my intervention. Does he agree that many residents in my constituency want proper labelling—as has been mentioned—so that they can make a conscious choice about how their animals are killed? I am a great believer in labelling, and I hope that the Minister is listening. We should push for better labelling for slaughtered animals.

Mr Robertson: I agree entirely. That may be the compromise we settle on for now.

I do accept and understand that this is an emotive and sensitive issue, because it can overlap with religious belief. However, this debate is not about preventing people from practicing their faith. I do not want to incorrectly conflate non-stun slaughter with religious slaughter.

There are some misconceptions. For example, many people think that halal meat is all non-stunned. It is difficult to get exact figures, but I am advised that less than half of halal meat falls under that practice. However, shechita, the Jewish religious method of slaughter is solely non-stun. I am not concerned about expressions of religious belief, though I do think that our beliefs sometimes have to be tempered by the fact that we should not cause another living thing harm when that can be mitigated.

Giles Watling (Clacton) (Con): Are we not aiming for a civilised society in which we honour the meat that feeds us by giving it a good a life and as painless an end as possible?

Mr Robertson: I agree entirely. My concerns are therefore completely grounded in animal welfare. This topic is just one element of a wider debate we should be having on animal welfare at slaughter, including ensuring that the existing animal welfare standards that we have in place are met. I hope that we can encourage a sensible debate on this issue.

As a nation, we are increasingly concerned with animal welfare on a broad range of issues, and rightly so. The Government have an excellent record on animal welfare, responding to demands for mandatory CCTV in slaughter houses, addressing plastics in the oceans and tackling the illegal ivory trade. Today, we had a ten-minute rule Bill on animal sentience that will impose a duty on public bodies to have due regard to the welfare needs of animals as sentient beings when formulating or implementing policy. The Government are committed to doing that, so I ask them to consider some of the things that I am suggesting.

Consumers are rightly concerned about the quality of life of animals before slaughter, as my hon. Friend the Member for Clacton (Giles Watling) said. That also extends to concerns about the ending of animals’ lives, which is a concern for farmers across my constituency, who feel strongly that the animals they have carefully bred should not suffer unnecessarily in their final minutes. I therefore suggest that the Government look at banning non-stun slaughter, if they feel that the evidence points that way and that it would be appropriate. That is a position based on scientific evidence and supported by the BVA, the Federation of Veterinarians of Europe, the Farm Animal Welfare Committee and the Royal Society for the Prevention of Cruelty to Animals.

Naz Shah (Bradford West) (Lab): I am not suggesting that the hon. Gentleman is saying this, but does he agree that the truth is that the debate about banning slaughter has an impact on, and is correlated with, the rise in Islamophobia and antisemitism? It is used as a tool by Tommy Robinson et al. and by newspapers to propagate headlines such as “Halal secret of Pizza Express” and “Brit kids forced to eat Halal school dinners”. It goes into that area.
Mr Robertson: I am glad the hon. Lady excludes me from any suggestion of that. If anybody takes up the issue on that basis, they are completely wrong and ignorant of the debate—including the reasonable debate we are having in this Chamber.

Action has been taken by several countries, whether through a ban, clearer labelling or ensuring that production is based on demand. Slaughter without pre-stunning has been banned in Iceland, Norway, Sweden, Switzerland and Denmark. Other countries such as Austria, Estonia, Finland and Slovakia require post-cut stunning immediately after the incision if the animal has not already been stunned.

Andrea Jenkyns (Morley and Outwood) (Con): I thank my hon. Friend for securing this important debate. I have been a vegetarian for 20-odd years, which is why I support banning this method because of the animal rights issue. Does he agree that we must ensure that there are strict customs checks on animal products imported from third countries into the UK and that those products have the same high standards as we require from our farmers?

Mr Robertson: I agree with my hon. Friend’s important point.

As I was saying, a range of approaches are being taken and a ban would not be unprecedented. As we have already heard, there is considerable support for clearer labelling and for preventing the production of non-stunned meat beyond the needs of our domestic market. I ask the Government to consider the full range of approaches that has been taken across the world and, if they are not prepared to consider a ban, to investigate those other options.

Naz Shah: Does the hon. Gentleman agree that while we are having the debate, we must ensure—I cannot speak for the other countries that he named—that religious freedom that our democracy is so proud of? In this instance, we are talking about two religious communities, the Jewish community and the Muslim community, which are directly affected by the debate and what he is proposing.

Mr Robertson: I made it clear at the beginning that the debate is about animal welfare, and I certainly do not want to suggest what is right and wrong with regard to religion; the debate should not be seen as that in any way. I have given way an awful lot, so I will have to move on a bit. I was going to go through the EU law on slaughter, which is contained in a Council regulation, but I will have to speed up, otherwise the Minister will not have a chance to respond.

In response to the hon. Lady’s point, as I have mentioned, while some slaughter practices do not allow pre-stunning, in accordance with religious rites, some halal authorities consider that pre-stunning is permissible, provided that the stun does not kill the animal and that the animal could have theoretically regained consciousness. That is an important point, because many consumers of meat may not buy it if it is signified as halal because they believe it is from an animal that was not stunned. That represents an unnecessary loss to the market.

I ask the Government to address the evidence being put forward by organisations such as the BVA and RSPCA. There have been a number of stark illustrations, which I referred to earlier. I will not go through them all again, but I am happy to send hon. Members copies of the BVA submission if they would like.

In the absence of a ban, we could move forward in other ways. The first way forward is to look at over-production. If non-stun slaughter is to continue, I ask that we ensure that supply only meets demand and does not exceed it. For example, in Germany, abattoirs are permitted to slaughter animals without stunning only if they show that they have local religious customers for the request. To obtain that permission, applicants need to fulfil several requirements, including on slaughter procedure, species and the number of animals. I ask that the Government take steps to require abattoirs to illustrate levels of demand and issue licences on that basis.

A second way forward is to ensure that the supply of non-stunned meat is for domestic demand. I ask the Government to examine export patterns and consider whether the export of non-stunned meat from the UK reflects the intentions of the derogation from EU law. Again, I could give figures on how the export of non-stunned animals has increased considerably over the past few years, but time does not permit it.

A third way forward relates to the important issue of labelling, which several hon. Members have raised. It is essential for a number of reasons, including the misconceptions that people may have about certain products such as halal, and on the basis that consumers have a right to know where their meat comes from, how it was reared and how it was slaughtered. There is a wider issue about food labelling, and many people want the country of origin of food to be labelled more precisely and accurately. That can form part of the discussions about labelling.

Giles Watling: I thank my hon. Friend for his generosity in giving way. If we introduce labelling on stunned and non-stun meat in this country, will that not also send a message to countries where the actual torture of animals is a regular part of the slaughtering process? I speak of some of those places where dog meat is regularly consumed.

Mr Robertson: I agree with my hon. Friend that it could make a difference. I have cut short my speech considerably to allow other hon. Members to join in, which I certainly do not object to doing, but I could have provided more evidence for my points if I had had time—never mind.

There is a divergence of opinion on the issue, so I ask the Minister to consider holding a number of roundtable meetings with stakeholders, such as religious groups, farmers, vets and anybody else who has something useful to contribute, including perhaps hon. Members. I ask him to engage in the discussions about the process—I am sure he is already taking it seriously—to see whether we can find a way forward. No matter what people’s backgrounds, religions, or anything else, they do not want to see the unnecessary suffering of animals. I am sure he will engage with the subject, and I hope he will get people round a table to talk about it in great detail and see what progress we can make.

4.18 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): It is a pleasure to serve under your chairmanship, Sir Henry.
It is good to be involved in another well-attended animal welfare debate. I am mindful that I am spending more time with hon. Members—if not on Brexit, then on animal welfare—than with members of my family, but I would like to put it on the record that it is my daughter Jenny’s 13th birthday. I had to do it somehow; I called her this morning as well.

I congratulate my hon. Friend the Member for Tewkesbury (Mr Robertson) on securing the debate and on the tone with which he discussed the topic. It is an emotive issue, as we know, and I am grateful for the way in which hon. Members have sought to talk about it in an evidence-based way, whether raising opinions from a welfare or a religious perspective. That is to be welcomed.

Imran Hussain (Bradford East) (Lab): I thank the Minister for giving way and I also thank the hon. Member for Tewkesbury (Mr Robertson), who secured the debate, especially for his explicit and helpful statement at the outset that he did not intend in any way to impact on religious freedom or expression. Will the Minister confirm that, regardless of the outcome of the ongoing Brexit negotiations, the rights of the Jewish and Muslim faiths to have meat prepared in accordance with their beliefs will always be protected?

David Rutley: Yes, I can confirm that, but it is important that we have a discussion about these issues and I will come on to say how we can do that. However, since the 1930s we have had a tradition of respecting the religious rights of both the Jewish community and the Muslim community, and we will honour that tradition.

Let me try to make some progress, because I have heard a lot of people’s points and I want to respond. Of course, if there are interventions I will take them, but there is quite a lot to come back on from the interventions that have already been made. Perhaps I can try to rattled through and answer as many questions as possible.

Of course, the focus here is animal welfare concerns. My hon. Friend the Member for Clacton (Giles Watling) and the hon. Member for Strangford (Jim Shannon) contributed, and although I do not think that the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) said anything, I know that she is here with the hat on of concern about animal welfare. I am very proud that we have so many MPs who are interested in this issue, but the fact is that we have some of the highest standards of animal welfare in the world, and as we leave the EU we will improve them further.

The Government are taking action in a number of areas to further protect and ensure the welfare of animals, for example by increasing maximum sentences for animal cruelty tenfold, from six months’ imprisonment to five years’ imprisonment. We are also banning the use of electronic shock collars and third-party puppy and kitten sales, and we have already banned the online sale of puppies.

Andrea Jenkyns: Will my hon. Friend give way?

David Rutley: This will be the last one, because I want to get on to the substantive issues.

Andrea Jenkyns: I thank my hon. Friend for giving way and I will be very brief. I just want to commend the Government for what they have done regarding animal rights over the last few years. The Minister himself came to the Dogs Trust event that I organised last year. I am proud to be a Conservative because of the way the Government champion animal rights, and I thank them for that.

David Rutley: I thank my hon. Friend for that intervention. I am really pleased that the Conservative party is interested in this issue, and I am really pleased that the Labour party and the Scottish National party are taking an active interest too. This is a cross-party issue. We are trying to push through so much legislation and I know that there is frustration about just when we will be able to make it happen. I share that frustration, but hopefully hon. Members know, after all the debates that we have had in recent days, that we are working very hard to try to make these things happen.

Let me come back to the point about religious slaughter. On non-stun slaughter in particular, I restate that it is the Government’s preference that all animals are stunned before slaughter. However, as I said in answer to the hon. Member for Bradford East (Imran Hussain)—this relates to the comments made by the hon. Member for Bradford West (Naz Shah)—the Government respect the rights of Jews and Muslims to eat meat prepared in accordance with religious rites, while still permitting non-stun slaughter for religious rites, specifically for the production of halal or kosher meat. Since then, the rules governing religious slaughter have developed to provide additional protections to animals that are slaughtered in accordance with religious rites, while still permitting non-stun slaughter for Jews and Muslims.

When we discuss religious slaughter, it is worth bearing in mind that often in the case of halal meat the relevant Muslim authorities are content that the animal is stunned. Although we produce a significant amount of halal sheepmeat in this country, two thirds of it is from sheep that are stunned before slaughter.

Today there are both EU and domestic regulations that protect the welfare of animals at the time of killing. Within that legislation, there are additional rules for those animals slaughtered in accordance with religious rites, specifically for the production of halal or kosher meat. The primary aim of the welfare at slaughter regulations, which are based on a body of scientific evidence and advice from the European Food Safety Authority, is to ensure that animals are spared avoidable pain, distress or suffering at the time of killing, which was one of the key points that my hon. Friend the Member for Tewkesbury made in his very important speech.

The Welfare of Animals at the Time of Killing (England) Regulations 2015—WATOK—imposed stricter national rules for religious slaughter and provided greater protections than those contained in the EU regulation, which sets baseline Europe-wide standards. For instance, we prohibit the inversion of cattle for religious slaughter, which
some member states, such as France, still allow. This ban followed the 1985 report of the Farm Animal Welfare Council, which recommended that inversion be banned.

The hon. Member for Bolton South East (Yasmin Qureshi) raised concerns about mis-stunning. The official veterinarians of the Food Standards Agency will take enforcement action against mis-stunning.

Yasmin Qureshi: Will the Minister allow me to intervene on that point?

David Rutley: It will have to be a really quick intervention.

Sir Henry Bellingham (in the Chair): One last one.

Yasmin Qureshi: I thank the Minister for mentioning mis-stunning. Will he ensure that if there is going to be labelling, we are told on the label exactly the methodology adopted in the stunning?

David Rutley: That is an important point. Like my hon. Friend the Member for Tewkesbury, there are so many things that I would like to talk about to try to reassure people here. I will skim through them and then come back to that point about labelling. If I may, I will make that the last intervention, then I think I will be able to answer the other points that have been made.

Mary Glindon (North Tyneside) (Lab): Will the Minister give way?

David Rutley: Yes, of course, but that will have to be the last intervention.

Mary Glindon: My brother is a meat inspector; I will just make that clear. There is CCTV in all slaughterhouses now. Is that eliminating cruelty? Are the Government monitoring the footage?

David Rutley: That is spooky, because the next point in my speech was to say that one of the key things we have done in recent years—adding to the list of things that we have talked about already—is to add CCTV in slaughterhouses. That is a major step forward and it helps to deal with all the welfare issues that we have talked about today. It was introduced in May last year and I think that it is now effective in all slaughterhouses.

Let me just try to get to the most important part of my response to the debate. The hon. Member for Morley and Outwood (Andrea Jenkyns) talked about animals being imported into the UK and asked whether they should be slaughtered to UK standards. Yes, they should; it is a legal requirement.

The hon. Member for Penistone and Stocksbridge (Angela Smith) talked about blockchain technology and whether we could use it to improve traceability. Yes, I think the industry should consider that; indeed, it probably will consider it, as it considers how to move things forward.

The heart of the discussion today has been about labelling. I know, but I am just trying to answer the question, so I do not lose track of that point. We know that concerns have been voiced about meat from animal slaughter without stunning being sold to consumers who do not require their meat to be prepared in that way. The Government are clear that we want people to have the information they need to make informed choices about the food that they buy. The Government believe that consumers should have the necessary information available to them to make an informed choice about their food, and the issue of revised labelling is something that the Government are considering in the context of the UK’s exit from the EU, as I set out in a speech at the annual dinner for the BVA back in February.

It is important to note that there are other groups that want to know not only whether the meat is from a stunned or non-stunned animal, but what method of slaughter has been used. That will need to be considered in the wider review of labelling.

As I begin to wind up, it is important to recognise that the labelling of meat is something that we want to take a closer look at. I set out earlier that that will be part of a much wider review of labelling, which will include consideration of welfare standards, sustainability and, of course, safety for consumers. I also highlight that we want to go on respecting the rights of Jews and Muslims to eat meat that is prepared in accordance with their beliefs. However, in seeking to address the welfare standards and issues that have been discussed today, we will continue to explore ways to further improve the welfare standards for all animals, including when they are slaughtered.

Our next step—this relates to an important point that was made by my hon. Friend the Member for Tewkesbury—will be further discussion with a range of interested parties across the debate at a forthcoming roundtable meeting to talk through many of the issues that have been raised today. I think that that is the way we need to do things: talk about the issues and see what we can do to improve welfare, but at the same time respect religious rights. Labelling will be key, but we will continue to encourage an active dialogue with all interested parties as part of our wider objective to enhance our already world-leading animal welfare standards.

I will leave it at that, but I thank hon. Members for their important contributions to this vital debate.
Veteran Suicide

4.30 pm

Stephen Morgan (Portsmouth South) (Lab): I beg to move,

That this House has considered veteran suicide.

It is a pleasure to serve under your chairmanship, Sir Henry.

“I love my family but hate my life. I need help. I’m scared now it hurts.” Those are the words sent in an email to the mental health services by David Jonathon Jukes, who served in Northern Ireland, Bosnia, Iraq twice, and Afghanistan. David Jukes was incredibly brave, as is his wife Jo, who has given me permission to share his heart-wrenching story. Despite what he did for his country, Dave was let down in his time of need. He was let down in 1997, when he was diagnosed with post-traumatic stress disorder but still deployed to a war zone. He was let down in 2012, when he returned from Afghanistan and was not properly diagnosed with a personality disorder. He was let down in 2018, when his priority need was not properly recorded and he was forced to wait weeks to see a doctor.

Bob Stewart (Beckenham) (Con): I am horrified to hear that David was deployed if he had been diagnosed with PTSD. I am really surprised that that happened; I would not have thought any commanding officer would have sanctioned that. If the hon. Gentleman says that happened, so it did, but they should not have allowed him to deploy, because someone with PTSD can be a really big problem for his friends who he has to protect, as they have to protect him.

Stephen Morgan: I thank the hon. Gentleman for his intervention. I will carry on with my story, and explain a bit more about this personal case.

David was let down by the crisis team that turned him away because he was not in its records, and he was let down when a two-hour stand-off with eight police officers and two negotiators did not result in his sectioning for his own safety. He was let down by the home treatment team when it did not respond to 26 phone calls made by his loving wife, and refused to come out to support him. On 9 October 2018, David Jonathon Jukes, a veteran of five conflicts and a hero by anyone’s standards, took his own life. That truly harrowing tale is indicative of many other instances of veterans being forced to wait weeks to see a doctor.

Andrea Jenkyns (Morley and Outwood) (Con): I thank the hon. Gentleman for securing this important debate; we can see from the number of Members present how this topic touches people’s hearts. He has made the point about 58 veterans taking their own life. Does he agree that the mental health of our brave veterans should be a top priority for Government, and that the Ministry of Defence and the NHS need to work more closely together to ensure that veterans get all the support they need and to treat those who risk so much to protect us and our country?

Stephen Morgan: I thank the hon. Lady for her intervention, and she is absolutely right. There is more that the NHS and charities across our country can do, and I will say more about that later on.

I look forward to hearing views from colleagues across the House and working with them to improve the care given to the brave men and women who, day in and day out, put on their uniforms to keep us safe. I welcome today’s announcement of a £700,000 investment in veteran mental health in my Portsmouth constituency, following a long-running campaign by the Portsmouth News and local campaigners—a really good example of partnership working making a difference. However, there is much more that we need to do. No other job exerts the same control over a person’s life; no other job asks them to go into the line of fire. Our approach to veterans’ care needs to reflect those facts.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): This morning, I received a very heartfelt and upsetting email from two women married to two former British Army infantrymen. Both men have been admitted to psychiatric wards in the past six months; both have attempted suicide, or caused serious risk to their health. The women described the shortfall in health resources and the lack of specialist expertise in dealing with combat trauma as “catastrophic”, and they say they are fighting with all their might to keep their husbands alive and for the future happiness and life prospects of their families, especially their children. Does my hon. Friend agree that as well as supporting our brave veterans, we need to do everything we can to support their brave families?

Stephen Morgan: I thank my hon. Friend for that intervention. He is absolutely right. We should not have to fight for people to get the support that they need; it is imperative that they are given that support in their hour of need.

We need an approach to veterans’ care that reflects a number of facts. Exceptional grassroots organisations such as Forgotten Veterans UK and All Call Signs—representatives of which are here in force—have said that we need tailored, bespoke mental health care that is and supportive organisations suggest that there were closer to 100, if not more. Is it not the case that one challenge with this issue is that we do not have the data we need to assess the scale of the problem?

Stephen Morgan: My hon. Friend is absolutely right, and that is something I will be coming on to later. This issue transcends party politics, and for me, today’s debate is about cross-party co-operation.

Andrea Jenkyns (Morley and Outwood) (Con): I thank the hon. Gentleman for securing this important debate; we can see from the number of Members present how this topic touches people’s hearts. He has made the point about 58 veterans taking their own life. Does he agree that the mental health of our brave veterans should be a top priority for Government, and that the Ministry of Defence and the NHS need to work more closely together to ensure that veterans get all the support they need and to treat those who risk so much to protect us and our country?

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in line with the experiences of brave men and women like Dave, who have put themselves in harm’s way for our benefit. That is mirrored by the advice given by organisations such as Combat Stress.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I congratulate my hon. Friend on securing this important debate on veteran suicide. In the past decade, the number of new referrals to Combat Stress, the excellent organisation that he mentioned, has doubled; its helpline received more than 12,000 calls just last year. As my hon. Friend will be more than aware, it is estimated that one ex-serviceperson commits suicide every seven days. Does he agree that it is ridiculous that the Government currently refuse to collect any data on this widespread problem, so we cannot identify its full scale?

Stephen Morgan: I thank my hon. Friend for his intervention. He is absolutely right: we need that data so that we can understand the extent of the issue, and then do something about it.

Sir Mark Hendrick (Preston) (Lab/Co-op): I have recently been approached by two veterans who live fairly close to the barracks in my constituency, and who are very concerned about this issue. Dr Walter Busuttil, who is the consultant psychiatrist and medical director at the charity Combat Stress, has said:

“In the UK, coroners are reluctant to call something a suicide unless it is obvious. They will often go with a narrative verdict...Other countries record more accurate suicide studies.”

Is it not a fact that many suicides in the Army and in other forces are not recorded because of narrative verdicts?

Stephen Morgan: I thank my hon. Friend for that intervention. He is absolutely right. There is a stigma around this issue, and it is crucial that we learn from our allies; we can learn a lot from them.

The need for tailored care is exemplified by a survey commissioned by Help for Heroes, which found that nearly 30% of veterans are put off from visiting mental health services on the grounds that they believe civilian services will not understand their needs. Serious funding issues are also hindering the provision of care to veterans: only 0.07% of the £150 billion NHS budget is allocated to veteran-specific funding.

Ruth Smeeth: I am delighted that my hon. Friend is so articulately putting forward the findings of the Defence Committee’s report on mental health services and the needs we have. I am interested in the fact that only £10 million of the NHS budget was spent on these issues last year. One of the biggest challenges that Help for Heroes has identified is that the Ministry of Defence has a responsibility to look after veterans for only 12 months after they have left the service, but some veterans are only coming forward with these challenges five years later. Does my hon. Friend agree that the MOD’s responsibility for veterans’ care should continue for five years after they have left the service?

Stephen Morgan: My hon. Friend is absolutely right, and I thank her for her valuable contributions to the Defence Committee, which has raised a number of the issues. That figure that I mentioned is less than it costs to buy two Challenger tanks. That is what we are dealing with today. How can we expect to provide care for veterans like Dave when such an insultingly small amount of money is on the table? It is not just funding that is damaging development in this area; we are lagging behind in so many other ways.

Andrea Jenkyns: Will the hon. Gentleman give way?

Stephen Morgan: I am going to carry on. Canada, New Zealand and America are our allies and have similarly structured militaries and political systems. One thing we do not share with them is that their coroners record veterans’ suicides. How can we begin to address the problem if we do not know its true scale? Currently only one out of 98 coroners across England and Wales records the detail that the deceased in a suicide case is a veteran. That means the scale of the problem is unknown. Since my election, I have been working with experts in the field, such as All Call Signs and Combat Stress, which have been calling for the recording of veterans’ suicides. I hosted a summit on the matter in my constituency late last year.

Despite the cries from those who know best, the Government have repeatedly refused the requests, whose importance cannot be overstated. Current estimates project that the true figure could be as high as one ex-serviceperson killing themselves every seven days, but the problem is likely to be far worse, given that we do not have detailed recording. General Sir David Richards, former head of the armed forces, and Colonel Richard Kemp, former commander in Afghanistan, have called for coroners to start logging veterans’ suicides. That is absolutely right. As the Under-Secretary of State for Health and Social Care, the hon. Member for Thurrock (Jackie Doyle-Price), has said that “the Government could do better on tracking suicide rates among veterans”.

Grassroots expert organisations have been highlighting the importance of tracking those rates since their inception. As we heard earlier, the Defence Committee made it one of their key recommendations. When will the Government listen to the voices of those who know best and when will the Minister ensure that coroners begin to record the data? The disorganised, disjointed and disorderly approach to determining who is responsible for treating veterans, highlighted by Dave’s case, is an extension of the Government’s own ambiguity and confusion. When I tabled this Westminster Hall debate, that was exposed. Within 24 hours, two Departments had called me to express why they would be answering my questions, followed by an email stating:

“I believe there has been some confusion from our side and it’s confirmed that the MoD will be responding to the debate.”

With an issue of this magnitude, the Government should at least know who is responsible.

We can start making a change now. We cannot afford not to. The Government have initiated an inquiry into veterans’ mental health, but we need changes at the coalface now. We cannot afford to lose more of our servicepeople. I am committed to my party’s policy of a social contract for veterans, which incorporates a rounded approach to care that includes support for mental health, housing and retaining. That would begin with officially
logging the numbers of veterans who take their own life and would see veterans given priority when it comes to mental health services.

I started my speech by telling Dave’s story, and I will finish by quoting someone to whom the issue could not be closer. Dave’s wife, Jo Jukes, said:

“If coroners began recording veterans’ deaths, the MoD would be forced to accept there was a problem and have to do something. It is a major failing. We need a far more joined up approach to veterans’ mental health care.”

It is clear that the Government do not know how big the problem is because they do not have the data. Some have said they are hiding behind their ignorance. I hope the Minister will take on board the comments in this debate. I look forward to his response.

Sir Henry Bellingham (in the Chair): Before I call the next speaker, I note that we have nine applications to speak. I urge Members to keep their speeches as short as possible—perhaps three minutes to start with.

4.45 pm

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): It is a pleasure to serve under your chairmanship, Sir Henry. I pay tribute to the hon. Member for Portsmouth South (Stephen Morgan) for securing this debate. I agree with much of what he said. He is right to say that, historically, there has been a disconnect between what the MOD and the NHS do in providing better care for veterans. When I was a Health Minister, I worked with the then Minister of State for Defence, my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois), to improve mental health support, first aid training and other support and help available to armed services families. We also worked to support the MOD in better tracking veterans immediately after discharge from the services. I entirely agree with the point the hon. Gentleman made about one year not being enough.

To put the debate in context—it is important that we have the right evidence and data to support the making of informed decisions about veterans’ care—overall suicide rates for those serving in the armed forces are low, with the exception of males in the Army aged between 16 and 19. Evidence suggests that elevated suicide rates among 16 to 19-year-olds are related to issues such as Deepcut-type events and difficulties adjusting to life in the armed forces, as opposed to being deployment-related.

In the US, veteran suicide rates are definitely higher than population rates. There is no evidence to suggest that the rate of suicide among that group of veterans are any higher than those in the rest of the armed forces; in fact, there is evidence that the rate of suicide among those groups is lower than expected population rates.

We do not have reliable evidence for the more recent Iraq and Afghan conflicts—the hon. Gentleman alluded to that in his remarks. There is a lot of anecdotal evidence and evidence emerging from coroners’ reports, but anecdote is not hard evidence. We need to work much harder on that to ensure that we have the hard evidence to make the right decisions.

In terms of gathering that hard data, the announcement by the Minister, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), that the MOD has agreed to carry out definitive research by tagging all those who have served in Telic and Herrick is very much to be welcomed. That work is starting with defence statistics, but it is difficult to know how and when it will be completed—these days, it is challenging and bureaucratic to get data out of the Office for National Statistics, and that is hampered by general data protection regulation issues. However, the work that Professor Simon Wessely and his team at the Institute of Psychiatry, Psychology and Neuroscience are doing with the MOD will happen and should give us the answer. Hopefully it will build a strong evidence base for improving veterans’ care in future.

Finally, we need better to join up what happens when veterans leave the Army and register with the NHS. The current situation is not right, and we need to improve it. The MOD should compulsorily register veterans with civilian healthcare services when they are discharged from the armed services. To my knowledge, that does not happen, but it should happen routinely, because it would help serving men and women transition back into civilian life. It would also flag up to GPs that somebody is a veteran and has a serving record.

It is important that we get the data right. Anything that the Minister can do to help with the issues surrounding GDPR, make the ONS data more speedily available for population-based comparisons and support the work of Professor Simon Wessely and the IoPPN, would be greatly welcome.

4.50 pm

Dan Jarvis (Barnsley Central) (Lab): It is a pleasure to serve under your chairmanship, Sir Henry. I congratulate my hon. Friend the Member for Portsmouth South (Stephen Morgan) on securing this timely debate. He made an excellent speech, and has done the House a great service in bringing this matter to our attention.

I am conscious that time is short, so I will be brief. I was reflecting earlier on the fact that it has been some time since I last wore uniform and was on operations. Over the period since, there have been many times when I have remembered with absolute clarity the faces of fallen friends. Regimental reunions, Remembrance Sunday
and anniversaries all give pause for thought and cause to remember. In addition to those occasions, there are the unexpected triggers: a turn of phrase, an accent or someone’s gait when they are walking down the street. They can all prompt the memory of a comrade who is no longer with us.

That is the cost of combat and, to an extent, it is to be expected. However, what I did not expect is the roll call of new additions to that list of faces. It seems now that not a week goes by without the sad news of another veteran’s death—all too often, tragically, as a result of suicide. It is not because we are currently on major combat operations; we are not. It is because the impacts of the operations that we were on have lived longer in the memory, feelings and mental health of those who served than any of us could have expected.

Emma Little Pengelly (Belfast South) (DUP): On the length of time that it can take for trauma to manifest itself, we in Northern Ireland have had a number of useful research reports, some of which were authored by David Bolton, indicating that post-traumatic stress disorder, including among veterans, has sometimes not manifested itself for 10, 20 or even 30 years after active service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service. It would be useful for the Ministry of Defence to take those reports into account, and to learn from service.

Dan Jarvis: I am grateful to the hon. Lady for her intervention. She raises an important point. The truth is that veterans who suffer from PTSD often report the trauma that they experienced serving our country many years after. It seems to me, and I think that the public would completely agree, that as a country and a society we have a lifelong commitment to those people who stepped forward and served our country. We all understand the cost of that service, and we have a responsibility to look out for, and look after, those people for all their lives outside the armed forces.

I will end by reflecting on the fact that this Friday there will be a memorial service for a great comrade of mine—someone I served alongside in my regiment—who took his own life just a few weeks ago. The terrible problem of veteran suicide has never felt more real to me than it does right now. The fact that we, frankly, do not really understand the problem, or even its scale, has never concerned me more than it does today. My ask of the Government, and of the Minister, who I know takes these matters seriously, is a simple one: please give this issue the attention that it deserves, help us all to understand it better, and let us work together to address it.

Peter Heaton-Jones (North Devon) (Con): It is a pleasure to serve under your chairmanship, Sir Henry, and to follow the excellent contribution of the hon. Member for Barnsley Central (Dan Jarvis). I congratulate the hon. Member for Portsmouth South (Stephen Morgan) on introducing this important debate. He represents a proud military and naval city. Indeed, my connection with this issue goes back to his city, because my first job on leaving university was working in Portsmouth on the Fratton Road at the then Radio Victory, which, as its name suggests, had proud connections with the military background of the city.

That was 34 years ago—I know that colleagues will find that difficult believe. It was then that I, as a student straight out of university, started to learn about the difficulties military personnel face in proud cities such as Portsmouth, and how we as a society need to do more to help them. The hon. Gentleman’s contribution illustrated that extraordinarily well.

I stand now, though, as the Member for North Devon, and I will proudly speak about the connections between our county and the armed services. Devon has the highest number of veterans as a proportion of its population of any county in the UK, and we are extraordinarily proud of that. An estimated 100,000 veterans live in Devon, many of them in my constituency, where we have a proud historical connection with the military.

North Devon is, first and foremost, home to Royal Marines Base Chivenor. I am delighted to say that, in the last few weeks, the Minister announced a reversal of the plan to close that base, so it will remain home to the Royal Marines and a number of other armed forces personnel. We are extremely pleased about that in North Devon. Until recently, we also had an Army base at Fremington. In addition, there is a military establishment at Instow, and Barnstaple is home to the Royal Wessex Yeomanry. So we have active serving personnel, as well as a large cohort of veterans.

