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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 15 June 2015

HER MAJESTY'S GOVERNMENT

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THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SIXTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 18 MAY 2015]

SIXTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 597

SECOND VOLUME OF SESSION 2015-2016

House of Commons

Monday 15 June 2015

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

School Funding

1. **William Wragg** (Hazel Grove) (Con): What plans she has to review the school funding formula. [900295]
4. **Jeremy Lefroy** (Stafford) (Con): What plans she has to review the school funding formula. [900298]
14. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What plans she has to review the school funding formula. [900308]

The Secretary of State for Education (Nicky Morgan): Before I begin, Mr Speaker, I welcome you back to your Chair. I also congratulate one of the Clerks of the House of Commons, Jacqueline Sharpe, who was awarded a CBE in the honours list at the weekend for her service to Parliament. It is a pleasure to welcome my hon. Friend the Member for Hazel Grove (William Wragg) to his place in this House.

It is clearly unfair that a school in one part of the country can attract over 50% more funding than an identical school elsewhere. That is why the Conservative party committed to making school funding fairer in our manifesto, and we will come forward with our proposals in due course.

William Wragg: I thank my right hon. Friend for that reply. She will recall from our discussions when she visited Mellor primary school in April that the school receives £1,000 less than the national average per pupil per year. What assurances can she give to parents and schools in my constituency that she will do all she can to address this unfairness and bring about greater fairness to school funding arrangements?

Nicky Morgan: I was delighted to be able to visit Mellor primary school in my hon. Friend's constituency. I particularly welcome his contribution, as a former primary school teacher himself, to debates on education in this House. It was a very enjoyable visit, and I am glad that perhaps it played a little part in his overall victory. I went to see the work that was going on to paint brand-new classrooms, the larger school hall, and the new library. As I said, I am committed to fairer funding for schools so that schools such as Mellor primary have the right resources to allow all their children to achieve their potential.

Jeremy Lefroy: I thank my right hon. Friend for the down-payment of £319 million on fair funding achieved in the previous Parliament. Does she agree that for my constituents who see similar schools nearby in other authorities with much higher rates of funding, this is a matter of transparency and fairness?

Nicky Morgan: I am well aware that my hon. Friend and his colleagues in Staffordshire have long campaigned for fairer school funding. They have made a strong argument, and we will continue to listen to them. My hon. Friend the Minister for Schools looks forward to meeting them shortly. I am committed to making funding

fairer, as set out in our manifesto. These are complex issues that we have to get right, so we will consult extensively the sector, the public and hon. Members in all parts of the House, and set out the detail of our plans in due course.

Daniel Kawczynski: I am very pleased with the progress that the previous coalition Government made in this regard, and we in Shropshire are benefiting from £10 million extra as a result of the changes. However, as she has already heard, there are significant differences in funding between areas, and I hope that she will give us the assurances requested that more will be done during this Parliament to redress that.

Nicky Morgan: As my hon. Friend rightly points out, Shropshire received over £10 million of additional funding from the reforms made in the previous Parliament. I particularly pay tribute to my hon. Friend the Member for Worcester (Mr Walker) for his work on fairer funding. I have absolutely no doubt that he will continue that work admirably in his new role. Pupils, parents and teachers in Shrewsbury will see the big difference that the £10 million funding will make, but I am committed to building on this first step and, as I have said, making the funding system fairer.

John Healey (Wentworth and Dearne) (Lab): Good value for public money is arguably as important as the funding formula. Does the Secretary of State accept that earlier this year the Public Accounts Committee produced this damning report on the deficiencies in the oversight and accountability system in our schools, made much worse by the headlong rush to academies? What steps are there in her Education and Adoption Bill to deal with the long list of flaws in the system?

Nicky Morgan: We do not accept the conclusions of the Public Accounts Committee, as we made clear in the evidence that was given to it at the time. I do not agree with the right hon. Gentleman that we should put to one side the issue of fairer school funding. It cannot be right that children in one part of the country are receiving less per head than those in other parts of the country. That is not fair on schools. The formula has been flawed for a long time, and this Government have committed to ensuring that funding is fairer.

Louise Haigh (Sheffield, Heeley) (Lab): Mossbrook primary school, a special educational needs school in my constituency, cannot put drawing pins in its walls for fear of disturbing asbestos, but it cannot access the condition improvement fund because it is not an academy. Will the Secretary of State consider opening up that fund to non-academy schools?

Nicky Morgan: I thank the hon. Lady for her question and welcome her to the House. Before the last Parliament was dissolved, the Government published a report on asbestos. There are other programmes available to schools in relation to school building improvement funds, but, if the hon. Lady wants to write to make the case for that particular school, we will, of course, look at it.

Kate Green (Stretford and Urmston) (Lab): Trafford is a relatively wealthy local authority, but there are areas of serious deprivation, and schools in my local authority

are funded to a much lower level per head than those in neighbouring authorities. What will the Secretary of State do to ensure that schools with high levels of deprivation among their intake are covered by a fair funding formula?

Nicky Morgan: As I have said, we will consult extensively among not only Members but members of the public and schools in relation to a fair funding formula. The hon. Lady is right to say that there are inequities of funding right across the country. The last Government introduced the pupil premium, spending billions of pounds on the most disadvantaged pupils, and this Government have made a commitment to continue that funding at the same level.

21. [900315] **Sir Nicholas Soames (Mid Sussex) (Con):** What steps she is taking to develop leadership skills for head teachers. Will my right hon. Friend agree to receive a delegation from West Sussex, a county that has been significantly badly treated in local settlements? Is she aware that, during the general election, a number of headteachers asked to see Members in Mid Sussex, and it is clear that, unless there is a move towards a national funding formula, schools in Mid Sussex and West Sussex will continue to be significantly badly treated?

Nicky Morgan: I am, of course, always pleased to discuss those issues with my right hon. Friend and his fellow Sussex MPs. He captures very well the reason we can no longer afford to sit back and allow the formula to work as originally designed—the inequities in funding across the country. We have made a clear commitment to tackle the issue and I look forward to working on it with my right hon. Friend and other Members.

Robert Ffello (Stoke-on-Trent South) (Lab): Even within an area there can be inequalities of funding. May I use this opportunity to draw the right hon. Lady's attention to a letter written by a number of north Staffordshire Members requesting a meeting so that we can discuss urgently our concerns about funding for local schools?

Nicky Morgan: I shall certainly look out for that letter; it has not crossed my desk yet, but I will ask officials to look out for it. Whether the meeting is with me or with the Minister for Schools, who is working on the detail, I think that the hon. Gentleman and hon. Members on both sides of the House will continue over the next few months to set out the reasons this inexorable funding cannot continue.

Academy Sponsorship Programme

2. **Mr Henry Bellingham (North West Norfolk) (Con):** What plans she has to widen and enhance the academy sponsorship programme; and if she will make a statement. [900296]

The Minister for Schools (Mr Nick Gibb): Since 2010 the Government's academies programme has ensured that more than 1,100 of the worst-performing schools have been taken over by successful sponsors or headteachers. Regional schools commissioners, working with headteacher boards, continue to encourage and invite new sponsors so that more pupils have the opportunity to benefit from the transformation that great sponsors can bring.

Mr Bellingham: Is the Minister aware that the successful academy in my constituency, Springwood high school, has recently taken over the academy sponsorship of St Clement's high school and that the results are already showing huge improvement? Will he join me in paying tribute to the executive headteacher of the West Norfolk Academies Trust, Andy Johnson, and his team? Will he also agree to visit this huge local success story in the near future?

Mr Gibb: I would be delighted to add my tribute to Andy Johnson. The vision of the West Norfolk Academies Trust is to produce world-class standards of student achievement, and it is the application of that vision that has resulted in its approach improving other schools in the area. I shall be delighted to visit schools in my hon. Friend's constituency as soon as he invites me to do so.

Marie Rimmer (St Helens South and Whiston) (Lab): When a school has been rated inadequate by Ofsted and is therefore subject to an academy order, the Government say there will be no requirement to consult on conversion to academy status. With that in mind, what are the merits of removing the right of parents to be consulted, and how does that sit with the Government's rhetoric on accountability to parents?

Mr Gibb: The new Education and Adoption Bill is designed to ensure that those groups of people who are ideologically opposed to academisation are not allowed to disrupt or delay the process of academisation for those schools that have been letting down pupils year after year. This is about social justice and ensuring that every child, regardless of their background, has a good quality education. I hope the hon. Lady will support the Bill.

Mark Spencer (Sherwood) (Con): Before the general election, the Secretary of State visited Dukeries college in Ollerton. Will the Minister find time to visit Sherwood and Dukeries college to see its exciting plans to improve information technology in the new academy?

Mr Gibb: I understand that the Secretary of State had a very enjoyable visit and I, too, would enjoy visiting the school to see the innovative approach it is taking to IT and other elements of the curriculum.

John Pugh (Southport) (LD): Coasting schools are to be forced to become academies. What is going to happen to coasting academies? Are they to be forced to become schools?

Mr Gibb: The Government have powers to issue pre-warning notices to a trust, demanding urgent action to improve, and ultimately a warning notice can be issued by the Government to change sponsors. We have in fact changed the sponsors for 69 academies. The academisation programme is delivering higher standards across the board. Schools that have been academies for four years are improving their GCSE results by 6.4%, and there are similar high improvements in primary schools that have become academies. This is about improving standards across our school systems, and I expect the hon. Gentleman to support this approach.

School Buildings

3. **Andrew Stephenson** (Pendle) (Con): What plans the Government have to support investment in school buildings. [900297]

The Parliamentary Under-Secretary of State for Education (Mr Sam Gyimah): In the last Parliament, we protected the schools budget, gave more than £5 billion to tackle Labour's school places crisis and spent £18 billion on school buildings—more than Labour spent in their first two terms combined. In this Parliament, we will again protect the schools budget, and we plan to invest a further £19 billion on school buildings, of which £7 billion will be spent on school places.

Andrew Stephenson: Colne Park high school is in desperate need of funds to improve the state of its building, but it is receiving inadequate support from the local county council. Will my hon. Friend consider meeting the school's leadership team to help to find a way forward?

Mr Gyimah: I appreciate that the school will be disappointed that its application to the second phase of the Priority School Building programme was unsuccessful. The programme was highly over-subscribed, and we had to prioritise the buildings in the worst condition. However, Lancashire's indicative allocation to maintain and improve its schools is £34 million for 2015-18, and I expect it to consider carefully the needs of all schools in its area. I will do what I can to support my hon. Friend with that.

Keith Vaz (Leicester East) (Lab): May I congratulate the Minister on his reappointment? I remind him that this is not just investment in buildings, but the facilities around buildings. Last Friday, I accepted a petition from 300 parents of the Krishna Avanti school and St Paul's Catholic school about the lack of crossing facilities in Spencefield lane. Can we look at that as part of the budget?

Mr Gyimah: The budget is not just for school buildings. As the right hon. Gentleman is aware, it is also for improving the facilities of school buildings. If there is a specific issue in his constituency that has not been dealt with, he can by all means write to me and I will look at it.

Chris Skidmore (Kingswood) (Con): I have been campaigning with a secondary school in my constituency, King's Oak academy, as part of its bid for the Priority School Building fund. Unfortunately, the school was unsuccessful in relation to the last tranche of that fund. Will the Minister update the House on what future opportunities there will be for schools that were unsuccessful in the last round to re-bid for this funding?

Mr Gyimah: I know that the Secretary of State visited the school in question and recognised its brilliant leadership. Of course, as we go through the spending review and set the budgets for this Parliament, there will be other opportunities to look at the Priority School Building programme.

Kevin Brennan (Cardiff West) (Lab): At the start of the last Parliament, the Government set out their plans for the Priority School Building programme for 537 schools. To date, 25 have been completed. Would the Minister describe his Department's performance as failing or just coasting?

Mr Gyimah: I will describe the Government's performance as getting great value for money: the build cost for a number of schools was halved during the course of the last Parliament. We will make announcements this autumn about how Priority School Building programme 2 will be rolled out.

Childcare

5. **Craig Tracey** (North Warwickshire) (Con): What steps she is taking to ensure that there are sufficient childcare places to meet demand. [900299]

The Parliamentary Under-Secretary of State for Education (Mr Sam Gyimah): I of course recognise that we have to look at the issue of nursery places. In the past few years, 230,000 places have been created in early years nationally. However, the biggest way in which we can create nursery places is to support the early years sector. We have committed to increasing the average funding rates that providers are paid for the free entitlement so that the sector can grow substantially.

I can confirm that a cross-Government review of the cost of providing childcare is under way to inform decisions on the funding required to secure sufficient quality childcare provision at good value for money to the taxpayer and consistent with the Government's fiscal plans. I am today launching a call for evidence to inform this review, which will report and be published in the autumn.

Craig Tracey: My constituents in North Warwickshire and Bedworth welcomed the commitment in the Conservative manifesto to provide 30 hours of free childcare and look forward to its delivery. What plans are being made to bring that forward?

Mr Gyimah: I am delighted to welcome my hon. Friend to the House. His victory in Labour's No. 1 target seat carved the first letters in Labour's electoral tombstone and ensured that the ridiculous "Ed stone" did not make its way into Downing Street.

As the Prime Minister announced on 1 June, we are pressing ahead with reforms to increase the childcare support that is available to hard-working families. We are bringing implementation forward to 2016. The Childcare Bill was one of the first Bills we introduced in this Parliament. I have just announced the funding review. Further to that, there will be a consultation with parents and providers, so that we can implement this policy.

Carol Monaghan (Glasgow North West) (SNP): I welcome the Minister to his place, and I welcome the UK Government's decision to follow the Scottish Government's lead in expanding free childcare to 30 hours for three and four-year-olds. How much additional funding will be made available for the planned childcare expansion?

Mr Gyimah: I welcome the hon. Lady to the House. The Government are making more support available for childcare than any previous Government. We set out in the general election campaign our plans to fund. We expect to make savings from tax-free childcare and from universal credit. The policy will therefore be funded to the tune of about £350 million.

Carol Monaghan: I thank the Minister for that answer. Will he give the figure for how much additional funding will come to Scotland as a result of the Barnett consequential from the planned expansion of childcare in England?

Mr Gyimah: I understand that Scotland already provides about 25 hours of free childcare. I am happy to write to the hon. Lady to provide details of the Barnett consequential from the expansion of this programme.

24. [900318] **James Heappey** (Wells) (Con): On Friday, I visited St Cuthbert's Church of England infant school in Wells, where the head and her staff are doing a fantastic job not only in educating the children but in providing before and after-school care for them. Will the Minister share with the House his plans to give the teachers of that school the resources they need to provide that vital service for working parents?

Mr Gyimah: Local authorities have a duty to provide sufficient childcare and we are supporting them to deliver that. We are very supportive of breakfast clubs and after-school clubs. We are also liberalising the childminding sector to allow childminders to operate for 50% of the time off domestic premises. They should therefore be able to support schools to expand that sort of care.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I urge the Minister to talk to the National Day Nurseries Association, which is based in my Huddersfield constituency, because it is very worried. Members all around this House want there to be more affordable childcare, but the NDNA is worried about the cost implications, because the money does not add up; about the pressure on building new facilities; and about the recruitment of staff. Those are real concerns, so will he talk to the NDNA?