Sadly, it is estimated that almost one in six of our veterans has complex mental health needs—an issue that will no doubt grow in importance in the coming years. Mental ill health often presents itself in the form of post-traumatic stress disorder, but—this is one of my main concerns—it is, in many cases, an invisible condition. Not only do we, the state and the Government need to take greater notice, but society needs to change its attitudes too. That is something in which I take a particular interest—an interest that ranges across not just our former armed forces personnel, but many others who live with mental ill health.

I welcomed the Defence Secretary’s pledge last year to increase funding for armed forces mental health services to £220 million over the next decade. As we also heard last summer, NHS budgets across the board are increasing. That is a good start, but it all comes down to targeting. We need to be able to recognise those who need to receive that help and support, and we need to improve our understanding of the long-term impacts of active service and the changing nature of our veteran communities, which creates a further challenge.

As well as the work being done by the Government, an enormous amount of extraordinarily valuable work is being done by voluntary groups, charities and third-sector organisations. I will mention one in particular: the Veterans Charity, which is based in my constituency but does work very much across the country. Every May, the charity hosts an event called the “Forces March”, which has so far raised nearly half a million pounds to help the very people the hon. Member for Portsmouth South is seeking to raise the profile of this afternoon.

I say to the Minister that I recognise that a lot of good work has already been done. We need to keep working on this, and we need, as a society, to talk with pride about the service of our veterans, recognising that we owe them all the help and support that they need because of the service they have given us.
I fully understand why veterans feel so out of kilter when they leave service and return to civvy street. I believe sincerely that we must do more to help smooth not simply their occupational transition, but their social transition. Robert McCartney, the chairman of Beyond the Battlefield—he and I have met the Minister—constantly raises awareness of veterans’ daily struggle and of the need for more funding and support for those who have put their body and their mental health on the line for Queen and country. The fact is that they carry things they have seen with them for many years afterwards.

In a Belfast News Letter article just a few months ago, Robert McCartney said that 400 veterans attempt to take their own lives in Northern Ireland every year, and 30 of them actually do. He added that veterans who suffer from post-traumatic stress disorder and associated suicidal thoughts often fall through gaps in the safety net provided by the NHS and service-related charities.

He estimates that there are some 141,000 veterans in Northern Ireland, 12% of whom have some form of mental health problem. Some 10% of those who do—some 1,700—are currently in the health system. He said that leaves almost 9,000 veterans “who have been, or currently are, in mental health services in Northern Ireland.”

A recent survey of 400 GPs in Belfast found that there are between 300 and 450 attempted suicides by veterans every year, and that 20 to 30 people actually take their lives. Unfortunately, coroners do not record that formally. Not all deaths related to service take the form of a culminating suicide episode; some fall into the realm of death by self-infliction—by alcohol, prescription drugs or non-prescription drugs. Although Northern Ireland makes up only 3% of the UK’s population, it supplies 7% of its armed forces personnel. Some 15% of Northern Ireland personnel have been on the battlefield in the past 10 years.

Now more than ever, we need to put this matter on the frontline. The Minister has always been responsive, and I appreciate that very much. I thank him for meeting me and the chairman of Beyond the Battlefield. Supporting our veterans is as essential as providing education or free healthcare; it is an obligation, and it must be viewed as such. We should not provide support because of the feelgood factor; it has to be more than that. I again thank the hon. Member for Portsmouth South, and I look to the Minister for the response we need on behalf of our veterans.
I would like to take this opportunity to make some practical suggestions about prevention. Like many hon. Members, I visit Veterans Day events in my constituency every year. In the light of this debate, I wonder whether the Minister could make a formal request for all NHS trusts to have a presence at such events, which are a clear opportunity to signpost mental health support. The general principle that NHS services ought to reach out and embed themselves in existing veterans services and events is a good one.

Last year, I visited the Veterans Garage project on the outskirts of Manchester, which plans to convert a world war two airport terminal building into a base for classic car and motorcycle restoration garages, alongside a coffee bar with food. The base provides support for veterans who are suffering from recent combat stress and gives them a place to meet other veterans. The project also provides mental health support, and the garage equips people with skills to increase their employability. Crucially, it is rolling out a full advice service on a whole range of issues and has a counsellor with specific experience with PTSD on site. That is exactly the sort of embedded service I believe we need to see more of.

I know that time is short, so let me conclude by saying that we can and should do more. Those who serve our country deserve the very best support.

Sir Henry Bellingham (in the Chair): Thank you very much indeed for being so brief. I call Emma Hardy.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): It is a pleasure to serve under your chairmanship, Sir Henry. I, too, congratulate my hon. Friend the Member for Portsmouth South (Stephen Morgan) on securing this important debate.

Since my election, I have been pleased to attend the veterans Saturday club at the Marquis of Granby pub in Hessle. I have found the people there to be very warm, very welcoming, very robust, very opinionated, very challenging and very honest about the challenges they have faced since leaving the armed forces. In the brief time I have, I would like to mention the wives and husbands of those veterans. Care and support for them sometimes goes missing, but they, too, find it incredibly challenging when people return from service and face significant problems adapting to life outside the armed forces. Will the Minister talk about what support can be offered to veterans’ families?

Let me briefly mention an incredible man called Steve, who runs the Hull Veterans Support Centre. He is one of the unsung heroes of Hull. He is an incredible man. He is a veteran himself and is described as a father figure to so many veterans in Hull. He has given so much, at such great personal cost. He is also a cancer survivor, but that has not stopped him going out there to support veterans in Hull with accommodation and getting to appointments. He is changing people’s lives on the ground. I also pay tribute to Paul, who runs Hull 4 Heroes, and to that organisation for everything it does to support veterans to get back to some sort of normal life after life in service.

We need respect for veterans, but respect alone is not enough; warm words alone are not enough. I echo hon. Members’ calls for veterans to have access to Ministry of Defence mental health services for more than 12 months, because that is simply not long enough. I also call for those services to be made available to wives, husbands, children and the rest of the family.

Sir Henry Bellingham (in the Chair): Thank you very much indeed for being so concise. I call Paul Sweeney, who has exactly two minutes.

Paul Sweeney (Glasgow North East) (Lab): Thank you for calling me to speak in this critical debate on our national life, Sir Henry. I commend my hon. Friend the Member for Portsmouth South (Stephen Morgan) for speaking so touchingly and movingly about the cases he has had to deal with and the impacts they have had.

I will speak from my personal experience of friends who have served in the Army and how they have been affected. I have spoken about this issue several times in the last few months, because many of my friends and
people I know have been affected. Indeed we lost four Jocks from the Royal Regiment of Scotland in July and August last year through a terrible spate of suicides. We really worried about what that meant. Reflecting further, more than 70 veterans have taken their own lives in the last year, which is really worrying. The death toll exceeded the number of battlefield fatalities in 11 of the 13 years that British forces were operational in Herrick in Afghanistan. It is a worrying rate.

More than a third of those who took their lives in 2018 whose details are known had suffered from PTSD, so it is clearly something we need to deal with. I spoke to Combat Stress about the issue and most worryingly, many of those people—particularly those in the Royal Regiment of Scotland—had identified themselves. One of the men who tragically took his life, Jamie Davis, had been recording video diaries of his experiences, which are particularly haunting to watch in the light of what happened and knowing that he ended up taking his own life. The descriptions of the difficulties that he encountered are harrowing, but they are not unfamiliar from what we have heard in the debate.

It is critical that we now recognise the urgency of the situation. More than 100,000 people have served in Iraq and Afghanistan in the last decade. This is not about veterans of the world war two generation, but about people in my peer group—people in their 30s and 40s—who served in those theatres and have suffered terribly as a result of losing their friends. I think about some of my friends I lost in Afghanistan, and I recognise the impact that that can have. This is critical, and the care review and the mental health review that the Ministry of Defence suggests do not go far enough. We need more grip around this, we need a proper casework service, and we need proper and more robust engagement as a matter of urgency.

Sir Henry Bellingham (in the Chair): I am grateful to colleagues for showing restraint and being so concise, and also for making very moving contributions.

6.3 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Sir Henry. I thank and congratulate the hon. Member for Portsmouth South (Stephen Morgan) on bringing this crucial debate, and on speaking so eloquently and poignantly of the harrowing tale of our services’ failure of his constituent, who continually reached out for help, only to find that it was not there when he most needed it.

We heard that 50 veterans took their life in the last year, but that that is probably an underestimate of the impact on our veterans; clearer data is needed. I have to say again that any veteran who is at the point of harming themselves or who takes their own life is a failure of our system. Much more must be done to address that.

I thank all hon. Members who took part, and I cannot help but notice that there is such vast experience on this issue in the House, including among those who have served themselves; those who have supported the care of those who served, through their work in the NHS and other services; and those who are supporting their constituents with mental health issues. Men’s mental health was raised again, and that is especially important. We cannot raise that enough. We must reduce stigma and ensure that people feel able to come forward and access services when required.

I declare an interest, in that my husband served in the armed forces in the Corps of the Royal Electrical and Mechanical Engineers, including in Bosnia, and he suffered a head injury during his service that still affects him to this day. We know as a family how crucial it is that support is there for people when they need it at the point of leaving the armed forces and coming into civvy street. It is very difficult to adjust and gain understanding from those who have never served, so, as has been said, services must be bespoke and involve those who understand what it is to serve, putting themselves and their families’ future on the line at the same time.

I do not often pay tribute to my husband, but I will do so today. He has adjusted and now he has been elected as a councillor in South Lanarkshire. I am proud to say that he is our veterans’ champion. He wants to give back as much as possible to those who have come through the service. I also pay tribute to Veterans First Point in Lanarkshire and ask hon. Members please to sign early-day motion 1985, which pays tribute to the bespoke services it provides to veterans locally. It was launched in Lanarkshire in 2016 and so far has helped 400-plus veterans in aspects of welfare, housing and mental and physical healthcare. Access to psychology support by those specialist in this area is crucial, and I pay tribute to all those working in Veterans First Point across Scotland, in SSAFA, in Combat Stress and in all the other organisations we need to provide the care that is required.

Veterans First Point provides a tailored, bespoke service. Where there is such best practice, will the Minister try to look at it across the United Kingdom, work with other organisations and ensure that it is rolled out in all areas, so that there is not a postcode lottery, in which particular veterans fall through the net? We cannot allow that to happen. We have heard that the figures provide an underestimate, so it is crucial that we have better data. What can be done to take that forward timely to ensure that we are doing all we can?

We know that PTSD develops over time; indeed, part of the diagnosis is that symptoms continue for more than six months. Services therefore need to be available past the 12-month period, up to a number of years, because often people do not develop symptoms until many years after they have left the armed forces.

The Scottish Government have a Scottish Veterans Commissioner to ensure that veterans never face disadvantage, with a remit to improve outcomes for all veterans. Local councils and health boards also have veterans’ champions, as I have mentioned.

I thank everyone for taking part in this cross-party debate, which we all feel very strongly about. We must give priority to our veterans and ensure that we do not fail them, as they have put their lives on the line for us.

6.8 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): What a pleasure it is to serve under your chairmanship, Sir Henry. I, too, congratulate my hon. Friend the Member for Portsmouth South (Stephen Morgan) on securing the debate on an extremely serious matter and
delivering a thoughtful, compassionate speech in which he outlined the circumstances of his constituent, David Jukes, and his experience of a multitude of failures. There is obviously a need for more to be done to support veterans’ mental health.

Time does not permit me to go into the detail of the various speeches we have heard this afternoon, but I add to the comments of others and thank all those who have contributed—namely, my hon. Friends the Members for Barnsley Central (Dan Jarvis), for Plymouth, Sutton and Devonport (Luke Pollard), for Ellesmere Port and Neston (Justin Madders), for Kingston upon Hull West and Hessle (Emma Hardy), for Great Grimsby (Melanie Onn) and for Glasgow North East (Mr Sweeney), and the hon. Members for North Devon (Peter Heaton-Jones) and for Strangford (Jim Shannon). I think that covers everybody. They all made passionate speeches, bringing their own experience to the debate.

The vast majority of ex-service personnel, as we know, have good mental health, but as we have heard from several hon. Members today, and as I have experienced in my constituency, there are challenges for too many people and heartbreaking cases such as those we have heard about, where veterans choose to take their own lives. We know there are no comprehensive figures for veteran suicides in the UK, as coroners are not required to record whether the deceased was a veteran. The Defence Committee has rightly recognised that collating and recording that data would enable the Government to identify whether there are particular groups of veterans or particular locations where more effort is required to prevent such tragic events from occurring. Will the Government consider ensuring that coroners record that important data, which would allow more targeted and necessary interventions?

Despite the lack of official data, veterans’ organisations and campaigners have estimated that 58 veterans took their own life last year, at least one third having suffered from post-traumatic stress disorder. We can all imagine the actual figures must be much higher. While veterans’ organisations offer much-needed aid to veterans who are struggling—I pay particular tribute to the group All Call Signs, which is represented here today—many others, such as Combat Stress, have admitted they are finding it difficult to cope on their own.

The Government have put money into this area recently, but it is not just about money. A recent Defence Committee report recognises:

“Despite...improvements, there is no doubt that some serving personnel, veterans and their families who need mental health care are still being completely failed by the system”,

as in the case that my hon. Friend the Member for Portsmouth South highlighted from his constituency. What thinking has there been in the Government about establishing a cohesive, joined-up strategy to deal with this huge challenge? Will the Government commit to implementing in full the recommendations in the Defence Committee report?

It is fair to say that our armed forces are known throughout the world for their skill, their renowned training capabilities, and the fact that they are highly skilled soldiers, sailors, and airmen and women. However, the Government do not always apply the same vigour to helping servicemen and women to transition back into civilian life. While many service personnel make that transition successfully, some none the less encounter serious problems, and there is growing evidence that that is the case.

According to a recent report by the armed forces charity SSAFA, 77% of veterans polled, all of whom had sought help from the charity, said that they felt they were not fully prepared for civilian life, with 19% saying that the resettlement package failed to provide them with suitable skills or qualifications to find a job. What efforts are the Government making to improve transition to civilian life, given some of the issues that we have heard about today relating to mental health and homelessness, and the whole package to aid that transition?

Finally, it is important that we recognise, as some hon. Members have already done in the debate, the impact on veterans’ families. Recent research by the Forces in Mind Trust found that greater awareness is needed of the challenges that families face, and the Royal British Legion has said that armed forces families have specific mental health needs. I ask the Minister to clarify that. This is a sensitive issue, as we are all aware, but I am sure we all agree that it is one that needs further support, so I look forward to the Minister’s response.

Sir Henry Bellingham (in the Chair): Many thanks for being so brief. I now call the Minister, and I would be grateful if he could try to finish by 6.21 pm.

6.13 pm

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): I fear 6.21 pm does not leave enough time to do justice to what has been an incredibly important debate. It is a real honour and a privilege to speak on behalf of the Government on such a critical issue, and I congratulate the hon. Member for Portsmouth South (Stephen Morgan) on raising it. We can see from the number of hon. Members who are present and have contributed why it is important that we get this right.

There has been, I think, a modicum of consensus—certainly more in this debating chamber than the one we just came from, having been interrupted by the Division bell. I hope I can express the feeling in Westminster Hall by saying to all those veterans, “Thank you very much for your service; the nation is truly grateful.” I also thank those who endeavour to provide support to those veterans and their families. It is an indication of the society we are that we look after those people not only when they are in uniform, but once they retire.

I have scribbled a lot of notes, but I suffer from the fact that I now cannot read my handwriting. I will do my best to answer hon. Members’ important questions. There were some themes that developed. As always, I will write to hon. Members with more detail in response to the points they raised.

We are all familiar with individual stories. I am very sorry to hear about what happened to David Jonathon Jukes. It is a stark reminder of what happens when the machine does not work and we do not do what we can. The hon. Member for Portsmouth South is right to point out that 15,000 armed forces personnel leave every single year. I am pleased to say that the majority—more than 90%—are in education or back in employment, if they have done our transition course, within six months
of departure. That is great news, but some require support. That support must be very visible and we must communicate it to our veterans, so that they know where it may be found.

For many of those who attempt suicide or, tragically, take their life, it is normally an accumulation of things that have gone wrong. It might be homelessness, mental health or other aspects of their life. We need to work out what those points are. We need to collect data; that was a recurring theme in the debate. I want that and we are working on it. As hon. Members will be aware, the coroners are fiercely independent. I cannot just tell them to collect that data. We are looking at ways that we can collate the information in order to understand better what is going on. We are also working with the NHS and are looking at programmes. We are fully aware that data will help us to understand this problem better and to move forward.

A lot of the issue is to do with stigma. It is difficult for people in the armed forces to say that there is anything wrong with them. Certainly, when I served, we were reluctant to do it. We were fearful of what it would do to our promotional opportunities—particularly if it had anything to do with mental health. We are changing that through our mental health strategy. We are getting people to recognise that if they have got something wrong with their mind and sort themselves out early, they can get back to the frontline and do what they love best: soldiering.

The consequence of that is that more people are stepping forward, either during their armed forces period or afterwards. That has put pressure on the system. I stress so much that just because somebody served in the armed forces does not mean that the suicide was caused by being in the armed forces. We need to make that very clear indeed. I stressed that people who have served are less likely to take their life than their civilian peers. Every suicide is a tragedy, and every effort must be made to get those numbers down.

My hon. Friend also mentioned Professor Simon Wessely and the work we are doing with the Royal Foundation. Studies are taking place, and part of our veterans strategy looks at that. Suicide prevention is a core aspect of what we want to do over the next 10 years.

My comrade, the hon. Member for Barnsley Central (Dan Jarvis), talked of the cost of combat, as well as of how PTSD can incubate. We need to recognise when it might come on—it may be quite some time after they have departed the armed forces.

I am conscious that I have almost run out of time. I will write to hon. Members with more details. I apologise for not being able to answer all the points that were raised. I remain committed to looking at this. The changes that we have seen to date are good, but more needs to happen. Data is critical. If hon. Members can write to the Chancellor and ask him to recognise that more funding is needed here, because more people are stepping forward and saying, “It’s okay because I’m not okay—let’s fix me.” We need to take them on board. Let us all work together to make that happen.
Sir Henry Bellingham (in the Chair): I am sorry that there is no time for the hon. Member for Portsmouth South to wind up, because a number of colleagues wanted to speak.

*Question put and agreed to.*

Resolved,

That this House has considered veteran suicide.

6.22 pm

*Sitting adjourned.*
Westminster Hall

Thursday 4 April 2019

[Mike Gapes in the Chair]

BACKBENCH BUSINESS

Sub-Committee on Disinformation

DIGITAL, CULTURE, MEDIA AND SPORT COMMITTEE

Select Committee statement

1.30 pm

Mike Gapes (in the Chair): We begin with a Select Committee statement. Damian Collins will speak on the publication of the 10th report of the Digital, Culture, Media and Sport Committee, on the launch of the Sub-Committee on Disinformation for up to 10 minutes, during which no interventions may be taken. At the conclusion of the statement, I will call hon. Members to put questions on the subject of the statement and call Damian Collins to respond to them in turn. Hon. Members can expect to be called only once. Questions should be brief. I call the Chair of the Digital, Culture, Media and Sport Committee, Damian Collins.

Damian Collins (Folkestone and Hythe) (Con): It is a pleasure to serve under your chairmanship, Mr Gapes. Earlier this week, the Select Committee published its 10th report on the creation of the Sub-Committee on Disinformation, which followed our reports on disinformation and fake news—the final report was published in February this year, with the interim report published in July last year. Our reports on that important subject were based on an inquiry that spanned about 18 months and that took in thousands of questions and many witnesses.

The focus on disinformation and fake news comes from our belief that there is a genuine danger to democracy and society in the deliberate and malicious targeting of disinformation at citizens, largely using social media to influence what they see and their opinions about politics, society and institutions. In the discussion about disinformation, much of the focus has been on it being used in election campaigns or around political events, but it is by no means limited to that. Disinformation is becoming a serious issue in the health sphere, in particular, with anti-vaccine information and stories being disseminated through social media.

The problem of disinformation is not limited to the period of our inquiry. When we established our initial inquiry, we were particularly concerned about the role of disinformation in the United States presidential election and other elections around the world, and about the role of foreign states and, in particular, agencies such as the Internet Research Agency in St Petersburg that deliberately create campaigns and mechanisms to spread disinformation through social media and target people relentlessly.

That has become a bigger societal problem as people increasingly get their news and information through social media. In this country, about half the population receives news principally through social media. That means that, rather than going to a curated news space, such as a newspaper, a broadcaster’s piece of news or a news organisation’s website, they are receiving news and information that has been shared by their friends on social media in bitesize chunks, or they are being targeted with information by advertisers and other organisations that promote content.

We know that, during the US presidential election, the number of shares of the top 20 fake news stories was greater than that of the top 20 real news stories. The issue is fundamental to the way people receive news and information because, on the channel where they increasingly receive it, they often do not know why they are receiving it or much about the organisation that is sending it. Disinformation is often dressed up to look like real news, but it could be hyper-partisan content from people with a high degree of bias or, more seriously, content that is totally fabricated. That has been an issue for some time, but it is of growing importance because of the scale and reach of social media.

When we look at the potential application of technology, the problem is only set to get worse, given the phenomenon of deep fake content. That is when someone takes a recording of your voice—I am sure they would not do it in your case, Mr Gapes—and creates a fake video image of you, then writes their own words and has them played out through your mouth in the film. We are all familiar with those grainy films that emerge during political campaigns whose production quality is not great because they are often shot on someone’s smartphone. Imagine the capability to do that easily in a totally fake way and to release a film of a politician supposedly saying something malicious or misleading during the final days of an election campaign. That capability exists, and we need the tools in place to fight back against it.

Since we published the Committee’s report in February, we have seen other events that lead us to believe that this is an ongoing and growing problem. We were all shocked and appalled at the way in which harmful footage from the terrorist attack in Christchurch, New Zealand, was livestreamed on Facebook and shared continuously on social media platforms around the world, and particularly YouTube, for a number of days afterwards.

We are also concerned about the role of organisations that spread news and information about political events in this country—this is particularly linked to Brexit—but that we do not know much about. The Committee’s inquiry identified an organisation called Mainstream Network, which was contacting people through social media with adverts and asking them to lobby their MP to vote in favour of a hard Brexit and to “Chuck Chequers”—to use the expression at the time—and not support the Prime Minister’s negotiating strategy.

People have a right to a political opinion, and there is nothing wrong with that, but when they are being targeting by an organisation and they do know who is doing that, who is providing the money or who is supporting that organisation, that becomes a problem. In our campaigns as politicians, we have to put legal imprints on our leaflets, posters and flyers to make it clear who they are from, but people do not have to do...
that online, and those loopholes are being exploited. We have also seen campaigns and organisations other than just Mainstream Network, such as We are the 52% and Britain’s Future, where large amounts of money are being spent to target people with messaging, but we do not know who is doing that. That is going on all the time and on a growing scale.

The purpose of the Sub-Committee is to provide an institutional home for the Select Committee to build on the work of its initial inquiry, to look at new incidents of disinformation campaigns, where they lack transparency and where they are deliberately misleading, and to recognise that this is a form of harmful content that needs to be addressed. We look forward to the publication of the Government’s White Paper on online harms, which I believe will happen early next week, so that we can see what ideas they propose and understand more about their response to the Select Committee report, which covered many of those issues. The Sub-Committee will look at the issues arising from the White Paper and at the areas where the Government are looking for a response and consultation.

Julian Knight (Solihull) (Con) rose—

Mike Gapes (in the Chair): Order. Interventions are not allowed.

Damian Collins: The Sub-Committee will be the forum through which we look for areas where the Committee can analyse and respond to the White Paper. It will also be the forum through which we seek to hold regular sessions with important organisations and people who are investigating similar issues, and particularly the Information Commissioner.

The first meeting of the new Sub-Committee will be on Tuesday 23 April when we return from the short Easter recess. We will then question the Information Commissioner, principally about her investigation into the work of Mainstream Network and connected organisations, to understand more about who is funding that organisation and who is behind the dissemination of the content that it is sharing. That will be an important first step in the Sub-Committee’s work.

I appreciate that hon. Members have questions that they want to ask me—one of my Committee colleagues wished to jump the gun—so I will not use up every second of my 10 minutes. The Sub-Committee is a new step for the Digital, Culture, Media and Sport Committee, which has never created a Sub-Committee before. We have done so because we recognise the concerns about the spread of disinformation and the pivotal role that social media play in that.

Disinformation is a growing issue for democracy and society, and we need to provide robust public policy responses to tackle it at source, as well as through the channels through which it is shared. We also need to look principally at the responsibilities of big technology companies to act more effectively against the dissemination of disinformation, to provide more tools for their users to help them identify untrustworthy sources of information, and to provide greater transparency about who is promoting that content.

Julian Knight: I was not certain whether I was allowed to intervene, but I will ask my question now. I welcome the advent of the Sub-Committee. In terms of the scale, this is not just about Russia or potential foreign actors intervening in our Brexit-related political crisis from a UK base or from overseas; it goes on worldwide. It is not just one foreign actor, but perhaps up to 39 foreign actors. Does my hon. Friend, the Committee Chair, agree that we need the Sub-Committee to be long standing and its scope to be as wide as possible in looking at all those other countries and what they are up to in terms of British politics?

Damian Collins: My hon. Friend makes a very good point. This is a worldwide problem. As he knows, we took evidence during our inquiry about problems to do with disinformation in South America and across Europe—this is not just about Russian campaigns of disinformation. The reason why we decided to create this institutional home for our work on disinformation is that such work runs beyond the scope of any one particular inquiry; indeed, looking to develop successor inquiries with a narrow, defined remit could restrict us from looking at other material from elsewhere around the world.

We look forward to the Government’s White Paper and their response to the Select Committee report, because this country could provide a world-leading framework for understanding the liabilities and obligations of technology companies in terms of acting against known sources of disinformation, and I would include disinformation as a form of harmful content, along with other forms of extreme harmful content.

My hon. Friend is quite right that this is a global problem, and I hope our work in exposing what is going on can benefit other inquiries. As he knows, one reason why we established the international grand committee as part of our disinformation inquiry was to aid our partnership work with other Parliaments that are investigating these issues so that we could benefit from their insights and to share our own work.

Ian C. Lucas (Wrexham) (Lab): Less than two weeks ago, in the current febrile political environment, I was sent information from a closed Facebook group making the entirely false allegation that I had paid for two coaches to go to the march in London. I was made aware of that only because an individual contacted me and gave me the information. Does the hon. Gentleman agree that it is really important that closed groups on platforms are investigated and that this issue is dealt with urgently by Government? If so, what role does he see the Sub-Committee playing in that process?

Damian Collins: The hon. Gentleman, who is a member of the Select Committee, makes an important point. He will know that we discussed the role of groups with Facebook during our investigation. We believe they play a significant role in spreading disinformation; it is not just through targeted advertising that someone can drive content through a platform such as that. Indeed, as he knows, the Committee’s final report on disinformation touched on how far-right organisations are using closed Facebook groups with hundreds of thousands of members to spread content very quickly through the web. Content posted into the group by a group administrator goes immediately to the top of the news feed of members, who may in turn share it.
These closed groups may be closed to the public, but Facebook can tell what is going on in them, and it should act where closed groups are behaving irresponsibly or maliciously in spreading lies and disinformation about people. It can see who the administrators are and who is doing that.

As a consequence of the attacks in Christchurch in particular—having an independent regulator with the power to go into the tech companies to see what is going on would facilitate this—we should do an audit of the sorts of groups and organisations that were sharing and promoting the vile content involved. That could provide a really important map of the way in which these far-right groups, in particular, co-ordinate online and spread disinformation.

The hon. Gentleman is quite right that this is not just about global news stories such as the Christchurch attacks; disinformation is also taking place in individual communities. We should be able to report such things to Facebook and know that it will investigate and take action against groups, including by closing them or the administrator down if necessary.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank the hon. Gentleman and all members of the Committee for a very important report. I know that the Minister is working extremely hard on these issues.

My question is about making it easier or more streamlined for the police to investigate closed Facebook pages. At this point in time, it seems to be very difficult for the police to access information even when they have suspicions about it. The fact that individuals can post anonymously without giving their own details seems to exacerbate the situation whereby they feel they can post whatever they like without any responsibility.

Damian Collins: The hon. Lady raises a number of very important issues. Co-operation with the authorities is important. We have seen too many cases where different social media companies have been criticised for not readily sharing information with the police as part of an investigation. Often the companies have very narrow terms of reference for when they would do that; sometimes if there is an immediate threat to life or if information might be related to a potential terror attack, they will act. However, we see hideous crimes that affect families in a grievous way and those families want the crimes to be investigated efficiently and speedily, and for the police to get access to any relevant information. I think we would have to say that the current system is not working effectively enough and that more should be done.

There should be more of an obligation on the companies to share proactively with the authorities information that they have observed. They might not have been asked for it yet, but it could be important or relevant to a police investigation. Part of, if you like, the duty of care of the tech companies should be to alert the relevant authorities to a problem when they see it and not wait to be asked as part of a formal investigation. Again, that sort of proactive intervention would be necessary.

I also share a general concern, in that I believe tech companies could do more to observe behaviour on their platforms that could lead to harm. That includes self-harm resulting from a vulnerable person accessing content that might lead them towards a pattern of self-harm. Indeed, one of the particular concerns that emerged from the Molly Russell case was the content she was engaging with on Instagram.

The companies should take a more proactive responsibility to identify people who share content that may lead to the radicalisation of individuals or encourage them to commit harmful acts against other citizens. I think the companies have the power to identify that sort of behaviour online, and there should be more of an obligation on them to share their knowledge of that content when they see it.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): It is always a pleasure to serve under your stewardship, Mr Gapes.

The Committee has produced an absolutely superb report—such detail—and it is to be welcomed. It raises serious issues in relation to the power of the platform providers, and their lack of usage of the powers they have to identify people and to do something with that information. That is very important. The Government should consider how to tackle the people who put this material on these platforms. We should get the providers to work through these issues with the Government and stop the false information that is being put up.

This issue affects huge numbers of people because, as the Chair of the Select Committee said, a lot of people take such information as gospel, as most of their media input is from social media, so it has a huge effect. I urge the Government to look at this issue seriously and to consider how we can push the social media platform providers to have a better response and remove false media reports that are put online.

Damian Collins: The hon. Gentleman is absolutely right. One of the issues at the heart of this—it comes up again and again throughout our report—is the obligations of the tech companies. A social media platform is not necessarily the publisher of content; it has been posted there by a user of the platform. However, the social media company can observe everything that is going on and it curates the content as well.

When someone goes on social media, if they just saw what their friends had posted most recently, that would be one thing, but because social media algorithms direct users towards particular content, we are concerned not only that harmful content can exist, but that when individuals start to engage with it, they are directed to even more of it. I think that we should not only consider the responsibilities of the tech companies to remove harmful content when it is posted, but question the ethics of algorithms and systems that can direct people towards harmful content.

Angela Crawley (Lanark and Hamilton East) (SNP): I congratulate the hon. Member for Folkestone and Hythe (Damian Collins) on an excellent, wide-ranging and groundbreaking report, and I congratulate all the members and staff of the Digital, Culture, Media and Sport Committee on it. My hon. Friend the Member for Argyll and Bute (Brendan O’Hara), who demonstrates great knowledge of, and enthusiasm for this inquiry, asked me to make a few points.

The inquiry started an ongoing worldwide conversation about the threats posed by shadowy, unaccountable and anti-democratic forces. As I understand it, in February the
Minister to ask some questions?

its first ever international grand committee, which included representatives of countries such as Canada, Ireland, Argentina, Belgium, Brazil, Singapore, France and Latvia. The Committee has also formed a new Sub-Committee as part of that international grand committee.

I recognise that it must have been difficult in a fast-moving environment to produce the formal report of an 18-month inquiry in such a timely fashion. I congratulate the Committee on establishing the Sub-Committee. Although the hon. Gentleman may already have answered this question, can he say exactly when the White Paper, which has been delayed repeatedly, will be published? Does he have any information on that White Paper that he could outline today?