Mr Gyimah: I talk to the NDNA all the time. I am very much aware not only of its concerns, but of the concerns of other players in the sector. We were the only party to commit to a review of the funding rate in the general election campaign. Today, I have announced that the review is under way. We will consult the sector and get its views not only on the exact rate, but on how to implement the 30 hours policy.

Business and Work Experience

6. **Mr Gordon Marsden** (Blackpool South) (Lab): What assessment she has made of the adequacy of current arrangements for key stage 4 students to access business and work experience. [900300]

The Secretary of State for Education (Nick Morgan): Ensuring that young people leave school or college prepared for life in modern Britain is a vital part of our plan for education. We have put more emphasis on mastering vital skills and on more respected qualifications, and we have given employers greater influence over the content of courses, so that young people have the skills that universities and employers value. One reason I am delighted to continue as Secretary of State is that I can continue to make progress with the new employer-led careers and enterprise company, which will help young people access the best advice and inspiration by encouraging greater collaboration between schools, colleges and employers.

Mr Marsden: That sounds all fine and dandy, but the Government's dropping of mandatory work experience from the school curriculum has not helped the small businesses I speak to in Blackpool, which want to take young people on. Nationally, the British Chambers of Commerce found that three quarters of employers were worried about a lack of work readiness. Will the Secretary of State make a fresh start and bring forward substantial initiatives to improve work experience, thereby making apprenticeships more accessible to 16 to 19-year-olds?

Nicky Morgan: I am afraid I will not be changing course. We are focusing on high quality and meaningful work experience post-16. The blanket requirement to provide work experience at key stage 4 and under had fewer and fewer employers willing to accommodate young people. They were worried about health and safety, red tape introduced under the previous Government and, exactly as the hon. Gentleman says, being without the work readiness skills that this Government are focusing on to ensure our young people are ready for life in the world of work.

Children in Care

7. **Fiona Bruce** (Congleton) (Con): Which provisions in the Education and Adoption Bill will ensure that more children in care are placed in loving and stable homes. [900301]

16. **Lucy Allan** (Telford) (Con): Which provisions in the Education and Adoption Bill will ensure that more children in care are placed in loving and stable homes. [900310]

The Minister for Children and Families (Edward Timpson): Every child deserves a happy and fulfilling childhood, including those who cannot be brought up by their birth parents. To ensure that that is the case for the many thousands of children every year waiting to be adopted, the Education and Adoption Bill will increase the scale at which adoption services are delivered by introducing regional adoption agencies to work across council boundaries. That will help to provide a greater pool of approved adopters with whom to match vulnerable children successfully into loving and stable families.

Fiona Bruce: What steps are being taken to ensure that advice about adoption is more widely available in local communities, including as an option for consideration by women with unplanned pregnancies?

Edward Timpson: I welcome my hon. Friend and neighbour's interest in this important issue. In 2013, we set up the first ever national adoption advice and guidance service, First4Adoption, which to date has had more than 416,000 of what I am told are called "unique users". The NHS website also has information on all the options to consider in the circumstances my hon. Friend describes, and makes specific reference to adoption. This is a very sensitive issue and we need to tread carefully. I am happy to discuss it further with my hon. Friend to make sure we get the balance right.

Lucy Allan: I thank the Minister for visiting Holmer Lake primary school in Telford earlier in the year to hear about the excellent child safeguarding work being done for year 6. With increasing numbers of children entering the care system, and with rates in my constituency

significantly above the national average, what will the Minister do to ensure that all alternatives to adoption are fully explored before children are put up for adoption, resulting in permanent family break-up?

Edward Timpson: I congratulate my hon. Friend on her election; I am pleased to hear that my visit was not only helpful but did not prevent her from getting over the finishing line.

A key principle of the Children Act 1989 is that children are generally best looked after within their families, save where that is not consistent with their welfare. That was reiterated in the Children and Families Act 2014. Of course, where concerns arise it is right that the local authority takes the appropriate action, but the point of having an independent court system is to ensure that that is proportionate and that in children's upbringing their welfare and their best interests are of paramount consideration. That should remain at the heart of all the work we do with vulnerable children and I am happy to work with my hon. Friend to achieve that.

Mrs Emma Lewell-Buck (South Shields) (Lab): Despite what the Minister says, local authority cuts have had disastrous consequences for children's social care services. Ofsted is now reporting that independent reviewing officers are so stretched that poor planning and delays for the most vulnerable children are going unchallenged. What will the Minister do to defend the service from further cuts?

Edward Timpson: First of all, it is wonderful to see the hon. Lady back. She was extremely vocal on these issues in the previous Parliament, and very effective in raising them to the profile they deserve. They are often missed at local, as well as national, level. The truth about children's social care is that, at a time when it has been difficult for local councils, good decisions have been made to protect spending on children's safeguarding. That is something I hope they will continue, while considering how they can be more effective and efficient in delivering those services. That is one of the reasons why the adoption Bill, which the House will soon be discussing, considers how they can work more closely together to achieve better services for children wherever they are from in the country, so that we have greater consistency everywhere.

Bill Esterson (Sefton Central) (Lab): The Education and Adoption Bill will presumably mention adoption, but will it contain provision for improving the quality of fostering, residential children's homes and kinship care, which, in the past, the Minister has agreed are incredibly important opportunities for children? This is about finding the right way forward for children, not necessarily adoption for all.

Edward Timpson: The hon. Gentleman is right that, whatever the route to permanency a child has, we must ensure they have the right support and that the best decisions are made in their interests. The Bill, which we will be discussing in the next few weeks, will deal with the post-decision issue and ensure that we can access a wider pool of adopters to get children matched more quickly. At the moment, we have over 3,000 children in care waiting to be adopted, half of whom have been waiting for more than 18 months. We need to address

that, but I agree that we need to do better to ensure that foster children and those with residential or kinship care arrangements get better deals.

Tim Loughton (East Worthing and Shoreham) (Con): I remind the House of my entry in the Register of Members' Financial Interests.

Will the Minister comment on the Government's intention to expand the outsourcing of children's social care services to third-party providers involved with children in the care system and adoption? He has just announced that they will no longer be regulated and inspected by Ofsted. How will he ensure quality of care for these particularly vulnerable young people?

Edward Timpson: I pay tribute to the role that my hon. Friend has played in keeping these matters fairly and squarely at the top of the national agenda, but we have not just announced that. These services will still be inspected. In the past, I have alluded to the social work practice in Staffordshire that was outsourced by the county council and which was inspected by Ofsted and received a "good" rating.

We want to ensure the best possible services on offer to children across the country, and we should not get too tied up in thinking about delivery and who will be ensuring the services are the best they can be. Let us get quality at the heart of everything we do and make sure that that is what we inspect.

Steve McCabe (Birmingham, Selly Oak) (Lab): I welcome the Minister back to his post. I had entertained the idea that we would swap places—but what will be will be. I am pleased he has retained this portfolio and I genuinely wish him well for the future.

Will the Minister give an assurance that nothing in his adoption proposals will have an adverse impact on smaller voluntary adoption agencies, which often specialise in finding families for harder-to-place children—a group the Government say the proposals are designed to help?

Edward Timpson: I welcome the hon. Gentleman back to his post. He and I have an interesting electoral history, but I see he managed to increase his majority at the last election, so he is doing better in his own constituency than he managed in Crewe and Nantwich in 2008.

The hon. Gentleman raises an important point. We have an array of extremely competent, professional and dedicated voluntary adoption agencies across England and the wider United Kingdom, and we need to ensure that they are fully part of the new adoption landscape that we are creating. I made that point when I spoke at the Consortium of Voluntary Adoption Agencies conference only last week. We will make sure that they are central to the vision going forward.

Failing Schools

8. **Dr Daniel Poulter** (Central Suffolk and North Ipswich) (Con): What steps her Department is taking to raise educational standards in failing schools. [900302]

The Secretary of State for Education (Nicky Morgan): At the heart of the Government's commitment to delivering social justice is the belief that every child deserves an excellent education and that no parent should be content with their child spending a single day at a failing school.

The Education and Adoption Bill introduces new measures to tackle failure by speeding up the process for converting failing schools into sponsored academies. It also includes measures to tackle coasting schools for the first time. This will speed up the process by which the worst schools are transformed in order to bring about rapid and sustainable improvements.

Dr Poulter: Suffolk county council has rightly identified education and improving educational standards as its top priority. With 80 schools in the county requiring improvement or rated "inadequate", with what specific support can my right hon. Friend provide the council in order to raise educational standards?

Nicky Morgan: I thank my hon. Friend for his question and pay tribute to his work as a Health Department Minister in the past two and a half years.

Like my hon. Friend, the Government want every child in Suffolk and throughout the country to receive an excellent education. The regional schools commissioner, Tim Coulson, is in regular dialogue with Suffolk County Council, and the Department is offering support, including introducing five new strong academy sponsors, encouraging the local authority to use its intervention powers, and making Suffolk a priority for national programmes such as Talented Leaders and Teach First. I hope my hon. Friend will support those measures.

Peter Kyle (Hove) (Lab): Schools standards are the responsibility of Ofsted. As anyone involved in running schools knows, there are gross inconsistencies in how Ofsted inspects between schools. Does the Secretary of State agree, and if so what will she do to solve the problem?

Nicky Morgan: I welcome the hon. Gentleman to the House. I am not entirely in agreement with him that school standards are the responsibility of Ofsted. School inspection is carried out by Ofsted—school standards are the responsibility of Ministers and the Department, and of schools, local authorities and sponsors. I agree with him about the inconsistencies and that concerns have been expressed by school heads. The head of Ofsted—the chief inspector—is bringing inspectors back in-house, and therefore they will be much more under the control of Ofsted. That will mean many more consistent inspections, but I am always open to receiving reports when schools are concerned about what has happened in an inspection. We will always take those up with Ofsted.

Mr Stewart Jackson (Peterborough) (Con): One common area of concern related to failing schools in my constituency is the level of churn and English-as-an-additional-language pupils—63% of primary school pupils in my constituency have English as an additional language. What concrete steps is my right hon. Friend taking to address that pressing and challenging problem in Peterborough and across the country?

Nicky Morgan: My hon. Friend is right that that is an issue, but schools up and down the country respond magnificently to the language demands placed on them by pupils. We see over the course of an education that having English as a second language does not hold pupils back, but I agree there is pressure on primary

school children and the Department is looking at it. There are schemes, and measures such as pupil premium funding can make a difference.

Jonathan Ashworth (Leicester South) (Lab): With respect to failing schools, the Secretary of State has insisted that Uplands junior school in the Spinney Hills part of my constituency should convert to an academy. Down the road in the Eyres Monsell part of my constituency, the Samworth Academy has the worst GCSE results in the whole of Leicester—the results have gone down again—the chair of governors has resigned and there have been problems with senior staffing. Why does the Secretary of State insist on an academy in one part of my constituency, and yet is seemingly complacent about an academy in another part?

Nicky Morgan: There is no complacency on the part of the Department. The Under-Secretary of State for Education, my hon. Friend the Member for East Surrey (Mr Gyimah), has already set out the action the Department can take—the swift intervention—when an academy is failing. That can result eventually in an academy being rebrokered. Uplands junior school had 17 months to appoint its interim executive board and turn things around, but progress has not been sufficient. That is very unfair on the children in that school.

Apprenticeships

9. **Liz McInnes** (Heywood and Middleton) (Lab): What plans her Department has to increase the number and quality of apprenticeships for 14 to 19-year-olds. [900303]

The Minister for Skills (Nick Boles): We are determined to create 3 million apprenticeships in the next five years, building on the 2.2 million created in the past five years. We will be requiring all public sector bodies to employ apprentices, and will legislate to protect the term “apprenticeship” against misuse.

Liz McInnes: Figures from the House of Commons Library show that there were 440,000 apprenticeship starts in England in the last academic year, but almost 40% of those starts were made by over-25s, and starts made by under-19s have declined as a share of total starts since 2010. Why is the Minister not doing more to help young adults into apprenticeship schemes?

Nick Boles: The Government do not share with the Opposition the obsession with the idea that, somehow, anybody over the age of 25 doing an apprenticeship is wasting their time or the Government’s money. We absolutely agree that we want as many young people as possible to have the opportunity, but that includes people aged between 19 and 24, and over-25s. We want the entire programme to expand, which is why we are investing in it. We will deliver 3 million apprenticeships to people of all ages over the next five years.

Alan Mak (Havant) (Con): Five years ago, Staunton community sports college in the Leigh Park area of my constituency had one of Britain’s worst GCSE records. Following its conversion into Havant Academy, it is now one of Britain’s most improved schools. Does my hon. Friend the Minister agree that the Government’s free schools and academies programme is transforming the lives of young people?

Mr Speaker: Order. The question is in relation to apprenticeships for 14 to 19-year-olds, upon which I know the Minister is focused.

Nick Boles: I am delighted to hear that Havant Academy is making progress. That will ensure that many of the young people at the academy will themselves be able to go on to do apprenticeships, which is why I am so delighted to congratulate my hon. Friend.

John Woodcock (Barrow and Furness) (Lab/Co-op): Let me—grudgingly, but sincerely—welcome the Minister back to his place.

For all that the Government have said about apprenticeships, the barriers that prevent far too many companies, especially smaller ones, from taking on apprentices remain too high. What more will the Government do for those small businesses? In particular, how will the Government deal with the fear felt by many that they will put all their resources into training a young person, only for that young person to be poached by one of the big boys further up the supply chain once he or she is qualified?

Nick Boles: I hope that it will not destroy the hon. Gentleman’s chances in his new position if I say that I cannot imagine anyone with whom I would rather be debating over the next few years, because I rate him highly both personally and professionally. Not surprisingly, he has raised a very important point. It is extremely important for us to make the apprenticeship programme attractive and easily accessible to small as well as large companies. There are specific grants for small employers, but we need to make the system much easier for them to navigate. It is possible for businesses to place some restrictions on people who complete apprenticeships for which those businesses have paid, although not many people know about or take advantage of them. If someone leaves very soon after qualifying, a business can receive back from that person some of the costs of his or her training.

Derek Twigg (Halton) (Lab) *rose*—

Mr Speaker: I am sure the hon. Gentleman is hoping that he will not be similarly lavishly praised.

Derek Twigg: We shall have to wait and see, Mr Speaker.

Further education colleges have an important role in the training of apprentices. In view of the recent announcement of reductions in the education budget, will the Minister tell us whether there will be any reductions in the budget for the education and training of those aged 16 to 19?

Nick Boles: On that point, I entirely agree with the hon. Gentleman. Further education colleges do indeed have a vital role in delivering the training for apprenticeships, and I wish more of them would do more of it. I can confirm that the allocations for the education of 16 to 19-year-olds in the 2015-16 academic year that were announced in March remain in place, and we are not planning to change them.

Sure Start Centres

10. **Richard Burgon** (Leeds East) (Lab): If she will make it her policy to maintain the number of Sure Start centres in England. [900304]

The Parliamentary Under-Secretary of State for Education (Mr Sam Gyimah): I welcome the hon. Gentleman to the House. I note that he is already making friends in the right places: the hon. Member for Hackney North and Stoke Newington (Ms Abbott) described his maiden speech as “socialist to the core”.

In November 2014, 2,800 children’s centres were open, and there were 674 additional sites offering children’s centre services. Obviously, the most important thing is not the number of buildings but the number of people whom we reach, and I am pleased that more than 1 million parents and children are using our centres.