**Damian Collins:** I have some information on that, but given that the Minister is here, I will leave it to her to respond. The official word is “imminently”, which I think means “very imminently”. We look forward to the White Paper; it is an important piece of work that I hope will lay the foundations for turning the work of our inquiry, and other work that the Government have done, into real policy. We could establish in this country a world-leading framework for dealing with these issues.

**The Minister for Digital and the Creative Industries (Margot James):** Life in Parliament is full of surprises at the moment. I must confess that I had a complete misunderstanding about today’s hearing; I thought it was in the main Chamber. When I alighted on the Order Paper on my return from a meeting outside the House and saw that this hearing was absent from it, I thought that it must have been moved—along with so many other things in Parliament at the moment. That explains why I have no official documentation whatsoever.

However, as my hon. Friend the Member for Folkestone and Hythe (Damian Collins) knows, this is my top priority across what is a very broad brief. I will therefore respond based on my own understanding, the excellent remarks that have been made by hon. Members, and of course the report of my hon. Friend’s Select Committee, which I read from cover to cover. I commend his work as Chairman, and all hon. Members who serve on that Committee, which exemplifies the power and potential that a Select Committee can bring to policy making. I am delighted to hear of the new development that my hon. Friend has announced: the Sub-Committee that he has set up specifically to tackle disinformation sounds like an excellent initiative.

I was delighted to hear that at the first meeting of that Sub-Committee, Members will be able to question and hear from the Information Commissioner, whose office is the leading data protection agency across Europe. That is partly because of the reputation of Elizabeth Denham, the commissioner; partly because of the huge additional resources that we have given the Information Commissioner’s Office; and partly because the office is leading on an investigation into the misuse of data, primarily by Facebook but by other platforms as well.

**Mike Gapes (in the Chair):** Order. Can I direct the Minister to ask some questions?

**Margot James:** Yes, please do. I need some direction.

**Mike Gapes (in the Chair):** This is not the normal procedure.

**Margot James:** I see. I am so sorry. You have been very forbearing with me as I completely misinterpreted my role.

**Mike Gapes (in the Chair):** Up until now, yes.

**Margot James:** I thought I was making closing remarks. Should I be asking questions?

**Mike Gapes (in the Chair):** Yes, please.

**Margot James:** I will convert some of the comments I was going to make into questions, then.

My hon. Friend the Member for Folkestone and Hythe indicated that he might want to know when the White Paper is coming out. We intend to publish it early next week—Monday, in fact. That White Paper is very broad, and I think it is an excellent piece of work. It has been informed by the work of my hon. Friend’s Committee, as well as by many other Members and external bodies, and also by the hard work of our officials in the Department for Digital, Culture, Media and Sport.

The White Paper will raise a number of questions, and I will take the opportunity to ask my hon. Friend about closed groups, encrypted content, and anonymity. From my knowledge of the White Paper, I think those are the three biggest challenges when it comes to delivering on the objectives that my hon. Friend has set out for internet companies. There are various experts working in those areas of encryption and private groups, and I would welcome my hon. Friend’s comments.

**Mike Gapes (in the Chair):** Order.

**Margot James:** Is that all right, Mr Gapes?

**Mike Gapes (in the Chair):** That is fine, but we have limited time, because we have another statement and then a normal debate after that. Thank you very much. Damian Collins, did you wish to respond?

**Damian Collins:** I will respond briefly. To add to the Minister’s comments, we have all benefited enormously from the work of Elizabeth Denham and the ICO. It has demonstrated that it is one of the world-leading organisations in its field, and the fact that it has invested so much of its time into this area has helped enormously. This was an extremely long inquiry, and I place on record my thanks to all the Committee Clerks, particularly Chloe Challender the Committee Clerk and Josephine Willows the Committee specialist. They worked tirelessly, well above and beyond the call of duty, to support the Committee in its investigations.

The Minister has touched on some important issues. We discussed closed groups earlier, which are an important mechanism for allowing content to be shared virally and at great speed, particularly on Facebook. That sharing can be done not just through advertising, but through those closed groups. We know that social media platforms can observe what is going on in closed groups, and part
China and the Rules-based International System

FOREIGN AFFAIRS COMMITTEE
Select Committee statement

Mike Gapes (in the Chair): We move on to the 16th report of the Select Committee on Foreign Affairs, on the topic of China and the rules-based international system. Tom Tugendhat, the Chair of the Committee, will speak for up to 10 minutes, during which time no interventions may be taken. At the conclusion of his statement, I will call Members to put questions on the subject of the statement and call Tom Tugendhat to respond to them in turn. Members can expect to be called only once, and questions should be brief.

1.57 pm

Tom Tugendhat (Tonbridge and Malling) (Con): It is a particular pleasure to serve under your chairmanship today, Mr Gapes. Your contribution to the Foreign Affairs Committee over the past 20 years has been truly exemplary, and indeed, your contribution to this report is one of the reasons why it was such a success. I am very glad that you are chairing this hearing.

Today, the Foreign Affairs Committee published its report on China and the rules-based international system. We worked on this inquiry for more than a year, including a trip to China to understand how the UK was seen from a Chinese perspective. As ever, we are very grateful to many people who submitted evidence to us, and especially to those who gave oral evidence, including the former Prime Minister of Australia, Kevin Rudd.

China is seeking a role in the world commensurate with its growing economic power, and the UK should welcome its desire to take part in global governance. We do not believe that China wants to jeopardise the benefits that it has reaped from a stable, rules-based international system. However, on other issues that China perceives as challenging its domestic control, such as global initiatives on human rights and free societies, it has opposed international approaches. It is appropriate that this statement follows one from the Select Committee on Digital, Culture, Media and Sport, given how many of the concerns we considered overlap with that Committee’s work.

Indeed, in the area of human rights, the evidence suggests that China does not intend to reform the rules-based international system. Rather, it intends to subvert it by promoting an alternative version of human rights that stresses economic development at the cost of the universality of individual civil and political freedoms. In our report, we urge the Foreign and Commonwealth Office to increase its efforts to hold China to account for its human rights violations by using UN mechanisms, public statements and private diplomacy.
During the inquiry, we also heard troubling allegations of Chinese attempts to interfere in the UK’s domestic affairs. The openness of the UK’s political system and society is a fundamental source of our strength. However, in the face of an autocratic state seeking to increase its influence abroad, that openness can also be a source of vulnerability. The UK needs to decide how to draw the line between legitimate attempts to exercise influence and illegitimate attempts at interference. It is a topic that we on the Foreign Affairs Committee will be looking at further in our new inquiry into autocracies and UK foreign policy.

The Committee also noted its concern about the Chinese Government’s approach to Hong Kong. The Sino-British joint declaration on Hong Kong is a legally binding international treaty registered at the UN. It is of great importance to UK national interests and the health of the rules-based international system. China’s adherence to the letter and spirit of the declaration is a key test of the sincerity of its commitment to global governance. We were therefore deeply concerned by evidence that Hong Kong’s autonomy is at risk, especially in the area of rule by law. We are concerned that the Chinese Government are moving away from an approach of “one country, two systems” towards “one country, one system”. We therefore urge the UK Government to continue to raise concerns about Hong Kong publicly and privately with the Hong Kong authorities.

We support the Government’s efforts to increase the UK’s presence in the Indo-Pacific—including its military presence—in line with its capacity and other defence commitments. The region is vital for global trade and home to a number of UK partners and allies. Communication about those efforts is crucial. Poorly communicated military deployments in the Indo-Pacific could be perceived or depicted by China as a crude attempt to contain the expansion of its influence.

The UK should focus instead on core principles, including freedom of navigation, the rights of states—including China’s neighbours—to form and maintain alliances of their choosing, and the importance of a balanced and consensual regional security order. We urge the Government to ensure that initiatives to expand the UK’s military presence in the Indo-Pacific are explained with reference to those principles.

China’s belt and road initiative—perhaps the most famous and well-known aspect of its foreign policy—is likely to have geopolitical effects that are as important as, and potentially more important than its economic impact. That Chinese-led investment in foreign countries, and in developing countries in particular, need not conflict with British interests. Asia’s infrastructure gap is real, and exporting the fruits of China’s spectacular growth could be a way to close that gap while addressing China’s own economic needs. The UK should help China with that. It can gain economic benefits from doing so, including by focusing on areas in which the UK has particular value to offer, such as legal and financial services.

However, in its current form, the belt and road initiative raises concerns in relation to UK interests. There is a risk that Chinese investment could encourage countries to strike deals that undermine international standards or that leave countries with unsustainable debt that undermines their political stability. The Government should take a strictly case-by-case approach to assessing belt and road projects and refrain from expressing a view on the initiative as a whole.

For the UK to come up with a comprehensive strategy to guide its relationship with China, it will need to answer some key questions. What are the drivers of Chinese foreign policy? What are the major goals of UK policy towards China? What is the bottom line of UK interests, values and national security considerations on which we are not prepared to compromise?

The UK’s approach to China reflects an unwillingness to face the reality of China’s strategic direction. Building a deeper partnership with China is still desirable, but we must recognise that there are hard limits to what co-operation can achieve and that the values and interests of the Chinese Communist party, and therefore the Chinese state, are often very different from those of the United Kingdom. In the report, we call for the Government to produce a single public document that defines its China strategy, crafted through a cross-Government process directed by the Foreign and Commonwealth Office. That chimes with findings emerging from all the substantial inquiries we have undertaken.

The FCO has a diminished grip on our Government’s international strategy. It needs to reassert itself as the focal point for that strategy and regain some of its self-confidence and authority. Without a comprehensive approach, the UK risks prioritising economic considerations over its other interests, its values and national security. A constructive, positive UK relationship with China is possible and desirable, but it will require strategy, rigour and unity in place of hope and muddling through.

Chris Bryant (Rhondda) (Lab): I, too, think it is a delight that you are in the Chair, Mr Gapes, although in a way it would be better if you were sitting down here, because I think your contribution would be useful. I commend the Committee on which I sit on our wonderful report. I think the Chairman has outlined the issues very well. How concerned is he that the British Government are a bit mealy mouthed sometimes when it comes to issues such as the Uighurs? More than 1 million people are in probably the largest concentration camp in the world, effectively being reschooled or re-educated—whatever we want to call it. Also, how worried is he by Italy’s recent deal with China? With that, we are beginning to see all the possible dangers of the belt and road initiative that he pointed to coming into the European Union.

Tom Tugendhat: I thank the hon. Gentleman for his points. His contribution to the report was extremely important, as he knows. He raises two points that we looked at in various different ways. The Italian question came up at the end of the report process. On the question of the Uighurs, one of the things that came out strongly is that it is not simply a Chinese domestic issue. The repression of Muslim communities in western Xinjiang will almost certainly be reported in UK foreign media. Radicalism is likely to increase and further violence may follow from that.

As the hon. Gentleman will have heard, this is one of those moments when one must remember that one is looking at various forms of China. We are seeing the Chinese security state experimenting with its powers, particularly in Xinjiang. In some ways, one could say
that modern China is an experiment. The challenge to which we do not know the answer is whether old men with tech can beat young people with ideas. So far, we do not know.

Italy’s deal with China is part of a long pattern that we have seen in Chinese foreign policy, which is to divide alliances and seek to break up groups. In this case, that is to split Italy from the rest of the European Union. It is interesting that when President Macron met President Xi only a few days after that deal was signed, he insisted on having Chancellor Merkel and President Tusk in the room at the same time to make the point that the European Union was still a united entity when dealing with Chinese trade. The hon. Gentleman is absolutely right that the Italian decision to go on its own poses some important questions, not only for the European Union but for the United Kingdom.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank the hon. Gentleman for explaining his report in such detail. The report is excellent and thorough, and I commend all members of the Committee as well as its excellent Chair. Will he tell me how important he thinks soft power is in building our future relationships with China and ensuring that we foster them in the most positive ways, such as through cultural exchange, art and literature, which are important?

I had an excellent visit to the Brunei gallery to see the exhibition of John Thomson, who was a devoted Scottish photographer. It was curated by Betty Yao. In the 1800s, he took the earliest pictures of China. I know that the ambassador has been very positive on the connections. Will he comment on taking forward soft power and culture, and that connection?

Tom Tugendhat: The hon. Lady makes some important points on soft power. We did not look specifically at the area of arts that she talks about, but we did speak to people about universities. The university sector is an extremely important element of the UK’s soft power, particularly in Scotland, which has universities with international reputations such as St Andrews, which is merely an example of the much larger university sector.

When we look at the university sector in terms of soft power, it is important that we look at both its influence and the challenge that dealing with autocratic states can pose. The hon. Lady is right that soft power is very important; it allows us to spread cultural values and to influence future generations of Chinese society. However, it also gives the Chinese state an opportunity to influence some aspects of the UK.

We took evidence from some universities and professors who commented on the nature of the intervention in UK civic life that the Chinese state has made, on occasion, in seeking to close down debate or discussion in UK universities by using Chinese students as an economic lever over our university sector. That is clearly important, and something we need to be cautious about. It is one of the reasons why many of us on the Committee are so supportive of the work of the BBC World Service in setting out a neutral and open information network for the world.

Jim Shannon (Strangford) (DUP): I, too, thank the Chair of the Committee and all its members for this comprehensive report. As he and the Minister will know, I have a deep interest in human rights. Pages 28 and 29 of the report are clear about the persecution of ethnic minorities or religious groups. The hon. Member for Rhondda (Chris Bryant) mentioned the Uighur Muslims, House Christians, Buddhists and the Falun Gong also face persecution. The Chair of the Committee will be aware of the debate that we had in Westminster Hall a short time ago about live organ transplants or extraction on a commercial basis, with some 90,000 transplants per year in China.

I know that the Minister is very sympathetic to the issue—this is not a criticism, by any means—but I wonder whether the Committee gave any thought to how to address the human rights exploitation, which is clearly at a clinical, surgical level. Although the Chinese constitution says that there is freedom of expression, there clearly is not. How can we persuade the Chinese Government, through the Minister and our Government, of the changes that we feel they should put in place?

Tom Tugendhat: The hon. Gentleman’s record on defending human rights, and particularly the freedom of religion and belief, is second to none in this House, and I am grateful to him for those points. In the inquiry, we restricted ourselves to focusing on the UK’s relationship to China and how we should shape our position. We therefore did not look at the house Churches, the Christian persecutions or the Buddhist persecutions that he speaks of.

We looked at the Uighur element because of the repercussions on the UK of increased radicalisation in Muslim communities. We also recognised the closing down of freedom of expression in Hong Kong, and therefore the intervention in the rule of law, because we have a specific commitment, lodged with the United Nations in the Sino-British treaty, that we are obliged to maintain.

Furthermore, we also inherit some aspects of that rule of law, because we continue to send judges to the court of final appeal in Hong Kong. The undermining of the rule of law in Hong Kong could therefore affect the perception of UK justice here at home. We are focused on how we can influence the UK Government to change their actions in relation to protecting the UK’s interests. That is why we focused, as I said, on the Uighur and the Hong Kong elements in relation to human rights.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I congratulate the Chair of the Committee, who my hon. Friend the Member for North East Fife (Stephen Gethins) holds in high regard. If the UK Government decide to uphold the UN ruling on the Chagos Islands, in respecting the international rules-based system, they risk letting China in and upsetting the delicate balance of power in south Asia and the Indian Ocean. If the UK Government do not respect the decision, they undermine the rules-based system, allowing China further to erode and undermine the balance of power in the South China sea with its base construction. Which is it to be?

Tom Tugendhat: I am impressed with the ingenuity of the hon. Gentleman in relating the Chagossians to a Foreign Affairs Committee report on China. There is a difference, which I will leave the Minister to explain, with the British Government’s position towards the Chagos islands and the British Indian Ocean Territory. I will not be drawn on that—forgive me.
I will say that the UN law of the sea, which guarantees freedom of navigation in all parts of the world, is an extremely important underpinning of world trade. It is extremely concerning that nations are restricted in transiting through international waters, because that can have severe repercussions on not just our own community and trade but those of very important allies such as India and Japan, which share our interest in free trade. We therefore need to be very supportive of democratic states in the area, whose economic lives will—I hope—be increasingly linked to our own.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): I congratulate my hon. Friend, as I will call him, on this excellent report, which has been put together in such detail. I will ask a couple of questions, particularly on what he thinks the Government will do regarding the Indo-Pacific routes, and how we can push the Government to make some clear lines in relation to them.

My hon. Friend raised the belt and road project, which will have a huge effect on Europe and on what we do. China has to meet international standards, in relation to products, the way they are transported, the areas that they go through, and the people who are affected. It has to trade on the same level footing as we do. He also rightly raised issues surrounding democracy in Hong Kong. I press the Government to support that and to continue to move forward; we have a responsibility to do so.

Finally, soft power was mentioned—where we have a huge advantage. My hon. Friend rightly mentioned universities, which are very important, as is the World Service, but I urge him to look at the British Council, which does a phenomenal amount of work in this area.

The British Council’s presence in China, looking at the issues, will lead to more young people and students coming to our universities. That is a great tool of soft power that we do not use as much as we should.

I thank my hon. Friend for the report, and urge him to look at those questions. The Minister is a very good fellow, and I am sure he will be supportive.

Mike Gapes (in the Chair): There were a lot of questions there, but we do not have much time.

Tom Tugendhat: Mr Gapes, I will be as brief as you are in Committee. [Laughter.]

Mike Gapes (in the Chair): No longer!

Tom Tugendhat: I will pick up on the points that have not been covered, particularly those relating to the British Council. My hon. Friend the Member for Birmingham, Perry Barr (Mr Mahmood) is right that we did not explore its work, but it is an extremely important element of Britain’s soft power.

The work of the Department for International Development in China is also interesting, because it has ceased, in many ways, to be a donor agency instead of a partner agency. That is an area in which our partnership with China is reaping rewards, not just for China but for the United Kingdom and many other countries in the region. Our assistance in professionalising Chinese aid and sharing best practice is helping in many areas. That is an expression of soft power that we often overlook. We often look at DFID’s soft power as a donor agency, but being a partner agency is an important element too.

The Minister for Asia and the Pacific (Mark Field): Let us not beat about the bush: the rise of China is the big geopolitical issue of our age. It is fantastic that the Committee has put so much work into its report. I know that it makes a lot of recommendations; there may be some that we do not entirely agree with, but having appeared before the Committee, I hope that we can work closely together on its important work.

My hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) quite rightly pointed out the importance of the juxtaposition between the two reports debated in this Chamber today. I think it is wishful thinking to assume that there will be a global protocol for the internet. It may be slightly disingenuous for Facebook and others to suggest that they can work towards one, because there is no doubt that there are fundamental differences in values. Equally, this is a world in which we need to work both in bilateral relationships and internationally.

May I touch on the rather provocative question asked by the hon. Member for West Dunbartonshire (Martin Docherty-Hughes)? Of course our view is that the judgment of the International Court of Justice was advisory, rather than being a judgment that we are necessarily subject to, but there is a risk that in trying to address these issues we could be accused of being mealy mouthed. Fundamentally, I am not quite sure where we will come out.

There is a great risk that if the injustice to the Chagos people continues for any great length of time, we will be accused of riding roughshod in the way that has been suggested. I am being very candid with the hon. Gentleman, but I think that it is right to do so.

Mike Gapes (in the Chair): Order. May I gently suggest that we get back to China?

Mark Field: Well, there was an issue relating to China there—the fundamental issue of standing up for the rules-based international order. We will need to work closely on it with partners and recognise that China will not respect that order, although it respects order in its own right, and that it will want us to adapt and evolve those rules for a 21st century in which it will be an even bigger player.

I do not think I have any more questions, but more questions will arise from a full analysis of the Committee’s excellent report, to which we look forward to providing a full written response in due course.

Tom Tugendhat: The Minister’s response, both on the Chagos islands and on other areas, shows why he is highly respected in his brief and why he is such an important part of our diplomatic effort around the world. I am extremely grateful for his contribution. I am particularly grateful that he brought up the comparison between democracy and autocracy with respect to the question of privacy and openness. He is right, because democracies fundamentally require privacy to survive and autocracies fundamentally compel openness. That is a challenge that we are seeing around the world.

It remains for me to thank you, Mr Gapes, because your contribution was invaluable throughout; the hon. Member for Dudley North (Ian Austin), who was also a
fantastic member of the Committee; and our Committee staff, who have been instrumental. Sadly, our specialist Matthew Harries was with us all too briefly and has now taken up a different opportunity elsewhere, but he was absolutely first rate; he could not have been better or more diligent in his preparation and his efforts. Our Clerk Hannah Bryce has been exemplary in keeping our rather disorderly Committee together on our trips—she is extremely impressive. I thank them both, along with our other Clerk, who I am glad to see in a new place, from my perspective—sitting next to you, Mr Gapes.

IR35 Tax Reforms

2.22 pm

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I beg to move,

That this House has considered IR35 tax reforms.

It is a pleasure to serve under your chairship, Mr Gapes. We are now a year out from the Government’s extension of the IR35 rules to the private sector, and we are halfway through the Treasury’s further technical consultation, which is due to conclude on 28 May. Although the IR35 reforms are a complicated issue, I hope that this debate will provide an opportunity for us to add something to the process, raise the concerns of constituents who will be affected by the changes, and flag up to the Minister our anxieties about the IR35 roll-out into the private sector.

The rules have been a long time in the making. It was in the late 1990s that concerns began to creep across Whitehall that private service companies were becoming a widely utilised tool to disguise worker status, allowing some workers to perform the role of an employee while they and the employer reaped the tax benefits of a business-to-business relationship. We all want to tackle non-compliance and tax avoidance and close any loophole that allows an employee to leave their employment on a Friday and return to the same role in the same office on the Monday as a contractor or consultant through a PSC, paying less tax. The question, however, is how it is being tackled and what impact it will have on legitimate small businesses and the clients who engage them.

The last Labour Government introduced provisions to allow the tax authorities to take a closer look at contractual relationships to identify where an intermediary, such as a PSC, may be being used to avoid tax contributions and associated workers’ rights. That legislation, known as IR35, was introduced in 2000 following the March 1999 Budget statement. It was a controversial measure at the time, and calls to scrap it came from different parties. However, although the initial implementation created problems that still bedevil the modern IR35 rules, the legislation took important steps to avoid a contraction of the tax base as self-employment increased across the UK labour market and to ensure that where individuals acted as employees, they were treated as such.

In many ways, the objectives of the original IR35 rules were significantly ahead of their time. The growth of self-employment in the UK economy has produced several structural problems, with employment status and the gig economy leading to situations in which employers can privatise the reward of lower-cost labour through tax avoidance, but socialise the risk that comes from cutting corners, with the costs borne inevitably by the public purse.

The Select Committee on Scottish Affairs, on which I sit, has looked closely at the impact that unclear worker status can have on the wider economy. Our inquiry considered the findings of the Taylor review and supported its conclusion that there is an “overwhelming case” to tackle the lack of clarity around employment status. We also supported its recommendation that the Government should produce “a clearer outline of the tests for employment status, setting out the key principles in primary legislation”.

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China and the Rules-based International System

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Perhaps at the moment the Government lack the necessary bandwidth and political capital to follow through fully on the review’s recommendations, but that is ultimately where we must end up.

One of the major issues with the IR35 changes is the great difficulty in assessing whether an individual should be caught by the rules. Her Majesty’s Revenue and Customs’ guidance and tools are far from 100% effective, and there is a lot of complex case law. I would therefore be grateful if the Minister said what progress the Government have made on the issue and on the Taylor review’s recommendations.

It is impossible to look at the myriad changes that the labour market is likely to go through in the coming decades and not conclude that legal clarifications will need a serious rethink, particularly to secure the integrity of the tax base that will be all too important in an ageing society. In many ways, the IR35 rules are a stopgap in the journey towards a statute book that supports 21st-century employment practices and the realities of modern workers’ lives. I have no doubt that the objective of the reforms is correct, but their implementation threatens to scupper any associated benefits.

The roll-out of the IR35 rules in the public sector has raised several concerns that need to be ironed out. Independent research has highlighted problems in implementing the reforms, including initial unfamiliarity with the legislation and guidance, which has resulted in compliance problems. Many public authorities were found to be overly cautious or to have judged more contractors to fall within the rules than they should have.

The incentive, of course, is on the fee payer to take a cautious approach rather than leave themselves potentially vulnerable to future tax liabilities. If there are agencies in the contractual chain, it is the agency immediately above the PSC in the chain that becomes the fee payer and is therefore responsible for the liability of an incorrect status decision, so an agency is unlikely to dispute a decision that brings the contractor within IR35 even when it should not be. I know that the Government are exploring options for the consequences for businesses that fail to use reasonable care in making a decision. Will the Minister update us on progress in that area?

Concerns have also been raised about the reforms’ impact on the ability of public authorities to recruit contractors in sufficient numbers and with the required range of skills, as a result of which the rates for off-payroll workers have increased in some areas. Some contractors have been put off working in the public sector at all.

Many of those problems in the public sector have been solved, or at least mitigated, but the private sector presents a very different problem, with significantly greater variation, potentially weaker channels of communication and less room for manoeuvre when things go wrong. That has led a number of membership organisations, including the CBI, to call on the Government to extend the trial period in the public sector and offer extra resources to support the initial roll-out when the private sector is eventually included. The CBI was so concerned that it even went as far as to ask the Government to eliminate the prospect of an early roll-out in 2019.

We are in a state of great uncertainty about our future relationship with the European Union and its likely impact on businesses, the economy and private sector recruitment. I wonder whether the Government will consider delaying the roll-out beyond 2020 if it is deemed necessary. I have received representations from constituents who operate as contractors and have enormous reservations about the extension of these rules, and I am sure other hon. Members have received such representations.

One constituent who came to my surgery set out his concerns about the complexity of the system. He has deep reservations about whether it could be implemented successfully and about the costs when things go wrong. He says:

“I have no idea how clients will assess my work when the responsibility transfers to them, and neither do they”.

He believes there will be widespread non-compliance as clients struggle to make assessments and default to playing it safe. He works in IT, and also has deep fears about where ultimate liability will rest. I know the idea is that the fee payer is responsible, but contractors are looking at recent HMRC decisions about various schemes that were deemed legal when they were set up, which are now leaving individuals with massive retrospective tax bills. There is a worry that poor application of the rules now could end up meaning that individuals face bankruptcy later down the line if they are chased for payment.

My constituent sums up his concerns by wondering if there will be any point in continuing as a contractor at all. Among the reasons, he cites potential problems for processing expenses. In the public sector, we have heard about the removal of the 5% allowable deduction from the income of personal service companies for general expenses incurred in running the business. If all engagements are treated as caught by IR35, all the income accounted for is either tax, national insurance contributions or net pay, so there is nothing to set running costs against.

My constituent also says that the situation could lead to him setting up an umbrella company, which would increase costs. He is seriously concerned about that, as he is about the potential for disproportionate costs to be passed on to the contractor by clients. He says:

“Ultimately, if the benefits are removed from me and I am actually paying more tax than a regular employee, with none of the rights, then I have a difficult choice to make. What will my clients do if they cannot source flexible skills in the contract market due to many others doing the same? They have two choices: one is to hire an employee, which defeats the ‘flexibility’ argument. If they cannot hire an employee just for the duration of a project, they will most likely go to a large organisation, such as IBM or Capita who will charge them 2-3 times the contractor day rate.”

My constituent makes the important point that those large companies are much more likely to have sophisticated tax and legal expertise at their disposal than small businesses such as his.

What my constituent says about being treated as an employee for tax purposes while not enjoying the same employment rights is crucial. I know that the Government are aware of that point, and I would be grateful if the Minister would update us on their current thinking. I am sure that the Minister will recognise many of the concerns that my constituent has highlighted, as they reflect much of what has been raised by private sector interest groups and in Government consultations.

As I said before, the aims of the IR35 rules are right, but the prospect of their implementation has fostered a very bleak view indeed. The substance of this implementation
must therefore be better, as the rules will be wholly self-defeating if, by their very nature and complexity, they force contractors out of the market or encourage more sophisticated forms of tax avoidance. I am sure all of us here would agree that the aim is to allow flexibility where needed, while ensuring that revenue and rights are not lost where a contractor effectively becomes an employee.

I have asked the Minister for quite a lot of things. When he is summing up, I hope he can provide a further update on the use of the IR35 rules in the public sector, particularly around compliance with the rules, uptake and concerns that companies are exiting the public sector market because of those rules. I hope he will summarise the key lessons the Government have learned from the public sector roll-out and how they are being adjusted to suit the different nature of the private sector. Will he clarify whether the Government have any ambitions or plans to further roll out the IR35 rules to small businesses in the private sector? Will he also give an update on how the IR35 rules sit in the Government’s wider consideration of the recommendations of the Taylor review?

2.34 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes. As hon. Members may know, I am vice-chair of the all-party parliamentary loan charge group. I was approached by an agency that employs doctors, nurses and healthcare assistants purely for the NHS, because there is an interconnection with the loan charge—the unintended consequences of IR35’s creation are why we have the whole problem with the loan charge.

Loan schemes were set up as a way of enabling people who are self-employed and freelancers not to be disbenefited and not to have to pay more tax than if they had gone through pay-as-you-earn. For many people, it was intended to remove the administrative burden of setting up their own companies. As the debate going on now in the main Chamber will show, many hon. Members from both sides of the House have lots of examples of the many distressing consequences of the way the loan charge has been handled by HMRC, particularly in the last three or four years.

I want to relay the concerns of the managing director, owner and founder of what was a significant recruiter of NHS workers, whose business has declined by more than 60% in recent years. The particular issue he has concerns about—I hope I can express it clearly, and I apologise if I do not—is the confusion in the NHS about whether freelance workers are PAYE or not. There is mixed communication, which is causing him difficulty in his business, but it is also causing difficulties for the workers concerned. These are low-paid, or medium-paid, people—some earn less than £30,000, and most less than £50,000 per annum.

Because of the inflexibility of NHS employment, those people choose to work on a freelance basis, day by day. London-based people could be sent to Southampton one day, Bath the next day and maybe somewhere in London the day after. They incur travel expenses. For long days, they incur costs that they would normally be able to claim against the company. However, if they are PAYE, they cannot claim those costs. They therefore make themselves unavailable to the NHS.

I also learned that this situation is one of the major causes—in addition to Brexit—of chronic shortages of clinicians, medical staff, nurses and nursing assistants in the NHS. For people who need to work flexibly, the work is just not worthwhile when they are being forced to go through PAYE. They are therefore working in the private health sector, where there is more flexibility and the restrictions do not apply, they are leaving the country, or they are leaving health and working in another, more flexible, sector, where they are better off.

I have been told that 99% of the firm’s agency workers are being unlawfully blanket-assessed in IR35 and forced into unlawful employment, without a fair assessment. Approved NHS framework operators are enforcing the blanket assessment. NHS Improvement has stated that a fair and individual IR35 assessment must be carried out, but that is not happening; blanket assessments are not compliant with the legislation.

Under the new rules, the fee payer, which is the agency or third party paying the worker’s personal service company, is not allowed to carry out an IR35 status assessment to determine the proper IR35 status of the worker—I apologise for reading this out, but I will get it wrong if I do not. The fee payer is the closest party in the contractual chain to the worker’s personal service company. This is despite HMRC guidance that states that, where a public authority, agency or third party makes a payment to a worker’s intermediary on or after 6 April 2017, it decides if the rules apply and then deducts tax and primary NICs from the payment it makes and pays the employer’s NICs, and that is included in calculating the apprenticeship levy.

The HMRC check employment status for tax tool that is used to assess workers assumes mutuality of obligation, which is one of the main tests that has to be assessed in all engagements via IR35 determination. As a result of the assumption, the CEST tool is flawed. The importance of mutuality of obligation is demonstrated by the recent tribunal case of Dr R Narayan v. Community Based Care Health Ltd—I can make the details available. In the supply of people to NHS trusts, there appears to be no mutuality of obligation. The worker can cancel a shift at any time and will not be paid, which is key to that case. The NHS trust can cancel a shift at any time, and the worker will not be paid, as confirmed in the contracts of the agency I mentioned. However, 99% of the agency workers are blanket-assessed inside IR35 and forced into unlawful employment.