Richard Burgon: I thank the Minister for his reply, and for his mention of socialism.

The Government have already cut half a billion pounds from the early intervention grant since 2010, and funding has been cut by 30% in real terms in Leeds. More than 700 Sure Start centres have closed. Can the Minister assure parents in my constituency that their centres will not be threatened with closure or further cuts?

Mr Gyimah: I assure the hon. Gentleman, first, that the funds for children’s centres have not been cut—in fact, the overall pot grew from £2.3 billion in 2012-13 to £2.4 billion in 2014-15—and, secondly, that there is a presumption against closure. Local authorities have a duty to consult when they plan to change their children’s centre provision.

Mr David Burrowes (Enfield, Southgate) (Con): Will the Minister consider accepting the recommendation of the Centre for Social Justice that children’s centres should become “family hubs”, so that we can “focus on... the stability and quality of family relationships”?

Mr Gyimah: I have met the members of the Centre for Social Justice who have advocated that change of use, or alternative provision, of children’s centres. I think that it is an interesting idea, and one that we should look at in detail.

25. [900319] **Jo Cox (Batley and Spen) (Lab):** Cuts to council funding—the abolition of a series of grants and credits by the coalition—mean that Sure Start centres in my constituency are providing more basic services than ever before. I am hearing now of children in Kirklees coming to centres on a Monday morning having not had a hot meal since the previous Friday, yet Sure Start budgets in the north of England have been cut by 39%. Does the Minister share my assessment, and that of the London School of Economics and the Centre for Analysis for Social Exclusion, that even the most dedicated of Sure Start children’s centres will not be able to withstand further cuts?

Mr Gyimah: As I have said previously, it is down to local authorities to consult when they plan to change their children’s centre provision. Just to be clear on the number of children’s centres, only 142 have closed and eight new centres have opened since 2010. We must move on from the lie being perpetrated. [Interruption.] In some cases children’s centres have merged. [Interruption.] When they have merged, they have not closed. [Interruption.]

Mr Speaker: Order. I am sure the Minister was using the term generically; he would not suggest for a moment that anybody would lie in, or to, this House.

Mr Gyimah: Yes, generically.

Mr Speaker: Indeed. Nobody is lying to this House. That is clear and we are grateful.

Childcare

11. **Seema Kennedy (South Ribble) (Con):** What plans she has to support working families by helping provide extra childcare. [900305]

13. **Andrew Bingham (High Peak) (Con):** What plans she has to support working families by helping provide extra childcare. [900307]

The Parliamentary Under-Secretary of State for Education (Mr Sam Gyimah): We have many plans to support hard-working families with the cost of childcare. In addition to the 30 hours of free childcare for three and four-year-olds which we are introducing in this Parliament, we have legislated for free childcare to give parents 20% off the cost of their childcare up to £10,000, and the childcare element of universal credit will be going up from 70% to 85%.

Seema Kennedy: Quality is vital in early-years education. Will my hon. Friend set out the steps being taken to ensure that childcare provision in my constituency is of the highest possible quality?

Mr Gyimah: That is an excellent question, because the debate often focuses on affordability and availability of childcare, but obviously quality is vitally important, too. We are focusing on quality by ensuring that we raise the status of the early-years workforce. That is why we are raising the standards of literacy and numeracy of the level 3 people entering the profession, and we are also raising the early-years bar through the Ofsted accountability framework so that nurseries have to perform that bit better.

Andrew Bingham: There was widespread welcome among High Peak residents for the 30 hours of free childcare pledge at the general election. However, I will be meeting a group of providers in the constituency on Friday who are concerned that there may not be enough funds to cover their costs. Can the Minister provide me with some reassurance which I can pass on to them that there will be enough money to meet their costs?

Mr Gyimah: In the last Parliament we increased the amount of money going into free entitlement by 50%, from £2 billion to £3 billion. There are issues around how the money actually gets to providers, and some local authorities top-slice the funding. Also, different local authorities have different policies in terms of whether they support maintained providers versus private and voluntary providers. I would ask my hon. Friend to encourage his providers to engage with the call for evidence I launched earlier today and to let us know exactly what problems they are experiencing.

Catherine West (Hornsey and Wood Green) (Lab): Does the Minister regret the closure of 700 children's centres when they could have helped fulfil the Government's 30-hour pledge?

Mr Gyimah: As I said in answer to a previous question, 142 children's centres have closed, not 700, but the most important thing is the number of families being reached, and record numbers of families are accessing children's centres up and down the country.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Notwithstanding what the Minister has just said, details of the Childcare Bill, which receives its Second Reading in the other place tomorrow, remain extremely thin on the ground and we still have little or no clarification of things such as funding or eligibility. Therefore, to help parents gain more clarity, will the Minister confirm that there are no provisions in the Bill to allow parents to spread the overall amount of free hours they receive over the full year, or perhaps even over 48 weeks, rather than just the 38 weeks as at present?

Mr Gyimah: I welcome the hon. Lady to her post. I think she is the third shadow childcare Minister I have faced in the nine months that I have been in post. She asked how the number of hours would be spread over the year. I would advise her not to pre-empt the consultation that we will carry out with parents and providers to find the most flexible way of implementing the scheme so that it works for them.

Topical Questions

T1. [900285] **Mr Peter Bone** (Wellingborough) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Education (Nicky Morgan): It is a great honour for me and all the Ministers on the Front Bench this afternoon to have been asked to continue as Ministers in the Department for Education and to implement our manifesto commitment to build a Britain that gives every child the best start in life. It is right to pay tribute to our coalition colleague, the former right hon. Member for Yeovil, David Laws. We did not always agree, but I hope that the House will appreciate the impact of his hard work and his dedication to raising standards in England's schools.

In this Parliament, we will continue with our plan for education, which has led to higher standards, to discipline being restored, to expectations being raised and to 1 million more children attending good or outstanding schools. Our mission is to provide world-class education and care that allows every child and young person to reach his or her potential.

Mr Bone: On Friday, I had an urgent meeting with Victoria Bishop, the principal of Sir Christopher Hatton Academy, which has just been given outstanding status by Ofsted. It wants to become a teaching academy—*[Interruption.]* This is particularly pleasing as the intake is from a multi-ethnic, multicultural part of my constituency. Would it be possible for the Secretary of State to meet Mrs Bishop as soon as possible?

Mr Speaker: I think the sound went off or died down during the hon. Gentleman's question. The idea that he should not be heard is beyond even the most vivid imagination. I have never known such a thing, and I doubt that he has either. I am sure Mrs Bone hasn't.

Nicky Morgan: Fear not, Mr Speaker, I heard my hon. Friend very clearly. He spoke of a school in his constituency that has been rated outstanding, and I know that that was the result of hard work by the school leadership and no doubt by everyone else working in the school. I am delighted to hear about such achievements and I hope that I will have an opportunity to visit the school in due course.

Tristram Hunt (Stoke-on-Trent Central) (Lab): Let me congratulate the right hon. Lady on being reappointed Secretary of State for Education. Let me also, on behalf of the Labour party, extend our thoughts to Mr Vincent Uzomah, who was stabbed last week while simply carrying out his job as a teacher at Dixons Kings Academy.

No parent wants their child to attend a failing or coasting school. As we approach the Second Reading of the Education and Adoption Bill, I am sure the whole House will support any measure that is shown to raise standards in our schools. In 2012, the National Audit Office condemned the cost of the Government's Academies Act 2010 that had resulted from poor ministerial planning, but it looks as though we are now facing a similar scenario. Will the Secretary of State take this opportunity to set out her legal definition of a coasting school, and tell us what measures her Department is taking to prevent another black hole in the Department for Education budget?

Nicky Morgan: I thank the hon. Gentleman for his welcome. He is also right to pay tribute to the teacher from Dixons Kings Academy who was stabbed last week. Members will be relieved to hear that his injuries do not appear to be life-threatening.

The hon. Gentleman asked about the Education and Adoption Bill. I am sure that he will have seen the answer to the written parliamentary question tabled by the hon. Member for Cardiff West (Kevin Brennan), which stated that we intend to publish the definition of "coasting schools" when the Bill reaches its Committee stage. I am glad to hear that he wants action to tackle failing schools, and I wonder whether he stands by the comments that he made in February 2011, when he said:

"I think when a school is not delivering for its pupils it's quite right that you have a change of governance."

I hope that he will remember that as he supports our Bill.

Mr Speaker: I must gently point out that we cannot have the Front-Bench exchanges taking up an excessive proportion of the time. I want to get Back Benchers in, and pithiness is of the essence.

Tristram Hunt: I will be very pithy, Mr Speaker. The Secretary of State does not have a handle on her own Bill. One week before we are being asked to vote on the Bill, she cannot explain the first words of the first clause on its first page. She cannot tell us what the words "coasting schools" mean. It is great, inspiring teachers who turn around coasting schools, but teacher vacancies in crucial subjects are soaring. If she cannot tell the

House what her Bill means, will she listen to the headteachers when they tell her that the Tories' teacher recruitment crisis is undermining the efforts to turn around coasting schools?

Mr Speaker: May I say in the nicest way at the start of this Parliament, without discrimination between the sides, that this must not happen again, because it is not fair on Back-Bench Members, for whom topical questions are especially designed.

Nicky Morgan: The hon. Gentleman clearly does not know the meaning of pithiness. I have explained when the definition of "coasting schools" will be published. He has admitted that he failed to convince his former leader of the merits of campaigning on education policy, and I am beginning to understand why he is so failing in his persuasiveness.

T2. [900286] **Mr Christopher Chope** (Christchurch) (Con): Does my right hon. Friend agree that a local education authority should not be allowed to give itself planning permission to build a school on green-belt land, in breach of the local core strategy? That is exactly what Dorset County Council is proposing to do in Marsh Lane, Christchurch. If the Secretary of State cannot answer today, will she have a meeting with me to discuss this important matter?

Nicky Morgan: I thank my hon. Friend for that question. The national planning policy framework contains clear guidelines on building on green-belt land, and of course he, like others, has the opportunity to call in any planning application for determination by the Secretary of State. If he wants to give us further details, I am sure we will follow them up.

T3. [900287] **Vicky Foxcroft** (Lewisham, Deptford) (Lab): On 3 June, during an interview on "BBC Breakfast", the Education Secretary was asked five times, "How many academies are inadequate?" She has had two weeks to find the answer, so how many academies are failing, and what is she doing for children who are being let down in those schools?

Nicky Morgan: I welcome the hon. Lady to her position. The answer is 133. As I have set out, this Government take swift action to turn around all failing academies, and we want that same opportunity for children who are in failing local authority maintained schools.

T7. [900291] **Mark Pawsey** (Rugby) (Con): Many parents in Rugby have told me of their concerns about the dangers posed by congestion around school gates as they drop off their children for school. What steps is the Secretary of State taking to encourage more children to walk and cycle to school? What discussions has she had with other Departments about enforcing parking restrictions around school gates?

The Minister for Schools (Mr Nick Gibb): I am grateful to my hon. Friend for raising this issue, because we have the same problem in my constituency, too. The local authority is responsible for enforcing parking restrictions around schools, and it should do that. The authority must also promote sustainable travel and transport, in order to reduce the number of car journeys to schools.

T4. [900288] **Andy McDonald** (Middlesbrough) (Lab): May I declare a yet greater interest in the education of the nation's children, as I became a grandfather when our first grandchild, Molly O'Neill, was born on Saturday morning? [HON. MEMBERS: "Hear, hear."] Thank you very much.

May I also press the Secretary of State on the issue of coasting schools, as it does cause great concern and uncertainty, and this would be the ideal opportunity to send some reassurance to parents and grandparents as to exactly what she has in mind?

Nicky Morgan: I congratulate the hon. Gentleman on becoming a grandfather and I wish him and his family, including his new grandchild, all the very best of success.

I have been very clear that the right time to publish the definition is when the Bill reaches the Committee stage. It is significant that the Labour party appears to be rowing back from wanting high standards for all children in all schools.

T8. [900292] **Rehman Chishti** (Gillingham and Rainham) (Con): Will the Minister welcome the new apprentice teaching sports assistants coach programme put on by Gillingham football club in my constituency, which is working with primary schools to get more sports coaches into primary schools?

The Minister for Children and Families (Edward Timpson): I can do that. It is always encouraging to hear of programmes such as that being run by Gillingham football club, which bring the expertise of community sports clubs into schools. The quality of expertise that coaches provide in schools is of paramount importance, and it will be supported by our physical education and sport premium—£150 million that goes direct to primary schools every year to make sure that every child gets the best possible PE and sport on offer.

T5. [900289] **Jess Phillips** (Birmingham, Yardley) (Lab): I have worked with lots of children who have suffered domestic violence, rape, grooming and exploitation, and I have seen the damage it does to their lives. When will the Government respond to the Education Committee's fifth report from the last Session and the recommendation that the Department for Education should "develop a workplan for introducing age-appropriate...SRE—sex and relationships education—as statutory subjects in primary and secondary schools"?

Nicky Morgan: I thank the hon. Lady for her question and welcome her to the House. I take great personal interest in that issue. We have until 26 June to respond to the report and we intend to do so by then.

T9. [900293] **Neil Carmichael** (Stroud) (Con): What assurances can the Secretary of State give to this House on the strength of the flexibility and accountability system of academies and free schools, especially the new 500 free schools that we expect to open?

Nicky Morgan: I thank my hon. Friend for his question and I am grateful to him for his support. I was delighted to visit his constituency and hear more about the Berkeley

Green University Technical College. Free schools are accountable to me, through their funding agreement, for operation, governance and finances. They are responsible through the Ofsted inspection framework for the quality of their education and they work closely with their relevant regional schools commissioner.

T6. [900290] **Ian Austin** (Dudley North) (Lab): I am absolutely delighted that the brilliant headteacher at Ellowes Hall school in Dudley, Andy Griffiths, was honoured with an OBE at the weekend. Popular and successful schools such as his have to turn away countless children every year because they do not have enough space. Will the Secretary of State update the House on the discussions that he and I had with her predecessor and Lord Nash about putting parents in charge, thereby enabling well run over-subscribed and financially sound schools to provide the places that are needed and to pay off the loans with the revenue that the extra pupils will bring?

Nicky Morgan: I thank the hon. Gentleman for his question. I too welcome the honour awarded to the former headteacher of Ellowes Hall sports college. He and I have discussed that matter already; we want to look at it again. Academies can apply for loans for capital works as part of the condition improvement fund. I understand that the college did not apply for such a loan in the last CIF round, and it is something that we will consider further.

Caroline Nokes (Romsey and Southampton North) (Con): Spending a third year in sixth form can be vital for some students, particularly if they have suffered from mental or physical illness or have come from challenging backgrounds. Will my hon. Friend tell me whether he has any plans to review the funding rate for 18 to 19-year-olds, which is currently 20% lower than for those in the 16-to-18 group?

The Minister for Skills (Nick Boles): My hon. Friend asks a very good question. We had to make a difficult decision about whether to continue to fund particularly heavy programmes more generously, which meant making savings elsewhere. The cut in the funding rate for 18-year-olds was the saving on which we decided. I accept her argument that there are some individuals for whom that third year is vital. All of those things will be considered in the spending review, but for this financial year, the funding rates will be as announced.

T10. [900294] **Fiona Mactaggart** (Slough) (Lab): On 5 June, the Chancellor, rather unusually, announced amendments to the budget for further education. I do not think that we have yet had full details of how that will affect those 14 to 18-year-olds in further education. Perhaps the Minister could update the House on that matter.

Nick Boles: If I am right in understanding that the right hon. Lady wants to know whether the 16-to-19 funding rate will remain as was announced in March, I believe that I gave an answer in a reply to an earlier question. I am happy to restate that the funding rate for 16 to 19-year-olds for the 2015-16 academic year will remain as announced in March.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Last year, Dorset schools welcomed £3.1 million in additional funding, and Poole schools £3.2 million in additional funding. What reassurance can my right hon. Friend give me and schools in Poole and Dorset that this was but a downpayment for fairer funding for our underfunded schools in Mid Dorset and North Poole?

Nicky Morgan: I thank my hon. Friend for his question and I welcome him to the House. As I said in reply to an earlier question, I recognise the need to look at all aspects of school funding in the round, and we will take further decisions on fairer funding and implement the fairer funding commitment in our manifesto after extensive consultation with parents, schools, local authorities and any other interested parties.

Diana Johnson (Kingston upon Hull North) (Lab): Why have apprenticeship starts in IT and construction fallen so dramatically since 2010?

Nick Boles: Obviously, the apprenticeship programme is demand-led, because we require employers to create jobs. That is what apprenticeships are under this Government, unlike under the Government the hon. Lady supported, when they took place at college full time. We have seen a dramatic expansion in the apprenticeship programme, and we will see a further expansion. I would have thought that she would have welcomed that. I am absolutely sure that one reason she is sitting on the Opposition Benches rather than on the Government Benches is the success of our apprenticeship programme.

Robert Jenrick (Newark) (Con): Schools such as Tuxford Academy near Newark, which were built under poorly worded private finance initiative contracts, are finding it expensive to maintain their buildings because the maintenance costs set out in the PFI agreements are higher than school funding. Will the Minister look into that and come back to me?

Nicky Morgan: We are aware of the costs involved in the PFI agreements. In some schools, we are having to put walls back into schools so that there are individual classrooms. We are keeping that whole matter under careful review.

Mr Geoffrey Robinson (Coventry North West) (Lab): We have touched several times on failing academies. Will the Secretary of State give an undertaking that Grace Academy in Coventry should rigorously enforce and increase standards in the interests of pupils and of their parents?

Nicky Morgan: I thank the hon. Gentleman for that question. I am not aware of the circumstances that surround that individual school, but he can rest assured that the Government's determination to raise standards for all pupils extends as far as all schools in Coventry, too.

Several hon. Members *rose*—

Mr Speaker: Order. I have sought to extend the envelope, but I am afraid that we must now move on.

Point of Order

3.35 pm

Louise Haigh (Sheffield, Heeley) (Lab): On a point of order, Mr Speaker. You will no doubt be aware that on Friday the Independent Police Complaints Commission announced that it would not be investigating the allegations of serious misconduct against South Yorkshire police regarding the events at the Orgreave coking plant in 1984 and suggested that doing so would require a Hillsborough-style public inquiry. In response, the Home Secretary made a statement to the media but not to Parliament. Given that the victims of Orgreave have been waiting for more than two years for this decision from the IPCC, is there any way you can encourage the Home Secretary to make a statement to this House and can you give guidance on how else I can raise this issue with the Government as a matter of urgency?

Mr Speaker: Yes. I am grateful to the hon. Lady for her point of order, and I congratulate her on her ingenuity in raising a point of order so early in her tenure. The question of whether a Minister chooses to make a statement is a matter for the Minister, not for me. That said, her remarks are on the record and will have been heard by those on the Treasury Bench. In response to her specific inquiry about advice about what mechanism she might use to highlight this matter, I would suggest that she goes to the Table Office. There are debates that can be had that would enable her to highlight the matter not just momentarily but very fully. I feel sure that she would be encouraged and supported by a number of her colleagues in so doing. I should say that the Table Office is a friendly place for Members and I encourage them to use it, just as they would want to use the Library. They will not find it unprofitable.

Scotland Bill

[1ST ALLOCATED DAY]

Considered in Committee

[MR LINDSAY HOYLE *in the Chair*]

Clause 1

THE SCOTTISH PARLIAMENT AND THE SCOTTISH GOVERNMENT

3.36 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I beg to move amendment 16, page 1, line 7, leave out first “A” and insert “The”

The Chairman of Ways and Means (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Amendment 37, page 1, line 7, leave out “is recognised as” and insert “shall be”.

Amendment 17, page 1, line 7, leave out “recognised as”.

Amendment 58, page 1, leave out lines 7 and 8 and insert—

‘(1A) The Scottish Parliament is a permanent part of the United Kingdom’s constitution.

(1B) Subsection (1) or (1A) may be repealed only if—

- (a) the Scottish Parliament has consented to the proposed repeal, and
- (b) a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”

This amendment is to ensure that the Scottish Parliament can only be abolished with the consent of the Scottish Parliament and the Scottish people after a referendum.

Amendment 38, page 1, line 8, at end insert

“and may not be abolished without the consent of the Scottish people given effect by an Act of the Scottish Parliament”.

Amendment 18, page 1, line 12, leave out “recognised as”.

Amendment 59, page 1, leave out lines 12 and 13 and insert—

‘(1A) The Scottish Government is a permanent part of the United Kingdom’s constitution.

(1B) Subsection (1) or (1A) may be repealed only if—

- (a) the Scottish Parliament has consented to the proposed repeal, and
- (b) a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”

This amendment is to ensure that the Scottish Parliament can only be abolished with the consent of the Scottish Parliament and the Scottish people after a referendum.

Clause 1 stand part.

Amendment 89, in clause 11, page 13, line 42, at end insert—

‘(2A) In paragraph 4 of Schedule 4 (protection of Scotland Act 1998 from modification), insert new sub-paragraph—

“(5A) This paragraph does not apply to amendments to Schedule 5, Part II, Head A, Section A1 insofar as they relate to:

- (a) taxes and excise in Scotland,

- (b) government borrowing and lending in Scotland, and
- (c) control over public expenditure in Scotland.”

This amendment would enable the Scottish Parliament to amend the Scotland Act 1998 to remove the reservation on taxation, borrowing and public expenditure in Scotland, with the effect that the Scottish Parliament could then legislate in these areas to provide for full fiscal autonomy in Scotland.

New clause 2—Constitutional convention—

‘(1) The Prime Minister shall establish a Constitutional Convention within one month of the day on which this act is passed.

(2) The Chair and Members of the Constitutional Convention shall be appointed in accordance with a process to be laid before, and approved by, resolution in each House of Parliament.

(3) The Chair of the Constitutional Convention is not permitted to be a Member of Parliament or a member of a political party.

(4) Members of the Constitutional must include, but not be limited to, the following—

- (a) members of the public, chosen by lot through the jury system, who shall comprise the majority of those participating in the convention;
- (b) elected representatives at all levels;
- (c) representatives of civil society organisations and, in an advisory role, academia.

(5) The Constitutional Convention shall review and make recommendations in relation to future governance arrangements for the United Kingdom, including but not limited to the following—

- (a) the role and voting rights of Members of the House of Commons;
- (b) democratic reform of the House of Lords;
- (c) further sub-national devolution within England;
- (d) codification of the constitution.

(6) The Constitutional Convention shall engage in widespread consultation across the nations and regions of the UK, and must provide a report to both Houses of Parliament by 31 March 2016.

(7) The Secretary of State must lay before both Houses of Parliament a formal response to each recommendation of the Constitutional Convention within four months of the publication of the final report from the Constitutional Convention.’

This New Clause provides an outline for a Constitutional Convention selected from the widest possible number of groups in society to analyse and design future governance arrangements for the United Kingdom, and to report by 31 March 2016.

New clause 3—Transfer of reserved matters—

‘(1) Schedule 5 (which defines reserved matters) to the Scotland Act 1998, has effect with the following modifications.

(2) In Part I (general reservations) omit paragraph 6 (political parties).

(3) Part II (specific reservations) is omitted.

(4) Insert Part IIA (UK pensions liability) as follows—

PART IIA

UK PENSIONS LIABILITY

The consent of the Treasury is required before the enactment of any provision passed by the Scottish Parliament which would affect the liabilities of the National Insurance Fund in respect of old age pensions.”

(5) In Part III (general provisions) the following provisions referring to Part II of the Schedule are omitted—

- (a) paragraph 3(2);
- (b) paragraph 4(2)(c).’

This Amendment would allow the Scottish Parliament to make provision for the registration and funding of political parties, but would otherwise retain the Part I reserved matters covering the constitution, foreign affairs, public service, defence and treason. It would entirely remove the remaining reservations over financial and economic matters, home affairs, trade and industry, energy, transport, social security, regulation of the professions, employment, health and medicines, media and culture and other miscellaneous matters. The consent of the Treasury would be needed for any changes in old age pensions which would affect the liabilities of the National Insurance Fund.

New clause 6—Constitution of Scotland—

‘(1) The 1998 Scotland Act shall be cited as The Written Constitution of Scotland.

(2) A standing Scottish Constitutional Convention shall be convened jointly by the Secretary of State and the Scottish Ministers to conduct reviews and to make recommendations to the Scottish Parliament and the Parliament of the United Kingdom.’

The New Clause renames the Scotland Act 1998 and introduces a standing Scottish Constitutional Convention.

New clause 7—Application of the Parliament Acts to the Scottish Parliament and the Scottish Government—

‘(1) The Parliament Act 1911 is amended as follows.

(2) In subsection 2(1), after “other than a Money Bill”, insert “or a Bill amending sections 1 or 2 of the Scotland Act 2015.”

The New Clause entrenches the permanence of the Scottish Parliament and the Scottish Government by ensuring that changing Clauses 1 and 2 of the Bill once enacted would be possible only with the consent of both Houses of Parliament.

New clause 8—Scottish Parliament nomination of members of the House of Lords—

‘(1) The Scottish Parliament shall nominate members for appointment to the House of Lords, in a method to be determined wholly by the Scottish Parliament.

(2) The number of members of the House of Lords appointed in accordance with this section shall at any time be in broadly the same proportion to the total membership of the House of Lords as the population of Scotland is to the total population of the United Kingdom.’

The New Clause would require the Scottish Parliament to nominate members to sit in the House of Lords in proportion to Scotland’s share of the United Kingdom population.

New clause 9—Constitutional convention—

‘(1) Within one month of the day on which this Act is passed, a constitutional convention is to be held to consider and make recommendations on the constitution of the United Kingdom.

(2) The Secretary of State must make regulations to—

- (a) appoint a day on which the convention must commence its operations,
- (b) make fair and transparent rules about how the convention is to operate and how evidence is to be adduced,
- (c) make further provision about the terms of reference prescribed under section 2, and
- (d) specify how those who are to be part of the convention are to be chosen in accordance with subsection (8).

(3) The date appointed under subsection (2)(a) must not be later than 31 December 2016.

(4) A statutory instrument containing regulations under subsection (2), if made without a draft having been approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The convention shall have the following terms of reference—

- (a) the devolution of legislative and fiscal competence to and within Scotland and the rest of the UK,

- (b) the devolution of legislative and fiscal competence to local authorities within the United Kingdom,
- (c) electoral reform,
- (d) constitutional matters to be considered in further conventions, and
- (e) procedures to govern the consideration and implementation of any future constitutional reforms.

(6) The convention must publish recommendations within the period of one year beginning with the day appointed under subsection (2)(a).

(7) The Secretary of State must lay responses to each of the recommendations from the convention before each House of Parliament within six months beginning with the day on which the recommendations are published.

(8) The convention must be composed of representatives of the following—

- (a) all registered political parties within the United Kingdom,
- (b) civic society and local authorities of the nations and regions of the United Kingdom.’

The New Clause would require the appointment of a convention to review the operation of the Act resulting from the Scotland Bill in the wider context of the Union.

Amendment 1, in clause 63, page 67, line 24, leave out paragraph (a).

This amendment provides that section 1 will not come into force on the day on which the Act is passed, in order to link the commencement of Part 1 of the Act (Constitutional arrangements) with the work of the Constitutional Convention, outlined in New Clause NC2, which would be required to report by 31 March 2016.

Amendment 2, page 67, line 26, at end insert—

‘(1A) Part 1 comes into force within one month of the publication of the report of the Constitutional Convention appointed under section (Constitutional Convention).’

This amendment provides that Part 1 of the Act (Constitutional arrangements) comes into force after publication of the report of the Constitutional Convention, as outlined in New Clause NC2, which would be required to report by 31 March 2016.

Mr Carmichael: Amendments 16, 17 and 18 are essentially probing amendments, authored by the Law Society of Scotland. Subject to the response that we hear from Ministers and from those in other parts of the House, it is not my intention to seek to press them to a Division.

The amendments change the nature of clause 1 from one that recognises the permanence of the Scottish Parliament to one that declares it. The genesis of the clause was the Smith commission report, which required that there should be a statement in the legislation to follow it that the Scottish Parliament and the Scottish Government were permanent institutions. The form of words in clause 1 was inserted by the draft clauses published at the end of January, which recognised that permanence. The permanence of the Scottish Parliament is to be found not in any amendment or statutory enactment, but in the will of the Scottish people. It is a permanent institution because, frankly, it is unthinkable that it would be repealed at this point. For that reason, and given the comments of the Scottish Parliament’s Devolution (Further Powers) Committee, it is right that we should revisit the issue.

At the heart of this debate is the issue and the definition of sovereignty. The context is a classic Diceyan definition of sovereignty, which says that Parliament here is sovereign. Although matters have moved on somewhat over the years and although it remains the

case that Parliament cannot bind its successors, it is undoubtedly the case that since the European Communities Act 1972 we have taken a different view of parliamentary sovereignty, one in which sovereignty is shared with the European Union, as it now is, in Brussels, the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly and even the London Assembly. It was the subject of considerable debate during the constitutional convention back in the late 1980s and early 1990s.

The view that was taken then, which as I recall was contained in the claim of right, was that in Scotland the Diceyan version of sovereignty—that Parliament is sovereign—has never been the case, and that sovereignty has always been vested in and remained with the people of Scotland. From that point of view, I see considerable merit in amendment 58 in the name of the hon. Member for Moray (Angus Robertson) and his colleagues in the Scottish National party, requiring that if there were ever to be a repeal of the Scotland Act 1998, it could be done only with the consent of a majority voting in a referendum. That honours and respects the view that sovereignty lies with the people in Scotland.

However, even that clause could be got around by a simple repeal, a consequence of the doctrine that Parliament cannot bind its successors. As long as we try to do these things by way of primary legislation, we will keep tying ourselves up in knots and any solution that we bring forward will lack permanence and will be unsatisfactory.

Mr Graham Allen (Nottingham North) (Lab): Does the right hon. Gentleman recall that the former Member for Monklands East and leader of the Labour party, John Smith, said that the British constitution, which embraces the Scottish constitution, should not be a matter of judicial archaeology—that was the phrase he used—but should be put down plainly as a written constitution for all to see? Is that where his argument is going? I hope it is.

Mr Carmichael: I have long held that view. I cannot remember a time in my conscious political being that I have held a view other than that. It is never going to be easy to get to that point, of course, and it will require a fundamental change in the way we do things. The reference to judicial archaeology is interesting, because it would render some of the things that were done in this place reviewable in the courts. As long as there is a proper separation of powers, I am quite happy with that.