It appears that HMRC does not understand the IR35 rules. Apparently, it recently lost a tax case against Lorraine Kelly. If HMRC has lost approximately 50% of IR35 tax cases that it has brought against contractors, how can it implement an online tool to get a correct IR35 result? HMRC gets that right only 50% of the time when it goes to court, which has to be worrying.

I am very concerned about what I have heard from this agency, which is trying to do the right thing. Incidentally, it warns all its staff about the loan charge. It is an umbrella company but does not use the loan charge. I am absolutely convinced that the company is trying to do the right thing, but it is really concerned about the impact that the confusion between HMRC and the NHS is having on the ability to supply appropriately qualified staff to the NHS, as and when needed.
2.42 pm

Susan Elan Jones (Clwyd South) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes, and to follow my hon. Friend the Members for Rutherglen and Hamilton West (Ged Killen) and for Brentford and Isleworth (Ruth Cadbury).

From discussing the issue with constituents, trying to read up on it and coming here today, the thing that really strikes me is how complicated it is. It is clearly complicated for most of us, as well as for the people who have to deal with it on a day-to-day basis. Obviously, nobody likes tax loopholes. My hon. Friend the Member for Rutherglen and Hamilton West gave an example of one that is clearly unethical and wrong. What made me realise more about all this is that a lot of the people who are affected by this want flexible working relationships. They have to respond to peaks and troughs in their businesses, and we need a system that works for them.

My hon. Friend the Member for Rutherglen and Hamilton West brought up concerns about the implementation of IR35 legislation in the public sector, and raised the CBI’s concerns about its implementation in the private sector. He also mentioned the clarification that can be provided by the recommendations of the Taylor review. We would all welcome clarification on this issue. I do not know whether I speak for other hon. Members, but the more I tried to read about it, the more complicated it became.

I want to raise a couple of issues from my constituency, which have been raised by people who have to deal with the system and who have very real concerns. Let me refer to the case of Kaye Edwards from Acrefair. Kaye is a freelancer and runs a consultancy business in Liverpool that has secured assignments for many other freelancers during the last 10 years. She has serious concerns about the off-payroll IR35 tax legislation in the public sector, and believes it would dramatically damage the UK if it were extended to the private sector. She believes her personal assignments and her company will be severely impacted by the proposed legislation. She states that her company is small and struggled through the credit crunch. She is of the opinion that companies like hers helped to bolster the economy during that period and are now battling uncertainty, which is not helped by the issues surrounding Brexit.

Kaye believes that the administration and lack of clarity on off-payroll legislation will make it either very difficult or untenable to continue her business. She believes that there are real concerns about the responses from HMRC and the Treasury. I am drawn to think of what my hon. Friend the Member for Rutherglen and Hamilton West said about HMRC and its lack of success rate in the cases that have brought against it.

Kaye Edwards claims that there have been many recent surveys on what would happen if IR35 were applied to the private sector. She thinks the widespread theme is that UK businesses will be subject to major disruption on all fronts. Increasing costs, shrinking talent pools, reduced flexibility, and legal challenges to status assessments are among the hurdles that firms are expected to have to navigate. She is fearful that the costs of doing business will rise, and claims that any current and future projects that are already planned for, costed, in progress and/or are funded by investment will be affected.

She is especially fearful of how this will affect people working in IT, and feels that it could make some projects on low margins unprofitable, leading to cancellations and job losses. She is someone who has to deal with the situation on a day-to-day basis.

I have heard from another constituent on this issue. He runs a small company that is trying to develop its supply chain. Owing to the nature of the business, my constituent engages only in contract work, which involves travelling across the country. As such, he claims expenses for travel, accommodation, food and so forth. HMRC allows contractors working in the private sector to claim back 5% of the income that is generated through a contract to offset the admin costs of running a business. However, my constituent says other expenses will not be claimable. He argues that recent changes to travel and subsistence allowance mean that the contractors working under the rules of IR35 will not be able to claim on everyday expenses, such as travel, hotels, meals and so on. He believes that HMRC will reclassify those earnings as liable to tax and national insurance contributions if they do not meet its test. My constituent claims that this is notoriously difficult to do; in many cases, contractors’ expenses will not meet the test, causing a significant loss of income.

I apologise for reading that word-for-word; with the complexities involved, I am rather fearful of not doing so. Can the Minister clarify some of those concerns? My constituents are committed to the business work that they do, and these sorts of workers are very important in my local area. However, they are clearly worried about the proposed changes. I hope the Minister reassures us in some way and deals with the situation—it is causing great concern to my constituents who are likely to be affected by it.

2.49 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Gapes. I commend my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) for securing the debate and pulling together the necessary support from the Backbench Business Committee. This debate is a good example of the constituency MP in action and effectively representing constituents—the sentiments expressed so far by my hon. Friend indicate that.

I had never heard of IR35 until a constituent came to see me about it and asked me, “What do you know about IR35?” I had to confess: “Nothing. I have never heard of it.” I was in for a quick education, however, as he iterated his deep concerns about the changes. I must confess, having never before seen, heard of or understood IR35, I share his alarm. It is only right that the Minister recognises the deep and genuine concern about the issue, which is shared not only by constituents, but by hon. Members who have been made aware of it.

My hon. Friend encapsulated that concern—the changes to IR35 are akin to using a sledgehammer to crack a nut. I am heartened to see Labour MPs standing up for freelance workers and raising concerns about the policies that the Conservative Government have proposed, which could damage entrepreneurship, workers’ rights and private sector businesses. That is quite curious, as the narrative is usually the other way around.
I am aware that the original IR35 legislation was introduced by the previous Government some time before I entered the House, but I refer hon. Members to what the current Chancellor said in November 2001, at the time of its introduction:

“One reason why the Government’s IR35 initiative has been so damaging and destructive is the fact that it has hit at the most flexible part of the economy.”—[Official Report, 6 November 2001; Vol. 374, c. 16WH.]

It would be interesting to see if the Minister can explain how the reforms are no longer as damaging and destructive as his boss previously thought.

In February, I submitted a written question to the Financial Secretary to the Treasury. In his answer, he said:

“The reform does not change the amount of tax payable by the firm engaging the worker.”

I am afraid that that is factually incorrect. Before the reform, the firm that engaged the worker did not expect to pay employer national insurance contributions. The person of significant control did that, and deducted it from the amount received from the engager. After the reform, the engager will pay employer national insurance contributions on top of the amount paid to the person of significant control.

The figures produced by the Office for Budget Responsibility have the highest uncertainty rating possible, with no data available on the behavioural effects. My hon. Friend the Member for Rutherglen and Hamilton West indicated that the potential effects could be devastating for firms, which may have to contend with onerous administration burdens and face considerably increased costs both to retain and to hire contingent workers, particularly those that require overnight stays to complete the work. As extra costs to business are inevitable, firms clearly need more notice so that they can plan accordingly. They face hard choices to decide whether to increase costs or cancel or delay existing projects.

Of course, some firms will no doubt be in a position to pass any extra costs on to the contingent workers whom they hire by reducing the amount that they pay. Sadly, those in weaker bargaining positions and with lower earnings will be most affected. Those given a Hobson’s choice will end up classed as employees for tax only, but will not have any of the associated employment rights. That seems entirely contrary to the Government’s good work plan.

There are clear concerns about the complexity of employment status assessments, which HMRC’s check employment status for tax tool, or CEST tool, has been unable to overcome. It is worrying that HMRC promotes the use of a tool that gives incorrect results, as evidenced by the Lorraine Kelly case, which has been mentioned. Given that HMRC loses the vast majority of IR35 cases in court, how can it adequately educate and prepare the newly laid foundation of the British economy? If a potential company sale, which could reduce the attractiveness, value and shareholder value of the firm. Will firms still consider the UK as a base for operations when that kind of uncertain financial environment is the newly laid foundation of the British economy? If a growing company needs to hire contingent workers, will it choose the UK as its base?

The new proposals also introduce a new tax. It is based on a subjective assessment by the client, which could be wrong, yet there is no route to appeal. HMRC has suggested that firms should manage the appeal process themselves, but asking the perpetrator to judge their own situation is hardly a valid appeal and does not enable a taxpayer to seek natural justice through the courts. The new proposals effectively bestow on firms powers to make tax judgments that affect someone else’s wellbeing without there being any proper way to appeal. If HMRC cannot get the assessment decisions right, is it fair to put them into the hands of firms that have a vested interest—to avoid tax risk—in wrongly claiming that the worker is caught by the legislation? That will clearly require some sort of independent arbitration service, but the assessments need to be completed before the work begins. How is that possible when the service would need to deal with around 600,000 assessments a year?

I sympathise with the Treasury’s challenge. It is concerned about the projected decrease in employer’s national insurance contributions, as the modern workforce changes and more people move to flexible self-employment. The Treasury wants to take the same sized slice of tax from everyone who provides labour, irrespective of their employment status. Unfortunately, the tax system has not kept up with the modern way of working, and employer’s national insurance is now seen as an unnecessary cost by firms that can much more easily obtain the services that they need from the contingent workforce, particularly with platform-based or gig-based working.

The employer’s national insurance of 13.8% is, in all but name, a payroll tax, which firms that hire contractors do not have to pay. It is the £60-billion elephant in the room. Contractors, because of various changes over
the years, pay largely proportional taxes to those on a salary, and any historical tax advantages are small compared to the chunk of employer’s national insurance that firms do not have to pay when they hire the self-employed. If the tax differential was closed, none of us would be standing here today and there would be no such thing as “deemed employees” or IR35.

If the Government are concerned about falling revenues because of the self-employed, they should ditch the introduction of a new complex tax that is based on the already failed IR35, and instead just introduce a new off-payroll tax that applies to all firms that hire freelancers who are off-payroll. A small but simple tax would be far preferable to the large and uncertain one. To re-class those people as “deemed employees”, without giving them employment rights, is not the answer and never has been. The concept is ideologically flawed and will damage the flexibility of the British economy as the UK attempts to find its feet in these particularly uncertain times for the economy and its prospects for growth.

I shall close by asking the Minister some direct questions. If, as HMRC has claimed, a third of workers are probably “deemed employees”, how come HMRC keeps losing IR35 cases in court? In the light of the inaccuracy of HMRC’s CEST tool, and the lack of evidence about testing and accuracy, can the Minister assure us that the tool will undergo formal independent scrutiny to ascertain its worthiness, before any future enhancements are released to the wider sector? What studies has the Treasury conducted to consider the impact of the reforms on the self-employed?

2.58 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to speak under your chairmanship, Mr Gapes, even though it looks as though that will be brief. I congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on securing the debate. Those of us in the Chamber today share common ground on the problems of IR35. The hon. Gentleman said that we all wanted to see what was due to be collected in taxes being collected to pay for the services from which we all benefit. That is an important point to bear in mind, and we share that view, but that is not to take away from the difficulties that have been presented in the Chamber so eloquently today.

The hon. Gentleman referred to the Taylor review and the need to get the recommendations in play with some speed, and to the conflict between agencies and contractors. He also made a good point, on which we need to reflect, about our future relationship with the EU—the crisis that we currently face over EU membership. That should be food for thought for Ministers in relation to a possible delay to the further roll-out of IR35. The hon. Gentleman talked about his constituent and mentioned that large companies often have sophisticated tax systems and resources that are not available to those who are often affected.

[SIR DAVID AMESS IN THE CHAIR]

The hon. Member for Brentford and Isleworth (Ruth Cadbury) talked about the unintended consequences of IR35, moving on to the loan charge, which I will touch on in a few moments, and in particular the confusion in the NHS and other public bodies. She mentioned those working flexibly with the NHS to meet its needs. Another point that I agreed with was that the effect of rolling IR35 into Brexit has increased the unacceptability of going into such jobs and accelerating chronic staff shortages by trying to force into the PAYE system people who do not want to be in it.

The hon. Member for Clwyd South (Susan Elan Jones) also talked about public sector damage, but she reflected on it in terms of IR35 being applied to the private sector. She expressed concerns that this was the wrong time, given Brexit as well as IR35. She quoted her constituents’ worries about additional costs, shrinking talent pools, legal challenges, investment losses and the expenses incurred. She mentioned the impact on IT businesses specifically, which is to make some unviable or unable to operate at all.

The hon. Member for Glasgow North East (Mr Sweeney) talked about how, when IR35 was introduced, the issues around it became relevant and very present, showing up as a genuine concern for many people. He highlighted the real extra costs to businesses and, as was said earlier, the number of IR35 court cases lost by HMRC. The Government must reflect on that when they look at this.

The hon. Gentleman also rightly talked about the lack of advice, warning or assistance from HMRC, moving on to the risk of the penalties incurred and of further extension of IR35 making it even less attractive to do business throughout the UK, especially in current circumstances.

The SNP has expressed concerns about the extension of IR35 since it was proposed in 2017. The UK Government must pay close attention to their own technical review and rule out extending IR35 rules until contractors’ concerns have been addressed. HMRC has been described as using a hammer to crack a nut, but this UK Government have had to be dragged kicking and screaming into tackling major, systematic tax avoidance and evasion. The extension was proposed through the Finance Act 2017, and since then the SNP concern has been about the key effect on contractors supplying public sector bodies. It is only right for such contractors to pay their fair share of tax, but they have been left with an unfairly high level of bureaucracy, making it even more difficult for them to play their flexible role within the economy, as those in the sector have confirmed. Experts have expressed concerns that IR35 does not even achieve its stated aim of equalising tax between those in its scope and employees.

IR35 has also made things more difficult for public sector organisations in rural communities, something I know a lot about, being a highland MP. In rural areas, we often rely on contractors to fill vacancies and to employ key staff—teachers, doctors, nurses and such key people in our communities—so we have great concerns about the further impact on contractors if IR35 is extended for the private sector in April 2020, as proposed.

We have expressed such concerns repeatedly. Indeed, my hon. Friend the Member for Aberdeen North (Kirsty Blackman) first warned the Chancellor about the risks of the expansion of IR35 during the April 2017 finance debate. The UK Government failed to listen then and, when we raised it again, later in 2017 and in 2018. Here we are in 2019, once again asking the Minister to listen. Will this be the day when ears are unblocked? I hope so. Will this be the day when the message gets through? Let us hope that as well. The UK Government should use
the 2019 Budget and Finance Bill to address IR35’s negative impact on contracted staff and our public services.

Earlier today, in the main Chamber, the loan charge was being debated. That is distinct from IR35, but some tax advisers have reportedly informed clients that IR35 required them to utilise tax vehicles now being tackled by the loan charge. For tax professionals to advise clients to use such loopholes is plainly wrong. People should of course pay their fair share of tax to support public services, but the UK Government must now pursue organisations that facilitated such loans. For those caught up in loan charge issues, there is great concern that HMRC has failed to work constructively with those seeking a loan charge repayment.

Ruth Cadbury: I thank the hon. Gentleman for giving way, and my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) for securing the debate—I am sorry, I should have done that earlier. I was in the loan charge debate, which has been suspended because rain is penetrating the main Chamber, so I came over to this debate. I want to add something now that I said in the other debate. Until the past three or four years, many of the early adopters of the loan charge were doing so with the strong advice of chartered accountants. In my earlier speech, I included at least two pieces of evidence to show that there was no uncertainty about the loan charge—it was legitimate. One was a memo written by an HMRC staff member in 2006 about loan arrangements being legitimate, fine and approved; the other was the Rangers case.

Sir David Amess (in the Chair): Order. I am not sure whether the hon. Lady is making an intervention or a separate speech.

Ruth Cadbury: I hope that the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) will have a look at some of the contributions made during the debate. Having done so, he will be able to agree with me that there is a lot of confusion and that people were not behaving illegally.

Drew Hendry: I thank the hon. Lady for that intervention, which allows me to agree with her—I too attended the early part of the main Chamber debate before coming here—and to say what a pleasure it is to serve under your chairmanship, Sir David. I congratulate my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) on securing this debate. It is also a pleasure to sit opposite the Minister. I had withdrawal symptoms after the end of the no-deal statutory instruments. I am afraid this subject has a similar level of complexity as the subjects we discussed in relation to no-deal preparations.

As many hon. Friends and Members have mentioned, IR35 arrangements are designed to operate in relation to workers involved in so-called off-payroll working. They cover situations where people work for a client through their own intermediary, often a personal service company. We have heard many examples in the debate. If people were providing their services directly, they would be classified as an employee. However, as a result of the arrangements, IR35 workers pay income tax and national insurance contributions in a different way to an employee. Individuals who work in such a manner benefit from increased flexibility and reduced tax liability, but the IR35 rules are intended to ensure that they pay broadly the same tax and national insurance contributions as an employee.

As we have discussed, the rules have applied to public sector bodies since 2017, and the Government confirmed at the 2018 Budget that they would extend the change to the private sector. The Government have just launched a technical consultation about the new arrangements.

Self-employment and contractual arrangements are a vital part of the UK economy. People who are genuinely self-employed deserve to be properly supported, while also ensuring that everyone pays the right amount of tax. However, there are real concerns that workers are being forced into self-employment by unscrupulous employers to avoid costs and their duties to workers. Both the law and the Exchequer are struggling to keep up on this issue—a point that has been made by various speakers today. HMRC estimates that it loses about £3 billion a year because of self-employment in name only.

There is a problem, but at the root of it is the gap between how work is characterised for tax purposes and how it is characterised for the purposes of employment legislation. The Taylor review was meant to clarify at least the latter, as was mentioned by my hon. Friend the Member for Clwyd South (Susan Elan Jones) in a speech that was characteristic of all the speeches today when she spelled out the experiences of her constituents, and appropriately so. The Taylor review had many flaws. I will not go into all of them now, but it suggested that, for example, sick pay could be traded for a weakening of minimum wage rules—certainly not something that I...
would support—and that came at the same time as the courts were recognising that many alleged self-employed workers were anything but.

However, the review did offer a number of recommendations that the Government have sadly been extremely slow to consider. The lack of clarity over the implementation of Taylor where it is warranted is leading to a huge number of problems, including the ones we have talked about, for genuinely self-employed contractors and for what we might call bogusly self-employed contractors, as well as for their employers, as they adapt to coverage by IR35, knowing that even the IR35 rules may be subject to change because of future alterations to employment law in the wake of the Taylor review.

It looks as though we will not see an immediate change, so HMRC is engaging in a process of what I call bricolage to try to bridge the gap, and the consequences are complicated and very confusing. The confusion was described appropriately by my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury), who talked about a constituency case. She was kind enough to share the details of the case with me before the debate. She was absolutely right to raise the concerns of her constituent.

Ruth Cadbury: May I clarify that it was not a constituency case? The case was raised with me as a result of the work that I did on the loan charge.

Anneliese Dodds: I am grateful for that clarification. Regardless of where the individual was based in the country, the case was revelatory. In theory, with a levelling of the playing field upwards when the private sector is covered by IR35, some of the concerns about the leakage of highly skilled contractor staff from the public sector could be removed by the extension. However, the other problems that hon. Friends and Members have rightly referred to are still there, not least the problems that arise for small, often one-man or one-woman-band contractor companies that are trying to provide specialist skills on this basis, who may well end up being disadvantaged in relation to much larger providers of those specialist services. Surely we do not want that; surely we want to continue to have the innovation that exists in the complex ecology of different firms and freelancers offering such services.

We really need a joined-up approach to the issues that brings together the consideration of tax and employment law and levels up protections for the self-employed, as well as dealing with the current implications of the tax system that boost bogus self-employment. In the absence of that, we have the issues that we have been talking about today, and employers themselves are trying to find a third way through all of this, as we have seen with the GMB-Hermes deal recently, where a new employment classification has been created in the absence of any other way to improve the situation.

We do not have a coherent approach. It is unfortunate that, as Members have mentioned, the lessons have not been learned from the roll-out of IR35 to the public sector before it is rolled out to the private sector. I will not go through all of them now, as they were appropriately described by my hon. Friends, but one that I want to underline again is the concern about the finance and time that has to be spent by the self-employed who face uncertainty because of the new rules.

The kind of experience that individuals have had with the HMRC online tool, which has already been explained, is a common one. The tool is not based on all of the case law, and the case law itself is not very clear in how it directs us to determining the status of many different contractors, so it does not resolve the situation for many users. It puts an additional strain on contractors, including many individuals who, as has been mentioned, might be on quite low incomes and cannot absorb additional costs. The Government need to look at the issue at a legislative level, rather than the onus being on HMRC to try to deal with it in a technical and procedural manner. It simply cannot. A different approach needs to be taken. As we established in our previous general election manifesto, the burden of proof should be with the employer, so that the law assumes a worker is an employee unless the employer can prove otherwise. We need to be clear on that.

Concerns about the appeals process have been mentioned. I will not go into them in detail, but I will underline the questions asked by hon. Members. How can we be sure that the process will be fair when it is led by those who employ contractors effectively marking their own homework, in the memorable words of one hon. Friend? The Institute of Chartered Accountants has stated that tax and benefit differentials between different types of work need to be addressed. There needs to be further consultation on what, if any, tax incentives are offered to the self-employed. That is one view from industry and it coincides with what was outlined in the Taylor report:

“Over the long term, in the interests of innovation, fair competition and sound public finances we need to make the taxation of labour more consistent across employment forms while at the same time improving the rights and entitlements of self-employed people.”

That brings me back to the fundamental issue that I will close with, Sir David.

It is a fact that the tax and legal status of work is not aligned, not certain and not comprehensible. It is impossible for many of those caught up in it to understand the right way forward. My party has said that we need a proper commission to look at it in detail, to modernise the law around employment status and to look at how it interrelates with tax status. We have presented a 20-point plan for security and equality at work. We need to build on that through a consultation that includes the voices of the people affected. We have heard so many of them in the short time that we have had today.

Anneliese Dodds: I am very concerned that the consultation is going ahead and that the whole process is continuing, because the consultation does not focus on the problems with the public sector roll-out. I would have anticipated that any consultation to expand the approach would take those issues on board. I hope the Minister will address that in his response, specifically why there has not been the necessary change of direction.

We may need legislative change, as I suggested, because of the lack of clarity; but we should not treat individual contractors as guinea pigs while it all gets sorted out, given the impact it could have on them. I look forward to the Minister’s response.
Sir David Amess (in the Chair): Colleagues will have noticed that the House has adjourned because of a water leak. However, that does not affect these proceedings, which can continue until 4.30 pm. I call the Minister.

3.20 pm

The Economic Secretary to the Treasury (John Glen): It is a pleasure to serve under your chairmanship, Sir David, in this very dry Chamber. I acknowledge the six excellent speeches that I have listened to carefully. I hope I will be able to respond to the whole range of concerns that have been raised, and specifically on the way in which IR35 has been implemented, as well as on the implications of the Taylor review.

First, I congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on securing this debate, and I thank everyone who has contributed. The Financial Secretary wanted to be here today—I suppose he could now come over and see how we are getting on—but the debate on disguised remuneration and the loan charge were mentioned and Strathspey (Drew Hendry), and I will come to that by the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), and I will come to that issue shortly.

The Government have a responsibility to ensure that everyone pays their fair share of tax—I am sure that feeling is shared across the House. We want to help people to pay the correct taxes on time by ensuring the system works as it is meant to. Some serious points have been made about the effectiveness of the system, which I will get to.

Jim Shannon (Strangford) (DUP): If the leak in the House had happened yesterday at 5 o’clock, there would have been conspiracy theories, but that is by the way. For small businesses and the self-employed who pay tax, we need a tax system that is simple to follow. Will there be changes in the tax system to make it simple to follow for small and medium businesses and the self-employed?

John Glen: I certainly agree with the hon. Gentleman’s instinct that tax simplification is how all Governments should seek to develop tax reforms. I will make some observations about that later.

As we have heard, the Government have set about extending the reform of the rules that govern off-payroll working. Those rules, known as IR35, were introduced in 2000—in fact, in the previous year’s Budget—to ensure that people working through their own company, who but for the existence of that company would be taxed as employees, pay broadly the same tax and national insurance as other employees. The rules do not affect the genuinely self-employed, and the Government recognise the massive contribution that contractors make to business and public services across the country. Our aim is simply to ensure that contractors who work through their own company pay the right tax.

However, evidence suggests that the rules have frequently been misapplied, meaning that contractors acting as employees were incorrectly paying less tax than if they had been employed in the usual manner. In April 2017, the Government introduced reforms for public sector organisations that take on contractors through their own companies. The reforms mean that public sector organisations are now responsible for deciding whether the contractor is acting as an employee and is therefore within the rules, as well as for ensuring that the right amount of tax is paid.

HMRC estimates that the reform has raised an additional £550 million in income tax and national insurance contributions over the first 12 months.

Ged Killen: Does the Minister know—I am not claiming that I do—how much of that £550 million is the result of the public sector incorrectly sweeping up contractors into the IR35 rules?

John Glen: I am not aware of any distribution analysis, but I will check with officials, and if I can give clarification on that, I will do so by letter.

Non-compliance in the private sector remains a persistent and growing problem that, if left unchecked, will cost the taxpayer as much as £1.3 billion by 2023-24, according to the Government’s estimates. In last year’s Budget, the Government announced that we will extend the reform of off-payroll working rules to all sectors, including the private and voluntary sectors. That will help to address the issue of non-compliance and to ensure there is a level playing field for the public sector and other sectors when hiring contractors.

The Government have listened to the views of individuals and businesses and have decided that the reform will apply only to medium and large organisations. It will not extend to the smallest 1.5 million businesses. In addition, it will take effect from April 2020, to give businesses and other organisations time to prepare. The Government are consulting on the detailed design of the planned reform, and we are listening carefully to the representations made. Our aim is to provide the individuals and organisations concerned with greater certainty about how the off-payroll working rules will operate from April 2020 in all sectors, including about the actions they can take to prepare for the changes.

Hon. Members talked about HMRC’s check employment status for tax—CEST—tool and raised some questions about its effectiveness. CEST was developed in consultation with stakeholders, including tax specialists and contractors, to assist individuals and public authorities in making the correct determinations. HMRC will stand by the result of CEST, provided the information entered is accurate and in line with HMRC guidance. It gives an answer in 85% of cases, and where it does not, more detailed guidance and support are available through a telephone number for individuals.

To support organisations in applying the rules, HMRC will continue to review and improve CEST. HMRC has already held user research sessions, and will continue to work with stakeholders over the coming months to ensure that the tool and the wider guidance suit the needs of all sectors, and to address specific points raised during the consultation. Enhancements will be tested and rolled out before the reforms are introduced in 2020. I asked officials for greater clarity on what is likely to mean, and we are talking about improved guidance, better phraseology and improved language that gives greater certainty to individuals who make inquiries.

The hon. Member for Brentford and Isleworth (Ruth Cadbury) mentioned the issue of blanket decisions in the example she gave. Members have expressed concern that businesses might take a blanket approach to applying the off-payroll working rules to contractors without
looking at the facts of individual cases. Independent research suggests that has not generally been the case in the public sector, where the reform has been in place since April 2017. I cannot account for every case, but research was done to evaluate the issue because it was a legitimate area of concern. The vast majority of public bodies are making assessments on a case-by-case basis. I have looked into how that research was done—HMRC commissioned an external independent organisation to speak to central Government Departments, the NHS and local government departments to ascertain that.

Having listened to people’s concerns, we included proposals in our recently published consultation to help to ensure that processes are put in place for individuals to resolve disputes with their engagers directly and in real time. The proposals would put a legal requirement on engagers to have a status disagreement process in place, and would require them to consider evidence provided by an individual contractor and review their status determinations accordingly. HMRC is committed to working with organisations to ensure they make the correct status determinations, and will publish detailed support and guidance to help organisations prepare well ahead of April 2020.

Ruth Cadbury: I thank the Minister for his response. We look forward to that research. I hope he checks it with bodies such as the NHS and ensures that the different levels and layers of the NHS are looked at. I have been given evidence that different trusts are doing different things and that NHS Improvement and the framework providers in the NHS are providing conflicting advice, which of course causes a problem for agencies and for workers themselves.

John Glen: I am very happy to look into that and to see that that work is forensic enough to give a reliable read-out on actual behaviour.

Members also questioned whether there might be an additional burden on businesses that hire contractors, and raised concerns about introducing the reform at this time of uncertainty. As I mentioned, the reform simply enforces legislation that was introduced in 2000.

Fundamentally, I believe it is fair that two people who work in a similar way pay broadly the same tax, and the businesses that hire individuals are best placed to determine whether these rules apply. Medium-sized and large organisations will have until April 2020 to implement the changes, and we will keep the existing rules for the smallest organisations, minimising administrative burdens for the vast majority of businesses and other organisations.

I turn now to employment rights, which the hon. Member for Oxford East (Anneliese Dodds) mentioned. I, too, have missed our exchanges in Delegated Legislation Committees, but it is good to be talking about another topic. Falling within the off-payroll working tax rules does not currently change an individual’s status for employment rights, as there is currently no direct link between employment taxes and those rights.

The Matthew Taylor review took place in summer 2017, and the good work plan was published in December 2018. As set out in that plan, the Government agree that reducing the differences between the tax and rights frameworks for employment status to a minimum is the right ambition. We will bring forward detailed proposals this year—I recognise the need for this to happen quickly—for how those frameworks could be aligned. In the meantime, it is right that the Government take action to improve compliance with existing rules. Those who wish to challenge their employment status for rights can take their case to an employment tribunal, regardless of their tax status.

Members suggested that there is a link between the off-payroll working rules and disguised remuneration schemes. Disguised remuneration arrangements have nothing to do with the off-payroll working rules; individuals are able to comply with those rules without entering into contrived avoidance. Trying to get around rules that are designed to ensure that everyone pays their fair share is not an excuse to use a tax avoidance scheme.

There was mention of some celebrated court cases. It is not appropriate for me to comment on individual cases. Obviously, many of those cases are very complex; only the very complicated cases make it to court. HMRC will work with businesses to ensure they are equipped to make the right determinations.

I want to be clear that this reform does not introduce a new tax but seeks to strengthen compliance with existing tax rules. The Government value immensely the contribution of the self-employed and flexible workers—various Members have made the point that they make up a much larger proportion of the UK workforce—and intend to protect them, but there are many legitimate commercial reasons for people to work through limited companies and for businesses to engage those companies, and that should not need to change. The off-payroll working rules exist to ensure that those individuals pay a fair amount of tax, and the Government believe it is right that we address non-compliance through these reforms.

I hope I have addressed the points that were raised. If there are any points I have not dealt with, I would be very happy to take on board the final remarks by the hon. Member for Rutherglen and Hamilton West and to write to any Member in lieu of responding appropriately.

3.34 pm

Ged Killen: I thank the Minister for his response and hon. Members for attending the debate. This is a very complicated issue, and it is not necessarily one that sets pulses racing. However, for the people affected, their livelihoods are at stake, so I am pleased that Members have had the opportunity to raise their constituents’ concerns.

My hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) spoke about what is going on in the NHS, and the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) pointed out how many public services in rural communities are dealt with in this manner. We have not yet got this right in the public sector. That is the crucial point: if we cannot get it right in the public sector, these issues will only be amplified in the private sector. We have to consider that carefully.

As my hon. Friend the Member for Clwyd South (Susan Elan Jones) said, people’s livelihoods and incomes are at risk because, for example, expenses will be treated as earnings. For a lot of small businesses, having expenses treated differently could be the difference between success and failure. Small decisions in this respect may have major impacts.
My hon. Friend the Member for Glasgow North East (Mr Sweeney) mentioned the CEST tool, which I touched on in my opening remarks. I am not comforted by what the Minister said about that tool, purely because I have experience of it in a previous life and I know just how inconclusive it can be.

John Glen: I am happy to meet the hon. Gentleman to engage further on that and discuss his concerns in detail. I am not paying lip service to the consultation; I want it to be effective, and I want the tool to be as effective as possible.

Ged Killen: I thank the Minister for that. I appreciate that we can have a constructive approach. I do not think any of us disagrees about the principles; this is about getting it right.

HMRC’s idea of working with people to assist them is different across the board. I point out gently to the Minister that it can be daunting for people to have HMRC assisting them, because it provides guidance but it is also the enforcer. People are therefore keen to get things right on their own, so we need a fair and transparent system that everyone can understand and use fairly. If we can get a tool that works, that is great, but let us make sure we have one before we come down too hard on people.