Mike Weir (Angus) (SNP): I hear what the right hon. Gentleman says about amendment 58, and he is correct that Parliament cannot bind its successors, but if we put into the Bill that there has to be a referendum of the Scottish people before there can be a change, that is a very powerful moral argument against this place, and the strongest we can make under the current constitutional settlement.

Mr Carmichael: Indeed, and it is for that reason that I said that I saw some merit in the proposal. The hon. Gentleman would have to accept, though, that the point I have already made—that even that could be repealed by a simple vote in this Chamber and the other place—will always be a problem for any Government seeking to do that by way of primary legislation.

Frank Field (Birkenhead) (Lab): Does the right hon. Gentleman share my hope that English Members here will approach this change with a view to giving Scotland stability? Some of us very much hope to be discussing the English question later in this Parliament, and we will be asking Scottish Members to give us similar stability.

3.45 pm

Mr Carmichael: I actually agree with the right hon. Gentleman on that point. Indeed, I see the Bill as the start of a process that must continue, because we risk putting an intolerable strain on the Union if we proceed with constitutional change that relates only to Scotland and not to the rest of the United Kingdom, particularly in relation to the different parts of England. As far as the future of the English constitution is concerned, the only point on which I am clear is that there is absolutely no consensus on the shape that it ought to take. I stood at the Dispatch Box often enough during the previous Parliament, answering questions from both sides of the House, and being told, “This is what we need”, and I rarely heard the same proposition twice. It is for that reason that, if we are to have a written constitution, we must first have a constitutional convention, because we will never build the necessary consensus for this sort of constitutional change merely within Parliament. That was the experience with Scotland’s constitutional convention in the 1990s, and it was then the lesson of the Smith commission and, before it, the Calman commission.

Frank Field: While the right hon. Gentleman opposes those doubts, does he not accept that, given that we are now in the process of changing our constitution and meeting the wishes of the Scottish people, we in England will probably not have to wait as long for opinion to come together on what England needs as the pioneers had to wait to get justice for Scotland?

Mr Carmichael: I am heartened by the right hon. Gentleman’s optimism in that regard; I always think that achieving consensus in these matters is much easier to talk about than to get. Frankly, that is a debate that England now needs to have for herself. It is certainly not for us to intervene in it, any more than we would have welcomed the intervention of the English, Welsh or Northern Irish in the constitutional convention discussions of the 1990s. I wish the English every bit as much joy with it as we have had in Scotland with our constitutional debate over the years.

The hon. Member for Edinburgh South (Ian Murray) has tabled a new clause proposing a constitutional convention, and there is a great deal in it that I find worthy of support, particularly the requirement that it be convened within a month of the Bill becoming an Act, because I do not think that these matters become any easier by being left. I am also impressed by the fact that it has a reporting date, which I suggest would serve to concentrate minds.

Speaking as a Scottish Member, I think that the hon. Gentleman’s proposal has the further benefit of allowing a constitutional convention to go ahead; we would be saying today that it is something that is going to happen, but it would not in fact delay the passing of the Bill. In order to hold faith with the 55% of the people of Scotland who voted no last September, I think that we

should proceed with the Bill with all due dispatch. I do not think that it would be acceptable for the passing of the Bill to be somehow contingent on constitutional arrangements being refined elsewhere in the United Kingdom.

I would have preferred—inevitably so—to see included in the remit of the proposed constitutional convention the question of electoral reform, for which I think there is now greater support in the Labour party, but I would not let that omission stand between me and supporting the Bill today.

Ian Austin (Dudley North) (Lab): I congratulate the right hon. Gentleman on the case he is making in his usual eloquent and persuasive way. Many Members on both sides of the House will welcome the fact that he is here and will want to express our support for him and tell him how much we hope that he is successful in standing up to the Scottish National party Members sitting in front of him, who clearly want to create a one-party state in Scotland and whose supporters engage in the most disreputable bullying tactics in order to silent any dissent in that country.

Mr Carmichael: I will take support anywhere I can find it, but I am not entirely sure that the hon. Gentleman’s remarks are germane to the matter that is before the House.

Amendment 89, which was tabled by the Scottish National Party, will facilitate a debate on the concept of full fiscal autonomy. I shall listen with interest to the hon. Member for Moray and others in their exposition of that, and I shall reserve my remarks on it until the end of this string of amendments, when I know I will be able to catch your eye, Mr Hoyle.

Sir Edward Leigh (Gainsborough) (Con): New clause 3, which stands in my name, would deliver full fiscal autonomy, real home rule and a Scottish Parliament in control of everything save defence and foreign affairs. I am only a Back Bencher and I do not have the assistance of Government officials, so if the new clause is defective in technical detail, I apologise. If it were voted for tonight, however, it would establish a clear principle and a way forward.

The contention is clear: the new clause would deliver full fiscal autonomy. The Scottish Parliament would have full freedom to raise all taxes as it liked. It would not be restricted to fiddling around with bands; it would control all thresholds and all VAT dividends, and it would have full freedom to spend that money as it liked. That is what real Parliaments do, and that is why they are responsible.

The Scottish Parliament is constructed in a manner that is inherently conducive to the culture of grievance, and that would still be true even if the Smith commission proposals were adopted. The Scottish Parliament will raise only 50% of what it spends. Worse, under the 30-year-old, discredited Barnett formula, which even its conceiver condemned towards the end of his life, Scotland’s block grant will be based not on needs but on English levels of spending. No matter which tartan is chosen to clad the Scottish purse, the purse strings will still be controlled by England. That, I believe, has to change.

[*Sir Edward Leigh*]

Following reports by the Office for Budget Responsibility and the Institute for Fiscal Studies, it has been said that Scotland faces a £7 billion black hole. Presumably, however, the SNP wanted independence in the next year. We cannot have an independent Parliament that does not have full fiscal autonomy, so let us have a real, informed debate about the figures.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): When the hon. Gentleman uses the term black hole, does he mean a deficit? When people talk about the UK's deficit, they say "deficit". When they talk about Scotland's deficit, they say "black hole". Why the use of pejorative language?

Sir Edward Leigh: It can be referred to as a deficit. We have listened to the Institute for Fiscal Studies and the Office for Budget Responsibility, so now let us have an informed debate.

I want to make it clear, by the way, that I am not in favour of cutting Scotland loose. I am in favour of United Kingdom solidarity, and I am in favour of a new grant mechanism, if the need for one is proven. My aim is not to trap the SNP, call its bluff or reveal its timidity. I genuinely want to give the Scots what they want: the freedom to run their own affairs and not to blame others if things go wrong, but all within the buttresses and safety of the United Kingdom. I am a fervent Unionist.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Will the hon. Gentleman concede that Scotland has contributed more than the rest of the UK in tax per head of population in each of the last 34 years, and that Scotland with full economic powers would be able to deliver prosperity and social justice for the people of Scotland?

Sir Edward Leigh: The hon. Gentleman can vote for my new clause, if that is what he believes. That scenario is on offer tonight, and he can vote for it. As a No. 10 spokesman said helpfully over the weekend—it is not often that No. 10 spokesmen have supported my new clauses, but I am grateful to him—the new clause "is the acid test for the SNP over whether they will back their own policy".

A Labour party spokesman helpfully said over the weekend, "They can have full fiscal autonomy by 10 o'clock tonight if they want to vote for it."

Mr Jacob Rees-Mogg (North East Somerset) (Con): Those of us who have a Eurosceptic point of view, as my hon. Friend does, have always been very cautious about fiscal autonomy without monetary autonomy. Would his amendment also enable the Scottish Parliament to have monetary autonomy?

Sir Edward Leigh: As my hon. Friend made that point last week, I was waiting for it. If he will be patient for a moment, I will finish a couple of sentences and come directly to him, because this is the kernel of the matter.

Under my proposals, the Barnett formula would be scrapped and an alternative formula based on need would be created. In the modern world—in modern finance—we create formulas based on need.

John Redwood (Wokingham) (Con): Does my hon. Friend agree that there will not now be the automatic application of the Barnett formula to solve all the many money issues between Scotland and the rest of the United Kingdom, but there has to be a fundamental renegotiation of the block grant and an attribution to Scotland of revenues by some formula? In practice, the whole financial settlement is in the melting pot anyway, so it will be very interesting to see how the SNP respond to his proposed further development.

Sir Edward Leigh: Absolutely; we are a united kingdom. For instance, Lincolnshire gets more money in its educational grant because of the sparsity factor. All these things can be worked out in a constructive manner between the United Kingdom Government and the Scottish Government so that there is a fair support mechanism based on need and that takes account of issues such as declining oil revenues, the sparsity factor that I mentioned, declining heavy industries, or an ageing population. The grant should be determined by these matters, not by some ageing formula based on what the United Kingdom spends.

Mr Jim Cunningham (Coventry South) (Lab): Is not the hon. Gentleman being very clever with his amendment because he is ultimately talking about an English Parliament and therefore a federal Government in future?

Sir Edward Leigh: My personal view, for what it is worth, is that if we are to create a sustainable Union we must, in effect, create full fiscal autonomy for Northern Ireland, for Wales, for Scotland and, ultimately, for England. This almost imperial Parliament would remain determining the support mechanisms to ensure safety. So, yes, in that sense I am a federalist.

Barnett is a gift to those who want to break up the Union. It is also incredibly expensive for the English, with £1,680 more a year spending per head in Scotland than in England because Scottish spending is inextricably linked to English spending. When that is cut, SNP Members quite understandably—I do not blame them for this; they are good politicians—can cry foul, as they did last week, and say, "The Scots people didn't vote for austerity but it's being imposed on us." They can vote on every education and health measure, and say, "What you spend in England on health and education is going to determine what we spend." We then get a crazy situation whereby if some taxes in Scotland are raised the grant will go down. This simply does not work. It is not a recipe for preserving the Union or for a sustainable future.

Mr MacNeil: The hon. Gentleman mentions the Barnett figures. He will of course point out, for completeness, that Barnett is only about two thirds of total spending. For further completeness, he will also point out, I am sure, that the Barnett figures for London and Northern Ireland are higher than for Scotland.

Sir Edward Leigh: I do not want to get into a sterile debate about whether London subsidises Scotland or vice versa; I simply want to be fair and open. I am happy for Scotland to have all its oil. It can determine its oil policy and its level of taxation, and as the oil

revenues decline, if they do decline, I am happy for the United Kingdom Government to step in and increase its grant.

Frank Field: Might not the hon. Gentleman be entering into this debate a note of unpleasantness that need not be there? Is it not in the interests of those of us representing English seats that whatever settlement is made for Scotland is durable, taking into account, at some stage, that it will have repercussions for how we settle the English question. Should not we approach this subject as generously as possible because we want it to succeed, not to fail? The more it succeeds, the more we answer the question when we get on to our own requirements for an English Parliament.

Sir Edward Leigh: I am grateful to the right hon. Gentleman, who has been a good personal friend of mine over many years, for summing up the situation. I am not trying to play party political games; I really want to be helpful. I want to create the durable settlement for which Scottish people voted: they want to stay part of the United Kingdom. They want to have that buttress if there is a catastrophic shock, as happened in 1929 and 2008, but they also want to run their own affairs.

4 pm

I believe that, if we maintain the current Smith formula, combined with English votes for English laws, we will create a toxic mixture that will propel the Union towards collapse. As I said on Second Reading, we are making the same mistakes that were made on the Irish question in the 19th century: we are giving too little, too late. One thing our parliamentary forefathers did get right, however, was to not create two classes of MPs. They simply intended to reduce the number of Irish MPs with full home rule, but, sadly, the great war intervened and the rest is history.

Under the Smith commission, I think we are where we were with the Irish question in the early 20th century. I do not believe it is possible to dribble out complex tax powers such as thresholds, VAT and airport tax while also maintaining support for the Union. The Smith commission was a rapid scissors-and-tape job in response to a vow that was hastily put together by panicked Unionist politicians in the last days of the referendum campaign. Perhaps it was adequate for its time, but I have read it very carefully—it is not that long—and it has now been overtaken by events.

As my close personal friend and one of the most articulate Unionists, Lord Forsyth of Drumlean, said recently in the other place—*[Interruption.]* I thought I might lose a bit of support with that, but he is a personal friend of mine; I stayed with him over the weekend. He said:

“All the unionist parties stood on a platform of bringing in the proposals of the Smith commission and we ended up with three seats out of 59. This is not a credible position; it has been rejected.”—*[Official Report, House of Lords, 1 June 2015; Vol. 762, c. 194.]*

I say to the Government that there is such a thing as democracy. The Smith commission has been rejected. We cannot just plough on regardless. We have to listen to what the people have said.

George Kerevan (East Lothian) (SNP): May I thank the hon. Gentleman for the spirit in which he is presenting his argument? I also heard his speech on Second Reading and agreed with the analogies he drew with Ireland. If we are to move to a form of, as the hon. Gentleman describes it, benign fiscal freedom for Scotland, surely that requires a degree of transition, given the scale of the UK deficit and the unique circumstances post-2008. Therefore, the issue of division between us is the transitional arrangements, not the issue of fiscal freedom itself.

Sir Edward Leigh: I hear what the hon. Gentleman says and nobody is suggesting that, even if my new clause 3 were passed tonight, full fiscal autonomy would start immediately. Of course there has to be a discussion and, inevitably, if oil revenues are declining, there has to be some sort of support mechanism from the United Kingdom Government. I say to SNP Members that they can have this new clause. Parliament is a democratic Assembly. I do not want to overplay my importance—I suspect the Whips might ensure that my new clause is defeated—but this is an historic opportunity to give full home rule to, and to establish that principle for, Scotland, which is what the Scottish people want.

Mr MacNeil *rose*—

Sir Edward Leigh: The hon. Gentleman is now going to tell the House that he supports my new clause.

Mr MacNeil: We seem to be very happy with the hon. Gentleman's new clause at the moment, but he talks about support mechanisms as though they are unique to Scotland. Will he concede that the UK has itself been reliant on support mechanisms since 2001 and that it has not raised the taxes to match its expenditure since then?

Sir Edward Leigh: I am afraid we are getting into the historic arguments of who is to blame: is it the UK Government? The Scottish Government face a fundamental problem, in that spending is 20% higher but tax revenues are, inevitably, lower. That is a fundamental problem that SNP Members have to—*[Interruption.]* Well, I have lost them there—fair enough.

We can have that debate, but let us not get too bogged down on that. They want independence; they can have it—*[Interruption.]*—full fiscal autonomy.

The fact is that the SNP's capture of all but three of the Scottish seats is an even greater victory than Sinn Féin's in Ireland in the 1918 general election. Then the Unionists managed to secure 22 of the 105 Irish seats. We have to listen: this is actually a very serious issue.

Stewart McDonald (Glasgow South) (SNP) *rose*—

Sir Edward Leigh: I will make a bit more progress, because I want to get to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg). He has been very patient, and I will get to him eventually.

Like then, everything is different now. What will happen if Smith stays? Can we sustain a permanent settlement that prevents Scotland from setting the initial threshold for income tax or from changing universal credit? What will happen when the Scottish Conservative party promises in its election manifesto to cut taxation?

[*Sir Edward Leigh*]

How credible will that be if it affects the block grant available from the United Kingdom? All these issues have to be discussed.

Under the Smith proposals, universal credit will remain a reserved matter. Holyrood will be able to vary the frequency of payments and the way it is paid, while the power to vary the remaining elements of universal credit remain reserved, but I would ask why. I have read the Smith commission. Why?

John Redwood: Universal credit has been reserved because if Scotland decided to make it more generous, the issue would arise of how it would pay for that. What we find with fiscal independence is that we have to delegate both sides of the equation—the raising of the money and the spending of it—and then it can decide how much it wants to spend.

Sir Edward Leigh: Full fiscal autonomy results in full responsibility. That is what real Parliaments do.

Responsibility for bereavement allowance, bereavement payment, child benefit, guardian's allowance, maternity allowance, statutory maternity pay, statutory sick pay and widowed parent's allowance will all remain reserved and administered by the Department for Work and Pensions. Why? The Smith commission further proposes a complex system for sharing responsibility for income tax. Why? That is all affected by an oscillating block grant. As I have said, how can SNP Members promise lower taxes in an election or higher spending unless they are masters of their own fate?

What are the objections to full home rule? What are the real objections to full fiscal autonomy, apart from the fact that we appointed a Lord Smith—with lots of no doubt very worthy people—to produce a report, which has been overtaken by events? We are told that full fiscal autonomy will result in tax competition within the Union. What is wrong with that? That is what keeps the American states vibrant and competitive with one another and continually innovating. Do we not insist that our taxes in Britain compete with those of Europe? We are told that tax competition would create downward pressure on taxes. Well, I am sorry about that. Why should the Scottish Parliament not be able to lower or raise air passenger duty? It can do whatever it likes. I know it has had that power and it will be allowed it under Smith, but if that power is allowed, why not powers for other things?

On Second Reading, my hon. Friend the Member for North East Somerset said that a single currency requires fiscal and monetary union, with the implication that that is proved by the Greek experience. Surely he is not suggesting that the Scots are Greeks, or that the Scottish economy is as different from England's as Germany's is from Greece's. No; Scotland can thrive with full fiscal autonomy because Scotland has the will and the skills to do so. It has universities, research, manufacturing, logistics, light manufacturing, oil and gas, food and drink and a flourishing creative sector. [HON. MEMBERS: "Hooray!"] Vote for my new clause.

Mr Rees-Mogg: I agree with all the wonderful things my hon. Friend has been saying about Scotland, which are so clearly and self-evidently true. The point I was

trying to make is that if a country has fiscal autonomy and issues debt in a currency other than its own, it may well get squeezed in the way seen not only in Greece, but in Italy and Spain, and in countries across Asia during the Asian financial crisis in the 1990s. For a country to have fiscal autonomy without its own currency is a recipe for economic failure. To go back historically, the same was true of the gold standard in the 1930s.

Sir Edward Leigh: That is a very fair point. I agree that that is a matter for debate. I have already made the point that Scotland's situation is very different from that of Greece. I am actually suggesting that we remain a United Kingdom, with a sharing of the national debt. Nothing is more debilitating in this whole debate than saying, "That bit of the national debt is yours, or this bit is mine." We are back to the same dreary arguments about who is responsible for spending and when. My hon. Friend makes a serious point. If we achieve full fiscal autonomy, which I believe is inevitable—whether it happens now or in five years time, it will happen—the Scottish Parliament and the Scottish Government will have to act responsibly and live within their means. I have confidence that they will do so.

Alex Salmond (Gordon) (SNP): I can feel the sap rising at various points in the hon. Gentleman's speech. When he said that Scotland is where Ireland was in the early years of the last century, I felt obliged to check the record, because last week he said we were

"where Ireland was in the 1880s."—[*Official Report*, 8 June 2015; Vol. 596, c. 965.]

We seem to have advanced 20 years in a week. Does that mean that in a week's time, we will be where Ireland was in the 1920s?

Sir Edward Leigh: That is an amusing point, but the right hon. Gentleman knows exactly what I am trying to say. This is a very serious point; it is not just a debating point. We have a responsibility to learn from history. What I was saying last week, and what I believe, is that we were wrong to abolish the Irish Parliament, wrong to delay granting Catholic emancipation, wrong not to listen to Gladstone in the 1880s, and wrong not to implement full home rule at the outset of the great war. We were wrong, wrong, wrong and wrong again. We need to have an element of statesmanship and vision in these affairs. The right hon. Gentleman, with all his debating skills, can laugh at what I say, but I assure him that I genuinely believe in what I am trying to do.

Stephen Gethins (North East Fife) (SNP): The hon. Gentleman is highlighting many wrongs. Does he think that Irish independence was wrong?

Sir Edward Leigh: If we had granted home rule in the 1880s or implemented the home rule Act in August 1914, it is very probable that Ireland would have remained in the Union or become a dominion. Of course I regret the fact that Ireland chose to break free. There was a tragic civil war. That will not happen in Scotland, but the history of Ireland is a history of tragedy and missed opportunities. Nobody is suggesting that we will go down that route with Scotland, but let us learn from history and try to be creative in these matters.

Mr Stewart Jackson (Peterborough) (Con): I am a little puzzled. Just for the record, will my hon. Friend confirm that he is not equating the subjugation of the Irish and the tragic history of Ireland from the Norman period right through to the 20th century with Scotland, which, as part of the United Kingdom, is a modern, liberal democratic country with a successful economy?

Sir Edward Leigh: I am absolutely not. I do not want to overplay the analogy. As a fervent, almost romantic Unionist, I believe that Scotland has benefited enormously from being in the Union, which has been a Union based on trust and shared responsibility. I would not in any way suggest that the Scottish people have suffered in the same way that the Irish people suffered in the 18th century. If I gave that impression, I apologise, because that was not my aim at all. The only point I was trying to make was that we have to realise, in these debates, when there is a certain inevitability. If we know that full fiscal autonomy is going to come, it is better to have a serious discussion now on how to achieve it.

Ian Blackford: Will the hon. Gentleman give way?

Sir Edward Leigh: I must finish soon, because I am going to weary the Committee, but I do give way.

Ian Blackford: An important point has been made about opportunity. It is a real sadness that Scotland has lost a net 2 million people through migration over the past 100 years. One reason why we want powers over our economy is so that we can grow Scotland and ensure that we do not see tens of thousands of our young people being educated in Scotland and then emigrating and contributing to countries abroad. We need to grow the Scottish economy. That is why we need the powers over our economy.

Sir Edward Leigh: Most of them seem to come down here and run us, but there we go. They have done very well and we have benefited.

Danny Kinahan (South Antrim) (UUP): As one of the only Irish or Northern Irish people here, I am glad to hear the hon. Gentleman confirm that he sees Northern Ireland as part of the Union. I accept that many of the Scots came our way. We see ourselves very much as part of the Union. I am concerned that we are moving forward before we have thought not just about Northern Ireland, but about Wales. We need a convention so that we know where we are going. I am concerned that we are going to put ourselves into a form that we cannot come back from. In Northern Ireland today, we have very nearly got ourselves into a totally dysfunctional Government that we cannot come back from. I am nervous that we are going too far, too quickly.

4.15 pm

Sir Edward Leigh: Again, that is a very fair point. I do not mind having conventions, but we, as politicians, have to decide what we want. We should decide the principles and then, once we have decided, by all means employ distinguished people such as Lord Smith, accountants, tax lawyers and so on to work out how it is done, but let us not just push this into the long grass and have a convention of the great and good lasting for years with wall to wall lawyers. Let us, in this House, decide what we want.

This is an historic opportunity to cut through the negativity of the £7 billion black hole doomsayers. Give Scotland control of its oil revenues and taxes and let it decide its own priorities on encouraging exploration and how to tax it as the oil runs out. Then we will be one Union, based on solidarity and need. The UK subsidises Northern Ireland to preserve peace. Why should we not, on the basis of need, subsidise Scotland? I am very happy with that. Are we not brothers and sisters in this Union? Should we not help each other, if needed? Our principles should not be the politics of fear, but the statesmanship of hope.

New clause 3 delivers what I think Scotland wants: power to run her own affairs, but with the consolation of knowing that there is a secure foundation stone against catastrophic shocks, such as those in 1929 and 2008. I wish for there to be solidarity on pension liability and national debt, and for it to be shared. We should not be saying "This is your bit of debt." We should say that it is our debt. To ensure peace and security, we should share a single defence and foreign policy; not a division based on the auld alliance of the times before James I and VI rode south, but the Union that has given us 400 years of shared identity and prosperity. Those who want to slowly leak this power and that function are setting a trajectory, however slowly, towards independence.

Stewart McDonald: There is one part of the hon. Gentleman's amendment, which he may well be coming on to, that did strike me as slightly curious: the part on keeping treason reserved. Is there a modern day William Wallace or Mary Queen of Scots in our midst that means he sees the need to keep that power reserved?

Sir Edward Leigh: I took advice from the Clerks. All right, I'll surrender treason if they want, particularly to the right hon. Member for Gordon (Alex Salmond). *[Laughter.]*

The Smith commission itself admits:

"A challenge facing both Parliaments is the relatively weak understanding of the current devolution settlement."

What a glorious understatement!

"This is not surprising"—

its report further concedes—

"given what is a complex balance of powers."

A complex balance of powers has been created and I do not think there is a single Member of Parliament who actually understands what is going to happen under Smith. We need to move to a more federal arrangement whereby the four nations have broadly equal powers. Scotland, Wales and Northern Ireland should have devolved legislatures, with the English MPs at Westminster deciding the same for England, then acting as a pan-European Parliament alongside MPs elected from the devolved countries as well.

The Prime Minister promised Scotland

"the strongest devolved Government anywhere in the world"

and the Scottish people rejected full independence. I suspect that they want full home rule. But will those who have argued for full fiscal autonomy now vote for it, or will they vote for further delay or deeper fudge? Will they go on blaming the United Kingdom Government for what goes wrong, or have the courage to grasp what they say they want? Full fiscal autonomy is inevitable.

Angus Robertson (Moray) (SNP): It is a pleasure to serve under your chairmanship, Mr Hoyle. I welcome you back to your role. I wish to speak in support of amendment 58, which stands in my name and in the names of my hon. Friends.

The Scottish National party has submitted a series of amendments to the Scotland Bill based on the three-pronged commitment outlined in our manifesto for the UK general election: first, delivering on the Smith agreement in full; secondly, devolving additional powers in priority areas such as job creation and welfare protection; and thirdly, enabling the Scottish Parliament to move to a position of full fiscal autonomy. This approach was backed in record numbers by voters in Scotland in May, giving the SNP a clear mandate for change, which the UK Government must recognise and must act upon.

The UK Government must live up to the words of the Prime Minister on 10 September 2014, when he said:

“If Scotland says it does want to stay inside the United Kingdom then all the options of devolution are there and are possible”.

If all options are possible, it is the duty of the UK Government to respond to the clearly expressed desire of the Scottish people for more powers in the Scotland Bill. The SNP amendments include effectively entrenching the Scottish Parliament—that is what we are discussing now—placing the Sewell convention on a meaningful statutory basis and giving the Scottish Parliament the legislative competence to remove the reservation on taxation, borrowing and public expenditure, enabling the Scottish Parliament to legislate to deliver full fiscal autonomy. The SNP also proposes amendments for further priority powers at later stages in the Bill, including powers over tax, setting the minimum wage and taking responsibility for welfare decisions. In this first group of amendments, I will speak on issues relating to the permanence of the Scottish Parliament, and my hon. Friend the Member for Dundee East (Stewart Hosie) will speak shortly on full fiscal autonomy.

On group 1, amendment 58 relates to the permanency of the Scottish Parliament and Government. Paragraph 21 of the Smith commission report stated:

“UK legislation will state that the Scottish Parliament and Scottish Government are permanent institutions.”

However, in its analysis of the draft clauses published by the UK Government, the Scottish Parliament’s Devolution (Further Powers) Committee raised two main issues. As I stressed in the previous stage, that was an all-party Committee, involving members from the Scottish National party, the Scottish Labour party, the Scottish Conservative party, the Scottish Liberal Democrats and the Scottish Green party.

The Secretary of State for Scotland (David Mundell):

It is important to get it on the record that Alex Johnstone MSP has made it perfectly clear that his participation on the Committee is not to be conflated with the SNP press release issued at the time of the Committee’s report. He clearly supports the Committee’s report, but not the SNP’s attempt to distort that report.

Angus Robertson: It will no doubt be a relief to you, Mr Hoyle, that I will confine myself to the words agreed by all Committee members, including Mr Johnstone, when he signed up to the report.

That cross-party Committee found that the form of words on permanency proposed in the Scotland Bill was a weaker formulation than stating simply that the Scottish Parliament and the Scottish Government were permanent. We agree with the view of the Committee—and of Mr Johnstone—in paragraph 47:

“The Committee is of the view that the inclusion of the words ‘is recognised’ in draft clause 1 has the potential to weaken the effect of this clause, which would be unfortunate given the all-party agreement to this recommendation as part of the Smith Commission, and the views expressed to us by the former Secretary of State for Scotland that he perceives that the permanence of the Scottish Parliament and Scottish Government is guaranteed.”

The Committee was also told by the former Secretary of State that he was open to reconsidering the wording of draft clause 1, but changes were not made in the published Bill. This suggests that the Government might be open to the amendment.

Paragraph 49 of the report agreed by Mr Johnstone and all other Committee members states:

“In evidence to the Committee, the former Secretary of State for Scotland commented that he was ‘open to thinking about different ways in which...permanence could be achieved’. The Committee welcomes the openminded approach of the former Secretary of State with regard to this issue. The Committee therefore considers that there is scope to further strengthen the permanency provisions.”

The Committee’s analysis of the published Bill, however, confirmed that there was no change between the draft and the final clause.

The Committee called for additional protection in paragraph 50 of its report, supported by Mr Johnstone and all other members:

“The Committee considers that the effect of the clause on permanency, as currently drafted, is primarily declaratory and political rather than legal in effect. The UK doctrine of Parliamentary sovereignty makes achieving permanence problematic. The Committee recommends that the Scottish electorate should be asked to vote in a referendum if the issue of permanency was in question, with majorities also being required in the Scottish Parliament and the UK Parliament.”

That is the purpose of the SNP amendments, which we will be moving.

James Cleverly (Braintree) (Con): Does the hon. Gentleman genuinely believe that there are circumstances in which the permanency of the Scottish Parliament could be called into question without the voice of Scottish people being heard?

Angus Robertson: I congratulate the hon. Gentleman on his election. I gently encourage him to remind himself of the position of the Conservative party in the run-up to the referendum on Scottish devolution. It was totally opposed to devolution, so he will perhaps understand why SNP Members, who have consistently supported home rule, wish to see that reflected in the legislation. He will have the opportunity to support the SNP amendment later.

Mr Graham Allen: If there is absolutely no threat whatever to the Scottish Parliament, why not put that fully on the face of the Bill, as the hon. Gentleman suggests?

Angus Robertson: The hon. Gentleman makes an excellent point. Hopefully, the Committee does not need to divide. If there is support from Labour and from the Government, everybody will be satisfied and we can move forward.

In legal terms, there is nothing to stop the Westminster Parliament from repealing clause 1, according to the doctrine of parliamentary sovereignty and the associated norm that one Parliament cannot bind its successors. The Scottish Government produced an alternative clause that includes a double lock—it would require that the clause cannot be repealed without the prior consent of the Scottish Parliament, and without the people of Scotland voting to abolish the Scottish Parliament in a referendum conducted for that purpose. The Scottish Government clause forms the basis of our amendment.