I did not hear the Minister confirm whether the changes will eventually be rolled out to small businesses in the private sector. I appreciate that he might not be in a position to answer that today. If the Government are considering that, I urge real caution. They have not suggested that yet, but, having come from a small business background, I can say that that would be a very difficult prospect.

Mr Sweeney: My hon. Friend makes an important point about the roll-out being restricted to larger businesses, which the Minister referred to. The changes will inevitably also impact small businesses, which are contractors with areas of expertise. For example, a large bank such as Barclays might commission a software expert to come in and build a product or tool, and that expert might in turn employ staff to support that project. If we classify the person who runs that small business as an employee of the bank, how are they meant to pay their staff?

That is the fankle that this reform will result in. It will draw us into situations where thriving, dynamic businesses that are responsive to the needs of large businesses—small businesses that can, for example, plug into a large financial institution to deliver a bespoke project and detach again—are not able to function in that way because their people will be pulled in as payroll staff members. Does my hon. Friend agree that those will be some of the inevitable negative impacts for small businesses if the Government do not get their act together with these changes?

Ged Killen: I absolutely agree. Small businesses will be affected by these changes anyway. People will be operating in a two-tier system, because many will work for small businesses as well as for large businesses in the private sector, and different rules will apply in those situations. I am not saying that is an argument for equalisation, because I still think it would be difficult for small businesses to act as the judge of whether someone falls under the scheme.

I am not in any way opposed to the principle of preventing tax avoidance. We all want to ensure that we boost tax revenues as much as possible, but that must be done fairly and transparently, and we must not destroy flexible working in the economy or self-employed people and small businesses in the process.

Question put and agreed to.

Resolved,
That this House has considered IR35 tax reforms.

3.39 pm

Sitting adjourned.
Written Statements

Monday 25 March 2019

TREASURY

Convergence Programme

The Chief Secretary to the Treasury (Elizabeth Truss):
Article 121 of the treaty on the functioning of the European Union (TFEU) requires the UK to send an annual convergence programme to the European Commission reporting upon its fiscal situation and policies. The United Kingdom will continue to apply the acquis so long as it remains a member state and, as set out in the withdrawal agreement, for the duration of the implementation period, if the withdrawal agreement is ratified by both the UK and EU.

The UK’s convergence programme will be sent to the European Commission by 30 April. This deadline was set in accordance with the European semester timetable for both convergence and national reform programmes.

Section 5 of the European Communities (Amendment) Act 1993 requires that the content of the convergence programme must be drawn from an assessment of the UK’s economic and budgetary position which has been presented to Parliament by the Government for its approval. This assessment is based on the autumn Budget 2018 report and the most recent Office for Budget Responsibility’s “Economic and Fiscal Outlook” and it is this content, not the convergence programme itself, which requires the approval of the House for the purposes of the Act.

Article 121, along with article 126 of the TFEU, is the legal basis for the stability and growth pact, which is the co-ordination mechanism for EU fiscal policies and requires member states to avoid excessive Government deficits. Although the UK participates in the stability and growth pact, by virtue of its protocol to the treaty opting out of the euro, it is only required to “endeavour to avoid” excessive deficits. Unlike the euro area member states, the UK is not subject to sanctions at any stage of the European semester process.

Subject to the progress of parliamentary business, debates will be held soon in both the House of Commons and the House of Lords, in order for both Houses to approve this assessment before the convergence programme is sent to the Commission. I will deposit a copy of a document to inform these debates in the Libraries of both Houses and copies will be available through the Vote Office and Printed Paper Office in advance of the debates.

The UK’s convergence programme will be available electronically via HM Treasury’s website prior to it being sent to the European Commission.

[HCWS1444]

FCA: Retained Provisions of the Consumer Credit Act

The Economic Secretary to the Treasury (John Glen):
In 2014, the Government fundamentally reformed the consumer credit market, by transferring regulation from the Office of Fair Trading (OFT) to the Financial Conduct Authority (FCA). This more robust regulatory system is helping to deliver the Government’s vision for a well-functioning and sustainable consumer credit market which is able to meet consumers’ needs.

As part of the transfer, the FCA was required in regulation 20 of the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2014 to undertake a review of the “retained provisions” of the Consumer Credit Act 1974.

In February 2016 the FCA published a Call for Input setting out its approach and seeking responses from stakeholders. In August 2018, the FCA published an interim report, which set out initial views and invited feedback. The FCA has now completed this review, and the Treasury has laid the final report before Parliament. Copies of the document are available in the Vote Office and the Printed Paper Office.

The Government welcome the FCA’s report, and the significant analysis undertaken by the FCA during the course of the review. The Government will consider the report and whether further reform of the consumer credit regulatory regime is needed.

[HCWS1442]

Asset Sales Disclosure Guidance

The Chief Secretary to the Treasury (Elizabeth Truss):
The Treasury is today publishing new technical guidance concerning the disclosure to Parliament of Government asset sales.

The guidance is a further output of the Government’s balance sheet review and responds to issues raised in the Office for Budget Responsibility’s 2017 fiscal risks report, as well as recommendations from the National Audit Office and the Public Accounts Committee about improving transparency and accountability for major assets sales. The guidance fulfils the commitment to fiscal transparency and accountability made in the Treasury’s 2018 managing fiscal risks to require Departments to disclose the impact of major assets sales on their balance sheets and the public finances as a whole.

The disclosure will take the form of a written ministerial statement (WMS) made to Parliament following the sale of an asset. The WMS will include the rationale for the sale, a justification of its timing and format, whether the sale was above, within, or below the retention value range, and the impacts of the sale on public sector net borrowing (PSNB), public sector net debt (PSND), public sector net financial liabilities (PSNFL) and public sector net liabilities (PSNL—the accounting impact).

A copy of the guidance can be found at: https://www.gov.uk/government/publications/asset-sale-disclosures-guidance-for-government.

[HCWS1446]

EXITING THE EUROPEAN UNION

EU Withdrawal Joint Committee: Oversight

The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng): In my response to an urgent question on Wednesday 20 March, I stated that during the implementation period, we will “technically be a member state [of the European Union]”, that “payments or penalties [for non-compliance with the
withdrawal agreement] would be imposed only by mutual consent”, and that “the CJEU will have some role in interpreting EU law, but we will be outside its jurisdiction”.

The correct position is that, first, during the implementation period, the UK will no longer be a member state of the European Union, but market access will continue on current terms.

Secondly, my statement that the Joint Committee cannot unilaterally impose financial penalties was correct: all decisions of the Joint Committee are mutual and, under the withdrawal agreement, neither party is allowed to impose financial penalties on the other, whether through the Joint Committee or not. However, for clarity I wish to confirm that the independent arbitration panel set up under article 171—which was referred to by right hon. Friend the Member for North Shropshire (Mr Owen Paterson)—can impose a financial penalty where a party has failed to comply with a ruling made against it.

This is not a unilateral imposition of a penalty by one party against the other, as it would be done by the arbitration panel, which is independent of both parties and made up of experts in both international and EU law, qualified for high judicial office. It could only occur under certain conditions as set out in the WA, and after all other stages of dispute resolution and crucially must be proportionate to the continuing breach that has been identified by the arbitration panel.

Thirdly, I also said that we would be “outside [the] jurisdiction [of the CJEU]” after the end of the implementation period. While that is of course very largely the case, I should also remind the House that, in bringing the CJEU’s jurisdiction to an orderly end, there are a small number of limited areas where we have agreed we will continue to accept rulings for a time-limited period in order to facilitate legal certainty.

[HCWS1447]

HEALTH AND SOCIAL CARE

Mental capacity (Amendment) Bill: EVEL and Commons Consideration of Lords Amendments

The Minister for Care (Caroline Dinenage): I am today placing in the Library of the House the Department’s analysis on the application of Standing Order No. 83L in respect of the Government amendments tabled for Commons consideration of Lords amendments for the Mental Capacity (Amendment) Bill.

[HCWS1441]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Thames Estuary 2050 Growth Commission

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): I am today announcing the allocation of a further £46 million rough sleeping initiative funding to support those sleeping rough and those at risk of sleeping rough in 246 local authorities.

This funding provides continuity from the £30 million fund for 2018-19, which was aimed at an initial 83 local authorities with the highest levels of rough sleeping in 2017.

The 2018 annual rough sleeping statistics showed a decrease of 639 or 19% in numbers of rough sleepers across these areas. While the programme is still in its infancy, the figures continue to demonstrate that the rough sleeping initiative has had a significant impact on the number of people sleeping rough and is working. Therefore, we are providing a further £34 million to these 83 areas in 2019-20.

Thank Sir John and all the members of the commission for their expertise and scrutiny across the duration of the commission.

Comparable in scale to the midlands engine, northern powerhouse and Oxford-Cambridge arc, the Thames estuary has the potential to deliver growth to support the success of the whole of the UK economy. The Commission envisioned that by 2050 the Thames estuary will be a tapestry of productive places along a global river. The estuary will create 1.3 million new jobs and generate £190 billion additional gross value added.

The Thames estuary has long been a gateway to the wider UK economy but there remain pockets of entrenched deprivation within the region. And this area is not yet fully delivering on its great potential.

I welcome the vision for growth that the commission has set out. I am pleased to announce further commitments from this Government to support the delivery of the commission’s vision, including: £1 million to support a new Thames estuary growth board; appointing a Cabinet-level ministerial champion; £4.85 million to support local partners to develop low-cost proposals for enhancing transport services between Abbey Wood and Ebbsfleet, subject to suitable housing ambition; exploring the potential for at least two new locally-led development corporations; launching a strategic communications campaign to promote the Thames estuary as a great place to live, work and do business; funding for the creation of masterplans and feasibility studies on key sites in the Thames estuary creative production corridor; and bringing together relevant authorities to collaborate on the Thames estuary 2100 plan, to make sure that growth in the estuary is sustainable and resilient. My full response is available: www.gov.uk.

Our response to the Thames Estuary 2050 Growth Commission marks this Government’s commitment to this important area of the country. The Thames estuary has great potential to provide well-balanced, inclusive economic growth and will remain vital for the UK economy following Brexit.

Rough Sleeping Initiative

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): I am today announcing the allocation of a further £46 million rough sleeping initiative funding to support those sleeping rough and those at risk of sleeping rough in 246 local authorities.

This funding provides continuity from the £30 million fund for 2018-19, which was aimed at an initial 83 local authorities with the highest levels of rough sleeping in 2017.

The 2018 annual rough sleeping statistics showed a decrease of 639 or 19% in numbers of rough sleepers across these areas. While the programme is still in its infancy, the figures continue to demonstrate that the rough sleeping initiative has had a significant impact on the number of people sleeping rough and is working. Therefore, we are providing a further £34 million to these 83 areas in 2019-20.
I want to go further, and so launched a bidding round in December 2018 for those areas not in the initial 83 and I am pleased to announce that I will be providing an additional £12 million to a further 163 local authorities in 2019-20. This will continue to build on the work we have done so far to make sure we continue to support more people off the streets and into safe and secure accommodation.

This funding will provide for over 750 new staff focused on rough sleeping. This will include more outreach workers to engage with people on the streets, specialist mental health and substance misuse workers and dedicated co-ordinators to drive efforts to reduce rough sleeping in their areas. It will also provide for over 2,650 new bed spaces including both emergency, temporary and settled accommodation. The breadth of this funding will provide coverage of 75% of local authorities across England.

The rough sleeping initiative team, made up of expert advisers with knowledge and experience in areas such as mental health, specialist housing, substance misuse and criminal justice will continue to work closely with local areas to implement the plans and to monitor their progress. I have deposited a full list of the individual amounts allocated to the 246 local authorities in the House Library.

I am confident this package of support will achieve substantial results across England. It will also build upon the work we have already undertaken. This work includes publishing our cross-Government rough sleeping strategy which sets out an ambitious £100 million package to help people who sleep rough now and puts in place the structures that will end rough sleeping once and for all, piloting the housing first approach, which has an internationally proven evidence base for effectiveness, in Greater Manchester, Liverpool city region and the west midlands, allocating over £1.2 billion in order to prevent homelessness and rough sleeping, including more upfront funding so local authorities can proactively tackle homelessness pressures in their areas, and, additionally, the introduction of the Homelessness Reduction Act which means that more people now get the help they need and at an earlier stage so preventing homelessness from occurring in the first place.

[HCWS1443]
The Minister for Universities, Science, Research and Innovation (Chris Skidmore): I am pleased to announce that I have commissioned Professor Sir Adrian Smith, Director and Chief Executive of the Alan Turing Institute, to provide independent advice on the design of UK funding schemes for international collaboration, innovation and curiosity-driven blue-skies research.

The UK is a world-leading research nation with a globally connected research base. Collaboration with European and wider international partners is key to our strength in science and research: more than half of the UK’s research output involves such collaboration. The UK is in the top four of global innovation nations and we draw in more internationally mobile research and development (R&D) than other large countries, with a total of 16% of UK R&D investment financed from abroad.

This Government are bringing forward the largest investment in R&D on record. As outlined in our modern industrial strategy, we are committed to reaching 2.4% of GDP invested in R&D by 2027, and 3% in the longer term. International partnerships and collaboration will play an important part in helping to achieve our ambitions, including in supporting the industrial strategy’s grand challenges to put the UK at the forefront of the industries of the future. Professor Sir Adrian Smith’s advice will help set the direction for the implementation of the Government’s ambition to ensure the UK continues to be a global leader in science, research and innovation, and an attractive country for individuals to study and work. Furthermore, Sir Adrian’s advice will help inform the upcoming spending review.

The terms of reference, outlining the scope, timescale and reporting of this work are below.

**Terms of reference for the Commission of Professor Sir Adrian Smith**

**General**

The Secretary of State for Business, Energy and Industrial Strategy has commissioned Professor Sir Adrian Smith to provide independent advice on the design of potential future UK funding schemes for international, innovation and curiosity-driven blue-skies research, in the context of the UK’s future ambitions for international collaboration on research and innovation. This document outlines the terms of reference for this work.

The global landscape for science and innovation is changing, and access to knowledge, markets, skills and partners now takes place on a global basis. Global research and development (R&D) capacity is expanding and non-Organisation for Economic Co-operation and Development (OECD) countries account for a growing share of global R&D, both in terms of researchers and investment. Better understanding is needed on whether the UK’s current funding mechanisms, resources and bilateral and multilateral partnerships will be fit for purpose when set against the projected trends in international research and innovation, and against new technology and industry roadmaps and the forecast social, economic and environmental trends.

The UK’s participation in Horizon 2020, the current European Union (EU) framework programme for research and innovation, has benefited the UK’s science, research and innovation landscape. It provides opportunities for UK entities to collaborate with EU and international counterparts and funding for multiple elements including innovation, international collaborations and partnerships, and curiosity-driven ‘excellence’ based research. Horizon Europe is the successor to Horizon 2020 and will run from 2021 to 2027. The UK remains committed to ongoing collaboration in research and innovation with partners across Europe. To this end the UK would like the option to associate to Horizon Europe and is continuing to actively shape the development of that programme. However, we are also exploring in parallel credible and ambitious alternatives to deliver positive outcomes for science, research and innovation in the event that the UK chooses not to associate.

**Purpose**

Professor Sir Adrian Smith has been invited to provide independent advice on how funding future international collaboration, from curiosity-driven ‘discovery’ funding through to innovation, can best be designed to positively impact science, research and innovation in the UK, and to support the Government’s strategic objectives, including the industrial strategy and its commitment to 2.4% of GDP invested in R&D by 2027.

In the immediate term, Professor Sir Adrian will be asked to advise on the design and delivery of elements of the potential alternatives to Horizon Europe association. This will include the Discovery Fund, which aims to provide a UK alternative to the curiosity-driven and excellence-focused elements of Horizon Europe.

On the Discovery Fund Professor Sir Adrian Smith will be asked to consider:

- The design of UK alternative funds i.e. the scale, scope and any international elements of proposed funds, and how they could complement the current UK funding landscape;
- The delivery of UK alternative funds i.e. how strategic direction could be determined, how proposals could be reviewed.

On international collaboration, Professor Sir Adrian Smith will be asked to consider:

- How funding mechanisms, resources, and international partnerships can remain fit for purpose for our global ambition to support the international research and innovation strategy, which will be published in the coming months.
- How international collaboration can best support the Government’s industrial strategy and 2.4% target.

Professor Sir Adrian’s advice will help inform the upcoming spending review (as announced in the spring statement) and longer-term value-for-money considerations on international collaboration for research and innovation.

Professor Sir Adrian will have the independence to engage with relevant stakeholders and seek expert advice as he sees fit.

**Timescale**

It is anticipated interim findings will be presented to BEIS Ministers in the summer of 2019.

**Reporting**

Professor Sir Adrian Smith will report to me as Minister for Universities, Science, Research and Innovation. Professor Sir Adrian will provide an update on progress on a regular (monthly) basis, to BEIS officials. A summary of his interim findings will be published by BEIS.

[HCWS1449]
Young Entrepreneurs: Independent Review

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): The UK consistently ranks as one of the most entrepreneurial nations in the world, but there is more we can do to break down the barriers that stop some of our best and brightest young people from all backgrounds starting their own business.

Our modern industrial strategy sets out our plan to make the UK the best place to start and grow a business. We want to ensure we are driving forward a thriving entrepreneurial culture across all corners of society. Harnessing untapped talent will be key to achieving this.

To help us realise this ambition, my Department has this month launched an independent review into how best to tackle the barriers facing aspiring young entrepreneurs, aged 18-30, in England. The review will look at issues including access to finance, access to advice, support and business networks so that we can close the gap between entrepreneurial ambition and reality.

It will also look at the support on offer to young entrepreneurs from disadvantaged and low-income backgrounds and adds to efforts by the Government to improve diversity in the business community, following the Rose review into female entrepreneurship published earlier this month.

The review will be led by Nick Stace, chief executive of the Prince’s Trust. To support the review, Government and the Prince’s Trust are bringing together a steering group comprised of entrepreneurs with experience and insight. Details of this group will be set out in the coming weeks.

The review will make recommendations to Ministers later this year about what can be done to ensure young entrepreneurs are properly supported as they start building the businesses of the future.

[HCWS1453]

EXITING THE EUROPEAN UNION

EU Exit: EEA and Swiss Nationals

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Today the Department for Exiting the European Union and the Department for Work and Pensions are announcing that, if the UK leaves the EU without a deal, there will be no immediate changes to entitlements to access public funds for EEA and Swiss nationals coming to live in the UK after free movement ends and before the new immigration system is introduced in 2021.

“Public funds” is defined in immigration rules and includes a range of services and benefits that are provided by a number of Government Departments, local authorities and service providers. This announcement is pertinent to all spending and service Departments.

On 28 January 2019 the Home Secretary set out the immigration provisions for EEA and Swiss nationals coming to the UK after EU exit in the event of a no deal. The provisions will enable the Government to end freedom of movement but recognise the need for transitional arrangements.

In the event of no deal EEA and Swiss nationals arriving after free movement ends and wishing to stay longer than three months would need to apply for temporary leave to remain which, if granted, would be valid for 36 months.

Our announcement today provides details of the transitional arrangements for access to public funds for this group.

These arrangements will provide certainty to individuals arriving in the UK following the ending of free movement, will minimise disruption, and will ensure that changes are made in a sensible and sustainable way over a period of time.

It is important that, in a no-deal scenario, EEA and Swiss nationals who come to the UK after free movement ends know what their eligibility to access public funds will be. This will be on the same basis as for EEA and Swiss nationals now. They will continue to need to meet any eligibility criteria, for example demonstrating that they are exercising an EU qualifying right to reside, such as a worker or self-employed person. As now, those not exercising a qualifying right will not be able to access certain publicly funded services and benefits.

When an individual’s 36 months temporary non-extendable leave expires, a person wishing to remain in the UK will need to apply and qualify for leave under the new immigration system that will be introduced from 2021 onwards. When individuals move into the new immigration system, or if they otherwise change immigration status, their access to public funds may change. The details on the entitlements that will apply in these circumstances will be subject to further consideration. This may mean that some benefits will cease and that entitlements to some services may end. However, the Government are considering their options and announcements will be made in due course.

We are today publishing a paper entitled access to public funds for EEA and Swiss nationals arriving in the UK after EU exit in a no deal scenario, and I will be depositing copies in the Libraries of both Houses.

[HCWS1451]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Planning Applications: Call-in

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): As Secretary of State for Housing, Communities and Local Government, I have the power to “call in” planning applications, rather than them being left to local planning authorities to determine.

Parliament has entrusted local planning authorities with the responsibility for day-to-day planning decisions in their areas and they should, in general, be free to carry out their duties responsibly, with the minimum of interference and delay. For this reason, successive Governments have been very selective about calling in planning applications. While the call-in power under section 77 of the Town and Country Planning Act 1990 gives me a wide discretion, it is clear that, in practice,
call-in is the exception rather than the rule. Over the past 10 years, called-in planning applications have averaged just 21 per year from the annual average of 480,000 applications received by local councils—that is around one in every 23,000.

On 12 December 2001, the then Government announced that they would, from that date, give reasons for decisions not to call in planning applications. Following a review of the call-in process in 2010, a subsequent statement made on 26 October 2012 reconfirmed that the Secretary of State would continue to be very selective about calling in planning applications and would only consider the use of his call-in power if planning issues of more than local importance are involved. However, the statement of 12 December 2001 about giving reasons for not calling in planning applications was not formally withdrawn.

Having regard to the Court of Appeal judgment in the case of Save Britain’s Heritage v. the Secretary of State for Housing, Communities and Local Government, I have concluded that I need to address directly whether this Government should be bound by a commitment given by a previous Government. This Government fully support the need to be transparent and open in their decision making, and acknowledge the rationale behind the 2001 statement, but a decision on whether to call in a planning application, or not to do so, is inherently about process and not the merits of the application. I am concerned that to give reasons in either eventuality risks blurring this distinction and, as there is no duty in this respect, I will call in those applications where I conclude that such a decision needs to be taken by me and I will not call in applications where I conclude that the decision is best left with the local planning authority.

Therefore, so that my position is clear, I am announcing today that the policy set out in the statement of 12 December 2001 is hereby withdrawn and that, from today, I will not give reasons for calling in or declining to call in planning applications. The call-in policy set out in the statement of 26 October 2012 remains in place.

[HCSWS1452]

INTERNATIONAL DEVELOPMENT

Cyclone Idai

The Secretary of State for International Development (Penny Mordaunt): Cyclone Idai, one of the most severe cyclones ever to hit southern Africa, has devastated parts of Mozambique, Malawi and Zimbabwe, including many areas that were already affected by severe flooding. The UN estimates that over 2.6 million people have been affected across the three countries. The majority of them are in Mozambique—the country hardest hit by the disaster—where approximately 129,000 people are sheltering in accommodation centres, and where the UN estimates that 1.85 million people are in need of assistance. In Malawi, 87,000 people have been displaced. In Zimbabwe, initial UN figures estimate that 80,000 people have lost their homes entirely. On 25 March, the UN launched a $281.7 million funding appeal for the response in Mozambique.

The UK Government have made £22 million in aid available for the response to date, which is being led by the Governments of the affected countries and the UN. Some £18 million of this is in direct support of the response in the three affected countries and up to £4 million will be used to match the public’s generous contributions to the disaster emergency committee’s cyclone Idai appeal.

In expectation of the extreme weather, DFID-funded partner organisations pre-positioned essential supplies such as hygiene kits and medical supplies. UK aid is being used to send life-saving relief supplies and equipment, including 7,550 shelter kits and 100 family tents which are now in use in Mozambique. Following an assessment of need, further supplies are being flown into Mozambique on a charter aircraft from Doncaster Sheffield airport and an RAF A400M Atlas aircraft, which arrived in Mozambique on 26 March.

UK aid is also supporting the World Food Programme (WFP) to feed 400,000 people in the immediate aftermath of the cyclone through the distribution of emergency food and food vouchers. DFID has deployed 12 humanitarian experts to Mozambique, where they are assisting with the co-ordination of the international response. In addition, specialists in food security, nutrition, and water, sanitation, and hygiene from DFID’s Mozambique office are travelling to the affected area. A five-person UK medical assessment and co-ordination team also arrived in Mozambique on 25 March. The team will conduct a scoping visit to Beira and Chimoio this week to assess how the UK can assist in supporting emergency medical and health needs in affected areas. Four further logistics, in addition to the three already on the ground, are due to arrive in Mozambique on 27 March, and DFID have contracted two airport handling operations experts to provide training to staff at Beira airport.

In Malawi, the UK’s package of emergency support is funding shelter, food assistance, health, and water, sanitation and hygiene (WASH). These will be delivered through the World Food Programme, UNICEF, and the Red Cross. The funding will target the most affected areas of Phalombe, Nsanje, and Chikwawa. Some 65,000 people will be provided with emergency shelter, 150,000 people will receive food assistance for two months, 250,000 people will be provided with WASH support and 130,000 people will be helped to access health services.

In Zimbabwe, UK aid funding has been provided for health, WASH, and child protection assistance in the worst-affected areas, including Chimanimani. DFID is also supporting the immediate provision of emergency latrines and sanitation equipment. DFID is working with leading flooding experts at the Universities of Bristol and Reading, as well as the European centre for medium-range weather forecasts, to forecast how the extent and impact of the floods might change up to 10 days in advance. With more heavy rains forecast over the coming days, and bad weather and access already posing challenges for those on the ground, this allows aid workers to plan ahead and prioritise their resources.

The UK is currently the largest bilateral donor to the response. The UN has allocated $20 million in funding from its central emergency response fund (CERF), of which the UK was the largest donor last year. In addition, the European Commission is providing €3.5 million in support, and a number of other donors have also made...
contributions. I am in touch with international counterparts to encourage others to contribute and ensure that sufficient funding is made available. Last week, I spoke with both Sir Mark Lowcock, the UN's emergency relief co-ordinator, and Dr Tedros Adhanom Ghebreyesus of the World Health Organisation and called on them to ensure that the UN mobilises quickly and effectively. Along with the Minister of State for Africa, I will be speaking with other senior figures and ministers from other donor countries in the coming days to encourage them to contribute to the international response.

Her Majesty the Queen, the Prince of Wales, and I have written to the Heads of State and Foreign Ministers of the affected countries to express condolences and to offer our support and expertise in disaster response.

The UK's response to the cyclone is a whole-of-government effort both in the affected countries and in the UK. My Department has the overall lead on the response, with support from the Foreign and Commonwealth Office, the Cabinet Office, the Ministry of Defence, the Department for Health and Social Care, and Public Health England. The Foreign and Commonwealth Office has provided consular assistance to the small number of British nationals in the affected area and has updated its travel advice to advise against all but essential travel to the affected areas in Mozambique. We continue to monitor the situation closely and stand ready to deploy further support should it be required.

**JUSTICE**

**Stillbirths: Coronial Investigations**

The Parliamentary Under-Secretary of State for Justice (Edward Argar): I am pleased to announce the publication of a consultation on introducing the coronial investigation of stillbirths in England and Wales (CP 16), which has been laid before the House today.

Under current legislation coroners cannot investigate a death when it is known that the baby was not born alive. If there is doubt whether a baby was born alive, a coroner can investigate—which could include holding an inquest—but must halt that investigation if they determine that the baby was stillborn. Our consultation considers the case for coroners investigating stillbirths and sets out proposals for how these investigations could be undertaken. The proposals seek to deliver three objectives:

- to bring greater independence to the way stillbirths are investigated;
- to ensure transparency and enhance the involvement of bereaved parents in stillbirth investigation processes, including in the development of recommendations aimed at improving maternity care;
- and to effectively disseminate learning from investigations across the health system to help prevent future avoidable stillbirths.

The consultation delivers the Government commitment to consider enabling coroners to investigate stillbirths, made in November 2017, when the then Secretary of State for Health launched a suite of maternity safety strategy initiatives and committed to halve stillbirth rates by 2025.

It is thus a joint undertaking between the Ministry of Justice and the Department of Health and Social Care. I and the Under-Secretary of State for Health and Social Care (Jackie Doyle-Price) are grateful to the many people and organisations that have worked with officials in both Departments as we have developed our proposals.

Since the November 2017 announcement, meetings have been held with a wide range of interested parties including bereaved parents and supporting charities, the chief coroner and a number of senior coroners, NHS representatives, healthcare safety investigation branch officials, officials in the Welsh Government, academics and the Royal Colleges of Pathologists, Midwives, Obstetricians and Gynaecologists. Their insight and expertise have been invaluable in helping us develop our thinking.

The consultation seeks views on the merits of coroners inquiring into the causes of stillbirths and contains proposals as to when and how those investigations should take place, reflecting existing processes and arrangements for coronal investigations into child and adult deaths.

We propose that all stillbirths that occur at or after the 37 week of gestation should be in scope of an inquest and our proposals cover such matters as access to documents and medical examination of the stillborn baby.

A coronial investigation would provide greater transparency in stillbirth cases. Under our proposals evidence would be available to all interested persons, including the bereaved parents, who may not otherwise have the opportunity to hear or read everything that is presented when a stillbirth is reviewed. The coroner would bring judicial independence which would help build confidence in the conclusions of the investigation.

We propose that coroners should identify where lessons can be learnt from individual stillbirths in ways that will deliver system-wide improvements to the delivery of maternity services and the general care and safety of expectant mothers.

Whilst we have been developing our proposals, the private Members' Bill promoted by the hon. Member for East Worthing and Shoreham (Tim Loughton), the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, has been progressing through Parliament. The Bill, which is supported by the Government, seeks among other things to place a duty on the Secretary of State to prepare and publish a report on whether, and if so how, the law ought to be changed to enable or require coroners to investigate stillbirths. The consultation document takes account of the views expressed by members of both Houses during the debates on the Bill.

The consultation document and an impact assessment have been placed in the Library of the House and are available online at: https://consult.justice.gov.uk/digital-communications/coronial-investigations-of-stillbirths/.

Copies of the consultation document and the impact assessment are being sent to the stakeholders listed at annex A of the consultation document.

We look forward to hearing from anyone with experience of, or an interest in, this important and sensitive area.

The consultation closes on 18 June and the Government will publish their response later this year.

[HCWS1448]
Written Statements
Wednesday 27 March 2019

TREASURY

The Economic Secretary to the Treasury (John Glen):
On 6 March 2018 I laid a direction before Parliament using the powers conferred by sections 77(1) and (2) and 78(5) and (6) of the Financial Services Act 2012 (“the Act”), to require that the Prudential Regulation Authority (“the PRA”) should undertake an investigation into supervision of the Co-operative Bank plc between 2008 and 2013. The direction required that the PRA appoint an independent person to undertake the review and that the review should be completed within one year. The PRA appointed Mr Mark Zelmer, a former Deputy Superintendent of the Office of Superintendent of Financial Institutions, Canada, and previously a senior official at the Bank of Canada, to undertake the review.

The PRA presented the completed report setting out the findings of the review to HM Treasury on 4 March 2019. In accordance with section 82(6) of the Act the report are available in the Vote Office and Printed Paper Office and as required by section 82(2) of the Act the report will also be published on the Government website.


The Financial Conduct Authority has also welcomed the report. While the report contains no formal recommendation for HM Treasury, Mr Zelmer observes that in future relevant authorities should continue to engage early and regularly on firm-specific issues where necessary. The Treasury agrees with this observation, while ensuring that we continue to respect the independence of the regulators.

I would like to thank Mr Zelmer for his work in undertaking the review and producing this report.

FOREIGN AND COMMONWEALTH OFFICE
Hong Kong: Six-monthly Report

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt):
The latest six-monthly report on the implementation of the Sino-British Joint Declaration on Hong Kong was published today. It covers the period from 1 July to 31 December 2018. The report has been placed in the Library of the House. A copy is also available on the Foreign and Commonwealth Office website: www.gov.uk/government/organisations/foreign-commonwealth-office.

I commend the report to the House.

[HCWS1454]
Westminster Foundation for Democracy: Tailored Review

The Minister for Asia and the Pacific (Mark Field): I am announcing today the publication of the recent tailored review of the Westminster Foundation of Democracy (WFD), an arm’s-length body of the Foreign and Commonwealth Office (FCO).