Mr Kevan Jones (North Durham) (Lab): I have no objection to what the hon. Gentleman is trying to achieve, but can he clarify the amendment? It states:

“The Scottish Parliament is a permanent part of the United Kingdom’s constitution.”

The country does not have a constitution, so will he identify the legal definition and what is constitutional?

Angus Robertson: The hon. Gentleman knows that the UK does not have such a constitution—we are strong supporters of a constitution, whether for the UK or for Scotland—and that the constitution is based on custom and practice. Legislating on the matter would be an appropriate safeguard.

The SNP approach would strengthen the declaratory and political effect of the clause. It also acknowledges the position of the Scottish Parliament and the long-standing sovereign right of the people of Scotland to determine the form of government best suited to their needs, as recognised in paragraph 20 of the Smith commission report, which states:

“Reflecting the sovereign right of the people of Scotland to determine the form of government best suited to their needs, as expressed in the referendum on 18 September 2014, and in the context of Scotland remaining within the UK, an enhanced devolution settlement for Scotland will be durable, responsive and democratic.”

Mr Jones: I am just trying to be helpful. The hon. Gentleman might have the wording “United Kingdom’s constitution” in an amendment, but would it have any legal force? An amendment to the American constitution, or to any other written constitution, is legally binding. What would be the status of the hon. Gentleman’s amendment?

Angus Robertson: I am making the point that it would be very difficult for people to go back on legislation with the express wording proposed in the amendment. It is not that difficult a concept to grasp.

The Scottish Government noted in their response to the Devolution (Further Powers) Committee interim report that both the House of Commons Political and Constitutional Reform Committee—I am looking at the hon. Member for Nottingham North (Mr Allen), who served with great distinction as the Chairman of that Committee—and the House of Lords Constitution Committee raised concerns with those aspects of the UK Government’s clause.

The Scottish Government’s alternative clause and the SNP amendments address more minor issues with the UK Government’s clause, using the definite article “the” instead of the indefinite “a”, as that is

the language used in the Scotland Act 1998. That was picked up by the right hon. Member for Orkney and Shetland (Mr Carmichael).

Andrew Gwynne (Denton and Reddish) (Lab): Will the hon. Gentleman give way?

Angus Robertson: I want to make some progress, if the hon. Gentleman will forgive me. I have given way to Members on both sides of the Committee.

The SNP also suggests using “constitution” rather than “constitutional arrangements”, because the former term is already straightforwardly used in the 1998 Act. “Constitutional arrangements” is a term most commonly used to refer to the governing arrangements of bodies and offices, and is therefore inappropriate for describing the governance of Scotland. That is politically important for both the Conservatives and the Labour party, given that the very first words of the vow were:

“The Scottish Parliament is permanent, and extensive new powers for the Parliament will be delivered”.

In his foreword to the Smith commission report, Lord Smith made the position clear by saying:

“The Scottish Parliament will be made permanent in UK legislation”.

The main body of the report, however, had a slightly weaker formulation:

“UK legislation will state that the Scottish Parliament and Scottish Government are permanent institutions.”

The fact that the cross-party Scottish Parliament devolution committee—including the Scottish Conservative party, and now, as a result of amendments to this part of the Bill, the SNP, the Liberal Democrats and Labour—has sought to deliver a stronger legal protection for permanence suggests that the Westminster Conservatives are the only partners in the Smith deal who hold the softer interpretation of what Smith was proposing.

4.30 pm

As an entirely sensible safeguard, the SNP has proposed amendment 58, securing a double lock to protect the Scottish Parliament, which one of us will move formally later. It states:

“The Scottish Parliament is a permanent part of the United Kingdom’s constitution.”

It also states:

“Subsection (1) or (1A) may be repealed only if...the Scottish Parliament has consented to the proposed repeal, and...a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”

The amendment is intended to ensure that the Scottish Parliament can be abolished only with the consent of the Scottish Parliament and the Scottish people after a referendum, and we look forward to pressing it to a vote.

John Redwood: I have always been a Unionist, but my idea of my country, the United Kingdom, is that it must be a democracy at peace with itself, and can only proceed as a happy and successful democracy if it has the consent of most of the people most of the time to the Union institutions and the powers of those institutions.

I am pleased that, because we proceed democratically and understand the need for consent, this Parliament listened to Scotland and, quite recently, granted a

[John Redwood]

referendum to establish whether it was the settled will of the Scottish people to leave the United Kingdom altogether and set up their own arrangements. We discovered two things as a result of that democratic exercise. We discovered that the Scottish National party itself was not arguing for full independence: it wanted to remain part of the currency union, for example. I do not see how it is conceivably possible for an independent country to be part of a currency union.

Peter Grant (Glenrothes) (SNP): Is the right hon. Gentleman seriously suggesting that Germany is not an independent nation?

John Redwood: That is exactly the problem: Germany is not an independent nation. No member of the eurozone is an independent nation, and that is why those countries are experiencing such trouble. The trouble is not just for Greece, which is very visibly not independent, because it is being told how to conduct its economic policy. Germany is not independent either. Germany did not wish to lend Greece huge sums of money, but the European Central Bank, acting in the name of Germany, has advanced huge sums of money, which it will find very difficult to get back, but which Germany has to stand behind.

Patricia Gibson (North Ayrshire and Arran) (SNP)
rose—

John Redwood: If SNP Members will allow me a little time, I will say things that they will like. I am not trying to make life difficult for them.

This is my analysis. In the referendum the SNP went for something more akin to home rule than what I would regard as full independence, but at that stage the Scottish people said no even to that. They seemed to say yes to the rather larger devolution of powers that the three main Unionist parties were then offering. However, we are now experiencing new circumstances.

Like my hon. Friend the Member for Gainsborough (Sir Edward Leigh), who has tabled a very interesting amendment, I think that this Parliament must listen to the new voice of the Scottish people. It is clear that there has been a shift of opinion towards more home rule than the Unionist parties were offering at the time of the referendum. That is why we are here today, listening very carefully to what the SNP has to say, and that is why I think it extremely important for us to have this debate on full fiscal independence, or fiscal autonomy. It would be one way for our Parliament to respond when the Scottish people have said, “We do not want to be completely independent as a separate country, but we want much more self-government—or home rule—than was envisaged by the Unionist parties at the time of the referendum, because we can see that that was not very popular.”

The Unionist parties collectively did rather badly in Scotland come the general election. [Interruption.] Well, between them, they received just under half the vote, while the Scottish nationalist party received just over half the vote. Because the Unionist vote was split, practically no Unionist Members of Parliament were elected, but it is still the case that Scottish opinion is

fairly evenly balanced. The Scottish nationalists did not get 70% or 80% of the vote. If they had done, then, as far as I am concerned, they would really be in a position to tell us the answer, but, as judged by the vote, they speak for only about half the Scottish people. However, as representatives, they speak for practically all the Scottish people because they have most of the Members in this place.

I am listening very carefully and will want to hear more about what SNP Members want, but I am also very conscious that, in parallel with this exercise on powers as set out in this Bill, in some way far more important negotiations are already under way on what the new financial settlement will be, and those are not yet being reported to this House. That is crucial not just to the SNP and its representation of the Scottish people, but to the people of England. I find the more home rule that is on offer and the more we hear the Scottish voice, the more I have to be an advocate not of the Union, but of England, because someone needs to speak for England and to say that the consequences of much enhanced Scottish devolution, and some fiscal devolution as well, are serious for England. England needs to be in the discussion just as Scotland does, as this is our joint country and a major change in its arrangements will have a fundamental impact on England.

While I am very attracted to the idea of my hon. Friend the Member for Gainsborough that it would be a shrewd move to, for once, get ahead of the Scottish appetite for home rule and on this occasion to grant full fiscal devolution, we need to ask how feasible that is and what the consequences will be for Scotland and England. If Scotland wishes to be part of common welfare and pension guarantees, some limitation is already imposed on the spending side of full fiscal devolution. We have to think about the position of England if cross-guarantees are being offered for some part of that welfare package. If we are going to proceed in the way the Government currently plan and the way the negotiations are currently being undertaken—as I understand it, there is an attempt to find a way of adjusting the block grant for Scotland to take into account the new Scottish responsibilities, as some items of spending will have to be added in as a result of the devolution of new functions, and there will be a reduction in the block grant to take account of those taxes that are now Scotland’s to fix and collect—therein lies an immediate problem.

Mr MacNeil: Would not an easier solution be for Scotland to collect its own tax, as Catalonia does, and then pay into the centre, rather than the centre paying out? The taxes should be raised by the Government of the territory paying the taxes and paid into the centre rather than giving them to the centre for it to then pay out. In that way, the centre will have to stop saying it is subsidising people when it returns their own taxes.

John Redwood: But if Scotland wisely decides to have lower tax rates to make itself more popular, the Union will be losing out if those lower tax rates collect less money.

Mr MacNeil: The right hon. Gentleman should realise that it is not lower taxes that have made the SNP more popular; it is better public services in Scotland—that has given us 50% of the vote versus his party’s 37%.

John Redwood: If Scotland wishes to impose higher taxes, the Union has less of a problem with that—unless it chooses to impose higher tax rates which collect less revenue, because those could be a problem for the Union as a whole—but it would be a problem for Scotland if it had to collect higher tax levels and it did not get all the money back; I would have thought it would want to get all the extra money back that it was collecting. Full fiscal autonomy means it would take responsibility for both raising the money and spending it. If Scotland wishes to spend more under fiscal autonomy, she can do so if she has a magic way of getting more money off people through either higher or lower tax rates, whichever work in the particular fiscal circumstances.

We need to have working papers on how full fiscal devolution might work and whether it is truly full fiscal devolution, because if we are going to full fiscal devolution, England will want guarantees that we are no longer acting as a buffer or subsidising the Scottish settlement, just as Scotland will want guarantees that she has got a fair deal and is capturing the benefits of her fiscal independence. If we go for a mixed system, which is where we currently are with the real debate between the Smith commission, the pro-Union parties and the SNP, there is a lot to be worked out, and I hope that at some point those on the Treasury Bench will share some of their thinking with the House.

Andrew Gwynne: I find myself in the unusual position of agreeing with much of what the right hon. Gentleman is saying. Do not these arguments illustrate the asymmetrical nature of the devolution settlement across the four nations of the United Kingdom? Does he agree that whichever funding model we go for in relation to Scotland, there will be implications for the finances of the other three nations? Does he not think that we need a constitutional convention to put that right?

John Redwood: No, I do not think that we need a constitutional convention, because that would create endless delay and complications. I agree with previous comments that we are here to try to solve this problem for our respective constituents. I spent quite a lot of my time during the election speaking for England and saying that I wanted to ensure that England got a reasonable deal out of this. SNP representatives clearly did the same in relation to Scotland, and we both achieved similar levels of success in attracting lots of votes for what we were saying.

Mr MacNeil: The right hon. Gentleman talks about getting good deals for the various parts of the UK, but let us look at the wider British Isles. Does he think that the aggregate GDP of the British Isles would be as high as it is today without the full fiscal autonomy that the Republic of Ireland, the Isle of Man and the United Kingdom all enjoy? If the aggregate GDP of the British Isles is higher for those reasons, does he not agree that it will be higher still when Scotland achieves its full fiscal autonomy?

John Redwood: I start from the point of view of democracy. A democratic state has to have the full range of powers, including fiscal autonomy and its own currency. That is different from asking: what is your state? I would still rather have the United Kingdom as

my state, but I have just explained that if it is the will of the Scottish people that the UK is no longer their preferred state, they must leave—of course they must.

Mr MacNeil: The right hon. Gentleman is being very kind in enabling our dialogue to continue. I am sure he would acknowledge that the UK functioned between 1603 and 1707, when the Parliaments were independent.

John Redwood: Well, it functioned after a fashion, but I would not have wanted to live through that time. The nations were clearly not nearly as rich as they are today. Labour Members sometimes try to pretend that we have gone back to an ancient age, but I am sure that none of them would willingly go back in time and live in that era, because we are obviously so much better off now.

Mr Kevan Jones: I do not want to divert from the subject, but was not the reason for the Scots' enthusiasm in going forward in 1707—[*Interruption.*] It was not an economic blockade; it was speculation in the colonies of central America.

John Redwood: Yes, it was a kind of early version of the banking crash, which also reminds us that Scottish banks can sometimes get into trouble, and that the Union's insurance can be quite helpful to them.

George Kerevan: May I return the discussion to the here and now? I should like to clarify something that the right hon. Gentleman said, because I think I agree with him. Is he saying that there was a clear desire in the debate that took place in Scotland post-Smith for a fuller measure of complete domestic fiscal control within the UK, but that achieving it would require serious discussions about how it would work in Scotland and how it would affect the fiscal arrangements in the rest of the UK? Does he agree that it could be done reasonably quickly, but would require transitional arrangements? It cannot be done overnight, but it is the way to go. If we do not do this, we will end up having endless piecemeal discussions, which would produce more friction than light.

John Redwood: I am making an even more urgent point than that. I am saying that that discussion is going on in parallel while we are debating this Bill. I hope that its content will be shared with the House at some point, because it is a matter of great importance to the United Kingdom, to England, to Scotland and so forth. As I understand it, those taking part in the negotiations are up against these very issues. If, for example, too much independence is given to Scotland on spending patterns, would there be a Union guarantee to pay for it all? How would it be fair to other parts of the Union if Scotland could increase her spending without having to take responsibility for raising the money for it? If Scotland starts to raise more of her own money, how do we adjust the block grant? In the current negotiations, nobody is suggesting getting rid of the block grant and saying that Scotland can have all her own money and just spend her own money. I am not even sure that is what the SNP wants. Negotiation is going on about how far—[*Interruption.*] If the SNP genuinely wants all that, that is fine. We then have to have a serious discussion, before it could be agreed to, over the borrowing. I will call it “borrowing”; I do not think “black hole” is a terribly useful term.

4.45 pm

It is obvious that the United Kingdom has been living well beyond its means as a state for many years and is still borrowing large sums, and that, collectively, the United Kingdom, including Scotland, has built up those debts. Some of that money has been spent in Scotland and some of it has been spent in England. If we went for so-called full fiscal autonomy, we would face the question of what do we do about the new borrowing and what do we do about the past borrowing. One thing we have surely learnt from Greece and other places in the euro currency union is that the borrowing of a state in a currency union is of great concern and interest to the rest of that union. There would therefore have to be an agreement on borrowing, with past debt levels attributed to Scotland, because it would have to pay an interest bill on those. Future build-up of Scottish debt would also have to be addressed: whether it would be separate Scottish debt or would still come with the full Union guarantee, which would probably make it a bit cheaper. That becomes the centre of the row, rather than it being over which taxes we have.

Patricia Gibson: Does the right hon. Gentleman not agree that successive Westminster Governments could learn much from the economic management of the Scottish Parliament, which has balanced its budget, in a fixed budget, every year, while Westminster has run up successive debts?

John Redwood: That is because all the time that it is a subsidiary Parliament of the Union, and part of our public expenditure and borrowing plans, it has to abide by the remit. The hon. Lady is right in that it has been given a tougher remit than the Union gives itself, but it is not fair to say that that is of no interest or benefit to Scotland, because of course much of the Union expenditure is also being committed proportionately in Scotland and so it is Scotland's share of the debt as well. I am making a factual statement; I am not trying to make party political points, wind up the SNP, rerun the referendum or anything like that. I am just trying to get this Committee to understand that grave and big issues are being hammered out elsewhere, we are not hearing about them and they impinge very much on this crucial debate that we are now having.