WFD was established in 1992, with a focus on strengthening democracy in Africa, Asia, eastern Europe and central Asia, the middle east and Latin America. Since 1992, it has played an important part in delivering UK expertise on democracy and democratic institutions.

The principal aims of tailored reviews are to ensure public bodies remain fit for purpose, are well governed and properly accountable for what they do.

In conducting this tailored review, officials engaged with stakeholders in the UK and overseas, including across UK Government, civil society, as well as with WFD’s staff and management.

The review reported in December 2018. A plan to implement the recommendations has been developed and agreed between the FCO and WFD, and will be taken forward by officials. The review found that “given the scale of the challenges facing democracies, the review team believe that WFD’s purpose remains as relevant and necessary today as when it was established in 1992”.

The review also contains a number of recommendations to strengthen WFD’s corporate governance and its relationship with the FCO.

Copies of the review will be placed in the Libraries of both Houses.

The attachment can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-27/HCWS1455/.

[HCWS1455]
INTERNATIONAL DEVELOPMENT
Contingency Liability: Financial Assurance

The Secretary of State for International Development (Penny Mordaunt): On 23 August 2018, the Department for International Development (DFID) published its technical notice entitled “Delivering humanitarian aid programmes if there’s no-deal Brexit deal”. The notice committed DFID to funding the post-March outputs of European Civil Protection and Humanitarian Aid Operations (ECHO) programmes contracted to UK organisations, if ECHO terminates funding in the event of no deal.

The technical notice was issued to enable UK organisations to bid for ECHO funding prior to our exit, where they were bidding as lead or sole implementers. UK organisations argued that they were losing bidding
opportunities due to ECHO’s requirement that they prove at application stage that they could fund the post-March 2019 outputs of the programme in the event of a no-deal. The UK Government’s commitment enabled UK organisations to demonstrate in their applications that programmes would be funded in a no-deal scenario. UK aid spending in this case will prevent both loss of funding to UK organisations, and severe disruption to humanitarian programmes.

At present, the House is due to be in recess from 4 April. Therefore, it is not possible to offer the standard scrutiny period of 14 sitting days due to the potential urgency of the situation. However, if a Member signifies an objection by giving notice of a parliamentary question or otherwise raising the matter in Parliament before Parliament rises for the Easter recess, final approval to proceed with incurring the liability will be withheld pending an examination of the objection. In addition, if a Member raises an objection with me by correspondence after the Easter recess has begun but before 10 April, final approval to proceed will likewise be withheld pending an examination of the objection. The consequences of withholding the liability would be the halting or even cancellation of programmes delivering vital aid programmes to the world’s vulnerable, and the failure to uphold our commitment to UK humanitarian and development organisations.

Parliament was informed of this commitment on 23 August, when a letter from the Secretary of State drawing attention to the technical notice was deposited in both House Libraries.

In March 2019 I agreed to extend the financial assurance to cover any direct bid ECHO, European Development Fund, Development Co-operation Instrument and EU Aid Volunteers ODA funding to UK organisations where that funding will be cut by the EU in the event of no deal. This includes contracts and grants awarded prior to August 23. My Foreign Office colleague will make a separate announcement regarding heading four instruments under his remit.

The exact size of the contingency liability is still unknown, as UK organisations continue to bid for ECHO programming and we continue to await the EU approval processes. The size of the liability is therefore subject to change, though our current estimate is approximately £90 million, based on a reduced number of bids this year. The likelihood that the liability will be called is directly proportional to the likelihood of no deal.

The Treasury has approved this proposal.
Historic England Tailored Review

The Secretary of State for Digital, Culture, Media and Sport (Jeremy Wright): I am today announcing the start of a tailored review of the Historic Buildings and Monuments Commission for England (more commonly known as Historic England). As a non-departmental public body (NDPB), Historic England is required to undergo a tailored review at least once in each Parliament. This is the first review to take place since the organisation was split into two separate, though related, bodies in 2015: an arm’s-length body operating under the name Historic England, and a charity called the English Heritage Trust (trading as English Heritage).

The review will be conducted by my officials and will comprise two stages. The first stage will be a robust challenge to the continuing need for the functions performed by Historic England and, if there is a continuing need, whether some or all of these functions should be delivered by alternative delivery models or continued to be delivered by NDPB. It will also assess the current model and relationship with the English Heritage Trust to ensure it remains fit for purpose. This will include assessing the robustness and long-term sustainability of the current financial and governance arrangements following the split of English Heritage from Historic England in 2015.

If the review finds that the functions should continue to be delivered by NDPB, the second stage will review the structure, efficiency and effectiveness of Historic England. It will also consider the organisational control and governance arrangements in place to ensure that they are compliant with the recognised principles of good corporate governance and delivery of good value for money.

The findings of the review will be examined by a challenge panel, chaired by a DCMS non-executive director, which will rigorously and robustly test and challenge the assumptions and conclusions of the review.

In conducting the review, officials will engage with a broad range of stakeholders across the UK from heritage, culture, planning and development sectors as well as a selection of local government authorities.

The review will follow guidance published in 2016 by the Cabinet Office: “Tailored reviews: guidance on reviews of public bodies”. The terms of reference for the review and a survey seeking evidence about HE can be found on the DCMS website at https://www.gov.uk/government/consultations/tailored-review-of-historic-england

I will inform the House of the outcome of the review when it is completed and copies of the report of the review will be placed in the Libraries of both Houses.

[HCWS1465]
The UK welcomed the joint communication on China, supported the addition of language on Crimea and restated our commitment to the policy of non-recognition of Russia’s annexation of Crimea. We also welcomed the inclusion of the issue of disinformation on the agenda and highlighted the need to build resilience against hybrid threats.

European semester

The presidency presented a report on the discussions and main political messages from the different Council configurations on 2019 European semester package. The Council noted that although the European economy had entered its sixth year of growth, further action is needed to tackle global instability and economic challenges. The Commission welcomed the presidency’s report and the emphasis on country-specific recommendations.

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council 18 March 2019

The Minister for Europe and the Americas (Sir Alan Duncan): My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs attended the Foreign Affairs Council (FAC) on 18 March. It was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy (HRVP), Federica Mogherini. The meeting was held in Brussels.

Commemoration of the fifth anniversary of the illegal annexation of Crimea

The High Representative and Foreign Ministers marked the fifth anniversary of the illegal annexation of Crimea and Sevastopol by holding a short livestreamed session. The HRVP reiterated the key elements of the EU position; the EU did not, and would not, recognise this violation of international law, and stood in full solidarity with Ukraine, supporting its sovereignty and territorial integrity.

Current affairs

HRVP Mogherini expressed shock and solidarity with New Zealand over the attacks in mosques in Christchurch.

The High Representative and Ministers welcomed the results of the third Brussels conference on supporting the future of Syria and the region, which reaffirmed EU support for the UN-led political process and Syrian people by successfully mobilising aid from the international community.

The High Representative briefed Ministers on the international contact group’s ongoing work on Venezuela. Foreign Ministers expressed their concern at the continuing deterioration of the humanitarian situation. They reiterated the urgent need to find a way towards a political process.

The High Representative and Ministers also noted the signature of the peace agreement in the Central African Republic and the recently announced US measures on the International Criminal Court.

China

The Council held a wide-ranging and comprehensive exchange of views on China and EU-China relations, ahead of its discussion with Chinese State Councillor and Foreign Minister Wang Yi. The discussion fed into the 21-22 March European Council meeting and EU-China summit on 9 April, in Brussels.

The discussion was informed by the joint communication by the High Representative and the Commission entitled “EU-China: A strategic outlook” which had been adopted on 12 March. Ministers welcomed the assessment made in the joint communication and the proposed actions. While the 2016 China strategy remains the basis for EU co-operation with China, the joint communication provides useful guidelines on how to refine Europe’s approach to China to be more realistic, assertive and multi-faceted.

Republic of Moldova

The Council discussed the Republic of Moldova following its 24 February Parliamentary elections.

Foreign Ministers agreed that the formation of a Government should be a transparent and credible process that respected the outcome of the election. EU co-operation with Moldova will continue to be based on the implementation of the 2014 association agreement, with financial support conditional upon Moldova’s progress. The Council reaffirmed that the EU would continue to work to provide tangible benefits for the Moldovan people and support for civil society.

Yemen

Ministers recalled that there can be no military solution to the conflict in Yemen and that the only way forward was the full implementation of the Stockholm agreement. They stressed the need to keep up the political momentum and to push the parties to fulfil urgently their commitments, as well as the need to see immediate progress on the ground.

The Council reiterated the EU’s full support for the UN special envoy Martin Griffiths and his efforts in finding a lasting, sustainable, enforceable, inclusive and negotiated political solution within a UN-led framework. Foreign Ministers highlighted in particular the importance of fully involving Yemeni women in the political process, and expressed concern at the lack of improvement in the dire humanitarian situation, especially access for humanitarian aid. The Council reiterated that the EU and its member states would continue their humanitarian assistance efforts and lend political support as necessary.

Lunch with Chinese State Councillor and Minister of Foreign Affairs, Wang Yi

Over lunch, Foreign Ministers held an open and wide-ranging discussion with Chinese State Councillor and Foreign Minister Wang Yi.

Council conclusions

The Council agreed a number of measures without discussion:

The Council adopted conclusions on the EU guidelines on non-discrimination in external action.


The Council reviewed the sanctions regarding the situation in South Sudan, and agreed to maintain the restrictive measures currently in place against one person. The Council approved the specifications for the 2019 military crisis management exercise (MILEX 19).

The Council established the EU’s position for the 15th meeting of the EU—Republic of North Macedonia Stabilisation and Association Council, which will take place on 19 March 2019 in Brussels.

[HCWS1463]
The Secretary of State for Housing, Communities and Local Government (James Brokenshire): The Government are committed to tackling unfair practices in the leasehold market and to promoting transparency and fairness for leaseholders.

It is vital that we have a leasehold market that is transparent, fair and affordable for all those involved; where people know in advance what they are going to have to pay, are not saddled with mounting or unaffordable costs and are able to challenge fees if they feel they are unjustified or unfair.

Today I am announcing a package of measures to further support existing as well as future owners of leasehold homes.

This includes clamping down on unjustified legal costs for leaseholders, an industry pledge to tackle doubling ground rent charges and reforms to provide greater consumer protections and transparency around the use of event fees in retirement leasehold properties.

Under current rules, leaseholders may be liable to pay the legal costs of their landlord regardless of the outcome of a legal challenge. This has led to cases of leaseholders being forced to pay tens of thousands of pounds in legal fees, even when the court or tribunal has found in their favour. This can lead to leaseholders facing higher bills than the charges they were seeking to challenge in the first place. It can also deter leaseholders from taking their concerns to a tribunal.

We will bring forward legislation to close these legal loopholes that allow freeholders to unjustifiably recoup legal costs from leaseholders.

I am also pleased to unveil industry’s leaseholder pledge, which we have worked on closely with them. This will mean that developers, freeholders, lawyers and managing agents are committing to taking steps to help leaseholders, especially those who are affected by rapidly doubling ground rents. I would like to take this opportunity to commend all those who have already signed up, and to urge those who have yet to do so to do the right thing. We expect all those who are involved to help put right problems for people who are affected.

Today I am also announcing the Government’s response to the Law Commission’s 2017 report on “Event Fees in Retirement Properties”.

Implementation of these recommendations will help older people and their families to be better protected from hidden costs and unfair fees charged in some leasehold retirement properties, where owners are required to pay an event fee on certain events, such as sale, sub-letting or change of occupancy. A new statutory code of practice will ensure that these fees cannot be charged unexpectedly, while fees that breach it will be regarded as unenforceable. Developers and estate agents will be required to make all such fees crystal clear to people before they buy, so prospective buyers can make an informed decision before forming a financial or emotional attachment to a property.

I am committed to reforming the leasehold market so that it is fit for purpose and works for everyone and today’s package of reforms builds on our wider leasehold reform programme to reaffirm this commitment.

[Troubled Families Annual Report]

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): As required by the Welfare Reform and Work Act 2016, section 3(1), my Department has published the third annual report, setting out how the troubled families programme (2015-2020) has been supporting disadvantaged families. We are laying this report today and will place a copy in the House of Commons Library.

This notice details what the report covers, for the period up to the end of March 2019, as well as for the next financial year, including setting out which families are eligible for the programme and how the progress of families will be measured.

“Building Resilient Families: Third annual report of the troubled families programme 2018-19” details how the programme is spreading whole family working across local services so more families get access to the early, practical and co-ordinated support they need to overcome their complex problems.

This programme of whole family working has achieved significant progress over the past 12 months:

Local authorities have been funded to work in a whole family way with 380,426 families in most need of help as part of the programme. However, we know that local authorities are working in a whole family way with a far greater number of families.

Some 171,890 families have achieved significant and sustained progress against the problems that were identified when they entered the programme. This is up 79,645 on the previous year.

Of all families worked with since the beginning of the programme, in 20,366 families one or more adults have succeeded in moving into continuous employment. An increase of 6,459 since last year.

When compared to a matched comparison group, the programme of targeted intervention was found to have:

- reduced the proportion of children on the programme going into care by a third;
- reduced the proportion of adults on the programme going to prison by a quarter and juvenile convictions by 15%;
- supported more people on the programme back in work with 10% fewer people claiming jobseekers allowance.

Families classified as “relevant households” on the programme, as defined by section 3 of the Welfare Reform and Work Act 2016, are tackling at least two of the following challenges:

- Parents or children involved in crime or anti-social behaviour;
- Children who are not attending school regularly;
- Children who need help; that is children of all ages who need help, are identified as in need or are subject to a child protection plan;
- Adults out of work or at risk of financial exclusion or young people at risk of worklessness;
- Families affected by domestic violence and abuse;
- Parents or children with a range of physical and mental health problems.
The rationale for these eligibility criteria and an explanation of the way in which local authorities should identify families using a range of indicators, suggested referral routes and information sources were set out in the refreshed version of the financial framework, published on 8 December 2017. The financial framework also sets out how the progress of families supported will be measured.

[HCWS1464]

JUSTICE

Fixed Recoverable Costs in Civil Cases

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): The Ministry of Justice is today publishing a consultation paper Extending Fixed Recoverable Costs in Civil Cases: Implementing Sir Rupert Jackson’s proposals. We are seeking views on implementing the proposals in Sir Rupert Jackson’s report on fixed recoverable costs (FRC) in civil cases in England and Wales, published on 31 July 2017.

In civil litigation in England and Wales, the winning party is generally entitled to recover their costs from the losing party. The legal costs of civil cases have, however, been too high and too uncertain for a long time, making litigation riskier and less accessible than it should be and thereby undermining access to justice.

FRC are a way of controlling the legal costs of civil litigation in advance by prescribing the amount of money that can be recovered by the winning party at set stages of litigation. They reduce overall costs, keep them proportionate and enhance access to justice. They are already an important part of our justice system in lower value personal injury cases and the time is right to consider their extension.

The consultation will run until 6 June 2019. I have placed a copy of the consultation in the libraries of both Houses.

[HCWS1462]

TRANSPORT

Maritime and Coastguard Agency Business Plan

The Parliamentary Under-Secretary of State for Transport (Ms Nusarat Ghani): I am proud to announce the publication of the Maritime and Coastguard Agency’s (MCA) business plan for 2019-20. The MCA does vital work to save lives at sea, regulate ship standards and protect the marine environment. The agency does not just affect those at sea, regulate ship standards and protect the marine environment. The agency does not just affect those working on the coast or at sea, it upholds the legacy of our great maritime nation.

The business plan sets out:
the vision for a future aviation strategy, including the next phase of helicopter contracts;
 improvement to the already first class HM Coastguard; and the next phase of the survey and inspection transformation programme.

At the international level, MCA will work alongside the Department and with the input of other Government Departments to represent the UK’s interests at the International Maritime Organization, and at other relevant bodies.

Domestically, MCA will continue to work collaboratively to grow the maritime sector in the UK so that it continues to contribute positively to the economy. They will also provide a valuable contribution to the delivery the ambitions set out in “Maritime 2050” and its accompanying route maps.

This plan allows service users and members of the public the opportunity to see how the agency is developing and using new technologies to improve its services and performance.

The key performance indicators will assess how the agency is performing in operating its key services, managing reforms and the agency finances throughout the year.

The business plan will be available electronically on gov.uk and copies will be placed in the Libraries of both Houses.

The attachment can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-28/HCWS1459/.

[HCWS1459]

Motoring Agencies: Business Plans

The Minister of State, Department for Transport (Jesse Norman): I am pleased to inform the House of the publication of the 2019-20 business plans for the Department for Transport’s motoring agencies—the Driver and Vehicle Licensing Agency (DVLA), the Driver and Vehicle Standards Agency (DVSA) and the Vehicle Certification Agency (VCA).

The business plans set out:
the services each agency will deliver and any significant changes they plan to make;
the resources they require; and,
the key performance indicators, by which their performance will be assessed.

These plans allow service users and members of the public to understand the agencies’ plans for delivering their key services, implementing their transformation programmes, and managing their finances.

The business plans will be available electronically on gov.uk and copies will be placed in the Libraries of both Houses.

Attachments can be viewed online at http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-28/HCWS1458/.

[HCWS1458]

WORK AND PENSIONS

Households Below Average Income Statistics

The Secretary of State for Work and Pensions (Amber Rudd): I will be making an Oral Statement on this subject later today.

[HCWS1461]
Written Statements

Friday 29 March 2019

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Joint European Torus: Fusion Contract

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): Having made my first speech at Culham, I know how hard-working and dedicated UKAEA staff are, which is why I am pleased to announce that on 27 March 2019 the European Commission and the UK signed a new contract extension for the Joint European Torus (JET) facility in Culham, Oxfordshire. JET is the world’s biggest operational fusion reactor, undertaking research in technology aimed at providing clean, safe, inexhaustible energy. JET is operated by the UK Atomic Energy Authority and is funded primarily (87.5%) by the European Union; this contract extension will secure at least £100 million in additional inward investment from the EU over the next two years. Crucially, the contract extension will last until the end of 2020 regardless of wider EU exit negotiations, safeguarding this world-leading facility and over 500 high-skilled science and engineering jobs at Culham.

The UK Government previously (27 June 2017) agreed to guarantee the UK’s fair share of JET funding to the end of 2020 should this contract extension be agreed. This latest outcome is the natural culmination of that open and collaborative approach and underlines the strong and enduring partnership between the EU and the UK in science and research.

INTERNATIONAL TRADE

EU-Vietnam Free Trade Agreement

The Minister for Trade Policy (George Hollingbery): I am pleased to announce that my Department will today publish an impact assessment for the EU-Vietnam free trade agreement (FTA). I have separately written to the EU Scrutiny Committees in both Houses of Parliament such that they can consider this evidence as part of their important scrutiny of this agreement.

A copy of this impact assessment will be placed in the Libraries of both Houses.

The European Union and Vietnam agreed on final texts for an EU-Vietnam free trade agreement and an EU-Vietnam investment protection agreement in July 2018. Proposals for council decisions on signature and conclusion of the agreements were published on 19 October 2018, therefore kick starting the process of parliamentary scrutiny.

The Government remain committed to transparency in trade matters both under current EU parliamentary scrutiny processes and under future UK bilaterally negotiated agreements.
Written Statements

Monday 1 April 2019

TREASURY

Bilateral Loan to Ireland

The Economic Secretary to the Treasury (John Glen):
HM Treasury has today provided a further report to Parliament in relation to the bilateral loan to Ireland as required under the Loans to Ireland Act 2010. The report relates to the period from 1 October 2018 to 31 March 2019.

A written ministerial statement on the previous statutory report regarding the loan to Ireland was issued to Parliament on 15 October 2018, Official Report, column 33WS.

In line with the agreed repayment schedule, the first repayment on the principal of the loan from Ireland falls due on 15 April 2019. HM Treasury will update Parliament when this payment has been received, and report on it fully in the next statutory report.

[HCWS1473]

Contingent Liability: Notification of Reduction

The Chancellor of the Exchequer (Mr Philip Hammond):
The Term Funding Scheme (TFS) was introduced in August 2016 and indemnified by HM Treasury as part of the Bank of England’s (Bank’s) Asset Purchase Facility (APF), which also included the Corporate Bond Purchase Scheme (CBPS) (£10 billion) and gilt purchases (£435 billion). The TFS provided funding to banks and building societies at a rate close to bank rate for a term of up to four years. This supported the transmission of the August 2016 cut in bank rate to lending rates faced by households and businesses. The maximum authorised size of the TFS was £140 billion, and the actual size of the scheme when the drawdown window closed on 28 February 2018 was £127 billion.

In view of the scale of potential losses on TFS holdings relative to the Bank’s level of loss-absorbing capital at the time, the HM Treasury indemnity over the APF was extended to include all assets held under the TFS. The increased indemnity was duly notified to the chairs of the Treasury Committee and Public Accounts Committee on 4 August 2016, and a full departmental minute was laid on 15 September 2016. The most recent increase in the APF indemnity, following the increase in the authorised limit for the TFS to £140 billion, was notified to Parliament by laying a full departmental minute on 20 November 2017.

Under the new Finance Memorandum of Understanding (MoU), which was agreed in June 2018 between the Bank and HM Treasury and notified to Parliament on 21 June 2018, it was agreed that HM Treasury would provide a £1.2 billion capital injection to the Bank, bringing its total loss-absorbing capital to £3.5 billion. This additional capital would allow the TFS to move from the Treasury-indemnified APF to the Bank’s un-indemnified balance sheet, and would result in the end of the Treasury’s £140 billion contingent liability with respect to potential losses in the TFS.

The Bank received the £1.2 billion capital injection on 22 March 2019 with the result that the TFS has now transferred to the Bank’s un-indemnified balance sheet. At the moment the capital injection was transferred, HM Treasury also notified the Bank that the £140 billion contingent liability associated with the TFS portion of the APF had been extinguished. The risks associated with any gains or losses on TFS holdings will now be managed against the Bank’s augmented loss-absorbing capital.

HM Treasury will continue to monitor risks to the Bank’s overall capital and financial position (including the TFS) through regular meetings with the Bank as set out in the new Finance MoU. The enhanced risk control framework previously agreed with the Treasury with respect to the remaining Treasury-indemnified APF schemes (gilt purchases and the Corporate Bond Purchase Scheme) will remain in place.

A full departmental minute is laid in the House of Commons providing more detail on this contingent liability.

[HCWS1472]

DEFENCE

Modern Service Life

The Secretary of State for Defence (Gavin Williamson):
Three new initiatives, aimed at modernising the living and working arrangements for Armed Forces personnel will be launched today, 1 April. Our people are at the heart of Defence and these measures, including flexible working arrangements, expanded accommodation options and new cohabitation rules, are designed to modernise our Armed Forces and ensure they remain a competitive employer that meets the ever-changing needs and expectations of service personnel and their families.

First, from today, the Ministry of Defence is introducing flexible service to regular service personnel from all services. Personnel can apply to work part-time—reducing their normal working pattern by 20% or 40% and request restricted separation—which limits the amount of time spent away from their normal home base to no more than 35 days per year. Pay and annual leave entitlements will be amended accordingly. Flexible service periods are subject to operational capability, limited to three years and individuals cannot exceed four years of flexible service in a 12-year period.

Secondly, current accommodation policy is being amended from today, to allow couples in long-term relationships, to live together in Service Family Accommodation (SFA) subject to availability. Service personnel who have more than four years’ service in the Armed Forces and who are in a long-term relationship or have residential responsibility for a child and are able to provide appropriate evidence of this, will be eligible to apply to live together in surplus SFA at all UK bases where properties are available. They will retain their marital status category but will not become eligible for wider allowances. This important change in policy to allow cohabitation will benefit all services and all ranks.

Finally, the Future Accommodation Model (FAM) will be launched in September, at the first pilot site, Her Majesty’s Naval Base Clyde. Two further pilot sites,
The Department will keep the operation of both CNSGP and the ELS arrangements under close scrutiny to ensure an effective service for GPs and the value for money of both schemes.

[HCWS1471]

HEALTH AND SOCIAL CARE

Clinical Negligence Indemnity Cover

The Minister for Care (Caroline Dinenage): I am today updating the House on recent developments regarding indemnity arrangements for NHS general practice in England.

The Government have today launched the Clinical Negligence Scheme for General Practice (CNSGP), operated by NHS resolution on behalf of the Secretary of State for Health and Social Care. The regulations establishing the scheme are at:

http://www.legislation.gov.uk/uksi/2019/334/contents/made. NHS resolution have published guidance covering the scope and operation of the scheme:


The Department will keep the operation of both CNSGP and the ELS arrangements under close scrutiny to ensure an effective service for GPs and the value for money of both schemes.

[HCWS1470]
These measures build on the Government’s Serious Violence Strategy published on 9 April 2018. The strategy represents a step change in the way we think and respond to serious violence. The approach establishes a new balance between prevention and rigorous law enforcement activity. It shifts our approach towards steering young people away from crime in the first place and put in place measures to tackle the root causes. We believe that the approach set out in the strategy, with a greater emphasis on early intervention, will address violent crime and help young people to develop the skills and resilience to live happy and productive lives away from violence.

More recently, the Chancellor of the Exchequer announced on 13 March that an additional £100 million funding in 2019-20 will help in the police’s immediate response to the rise in serious knife crime, enabling priority forces to immediately begin planning to put in place the additional capacity they need. The funding will also be invested in violence reduction units, bringing together a range of agencies including health, education, social services and others, to develop a multi-agency approach in preventing knife crime altogether.

The consultation will be placed in the Library of both Houses and an online version will be made available at: https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication_filter_option=consultations.

To help analyse the responses please submit your response using the following online form: https://www.homeofficesurveys.homeoffice.gov.uk/s/N1VZW/.

Stop and Search: Section 60 of the Criminal Justice and Public Order Act 1994

The Government are also announcing greater powers for the police to use stop and search to help tackle violent crime. The Government have lifted two conditions set out in the Best Use of Stop and Search Scheme (BUSSS) regarding use of Section 60 Criminal Justice and Public Order Act (CJPOA) 1994 powers in seven force areas particularly affected by serious violence.

We have been clear that we support the necessary and proportionate use of stop and search powers to tackle serious violence and are determined to work with the police to crack down on serious violent crime. Therefore, we are making it simpler for police to use section 60 (s60) of the Criminal Justice and Public Order Act (CJPOA) 1994. Section 60 powers allow all individuals, within a specific area and for a limited amount of time, to be searched for weapons in anticipation of serious violence without suspicion. Such searches, when used correctly, are an important operational tool that enable forces to dissipate potential violent situations or recover offending items, for example, in anticipation of retaliatory or escalating levels of gang violence.

The Home Secretary chaired a meeting with senior police chiefs from Merseyside, the Metropolitan Police, Greater Manchester, South Wales, West Midlands, South Yorkshire, and West Yorkshire on 6 March. The officers cited the potential benefits of lifting conditions placed on the use of s60 powers by the Government’s Best Use of Stop and Search scheme. Introduced in 2014, the Best Use scheme is signed up to by all forces in England and Wales.

The police must be supported to help protect the people, and therefore as of 31 March 2019 we have lifted the conditions placed in these seven force areas particularly affected by knife crime, so as to:

- reduce the level of authorisation required for a section 60 from senior officer to inspector;
- lower the degree of certainty required by the authorising officer so they must reasonably believe an incident involving serious violence ‘may’, rather than ‘will’, occur.

This will mean there are 3,000 more officers able to authorise the use of these powers, and forces will feel more confident using them where appropriate—as judgments as to where violence definitely “will” take place can be hard to make.

These changes will be reviewed after six months, and a year—at which point we will decide whether to make these changes permanent and national. The College of Policing will also work alongside forces to create new guidelines on how best the police can engage with communities on the use of stop and search. We will also continue to support the use of stop and search where fair and effective, by all other forces.

[HCWS1469]
Written Statements

Tuesday 2 April 2019

TREASURY

Contingent Liability Notification and Disclosure of Asset Sale

The Economic Secretary to the Treasury (John Glen):
I can today confirm that I have laid a Treasury minute informing the House of the contingent liability that HM Treasury has taken on in authorising the sale of a portfolio of NRAM (formerly part of Northern Rock) loans acquired during the financial crisis under the last Labour Government. This sale generates proceeds of £4.9 billion for the Exchequer and the portfolio will be sold to Citib. The majority of financing is being provided by PIMCO.

Rationale

The previous Government intervened in the financial sector to preserve financial stability; this policy objective has now been met, and these assets should be returned to the private sector. The proceeds from this sale will reduce public sector net debt. This marks a major milestone in the plan to recover taxpayers’ money and exit from the Government’s shareholdings in NRAM and Bradford & Bingley.

Format and Timing

The Government, UK Asset Resolution (UKAR) and UK Government investments concluded that this sale achieves value for money for the taxpayer having (i) conducted a rigorous analysis of whether market conditions were conducive for the sale of this portfolio; (ii) considered whether the transaction was likely to generate sufficient competitive tension to lead to a properly competitive process; and (iii) conducted an assessment of the fair market value for the assets. The sale made use of a two-round bidding process, which has been shown to create competitive tension through the bidding process and been used for previous sales of UKAR assets.

Contingent Liability

On this occasion, due to the sensitivities surrounding the commercial negotiation of this sale, it was not possible to notify Parliament of the particulars of the liability in advance of the sale announcement.

The contingent liability includes certain market standard time and value capped warranties and indemnities confirming regulatory, legislative and contractual compliance. The maximum contingent liability arising from these warranties and indemnities is approximately £1 billion. There are further remote fundamental market-standard warranties which are capped at £4.9 billion.

Fiscal Impacts

I can confirm that the sale proceeds of £4.9 billion are above the Government’s hold valuation. In 2019-20 the sale reduces public sector net debt (PSND) by £4.9 billion, as well as reducing public sector net liabilities (PSNL) by £182 million, and public sector net financial liabilities (PSNFL) by £149 million. PSNFL and PNSL are reduced by different amounts as PSNL also takes into account provisions against the loans that are being released. Public Sector Net Borrowing (PSNB) will increase by a total of £750 million by 2023-24. PSNB is increased by the sale as the Government will no longer receive the interest payments associated with these assets.

The impacts on the fiscal aggregates, in line with fiscal forecasting convention, are not discounted to present value. The net impacts of the sale on a selection of fiscal metrics are summarised as follows:

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<th>Metric</th>
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<tr>
<td>Sale proceeds</td>
<td>£4.9 billion</td>
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<tr>
<td>Hold valuation</td>
<td>The price achieved is above the hold value range</td>
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<td>Net present value of the assets if held to maturity using Green Book assumptions</td>
<td>Increased by:</td>
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<tr>
<td>Public Sector Net Borrowing</td>
<td>£206 million in 2019-20</td>
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<td>£176 million in 2020-21</td>
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<td>£148 million in 2021-22</td>
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<td>£121 million in 2012-23 and</td>
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<td>£99 million in 2023-24</td>
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<tr>
<td>Public Sector Net Debt</td>
<td>Improved by £4.9 billion in 2019-20</td>
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<tr>
<td>Public Sector Net Liabilities</td>
<td>Improved by £182 million in 2019-20</td>
</tr>
<tr>
<td>Public Sector Net Financial Liabilities</td>
<td>Improved by £149 million in 2019-20</td>
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I will update the House of any further changes to NRAM as necessary.

[HCWS1477]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Agriculture and Fisheries Council

The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill): I represented the UK at the Agriculture and Fisheries Council in Brussels on 18 March.

The main item on the agriculture-focused agenda was the reform of the Common Agricultural Policy (CAP) post-2020, covering three legislative files:

- the regulation on CAP strategic plans,
- the horizontal regulation, which is a regulation on the financing, management and monitoring of the CAP,
- the regulation on common market organisation (CMO) of agricultural products.

Member states highlighted that further discussions were needed in areas such as the delivery model, wine labelling and greening. I intervened to introduce myself and expressed the UK’s interest to share thinking on our domestic arrangements as they develop. During the discussion Ministers also debated the outcome of the congress titled “CAP Strategic Plans - Exploring Eco-Climate Schemes” which took place in Leeuwarden, Netherlands on 6-8 February 2019, as well as the future of coupled income support in the CAP.

Council also held an exchange of views on the bioeconomy. Commissioner Hogan gave an overview of the implementation of the EU’s new strategy while member states exchanged examples of areas where the bioeconomy is being developed in their countries.
I intervened on the item, welcoming the EU bioeconomy strategy which was published in December 2018.

A number of other items were discussed under ‘any other business’:

- Slovenia informed Council about small-scale coastal fisheries and the European Maritime and Fisheries Fund.
- The Netherlands informed Council about a decision by the Technical Board of Appeals of the European Patent Office regarding the possibility to patent the results of classical plant breeding.
- The Commission provided an update about the outcomes of the workshops organised by the Commission Task Force for Water and Agriculture on 27 November 2018 in Sore, Denmark and on 5-6 February 2019 in Bucharest, Romania.
- Poland provided an update on the potential impact on the meat market considering new trade challenges. As the discussion reflected on the possible impact of the UK leaving the EU, I intervened to set out the reasoning behind our recently published temporary tariff regime for no-deal.

**JUSTICE**

**HMP Birmingham**

The Minister of State, Ministry of Justice (Rory Stewart): Today the Secretary of State and I can confirm the future plans for HMP Birmingham following the step in initiated by HMPPS and also the urgent notification received by the Secretary of State from HM chief inspector of prisons on 20th August 2018.

We have concluded with the full agreement of G4S that the best way forward now is for us to end the contract and bring back the prison under public sector management.

The situation at HMP Birmingham was totally unacceptable which is why we “stepped in” in August 2018 and why we continued to do so in February 2019. We were always clear that the prison would not be handed back until we were satisfied that sufficient progress had been made.

The prison has made some good progress—both we and G4S have however recognised that there is still much more to do to deliver further improvements. It has become increasingly clear that G4S alone is not able to make the improvements that were so badly needed, and that additional ongoing support from the public sector Prison Service is required to ensure that the prison gets the stability and continuity that will be necessary for sustained progress.

This means that on 1 July 2019, HMP Birmingham will return to public sector management. We have agreed a settlement with G4S of £9.9 million, which covers the additional cost to the MOJ of its “step in” action—meeting our previous public commitment and which also includes an amount to cover essential maintenance works.

Our responsibility is to make sure that prisons are properly run for prisoners and the public. At Birmingham, we must accelerate the good work that has already commenced to stabilise the prison for the longer term. The foundation for that is making sure that we have a clean, decent and safe prison. That is the foundation from which we can do all the other things we want to do—in particular, rehabilitate people, change lives and ultimately protect the public.

What we need to focus on now is building on the positive work achieved to date at HMP Birmingham. We are clear that we have made progress and got some of the necessary basics on the right track to drive improvement; specifically, with the deployment of experienced HMPPS staff, managers and specialists we have significantly increased staff confidence, gained greater order and control and improved day-to-day regime delivery. I am confident that we are beginning to get a grip on the issues driving violence and that we will see the results of this in the coming months.

Progress on decency has also been made; two of the three large Victorian wings which did not meet our expectations have been taken out of use. The third will also soon be fully out of use, as another newly refurbished wing builds to full occupancy. Cleanliness has improved across the site and the visitors centre is being refurbished. This work forms part of the family strategy supporting prisoners and their families to stay in touch, which is key to rehabilitation.

HMPPS staff are also tackling some of the key security risks. A dedicated search team has been introduced and improved, intelligence-led searching has been yielding good results. Specifically, a full lock down search was conducted recently in a major operation involving staff from across the wider service, which was successful in finding and confiscating contraband, and taking disciplinary action taken against the relevant prisoners as a result.

It is also important for staff and prisoners to know what the future of the prison looks like and to remove uncertainty. Paul Newton, the governor who has been running the prison since step in, will remain in post following the transfer back into the public. We will continue to work closely with G4S to support the prison and to make the transition as smooth as possible in the meantime for both staff and prisoners.

This is the right decision for HMP Birmingham but we continue to believe that prisoners and the public benefit from a mixed economy of provision. We are going to remain in a situation where the majority of our prisons will continue to be run by the public sector, but the private sector has a role to play. The private sector has delivered real value for money and some new approaches that have been really impressive.

We have now been running private prisons for 25 years. By and large, that experience has been positive. In fact, G4S’s itself, its performance at Oakwood, Parc and Altcourse has been impressive. They are good prisons. So are Bronzefield, Ashfield, Forest Bank and Thameside, run by other private sector providers.

It makes sense to us that for the next couple of new prisons we give the private sector a chance to bid, but we have set a public sector benchmark. We have explained what the costs would be of the public sector providing the quality of service we want at a prison, and if private sector bidders are not able to provide better value for money, we would look again at the public sector running those establishments.

We will of course be learning lessons from Birmingham which must support our approach to contracting for private prisons in the future.
I strongly believe that this decision is the right one for HMP Birmingham at this time. I am pleased that G4S have also recognised this and are working with us to deliver better outcomes for prisoners and a better working environment for staff. I look forward to being able to report further good progress at HMP Birmingham in the coming months.

[HCWS1475]

WORK AND PENSIONS

Social Security Benefits Up-rating Order 2019: Ministerial Corrections

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): The Social Security Benefits Up-rating Order 2019 maintains the Government’s commitment to the triple lock for both the basic state pension and the new state pension. The order also increases benefits for carers, guardians and those with disabilities and long-term health conditions; sharing the proceeds of economic growth with some of the most vulnerable in society.

I would like to clarify the following points I made during the Social Security Benefits Up-rating 2019-20 debate on 4 March 2019 and apologise to the House for these inadvertent errors:

That the order reflects the Government’s continuing commitment to increase the full rates of the basic and new state pensions by the triple lock.

Regarding the pension credit standard minimum guarantee— the means-tested threshold below which pensioner incomes should not fall—from April 2019, the single person threshold of this safety-net benefit will rise to £167.25—over £1,800 a year higher than it was in 2010.

With this up-rating order, I am bringing forward plans to increase support for some of the most vulnerable people in society to the tune of £3.7 billion, with £3.6 billion alone to help those with disabilities and long-term health conditions, and pensioners—key people who the Government, as we share the proceeds of growth, will continue to target support towards.

The severe disablement allowance will increase from £77.65 to £79.50. The severe disability premia for a single person have increased from £64.30 to £65.85.

The transcript to the original debate can be found here:

[HCWS1474]
Written Statements

Wednesday 3 April 2019

EDUCATION

Education Technology Strategy

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): Education technology (EdTech) refers to the practice of using technology to support teaching and the effective day-to-day running of education institutions. Technology has become embedded throughout society and yet the use of technology in education is mixed. There is potential for technology to play a stronger role in helping to address some of the key challenges in education.

The Department for Education has developed an education technology strategy “Realising the potential of technology in Education: A strategy for education providers and the technology sector”. The strategy aims to support and enable the education sector in England to help develop and embed technology in a way that cuts workload, fosters efficiencies, removes barriers to education and ultimately drives improvements in education outcomes. It includes support to promote a vibrant EdTech business sector in the UK to provide proven, high-quality products that meet the needs of educators and fosters a pipeline of fresh ideas.

At the core of the strategy is an understanding that the use of technology does not provide a panacea, but when used well, it can be highly effective in helping to deliver improvements and tackle challenges throughout education. The strategy marks the development of a partnership between the education sector, the technology industry and the Government to drive further progress in the use of education technology for schools, further education, higher education and other providers and announces a new leadership group to take this forward.

The strategy makes clear how we intend to build upon existing good practice in the sector through launching a network of EdTech demonstrator schools and colleges across the country. The demonstrator schools and colleges will help showcase the possibilities for technology and will facilitate peer-to-peer learning about the good use of technology to help address challenges facing teachers, leaders and students, be this funding, teacher workloads, meeting the needs of pupils with special needs or more generally to help support teachers to deliver excellent teaching.

It also makes clear that Government will help address the barriers facing education providers and the technology industry, through:

- Helping schools to secure the broadband and networking infrastructure they need through accelerating the roll-out of full fibre internet connectivity to schools and providing guidance.
- Supporting the creation of opportunities for teachers and school leaders to improve their skills and knowledge about good use of technology through creating opportunities for peer-to-peer learning and through supporting partner organisations to provide free online CPD courses and free nationwide roadshows showcasing products, services and good practice.

Improving support for procurement of technology, including exploring how to facilitate a better online marketplace for EdTech including through pre-negotiated buying deals, and supporting a digital service allowing schools to try products before they buy.

Helping education providers and the technology industry understand the privacy, security and data guidance and standards they should adhere to.

Helping the education technology industry to understand the full range of support available to them to help grow and scale their business through the Government’s industrial strategy.

Improving the digital services that the Department for Education itself provides.

The strategy also announces 10 challenges to educationists and the technology industry. These cover areas where we think there is real potential for technology to make a difference and where we are seeking to galvanise activity, promote innovation and to prove whether or not technology has the potential to deliver positive outcomes. This includes the use of technology in assessment, administration, learning throughout life, teaching practice and continuing professional development.

We will deliver the challenges through research, competitions to promote innovation by industry and the development of test bed schools and colleges.

This strategy marks the start of creating a technology revolution in education in England. We know that delivering this vision will take time, but we are committed to working in partnership with education and industry to deliver this vision.

I will deposit a copy of the strategy in the Libraries of both Houses.

[HCWS1478]

HOME DEPARTMENT

Windrush Compensation Scheme

The Secretary of State for the Home Department (Sajid Javid): I have today announced the details of the Windrush compensation scheme. The Government deeply regret what has happened to some members of the Windrush generation and when I became Home Secretary I made clear that responding to this was a priority. The compensation scheme being launched today is a key part of righting the wrongs experienced by some members of the Windrush generation, under successive Governments.

A public consultation opened on 19 July 2018 seeking views on proposals for a Windrush compensation scheme. Since the consultation closed on 16 November, careful consideration has been given to the 1,435 responses that were received from people and organisations, as well as the feedback from the focus groups. These views have been considered in addition to the 650 responses to the call for evidence which preceded the consultation. Martin Forde QC, who was appointed to give independent advice on the compensation scheme, has attended events across the country to hear the stories of those affected, and his findings have contributed to the final design. I would like to extend particular thanks to Martin: I have met him to discuss his views on the scheme and his advice has been invaluable.

The Government have listened carefully and I believe the proposals are in line with what the majority of respondents wanted to see in the scheme. I am pleased that Martin has concluded the scheme is accessible and
fairly compensates those who have suffered. The scheme will ensure that those who have been affected are able to claim for the losses they faced and receive appropriate compensation. It is important that the scheme works well for those who have suffered a loss, so we are making it accessible and fair, with guidance available to help people understand what compensation they might be entitled to and how they submit a claim.

Detailed information about the compensation scheme, with the forms and guidance that people need to make a claim, are available from today online at: www.gov.uk/windrush-compensation. Our free phone helpline is also open now 0800 678 1925 for those wishing to receive printed copies of the claim form or for any other queries. Copies of the response to the consultation (CP 81) are available from the Vote Office and will also be online at: www.gov.uk.

The Home Office is committed to raising awareness of the scheme, and to encouraging eligible people of all nationalities to submit a claim. Eligibility for compensation goes beyond members of the Caribbean Commonwealth, and we are putting in place a programme of events with key stakeholders, faith and community organisations to communicate the detail of the scheme and give everyone who is potentially eligible, the opportunity to hear about the scheme and to apply.

I would again like to thank all those who responded to the consultation and who took part in the wider engagement during the development of the scheme. The views and experiences that have been shared have proved crucial in shaping the Government’s policy, ensuring it addresses the matters raised by those affected.

[HCWS1481]

INTERNATIONAL TRADE

Trade Advisory Groups

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): The Department for International Trade’s (DIT) has ensured that creating an open and transparent trade policy is at the heart of its mission for an inclusive trade agenda that maximises benefit for the whole of the UK. We recognise that transparency is fundamental to better outcomes.

As part of this approach the Government have created the Strategic Trade Advisory Group (STAG) to seek informed views on relevant trade policy matters. The group will be composed of 16 core members from business to trade unions, consumer groups to non-governmental organisations (NGOs). It will be chaired by the Minister for Trade Policy, alongside a co-chair from the STAG. Membership of the group has been designed to represent a diverse range of interest and expertise from across the UK, allowing the Government to harness advice, insight and evidence from a wide range of experienced voices already actively involved in trade issues.

The full list of seats includes:

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<th>Category</th>
<th>Name</th>
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<tr>
<td>Academia</td>
<td>Prof. Holger Breinlich</td>
<td>University of Surrey</td>
</tr>
<tr>
<td>Business Representatives Organisation</td>
<td>Carolyn Fairbairn</td>
<td>Confederation of British Industry</td>
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<tr>
<td>Consumers (Standards)</td>
<td>Dr. Scott Steedman CBE</td>
<td>British Standards Institution</td>
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<tr>
<td>Consumers</td>
<td>Caroline Normand</td>
<td>Which?</td>
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<tr>
<td>Developmental Organisation</td>
<td>Dr. Dirk Willem te Vede</td>
<td>Overseas Development Institute</td>
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<tr>
<td>New Entrant Business</td>
<td>Mark Abrams</td>
<td>Trade Finance Global</td>
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<tr>
<td>Non-governmental Organisations</td>
<td>Michael Gidney</td>
<td>Fair Trade Foundation</td>
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<tr>
<td>Northern Ireland Business</td>
<td>Nick Coburn CBE</td>
<td>Ulster Carpets Group</td>
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<tr>
<td>Regional Business</td>
<td>Denise Valin Alvarez</td>
<td>Burberry</td>
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<tr>
<td>Scottish Business</td>
<td>Liz Cameron OBE</td>
<td>Scottish Chambers of Commerce</td>
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<td>Services</td>
<td>Gary Campkin</td>
<td>City UK</td>
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<tr>
<td>Small and Medium Enterprise</td>
<td>Sean Ramsden</td>
<td>Ramsden International</td>
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<tr>
<td>Small and Medium Enterprise (Business Representative Organisations)</td>
<td>Mike Cherry OBE</td>
<td>Federation of Small Business</td>
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<tr>
<td>Think Tank</td>
<td>Sam Lowe</td>
<td>Centre for European Reform</td>
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<td>Trade Unions</td>
<td>Paul Nowak</td>
<td>Trade Union Congress</td>
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<td>Welsh Business</td>
<td>Prys Morgan</td>
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Members of the group were recruited through an open call for expressions of interest which ran from 18 July to 17 August 2018 followed by a two stage sift process against the published membership criteria. The selection process followed best practice principles to ensure a fair and transparent approach.

As part of DITs ongoing commitment to transparency on trade issues, we will make dates of meetings, agendas and a summary of discussions publicly available.

The groups will have an advisory function only and will be one part of the wider engagement structure the Government are putting in place to gather insight and intelligence from stakeholders.

Another key component of our engagement infrastructure is cross-government Expert Trade Advisory Groups (ETAGs), which are being set up to facilitate expert technical policy exchanges on specific sector and thematic policy areas. Membership of the groups will vary according to the sector or policy area but will comprise relevant experts from the fields of academia, regulation, business and civil society.

We are committed to seeking views from the widest range of stakeholder groups. In addition to the above formal structures we will continue to use a variety of mechanisms and engagement structures to ensure that our trade policy works for the whole of the UK.

[HCWS1480]
TRANSPORT

The Secretary of State for Transport (Chris Grayling):
The Romanian presidency hosted an informal meeting of Transport Ministers in Bucharest on Wednesday 27 March. This was not a formal Council meeting and no decisions were taken. This statement provides a summary of discussions. The UK was represented by officials.

The meeting discussed multimodality, sustainability, infrastructure and road safety. On multimodality, participants underlined the importance of developing a comprehensive approach to multimodal transport. Integrated ticketing systems, promotion of car-sharing or public transport, digitalisation and interoperability were identified as means for developing multimodality.

On sustainability, participants discussed the importance of action to reduce the impact of transport on climate change, recognising the challenges raised by an increasing need for mobility and the negative impact on the climate. Policy and practical approaches to encouraging multimodal transport were discussed, with many interventions focusing on possible measures to be taken in order to decarbonise transport such as: promotion of alternative fuels, digitalisation, better planning of services, uptake of new technologies, and incentives for use of public transport or cycling.

The Commission set out its thinking on the revision of the TEN-T regulation, following the launch of its review process in March, and its plans for consultation with stakeholders and member states in the next few months. Participants welcomed the Commission’s initiative to start the revision process of the TEN-T regulation and discussed future funding options for the promotion of priority projects.

Over lunch the meeting heard some presentations on road safety. The European Commission stressed the importance of member states implementing the “Vision zero” to reduce fatalities and severe injuries on roads. The European Commission will be seeking to re-focus its efforts in this area by introducing a new policy framework on road safety for 2021-30. In addition, it will seek to foster a partnership with the European Investment Bank to provide the “Safer Transport Facility” with the aim of providing a “one stop shop” to support member states in achieving the objective.

The UK did not intervene substantively.

[HCWS1479]
Written Statements

Thursday 4 April 2019

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Whirlpool Tumble Dryers

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): The Office for Product Safety and Standards (OPSS) will imminently publish its review of Whirlpool’s tumble dryer modification programme.

In 2015 Whirlpool identified a design issue in several tumble dryer models which could lead to increased risks of fire incidents due to excessive lint accumulation at the rear which then ignites. The company then undertook a modification programme to address the issue. However, concerns were raised about the modification programme and in May 2018 my predecessor, the hon. Member for Burton (Andrew Griffiths), commissioned OPSS to review the actions taken by Whirlpool.

Following a review of the modification programme, as well as consideration of technical documents supplied by Whirlpool, the OPSS has concluded that the risk is low and further reduced by the modification. However, shortcomings were found in the testing and quality assurance procedures, and the business must improve its monitoring and management of risk. They must also continue their consumer outreach programme and use more creative methods to contact affected consumers.

Given the full circumstances of the current position, in particular that the overall level of risk is low and that efforts have been made by Whirlpool to address the identified problem and to comply with its legal obligations, formal enforcement action is not justified at this stage. However, OPSS has produced a list of requirement actions for Whirlpool to take in light of the findings of the review, and OPSS will continue to monitor the programme. Should Whirlpool fail to take the expected action within appropriate timescales, enforcement action would need to be considered.

The main findings of the review are:

- The ongoing risk from tumble dryers modified by Whirlpool is low and consumers can continue to use them.
- Whirlpool has made efforts to address the identified problem but must do more.
- OPSS is requiring Whirlpool to take further action and will continue to monitor the steps taken to ensure the efficacy of the modification in consumers’ homes over the long term.
- The modification and outreach programme should continue, with new and different methods used to reach consumers.
- The safety of consumers is the number one priority for Government. We acknowledge the steps Whirlpool has taken to reach consumers and modify their tumble dryers, and we will continue to monitor the situation.

[HCWS1490]

Intellectual Property Office: Performance Targets

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): Our industrial strategy sets out the Government’s vision for making the UK the most innovative country in the world. The UK starts from a position of strength and is already ranked in the top four of the global innovation index and top 10 by the World Bank as the best place to start and grow a business. But the global landscape is changing and we must continue to invest in research and development. The industrial strategy has set an ambition to raise total research and development to 2.4 per cent of GDP by 2027, helping businesses access the right funds and equip them to face the challenges and opportunities presented by new technologies and new ways of doing business.

Intellectual property (IP) plays a crucial role in innovation and touches everything that makes modern life more enjoyable, easier, safer and prosperous. It provides inventors, creators and entrepreneurs with the confidence to invest knowing that they will reap the benefits of their investments. UK investment in IP rights reached almost £64 billion in 2016 and studies have shown that industries that rely on IP have accounted for over a quarter of UK employment and almost half of GDP. Our IP system matters. It creates jobs and economic growth and is helping to propel Britain to the forefront of innovation.

The Intellectual Property Office (IPO) corporate plan 2019-20 explains how through its stewardship of the IP system, it will help the UK to be the most innovative and creative country in the world. It will do this through delivering excellent IP services, creating a world leading IP environment and attracting and retaining the best people by making the IPO a brilliant place to work. This plan outlines the start of the IPO’s transformational journey, which will provide truly modern IP services to its customers.

The UK already has one of the best IP regimes in the world, consistently ranked as one of the top regimes in indices such as those from the World Intellectual Property Index and US Chamber of Commerce International IP Index, and during 2019-20, the IPO will continue to contribute to building a business environment that makes the UK the best place in the world to start and run a business.

As an executive agency and trading fund of the Department for Business, Energy and Industrial Strategy, the IPO has set targets which are agreed by Ministers and laid before Parliament. I am glad that today I can inform the House that for 2019-20 the IPO’s targets are:

- At least 85% of our customers to rate us 8/10 for overall satisfaction.
- By the end of March 2020 we want 90% of renewals to be conducted via the new enterprise-wide digital renewals service.
- 75% of the businesses we reach confirm that they are able to make informed decisions about their IP.
- Deliver our services efficiently through continuously improving our systems, processes and ways of working to make things better for our customers and our people, reduce costs and improve the value for money we provide. Our target is to achieve efficiencies worth at least 3.5% of our core operating costs.

[HCWS1485]
CABINET OFFICE

Common Frameworks Analysis

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Mr David Lidington): I am today placing in the Libraries of both Houses a copy of the revised UK common frameworks analysis, which is also available on gov.uk. When the UK leaves the European Union, powers previously exercised at EU level that intersect with devolved competence will flow back directly to Edinburgh, Cardiff and Belfast. In some areas, we will need to maintain UK wide approaches, or common frameworks, after we leave the EU. Frameworks will create a common approach across the UK in a range of policy areas. They will provide a number of benefits, including ensuring it remains simple for businesses from different parts of the UK to trade with each other, helping the UK to fulfil its international obligations, safeguarding our common resources and ensure the effective functioning of the UK internal market.

The revised analysis sets out the progress we have made to develop common frameworks in collaboration with the devolved administrations since the first analysis was published in March 2018. There is a reduction in the number of policy areas where primary legislation is being considered, from 24 to 21, in these areas only some of the elements of the framework are expected to be in legislation. In the majority of areas (reduced from 82 to 78), non-legislative arrangements, such as a concordat, are being considered. The number of areas where no further action is required to create a framework has increased from 49 to 63. In these areas, to ensure certainty for businesses is maintained, the UK Government and devolved administrations will continue to cooperate when appropriate. Finally, there are now only four areas where competence is disputed, and conversations between the UK Government and devolved administrations continue (reduced from 12 in the first publication), demonstrating the significant progress made in this area. These changes demonstrate the careful and considered joint work underway to establish common frameworks, which in some areas has led to reclassification.

The co-operative approach to frameworks so far demonstrates the progress that can be achieved through proceeding collaboratively. We welcome the commitment demonstrated by the Scottish and Welsh Governments to agree on the direction of travel set out in the analysis and to continued close working to develop frameworks. We also welcome the commitment to co-operative working, including in policy areas where no formal common frameworks are required.

Treasury

Informal ECOFIN

The Chancellor of the Exchequer (Mr Philip Hammond): An informal meeting of Economic and Financial Affairs (ECOFIN) Ministers will be held in Bucharest on 05-06 April 2019. Ministers will discuss the following:

Working Lunch - Multiannual Financial Framework

Ministers will discuss the multiannual finance framework in the context of the European semester and financing of the EU budget.

Working Session I

The Council will then be joined by Central Bank Governors for the first working session.

Institutional Cycle Priorities

Following a presentation from Bruegel, Ministers and Central Bank Governors will discuss the priorities for the next EU institutional cycle.

Capital Markets Union

Ministers and Central Bank Governors will then discuss the way forward for the Capital Markets Union.

Working Session II

Labour Mobility in the EU

Following a presentation from the Centre for European Policy Studies, Ministers will discuss the macroeconomic and fiscal impact of labour mobility in the EU.

Taxation and Economic Growth

Ministers will discuss the role of taxation in supporting EU economic growth.

Preparation of the April G20 and IMF meetings

Ministers will be invited to approve the EU terms of reference for the G20 meeting and International Monetary and Financial Committee statement, ahead of the spring meetings of the World Bank Group and the International Monetary Fund in Washington, D.C.

[HCWS1491]

Education

School Condition Funding

The Minister for School Standards (Nick Gibb): Today, I am announcing the allocation of over £1.4 billion of capital funding in the financial year 2019-20 to maintain and improve the condition of the school estate.

This funding is provided to ensure schools have well maintained facilities to provide students with safe environments that support a high-quality education. It is part of £23 billion committed over 2016-21 to deliver new school places, rebuild or refurbish buildings in the worst condition and deliver thousands of condition projects across the school estate.

For the financial year 2019-20, the £1.4 billion of capital funding includes:

- Almost £800 million for local authorities, voluntary aided partnerships, larger multi-academy trusts and academy sponsors, to invest in maintaining and improving the condition of their schools.
- Over £400 million available through the condition improvement fund for essential maintenance projects at small and stand-alone academy trusts and sixth-form colleges.
- Over £200 million of devolved formula capital allocated directly for schools to spend on small capital projects to meet their own priorities.

Details of successful applications to the condition improvement fund have also been published today, covering 1,413 projects at 1,210 schools and sixth-form colleges.
Details of today’s announcement will be published on the Department for Education section on the gov.uk website. Announcement notifications are also being sent electronically to responsible bodies’ chief executive officers.

[HCWS1482]

EXITING THE EUROPEAN UNION

Citizens’ Rights: UK Nationals in the EU

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Citizens have always been our priority in the negotiations for our departure from the EU. Today I am setting out further details on the steps that the Government are taking to protect UK nationals.

Reciprocal arrangements for social security co-ordination, including reciprocal healthcare, in a no-deal scenario

UK nationals who have chosen to build their lives in the EU and wish to remain there are concerned about their social security entitlements, including healthcare cover in the event of a no deal.

In the Government’s December announcement on citizens’ rights, we highlighted that aspects of the social security co-ordination section of the withdrawal agreement, including reciprocal healthcare, require reciprocity from the EU or member states and cannot be protected unilaterally. We set out that we were exploring further options to protect these rights in a no-deal scenario and the Department for Health and Social Care proposed maintaining existing healthcare arrangements with EU member states and EFTA states until 31 December 2020 on 19 March; with the aim of minimising disruption to citizens’ healthcare provision.

However, to fully protect UK nationals in the EU, the UK is seeking to protect the social security co-ordination rights of UK nationals in the EU, including reciprocal healthcare, by reaching reciprocal arrangements with the EU or member states to maintain existing rights for a transitional period until 31 December 2020, consistent with our guarantee of the healthcare rights of EU citizens living in the UK.

Family reunification

UK nationals are also concerned about their right to return from the EU with non-UK national family members after exit. Having listened to these concerns, I can confirm that UK nationals will be able to return to the UK with their existing close family members under current rules, until 29 March 2022. This means that where the relationship exists before exit or where a child was born overseas after this date, they will be able to apply to and qualify for the EU settlement scheme until 29 March 2022. After this date, such family members will be able to return to the UK by applying under the relevant UK immigration rules.

UK nationals living in the EU who return to the UK after exit will be able to be joined by future spouses and partners, where the relationship was established after exit, and other dependent relatives until 31 December 2020 if they previously lived in the EU with that family member. From 2021, the UK immigration rules will apply to such family reunion. These arrangements will apply in both a deal and no-deal scenario, providing UK nationals in the EU with sufficient continuity after exit to allow families to plan with confidence, while also bringing family reunion rights for all UK nationals in the UK and abroad into alignment from 29 March 2022.

Access to benefits and services

The Government have already announced that UK nationals living in the EU will continue to receive benefits, including child benefit and disability benefit, where the recipient is exporting a UK benefit to their EU country of residence. UK nationals in the EU who are already in receipt of a UK benefit, including the state pension, will also continue to receive these benefits should they choose to return to the UK.

UK nationals returning to live in the UK who meet the ordinary residence test will be able to use NHS services. This means that UK nationals who have returned to the UK permanently in a no-deal scenario would have access to NHS-funded healthcare on the same basis as UK nationals already living here.

UK nationals considering returning to the UK and planning to make new applications for benefits and services should check eligibility requirements for the relevant benefits and services on gov.uk. The usual entitlement conditions, which exist for both resident and returning UK nationals, will apply and we expect most returning UK nationals will be able to satisfy the necessary eligibility requirements. Certain benefits and services, such as non-contributory benefits, include satisfying certain residence criteria and individual decision makers will carefully consider each application to ensure that UK nationals receive the benefits and services that they are entitled to.

Access to higher education, further education 19+ and apprenticeship funding in the UK

UK nationals living in the EEA or Switzerland on exit day, who wish to study in England, will continue to be eligible for home fee status and student support from student finance England, along with access to further education 19+ funding for courses and apprenticeships in England starting up to seven years from exit day in a no-deal scenario. In a deal scenario, the seven-year transition period will commence at the end of the implementation period.

The seven-year transition period will ensure that eligible UK nationals living in the EEA or Switzerland wishing to study in further education 19+, higher education, or undertake an apprenticeship in England, will be able to do so immediately on their return to the UK during this transition period.

Further information

The measures outlined above are without prejudice to the rights and privileges accorded, by virtue of the common travel area, to Irish and UK nationals when in each other’s state.

The Government continue to pursue a ring-fenced agreement with the EU and has exchanged letters with the European Commission on the subject. The UK has also reached separate agreements with the EEA EFTA states and Switzerland, which will mean that in a no-deal scenario UK and EFTA nationals living in each other’s countries before exit day will be able to continue living their lives broadly as they do today.
We will continue to provide updates to UK nationals in the EU on gov.uk and through our network of embassies, consulates and high commissions.

Let me reiterate that securing the negotiated withdrawal agreement is in the mutual interest of all our citizens. It is the most effective way for the Government to guarantee the rights of UK nationals in the EU and to provide certainty.

I will be depositing the policy paper “Citizens’ Rights - UK nationals in the EU” in the Libraries of both Houses.

[HCWS1483]

General Affairs Council

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Lord Callanan, Minister of State for Exiting the European Union, has made the following statement:

The UK and the EU have agreed an extension to Article 50, until 12 April 2019, which is legally binding in EU and international law. Until we leave the European Union, we remain committed to fulfilling our rights and obligations as a full Member State, and continue to act in good faith.

I will attend the General Affairs Council in Luxembourg on 9 April 2019 to represent the UK.

The provisional agenda includes:

* Multiannual Financial Framework 2021-27
  
  Ministers and the Commission will discuss progress on the Multiannual Financial Framework (MFF) negotiations. The intention is to reach an agreement on the negotiations in autumn 2019.

* Conclusions on the Reflection Paper “Towards a sustainable Europe by 2030”
  
  The Council will adopt conclusions on the reflection paper titled “Towards a Sustainable Europe by 2030, on the follow-up to the UN Sustainable Development Goals, including on the Paris Agreement on Climate Change”. The paper was released in January 2019 by the Commission as part of its 2019 Work Programme. Ministers will discuss this paper ahead of the Sibiu Summit in May, where issues relating to Europe’s future will be discussed.

* Values of the Union - Hungary / Article 7(1) TEU Reasoned Proposal
  
  Ministers will discuss the Article 7(1) procedure in relation to Hungary.

* Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal
  
  The Commission will provide an update on “Rule of Law” developments in Poland and Ministers will discuss next steps.

[HCWS1487]

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council

The Minister for Europe and the Americas (Sir Alan Duncan): The Foreign Affairs Council (FAC) will take place in Luxembourg on 8 April. It will be chaired by the High Representative of the European Union (EU) for Foreign Affairs and Security Policy (HRVP), Federica Mogherini.

The FAC will discuss current affairs, Afghanistan, Eastern Partnership and Venezuela.

* Current Affairs

We expect HRVP Mogherini to update Ministers following her visits to the G7 Foreign Ministers meeting in Dinard and the League of Arab States summit in Tunis. She will also provide an update on the first round of Ukrainian presidential elections.

* Afghanistan

Ministers will discuss developments in Afghanistan, including recent efforts to make progress on peace, and will look ahead to the presidential elections scheduled for later in 2019. They will also discuss the EU’s future role in Afghanistan.

* Eastern Partnership

Ministers will discuss preparations for the Eastern Partnership ministerial meeting on 13 May and will reaffirm the EU’s commitment to supporting greater resilience, security and prosperity across the region. They will assess progress against the priorities identified as the “20 deliverables for 2020”: to achieve a stronger economy, governance, connectivity and society. Ministers will also take stock of ongoing work to mark the partnership’s 10th anniversary.

* Venezuela

Ministers will receive an update from HRVP Mogherini following the latest meeting of the international contact group on Venezuela and on plans for next steps. Ministers will discuss how to maintain pressure on the Maduro regime including the possibility of further targeted sanctions.

* Council Conclusions

The Council is expected to adopt conclusions on Afghanistan, which call for an Afghan-led process and confirm EU support and its future role, as well as the Court of Auditors’ special report on Mali and Niger.

[HCWS1488]

Marshall Aid Commemoration Commission

The Minister for Asia and the Pacific (Mark Field): I am announcing today the publication of the recent tailored review of the Marshall Aid Commemoration Commission (MACC), an arm’s length body of the Foreign & Commonwealth Office.

The MACC was established in 1953 to express gratitude to the American people for the post-war support and assistance conceived by US Secretary of State George C. Marshall, subsequently known as the Marshall plan. It provides postgraduate scholarships in the UK for US students with the potential to excel in their chosen fields of study and future careers. Marshall alumni become advocates for greater mutual understanding and cooperation between our two countries, bolstering our bilateral relationship and our soft power.

As a non-departmental public body (NDPB) sponsored by the Foreign & Commonwealth Office (FCO), the MACC is required to undergo a tailored review at least once in every Parliament.

The principal aims of tailored reviews are to ensure public bodies remain fit for purpose, are well governed and properly accountable for what they do.
The full report can be read on gov.uk: https://www.gov.uk/government/publications/tailored-review-of-the-marshall-aid-commemoration-commission

This Review involved consultation with a broad range of stakeholders across the UK and the US, including MACC commissioners and staff, former and current Marshall scholars, FCO officials, staff working on similar scholarship programmes and academic institutions in both the UK and US. It provided an opportunity to assess the efficiency and effectiveness of the commission and its programme, and to understand how it delivers on the FCO’s strategic priorities.

The review concluded that the MACC runs a high-quality and well-managed programme that is still needed and contributes to strengthening the UK’s relations with the US. As such, it is a valuable soft power asset, providing a good return on a relatively small financial investment. It also concluded that NDPB status remains the right classification for the commission. However, it identified areas for improvement, making a total of 24 recommendations, including:

The Association of Commonwealth Universities, which currently administers the MACC, should draw on in-house expertise to support the commission and ensure the sustainability of the programme’s administration.

The FCO should establish more consistent active outreach activity throughout the US network.

The commission should develop a shared communications strategy, while the FCO should ensure communications about the programme are incorporated into FCO communications work.

The commission and FCO should develop and implement a stronger monitoring and evaluation system.

A joint implementation plan is being developed by the FCO and the MACC, with agreed recommendations expected to be implemented by the first quarter of 2020.

Copies of the Review will be placed in the Libraries of both Houses.

[HCWS1489]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Parks and Green Spaces

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): In September 2017, the Government agreed to provide a written update to Parliament to assess the progress made against the recommendations of the Housing, Communities and Local Government Committee’s report into the future of public parks. Today I am updating the House on a suite of initiatives to secure this future.

These have been formulated in conjunction with the parks action group (PAG) who advise on the steps the Government could take to ensure the future of our parks and green spaces. The PAG, which is comprised of a cross-government group of senior officials and a sectorial group, along with its co-ordinator have been key in driving forward the recommendations of the Select Committee. We published details of the PAG’s membership and aims on 19 September 2017: https://www.gov.uk/government/news/government-pledges-500000-for-new-action-group-to-grow-future-of-public-parks

In its first recommendation, the Committee advised that the Government should develop models to support local authorities in the assessment of the value of their parks. In 2018 the Department for Environment, Food and Rural Affairs, provided funding for the outdoor recreation valuation tool https://www.keepexeter.ac.uk/orval/ which enables the recreational value of publicly accessible parks, paths and beaches in England and Wales to be estimated and factored into decision-making. Additionally, in July 2018 the Office for National Statistics, working in partnership with DEFRA, published a national set of UK urban natural capital accounts as part of a work programme to develop natural capital accounts for the UK.

The Committee’s second recommendation covers the relationship between local communities, local authorities and the free use of parks. The Government ran a public consultation on the free use of parks, “Running Free: Preserving the Free Use of Public Parks Consultation”, between April and July 2017. We published our response in December 2018 and it can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764830/Parkrun_Consultation_Response.pdf. Whilst we recognise the right of local authorities to charge for specific events in parks as a means of income, our position is that public parks should remain free for members of the public for reasonable everyday use.

The Committee, in its third and fourth recommendations, rightly asked the Government to support the development and working of friends’ groups. My Department recently provided Locality and the National Federation of Parks and Green Spaces with £130,000 to develop a national infrastructure for “Friends of Parks” groups and create a network of green champions. Working with local authorities, friends groups and other voluntary organisations, these green champions will be invaluable in supporting community groups who wish to take greater responsibility in the management of their local parks. This funding will also expand the existing Government-sponsored “My Community” website to provide a hub for community groups interested in supporting their local parks.

In line with our response to the Committee’s fifth recommendation, my Department has addressed health and safety in parks by promoting best practice and quality standards. The green flag award scheme, run under licence from my Department and operated by Keep Britain Tidy, continues to highlight community and local authority-run parks that have achieved a national quality standard for parks and green spaces. This scheme ensures that all participating parks meet high quality standards and that these parks act as ambassadors for best practice. 1,577 sites achieved the award in 2018 and I hope to see further parks added this year. Green flag award parks can be found here: http://www.greenflagaward.org.uk/award-winners/

In its sixth recommendation, the Committee rightly asked the Government to investigate the action that could be taken to increase provision of parks and green spaces. The House will be aware that my right hon. Friend the Secretary of State for Housing, Communities
and Local Government recently announced significant funding to support parks across the country. He committed £9.7 million to local authorities to support them in the maintenance of their parks. He also provided £3.75 million in funding to 200 community-led organisations as part of our successful and very popular pocket parks plus programme. Working with their local authorities, these community groups will expand access to green space for our communities.

The Committee’s seventh recommendation asked local authorities to adopt a whole-place approach, and co-operate with other local authorities, when updating their local plans. The Government are confident that the national planning policy framework equips local authorities with the decision-making powers to secure the protection of parks—for both new and established communities. Additionally, we have recently provided £1.2 million to the future parks accelerator programme which is an initiative, developed by the National Trust and Heritage Lottery Fund, to support local authorities and, importantly, area-based partnerships to pilot and test new and innovative models of managing and funding parks estates.

In response to recommendation eight, my Department has invested £30,000 in a joint project with DEFRA and Natural England to develop a framework of green infrastructure standards. Local authorities will be supported to assess their green infrastructure provision against this new framework. This project will also examine how our commitments on green infrastructure can be incorporated into national planning guidance and policy.

In its ninth recommendation, the Committee asked further questions of the Government’s 25 year environment plan. This plan, published in January 2018, recognises the importance of parks and green infrastructure for people’s health and wellbeing. It includes the commitment to green our towns and cities and details a series of actions relating to green infrastructure and trees. One of these actions is to develop a national view of what “good” green infrastructure looks like. DEFRA and MHCLG have helped to establish the cross-government project led by natural England mentioned above that will review and update existing standards for green infrastructure. The project is working with a range of expert stakeholders, including the PAG, to develop an initial framework for testing and piloting in summer 2019.

The Committee’s tenth to thirteenth recommendations asked the Government to support the development of new and innovative models of parks estate management and funding. My Department has invested £20,000 in the Landscape Institute to support them in the development of apprenticeship standards for the roles of “landscape technician” and “chartered landscape professional”. We will continue to work with the PAG to ensure the findings from the Association for Public Service Excellence’s forthcoming research report into the skills of existing parks managers are reflected in these standards. As outlined above, we have also supported the future parks accelerator programme to provide examples of new and innovative models of parks estate management and funding. Additionally, we have provided £210,000 to help capture and share the lessons learnt from Newcastle City Council’s transformative parks management project, and to help them make available governance and legal templates to others wishing to adopt this innovative model.

We can all agree that parks and green spaces are vital to the communities we serve. They provide space for respite from our busy lives, opportunities to spend time with our friends and families, and they are oases in our busy urban areas. I am confident that the initiatives I have outlined above demonstrate that the Government is making significant progress on delivering on our shared commitment to secure the long-term sustainability of parks for our future generations.

INTERNATIONAL DEVELOPMENT

Ebola Outbreak: UK Response

The Secretary of State for International Development (Penny Mordaunt): The number of cases of Ebola in the outbreak in the Democratic Republic of Congo (DRC) has recently passed 1000. Given this, it is both proper and timely to update the House on the steps which the UK Government are taking to continue to support the response in DRC and to ensure robust and effective preparedness in neighbouring countries.

Since I last updated the House on 14 February, there has been an increase in the number of confirmed and probable cases of the Ebola Virus Disease (EVD) in eastern DRC. As of 31 March 2019, 1,089 Ebola cases have been recorded (1,023 confirmed and 66 probable) and 679 people have died. Twenty-one health zones have been affected and 12 are currently reporting active new cases.

Despite the success of the response in curbing the disease in a number of health zones, the outbreak is still not under control. The last few weeks have seen a substantial increase in the number of cases reported, and the security context remains extremely challenging. In late February, two Médecins Sans Frontières Ebola treatment centres were attacked in Butembo and Katwa. The UK condemns these attacks in the strongest of terms; health workers fighting this disease should never be the target of violence and nor should patients. However, I am pleased to note that the affected treatment centres have now re-opened, run for the moment by the Government of DRC’s Ministry of Health in collaboration with the World Health Organisation (WHO) and the United Nations Children’s Fund (UNICEF), both of whom the UK is supporting.

The attacks underline the difficulty of responding to this outbreak in an area of ongoing conflict, and the vital importance of strengthening community engagement to break the chain of transmission. Despite the challenges faced there has not been a rapid rise in cases as was seen during the West Africa outbreak in 2014-16.

With UK support and technical advice, the response is now shifting to become more locally-owned, including through the hiring and training of more local staff, which will have the additional benefit of building longer-term health capacity and resilience. The response communications strategy has been revised to ensure that messages come primarily from local, influential leaders and figureheads.
The UK remains one of the major supporters of the response and DFID has recently released new funds to the third strategic response plan for this outbreak. Some of this new funding has been used to target specific areas of the response that need strengthening, particularly around infection prevention and control, and water, sanitation and hygiene. The vaccination campaign remains a key element of the response, with over 93 thousand people vaccinated in DRC so far. Once again, at the request of the Government of DRC who are leading the response I am not announcing specific funding figures to avoid putting front-line responders at further risk of attack.

As mentioned in my statement to the House on 26 March regarding Cyclone Idai, I recently spoke with both Dr Tedros Adhanom Ghebreyesus, Director-General of the WHO, and Sir Mark Lowcock, Head of the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA), to underline UK support and urge further measures on the part of the UN system in tackling the outbreak. We welcome WHO and OCHA strengthening their leadership in-country to support the DRC Government in delivering an effective response.

There remains a significant risk of transmission to neighbouring countries and measures are being taken to prepare accordingly. The UK is leading donor efforts to support regional preparedness. In Uganda we have supported the vaccination of 4,420 front-line health workers, with a further 1,000 planned over the next month. We have also helped establish a screening facility at the border with DRC. In Rwanda we have strengthened surveillance activities at borders, carried out infection prevention and control training, and supported the roll out of vaccinations for at-risk health workers. We have also supported similar activities including in South Sudan, and have recently deployed staff to strengthen efforts in Burundi.

The risk of Ebola to the UK population remains very low. Public Health England continues to monitor the situation daily and review the risk assessment on a two-weekly basis.

The UK is committed to supporting our partners to end this outbreak of Ebola as quickly as possible. We have continued our “no regrets” approach, providing both funding and expertise—recognising that this is an international crisis that both requires and deserves a sustained international response. Tackling the spread of deadly diseases in Africa is firmly in our national interest—saving lives, reducing suffering, and helping prevent transmission across borders.

[HCWS1492]

TRANSPORT

Access for All

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): Improving access to Great Britain’s railway stations is a key priority for this Government and we want all passengers to be able to travel easily and confidently. The Department’s Access for All programme is critical to delivering this; the programme has already delivered an accessible, step free route at more than 200 stations, as well as smaller scale accessibility improvements at more than 1,500 others.

The “Inclusive Transport Strategy”, published on 25 July 2018, included a commitment to extend the Access for All programme, announcing an additional £300 million of funding from the public purse. Our approach is to work with transport operators and partners to target investments where they are needed most and where they can deliver the greatest impact. This funding will enable us to deliver accessibility improvements at more stations across the rail network, and allow us to proceed with the station enhancements that were deferred from Control Period 5.

In total 73 stations are set to benefit from this funding. This is in addition to the 24 station projects that are ongoing. The selected stations will, subject to a feasible design being possible, receive an accessible route into the station, as well as to and between every platform.

The new stations due to be upgraded from this funding are listed below. They have been selected following nominations from the rail industry, which engaged with local authorities and other stakeholders. We then assessed them against annual footfall, weighted by the incidence of disability in the area, and also took account of local factors such as nearby hospitals and the availability of third party funding. Due consideration was also given to the preferences of the train operating companies and, finally, a number were chosen to ensure a fair geographical spread across the country.

Abergavenny
Anniesland
Beaconsfield Station
Bignoleswade
Birkenhead Park
Bridlington
Broad green
Caerphilly
Catford
Chalkwell
Chorley
Cricklewood
Crowborough
Cray
Cwmbran
Daisy Hill
Dumfries
Flint
Hackney Downs
Handforth
Herne Bay
Hertford North
Hillside
Hunt’s Cross
Irlam
Isleworth
Johnstone
Kings Langley
Leatherhead
All of the work carried out by Access for All comes in addition to access improvements that the industry is required to deliver as part of other projects or renewals of station infrastructure.

Together these measures will make a real difference to people's lives, opening up access to leisure and employment for disabled rail passengers as well as making it easier for those with heavy luggage or children in buggies to use the network.

[HCWS1484]

WORK AND PENSIONS

Pensions Dashboards Consultation

The Secretary of State for Work and Pensions (Amber Rudd): Later today I will publish the Government’s response to the consultation on the pensions dashboard CP75.

Pensions dashboards will revolutionise retirement planning. They will enable people to access their pension information in a single place online, in a clear and simple form, whether that is on a laptop or tablet, and from their own home. Putting individuals in control of their data, pensions dashboards will bring together all pensions information from multiple sources, which can then be accessed at a time of their choosing.

This Government’s pensions reforms have transformed Britain’s retirement savings culture. More than 10 million people have benefitted from our revolutionary policy of automatic enrolment into workplace pensions.

On 3 December 2018 the department published a consultation “Pensions dashboards: Working together for the consumer”. The Government’s response to the pensions dashboards consultation outlines how the Government will facilitate the pensions industry to deliver this project.

Both the quantity and quality of the 125 responses received were helpful in informing the approach we set out. The responses we received were largely positive in nature.

The result of this feedback is that Government will facilitate the delivery of pensions dashboards as a key priority. We expect to see to see initial industry dashboards developed and tested from this year.

The Government remain committed to ensuring the individual is in control of their data and is conscious of the need for pace in order to deliver dashboards. Our priority is to ensure that information is presented securely, in a clear and simple format to support consumers with their retirement planning. The response to the consultation on dashboards includes:

- a commitment to bring forward legislation at the earliest opportunity to compel all pension providers to make consumers’ data available to them through a dashboard;
- an expectation that the majority of schemes will be ready to ‘go live’ with their data within a three to four year window;
- confirmation that state pension information will be included as soon as possible;
- and that dashboards will help to reconnect people with “lost” pension pots, benefitting savers and providers.

In addition to these significant upgrades, we intend to use £20 million of the funding to re-launch the Mid-Tier Access for All programme. This will be focused on stations where accessibility improvements can be delivered with between £250,000 and £1 million of government support. We will be seeking nominations for this funding in due course.
A crucial entity in taking this forward will be the industry delivery group; made up of stakeholders from across the industry, consumer groups, regulators and Government who will be accountable to the Single Financial Guidance Body board. We anticipate the delivery group should be fully operational by the end of the summer. The priorities for the delivery group in 2019 are to create a clear strategy for delivering the digital architecture, design a robust governance and security framework and to work with industry on their readiness to provide data via dashboards.

It is my firm belief that the pensions industry is best placed to develop and deliver dashboards.

However, there is a role for Government in facilitating industry’s delivery of dashboards which work for consumers and put people in control of their data.

Pensions dashboards can be an enabler for a real step-change across the sector to modernise the way it communicates with its members. They also provide an opportunity to build trust with consumers, ensuring they can access their pensions information in a convenient way.

[HCWS1493]
Petition

Monday 25 March 2019

OBSERVATIONS

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Bedfordia Farms planning application for a high intensity chicken farm should be refused

The Humble Petition of the residents of Rushden, Northamptonshire and the surrounding areas, Sheweth,

That the Petitioners believe that proposed Bedfordia Farms planning application for high intensity chicken farm should be refused on the grounds of increased pollution, foul odour, effect on local house prices, increased traffic volume; and further that similar farms have a poor record on animal welfare.

Wherefore your Petitioners pray that your hon. House urges the Department of Environment, Food and Rural Affairs, the Department for Communities and Local Government, Northamptonshire County Council and East Northamptonshire Council to take in account the concerns of the petitioners and refuse to grant the planning application for a high intensity chicken farm to Bedordia Farms.

And your Petitioners, as in duty bound, will ever pray, etc.—[Presented by Mr Peter Bone, Official Report, 12 March 2019; Vol. 656, c. 314 .]

Observations from the Minister for Housing (Kit Malthouse):

East Northamptonshire Council is responsible for the day-to-day planning in their area. The Government’s policy is not to interfere with the jurisdiction of a local planning authority unless it is necessary to do so. This is because local authority councillors are elected to represent the views of local people and, in the main, it is these councillors who are in the best position to decide whether a development should go ahead. In determining a planning application the local planning authority are required to have regard to all material considerations including the development plan, national policies and views expressed by third parties. It is, of course, for local planning authorities to provide whatever justification that it may be appropriate to give for their decisions and procedures.

Should the Secretary of State receive a request to call in a planning application, he would only begin to consider if call-in is appropriate once the planning application has been determined by the local planning authority and they are minded to approve. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.
Petitions

Thursday 28 March 2019

OBSERVATIONS

TRANSPORT

Closure of the Wellingborough Driving Test Centre

The Humble Petition of the residents of Wellingborough, Northamptonshire and the surrounding areas, Sheweth,

That the petitioners believe that the closure of the Wellingborough Driving Test Centre should be refused on the grounds of the loss of local access to driving tests, the increase in congestion and emissions in and around Northampton and Kettering, increased lead times for test dates and the increased costs to learner drivers and parents.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Transport and the Driver and Vehicle Standards Agency to take into account the concerns of the petitioners and refuse to grant the closure of the Wellingborough Driving Test Centre.

And your Petitioners, as in duty bound, will ever pray, etc.—[Presented by Mr Peter Bone, Official Report, 12 March 2019; Vol. 656, c. 313.]

Observations from the Minister of State, Department for Transport (Jesse Norman):

The design, installation and maintenance of pedestrian crossings are matters for local highway authorities. They have powers to establish crossings on their roads, as well as a duty under section 122 of the Road Traffic Regulation Act 1984 to “secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)”. Local authorities would need to consider local factors such as pedestrian numbers, road layout, traffic flow and speed and accident records in deciding whether a crossing is necessary, and if so what type to provide. The Department for Transport has published guidance on the assessment and design of pedestrian crossings, in two Local Transport Notes (LTNs):

- LTN 1/95: The Assessment of Pedestrian Crossings
- LTN 2/95: The Design of Pedestrian Crossings

Both publications are available on the Department’s website at https://www.gov.uk/government/publications/local-transport-notes.

Local authorities are free to make their own decisions about the design of the streets under their care, provided they take account of the relevant legislation. It would be inappropriate for the Government to seek to intervene in the process of local democratic accountability.
Petitions
Monday 1 April 2019

PRESENTED PETITION
Petition presented to the House but not read on the Floor

The future of maintained nursery schools

The petition of the parents, carers and staff of Freshfield Nursery School in Heaton Mersey, Stockport.

Declares that we are concerned about the future of maintained nursery schools in England after March 2020 as no guarantee has been given by government that adequate funding will continue when supplementary funding ends.

The petitions therefore request the House of Commons to urge the Government to take action to ensure maintained nursery schools are financial sustainable for the future.

And the petitioners remain, etc.—[Presented by Ann Coffey.]

OBSERVATIONS

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Byfleet and West Byfleet’s remaining Green Belt

The petition of residents of Woking

Declares that no land should be removed from the Green Belt for development unless there are very special circumstances and all other options including brownfield sites have been exhausted; further that it is also imperative that no major developments are approved in Byfleet until the proposed Flood Alleviation Plan is implemented; further that the Office for National Statistics has recently revised its household projection to show that less new housing is needed than previously thought; and further that this petition refers to the Site Allocations Development Plan document, approved by Woking Borough Council on 18 October 2018, which has questionable long-term forecasts and does not include recent developments.

The petitioners therefore request that the House of Commons urges the Government not to remove any land from the Green Belt for development unless there are very special circumstances and all other options including brownfield sites have been exhausted.

And the petitioners remain, etc.—[Presented by Mr Jonathan Lord, Official Report, 13 March 2019; Vol. 656, c. 8P.]

Observations from the Minister for Housing (Kit Malthouse):

The Government remain committed to strong protection of the Green Belt. Our National Planning Policy Framework makes it clear that most new building is inappropriate on Green Belt land, and should be refused planning permission except in very special circumstances.

Green Belts are established and protected by local, not central, government. Only in exceptional circumstances may a local authority alter a Green Belt boundary, after consulting local people and submitting the revised Local Plan to examination. We clarify in the revised Framework that a local authority can propose to alter a Green Belt boundary only in exceptional circumstances and only if it can show evidenced justification that it has examined all other reasonable options for meeting its identified development needs. That means the authority should:

- make as much use as possible of suitable brownfield and under-used land;
- optimise density of development; and
- discuss with neighbouring authorities whether they could take some of the necessary development, as agreed in a Statement of Common Ground.

The examination by planning inspector of a revised development plan or strategy, including any Green Belt review, is a formal procedure. The inspector acts on behalf of the Secretary of State, and this imposes a strict duty of impartiality across Government. The validity of any local housing need figure would be considered in that context, as part of the supporting evidence. A plan will be found sound only if it is properly prepared, justified, effective and consistent with national policy in the Framework.

With reference to household projections produced by the Office for National Statistic (ONS), it should be noted that projections are not a measure of how many homes are needed to meet demand, they simply show what would happen if past trends continue. As confirmed by the ONS, lower household projections do not mean that fewer homes are needed. If more homes are not supplied, then households cannot form as there would be nowhere for them to live. More homes are still needed in the least affordable areas to inhibit soaring house prices. As a general rule, we would expect an increase in housing provision to improve the overall affordability of new homes.

It is for local authorities to consider the extent of flood risk and what effect it should have on development plans or planning decisions.
Petition

Wednesday 3 April 2019

PRESENTED PETITION

Petition presented to the House but not read on the Floor

Patient consent for changes to consent forms for operations

The Petition of Mr Anthony Sheppard

Declares that Mr Sheppard was scheduled for Mr Jain to perform an operation on his knee at Solihull Hospital on 18th February 2014; further declares that he attended the hospital and signed a consent form in the ward at around noon; further declares that he was sent for at 1.45 pm and arrived in the operating theatre reception at 1.50 pm; further declares that while the anaesthetist was at the point of administering a general anaesthetic a different doctor (Mr Gajula) came in and said that changes were needed to the consent form because Mr Jain would not be performing the operation and there was a risk of breaking his leg; further declares that Mr Gajula made alterations to the consent form and initialled them; further declares that Mr Sheppard became upset, nevertheless, the general anaesthetic was administered and the operation was performed without Mr Sheppard being asked to confirm his consent by initialling the changes to the consent form; and further declares that the events stated above were established as ‘common ground’ by the judge in the civil case;

Further declares that Mr Sheppard has since taken this case both to the GMC, from the GMC to judicial review and then to the court of appeal; further declares that Mr Sheppard has also taken the case through the civil courts, and through the court of appeal to the European Court of Human Rights; further declares that, notwithstanding the fact that Mr Sheppard did not consent to the changes to the consent form and that the doctors contravened the regulations of the hospital which require patients to initial changes rather than doctors otherwise they leave themselves open to criminal charges, the court found for the Defendant, who had claimed that no further consent was required after Mr Sheppard signed the original unmodified consent form; and further declares that the judge in judicial review held that Parliament had given the GMC the authority to choose which cases to investigate and had discretion to ignore the case.

The petitioner therefore requests that this petition be referred both to the Health Select Committee and the Joint Committee on Human Rights for a review as to whether the law should be changed to provide protection to patients so that written consent is required from a patient with capacity before an operation proceeds with an amended consent form; and further asks the House of Commons to refer this petition to those members of the Parliamentary Assembly of the Council of Europe with a view for them to refer it to the appropriate committees of that assembly in respect of Articles 3 and 8 of the European Convention of Human Rights.

And the petitioner remains, etc.—[Presented by Tim Farron.]
Ministerial Corrections

Monday 25 March 2019

INTERNATIONAL DEVELOPMENT

Syria

The following are extracts from responses to questions on a statement on Syria by the Minister for the Middle East, the right hon. Member for North East Bedfordshire (Alistair Burt).

In response to the hon. Member for Liverpool, Walton (Dan Carden):

Alistair Burt: The hon. Gentleman asked about the situation of the Kurdish community on the north-western border.


In response to my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell):

Alistair Burt: In relation to the extent of aid, I absolutely agree—the £2.81 billion has been an extraordinary contribution. Last year in Brussels, we made the third largest pledge of £750 million, and the £2.81 billion that has been spent by the United Kingdom is indeed, I believe, a stronger sum than that provided by the European Union altogether over this period.


In response to the hon. Member for Liverpool, West Derby (Stephen Twigg):

Alistair Burt: However, in the camps, where the women and children of foreign fighters are concerned, there are no cash transfers. The Secretary of State has taken the view that that would not be appropriate. Cash transfers are extremely valuable in many circumstances. They provide some flexibility for refugees and those who are dependent on them and help people to make easier choices. There is little evidence of any abuse, and it can be a most practical way of delivering aid. But in the particular circumstances of the women and children of foreign fighters, in order to ensure that there was no risk of divergence to terrorist sources, my right hon. Friend took the decision that cash transfers would not be used.


Letter of correction from the Minister for the Middle East.

Errors have been identified in the responses I gave to questions on the statement on Syria.

The correct responses should have been:

In response to the hon. Member for Liverpool, Walton (Dan Carden):

Alistair Burt: The hon. Gentleman asked about the situation of the Kurdish community on the north-eastern border.

In response to my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell):

Alistair Burt: In relation to the extent of aid, I absolutely agree—the £2.81 billion has been an extraordinary contribution. Last year in Brussels, we made the third largest pledge of £750 million, and the £2.81 billion that has been pledged by the United Kingdom is indeed, I believe, a stronger sum than that provided by the European Union altogether over this period.

In response to the hon. Member for Liverpool, West Derby (Stephen Twigg):

Alistair Burt: However, in the camps, where the women and children of foreign fighters are concerned, there are no current plans for new cash programming by DFID. The Secretary of State has taken the view that that would not be appropriate. Cash transfers are extremely valuable in many circumstances. They provide some flexibility for refugees and those who are dependent on them and help people to make easier choices. There is little evidence of any abuse, and it can be a most practical way of delivering aid. But in the particular circumstances of the women and children of foreign fighters, in order to ensure that there was no risk of divergence to terrorist sources, my right hon. Friend took the decision that for the moment, new cash programming would not be used.
**Ministerial Correction**

*Wednesday 27 March 2019*

FOREIGN AND COMMONWEALTH OFFICE

**Yemen**

The following is an extract from the Urgent Question to the Minister for Asia and the Pacific on Tuesday 26 March 2019.

**Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op):**
The Government contract the manufacture of UK arms for Saudi Arabia. They contract the issuing of bombs into UK aircraft in the Kingdom. They have RAF soldiers in command centres, and now we learn that we have ground assets in Yemen. So can I ask again, because I do not think the Minister answered the question: if this does not constitute being a member of the coalition, what on earth does? What legal advice have Her Majesty’s Government received about potential complicity in war crimes and international humanitarian law abuses, which we could now be liable for?

**Mark Field:** Will the hon. Gentleman please be assured that there is ongoing legal advice on all the matters to which he referred? I should perhaps also say, to correct the record in that regard, that we do not have our liaison officers or others in command centres with the Saudis. The liaison is in Saudi; they are there in a training and advisory capacity.


Letter of correction from the Minister for Asia and the Pacific:

An error has been identified in the response I gave to the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle).

The correct response should have been:

**Mark Field:** Will the hon. Gentleman please be assured that there is ongoing legal advice on all the matters to which he referred? I should perhaps also say, to correct the record in that regard, that we do not have our liaison officers or others in command centres with the Saudis. **We have a very small number of staff working in Saudi headquarters in a liaison capacity only.**

[Official Report, 10 April 2019, Vol. 658, c. 4MC.]
Ministerial Corrections

Friday 29 March 2019

ENVIRONMENT, FOOD AND RURAL AFFAIRS

State Aid (Agriculture and Fisheries)

The following is an extract from the Twentieth Delegated Legislation Committee on the draft State Aid (Agriculture and Fisheries) (Amendment) (EU Exit) Regulations 2019.

Mr Goodwill: Indeed, one nugget that we did spot was the change that is under way in the European Commission to increase the de minimis fishing limit from €25,000 to €30,000 and we have managed to include that.

[Official Report, Twentieth Delegated Legislation Committee, 19 March 2019, c. 8.]

Letter of correction from the Minister for Agriculture, Fisheries and Food.

An error has been identified in my response to the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard).

The correct statement should have been:

Mr Goodwill: Indeed, one nugget that we did spot was the change that is under way in the European Commission to increase the agricultural de minimis limit from €15,000 to €20,000, with an optional higher limit of €25,000, and we have managed to include that.

European Structural and Investment Funds Common Provisions

The following is an extract from the Sixth Delegated Legislation Committee on the draft European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 and the draft European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019.

Mr Goodwill: Yesterday, I said that we spotted that the European Commission was increasing the de minimis payment level for fishing communities, and we made that correction before the matter came to Committee.

[Official Report, Sixth Delegated Legislation Committee, 20 March 2019, c. 11.]

Letter of correction from the Minister for Agriculture, Fisheries and Food.

An error has been identified in my response to the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard).

The correct statement should have been:

Mr Goodwill: Yesterday, I said that we spotted that the European Commission was increasing the de minimis payment level for agricultural communities, and we made that correction before the matter came to Committee.
Ministerial Correction

Wednesday 3 April 2019

FOREIGN AND COMMONWEALTH OFFICE

Topical Questions

The following is an extract from Foreign and Commonwealth Office Topical Questions on Tuesday 2 April 2019.

Patrick Grady (Glasgow North) (SNP): How does ignoring or dismissing the International Court of Justice ruling on the Chagos islands enhance the United Kingdom’s reputation as a soft power superpower or uphold the international rules-based order?

Sir Alan Duncan: First, it was not a ruling; it was an intermediate decision and non-binding. We are of course in discussions with Mauritius, but we fully uphold our right to take the position we have taken over many years.


Letter of correction from the Minister for Europe and the Americas, the right hon. Member for Rutland and Melton (Sir Alan Duncan):

An error has been identified in the response I gave to the hon. Member for Glasgow North (Patrick Grady).

The correct response should have been:

Sir Alan Duncan: First, it was not a ruling; it was an advisory opinion and non-binding. We are of course in discussions with Mauritius, but we fully uphold our right to take the position we have taken over many years.