I have intervened in the debate because I want an opportunity to talk about this financial settlement, which matters to England as well as to Scotland. The proposal put forward by my hon. Friend the Member for Gainsborough brings things centre stage. If we went down his route and had full fiscal autonomy, I would want to know what that meant; how much responsibility Scotland would take, for example, for pensions as well as welfare; and what the borrowing settlement would be. The residual is the borrowing, and unless we know what the answer is on that, we still will not have a happy Union or stable expenditure.

Ian Blackford: I thank the right hon. Gentleman for his most gracious speech and his thoughtful remarks about the future of the constitutional arrangements between Scotland and the rest of the UK. It is perhaps worth remembering that when Gordon Brown spoke on behalf of the three Unionist parties prior to the referendum, what was offered was as close to federalism as we could

get. What was talked about was home rule in the spirit of Keir Hardie. It is akin to the remarks that the right hon. Gentleman is making. It is perhaps worth remembering that the manifesto commitment the SNP stood on was delivering powers for a purpose to the Scottish Parliament. He is right: that is what the Scottish people voted for in returning 56 Members of Parliament to this Chamber.

John Redwood: Then I think we need to have another debate, on another day, which looks at what is going on in these important financial discussions. Although my constituents are interested in what powers Scotland gets, they are far more interested in how the money works between the different parts of the Union. We have no papers before us today to elucidate that.

Ian Murray (Edinburgh South) (Lab): For the second time in five and a bit years, I agree with the right hon. Gentleman. On the complicated nature of the fiscal framework, which I believe he is trying to unpack, does he not agree that the Labour new clause, which will be debated at some point, to set up an independent commission on the costs and implications of full fiscal autonomy provides a much more reasonable and sensible approach?

John Redwood: We are where we are. Promises were made, I thought in good faith, by the three Front-Bench teams. They were not my chosen promises; they were made on behalf of the three Unionist parties. They did the job for the referendum, but they then did not do much of a job for the Unionist parties at the general election. However, we cannot now be seen to be delaying for any great length. There needs to be proper work—and I am sure that proper work is going on in the Government at the moment as they try to work out a financial settlement in parallel to this Bill. I am just suggesting that perhaps this Parliament needs to have some of that thinking shared with it.

Today is the first opportunity, within the clear parameters of new clause 3, to try to expose a bit of the thinking on how a limited amount of fiscal autonomy will work, and on how many of these taxes Scotland will not only collect, but be responsible for and have knocked off the block grant. As I remember it, when the leaders came up with this promise, Gordon Brown was a big voice—obviously, he was not one of the leaders at the time—for rather less fiscal autonomy. He was trying to stop Scotland controlling her own income tax revenues, so I do not entirely share the interpretation of the Labour Front-Bench team of what Mr Brown was trying to do at that point.

I will bring my remarks to a close with the simple conclusion that the world has moved on because of the general election result. The debate on money is taking place elsewhere, but we currently have a short debate about money here. I hope that the Front-Bench team will share some of its thoughts on money. Fiscal devolution seems to be attractive to many people in Scotland, but we need to know where it ends and how we sort out all those crucial issues about debt and borrowing as well as about shared policies such as pensions.

4.51 pm

Mr Graham Allen: Sir David, it is a great pleasure to see you in the Chair this afternoon. Like many colleagues, I had assumed that you would be in your green tights

dancing around the maypole with many other dignitaries at Runnymede. *[Interruption.]* Yes, the thought does bring tears to the eyes. I am talking about a serious occasion, but it is, by necessity, a backward-looking occasion. Eight hundred years ago, in what was a great leap forward in its time, the Magna Carta was sealed, if not signed. What we have been hearing about today—and this has been a really superb debate so far by all parts of the House—is the next 800 years. We are certainly looking at the foreseeable future and at our democracy. One thing we cannot do is go back to business as usual. We have a majority party in the House, and we cannot just ram stuff through the Commons. We must consider all these sorts of Bills seriously.

I mean no offence when I say that the Scotland Bill is not the property of the people of Scotland let alone of the political parties of Scotland. The Scotland Bill is about the Union. Whether we are in a transitional period or whether we have another 800 years of happy family relationships is still to be decided. As we discuss this Bill, the local government devolution Bill, and the European referendum Bill, those colleagues who are new to the House—to all parts of the House—should be excited that they have come here at this moment. It is a time of immense potential. People from all parts of this House have expressed the view that we need to look at this matter seriously. The word “statesmanlike” has been thrown around quite a bit, but it is pertinent to this debate. What we do today and over the next four Mondays will be of great importance to all of us in the Union.

Mr MacNeil: As usual, the hon. Gentleman is making a thoughtful contribution. He said that the Scotland Bill is the property of the House, but he will recognise that the House has been forced, kicking and screaming to reach the point it is at the moment. In the previous Scotland Bill, an amendment was moved to devolve Crown estate control to Scotland, and the House would not agree to it. It has now conceded on that point because of the weight and the power of the votes from the people of Scotland and it has done so easily. Is it not a huge mistake for this place to give away too little too late and not to listen to the hon. Member for Gainsborough (Sir Edward Leigh)?

Mr Allen: I am probably one of the worst in this House for blaming Westminster. Westminster and, above all, Whitehall—that is a distinction that we can educate each other in over the next five years—deserve to have that blame attached to them, but the hon. Gentleman and his colleagues are now part of Westminster. They will need to use the Westminster system and to be a part of it, if only because they wish to get such Bills passed. The Bills that have been passed to free Scotland in the way that it needs to be freed up, that Nottingham, Leicester and Derby need to be freed up and that England, Wales and Northern Ireland need to be freed up have been passed by this place because of the efforts of people such as Donald Dewar and those who got the Scotland Act 2012 through and because of the efforts of all the parties in this House, who will, I hope, pass the Scotland Bill effectively through this Committee.

Dr Philippa Whitford (Central Ayrshire) (SNP): The hon. Gentleman mentions Donald Dewar and I pay tribute to what Donald Dewar did. In the establishment

of the Scottish Parliament, sections were given entire—such as health or education—so that the Parliament could make its own policies without controlling the budget. The problem with Smith is that it is made up of little bits and pieces that mean that the two Parliaments will be forever at each other’s throats. That cannot be sustainable.

Mr Allen: The problem with Smith, with 2012 and with Donald Dewar’s devolution is that none of them were perfect. To seek perfection is to be the enemy of good. This is a progress, a process and a way forward, and it might not turn out how any of us first imagined. One key point is for those who represent England—in my case, my city of Nottingham, of which I am very proud—is that nothing in this Bill should be unable to apply to the liberation and progress of such cities. Nothing in my city should restrain or inhibit the progress I would love to see my friends in Scotland achieving, too.

This is all about devolving power. I do not wish to sour the atmosphere, but sometimes separatism and devolution are sworn enemies. I hope that this is not one of those occasions. I hope that we can all see devolution as part of a process.

Peter Grant *rose*—

Mr MacNeil *rose*—

Mr Allen: If I may just make this point while I am thinking about it, I will then give way. If we continue that process, we might end up in a place that is better for everybody and we might end up with the sort of liberation of our localities and communities that we all want, whichever nation of the Union we represent.

Peter Grant: Does the hon. Gentleman agree that the only real separatists in this House are those on the Government Benches, who would quite happily see Scotland dragged out of the European Union against the express wishes of its people?

Mr Allen: We all have a stronger common interest than we sometimes dare admit, and we certainly all have an interest in making devolution work. The bigger issues that I want to come on to concern some of the structures through which we might all work together to do some of that. Some were raised by my Select Committee, which was an all-party Committee of this House and proved that we can do other things and move forward on devolution.

Let us imagine where we might be in 20 years’ time with the federal Parliament, which this is. Even the strongest small c conservative—they can be found throughout the House—would not say that we will be in exactly the same place in 20 years as we are today. That would be inaccurate. We will definitely be in a different place. What will it look like? I suspect the position will unfold. It may not be devised at 10 o’clock tonight, as the amendments envisage, but there will be progress over those 20 years. What does it look like? For some it looks like separation or independence. For others, it looks like a Union refreshed and renewed. For me, it looks like my people in my area being allowed to make more decisions of their own as of right, not because people feel they are giving them a little play out of Westminster.

Mr MacNeil *rose*—

Mr Allen: I give way to the hon. Member for Na h-Eileanan an Iar (Mr MacNeil), who has been waiting a little while.

5 pm

Mr MacNeil: I see that my patience has paid off and I am grateful to the hon. Gentleman. Is not one of the problems, in yet another Scotland Bill three years after the previous one, that Westminster may give away a little bit here and a little bit there? Would it not be better to turn the telescope around and have the relationship that the Faroe Islands have with Denmark? They can take the powers that they want to take and it is not a big deal for Copenhagen to give Tórshavn those powers. In Westminster it seems a massive deal to give people control over the minimum wage in Scotland—a power that Labour blocked, for goodness sake. It should not be like that. If Scotland wants it, let Scotland take it and let this place be gracious about it.

Mr Allen: It is always good to knock off a quick anti-Westminster point, so I will join the hon. Gentleman and say that everything that he resents about Whitehall, I resent at least as much in so far as it impacts badly on one of the 10 poorest constituencies in the United Kingdom, so—I mean this in a friendly way—he does not need to lecture me about how inadequate Westminster and Whitehall are at freeing up and liberating people to get better jobs, improve skills and improve their schooling, all the things that all of us hold in common as we move forward.

What I am saying is that we need to figure out how progress that has been made in Scotland—massive progress, which I fully support—can be replicated, not just in a narrow sense of “This is good for us”, but if it is so good, how it can be good also for Wales, Northern Ireland and England.

Andrew Gwynne: I commend the work that my hon. Friend and his Select Committee did in the previous parliamentary Session. Although we are talking today specifically about the Scotland Bill, is this not also about how we re-engage the debate across the whole of the United Kingdom about how we bring powers down to the very local level so that what happens in Scotland today is valid for Nottingham, Manchester, Durham and other parts of the Union tomorrow?

Mr Allen: If we have now breached the principle and the wonderful idea of devolution—giving power away, not decentralisation, where Westminster and Whitehall can suck it back—let us look at devolution that is entrenched and can stand the test of time. I agree very much with getting the words right. My Select Committee was clear about the words reflecting the permanency of the Scottish Parliament.

The question is how we achieve permanency in an unwritten constitutional environment. We do it in two or three possible ways. One suggestion in one of my amendments—I tabled new clauses 6 to 9—is that the Scottish Parliament is protected behind the ingenious mechanism of the Parliament Act, which requires both Chambers to agree to any change in the status of those things that are protected. The other idea is related to the Magna Carta, which is being celebrated today, and calls for a new Magna Carta—a written constitution. I commend

the Scottish Executive for the work that they have already done on that. *[Interruption.]* If any hon. Member has something to say, please stand up and correct me. I am happy to take a correction.

Stewart McDonald: The legislation was changed from Scottish Executive to Scottish Government. It is not a briefcase.

Mr Allen: I am sorry for once that I gave way to an hon. Member because this is a serious debate. There is a precedent and if we can build on the precedent, however we name it, and make a broader constitutional settlement for the United Kingdom, there will be fewer occasions on which any of us need doubt when progress is made. If it is clear for every schoolboy and schoolgirl that the structure of their Government is there in writing, there is less likelihood that those powers can be sucked back into Westminster and Whitehall.

Mr Jackson: I declare an interest as an adjunct associate professor of British politics. I pay tribute to the fantastic work that the hon. Gentleman did in the previous Parliament. The point that SNP Members are missing is that the progress that has been made since the Scotland Act 1998 was as a result of the sovereignty of this Parliament. May I also respectfully correct the hon. Gentleman? We are not a federal Parliament, because that presupposes a codified written constitution setting out the powers, duties and responsibilities of the centre and the constituent parts of a sovereign nation.

Mr Allen: We might not yet be a federal Parliament officially, and we might not yet have the right words for it, but there is absolutely no question but that our Union is moving towards a federal basis, rather than the alleged parliamentary sovereignty referred to earlier. I hope that I live long enough to see parliamentary sovereignty in this House, because I have not seen much of it over the couple of decades I have been here.

The other thing that I think is really important to have clarified—this is also in the interests of my friends in the SNP—is the role of local government. If we have an overarching, federal structure in the United Kingdom, there are certain things that that structure needs to define. Human rights is a classic example, and I would argue strongly that so too are the rights of the sub-national tiers of government. Otherwise, all we would be doing is transferring state power from Whitehall to Holyrood. Some people say that that is precisely what has happened in Scotland, but I am sure that is a false accusation. However, in order to ensure the freedom of those who work at the grassroots, in our communities and neighbourhoods, defining the rights of local government, which is commonplace in every other western democracy, and to do that in our Union while it exists and is flourishing, would ensure that no such accusation could be levelled at my newly elected friends in the SNP.

Andrew Gwynne: My hon. Friend will remember that in the early 1990s there was a word that was in vogue in what was then the European Community: subsidiarity. Although it is a horrible word, it has a very serious meaning, which is that decisions should be taken as closely to the people as appropriate. Is not that just as relevant to the devolution debate? We should be talking about handing powers from this place not only

to Holyrood, Cardiff Bay and Stormont, but even to places such as Manchester city region, and to local communities beyond.

Mr Allen: I think that devolution is so good that it should apply to everybody in the Union. I welcome the breakthrough that has been made in Scotland and hope to see a similar settlement for England, Wales and Northern Ireland. I often say—my hon. Friend will have heard this before—that subsidiarity is the ugliest word in the political lexicon to describe the most beautiful concept.

John Redwood: An important part of our Union is that it has been a transfer as well as a fiscal Union, so the richer parts pay in more, relatively, and the poorer parts draw out more. Does the hon. Gentleman feel that that could be sustained with full fiscal autonomy, or is that a problem?

Mr Allen: As far as I am concerned, the idea of income tax assignment was applied in the Scotland Act 2012. I think that it is the basis on which devolution can move further forward in Scotland, and certainly on which it can start to move forward more seriously in England so that we have not just piecemeal breakthroughs, as we are having at the moment, but something that can apply to every local authority throughout the whole of England and Wales and, if it wishes, Northern Ireland.

Stewart McDonald *rose—*

Mike Weir *rose—*

Mr Allen: I will give way to the hon. Member for Angus (Mike Weir), because the hon. Member for Glasgow South (Stewart McDonald) is now in my bad books.

Mike Weir: I have listened carefully to what the hon. Gentleman has been saying, particularly about local government. Does he accept that it is not up to this place to determine the form of local government in Scotland, Wales and Northern Ireland? Decisions about local government are already devolved to the Scottish Parliament and the Assemblies of Wales and Northern Ireland. England may determine its own local government through this place, but questions about local government in Scotland, Wales and Northern Ireland are not to be decided here.

Mr Allen: We need to think carefully about whether the rights that we would like to enjoy in our constitution should be placed at a federal level or at a national level. Let us fantasise about what would happen if, for example, the European convention on human rights was abolished and the right to torture people was established in part of the United Kingdom—[*Interruption.*] I know it is a silly example, but let me continue for a moment. I cannot imagine that we in the federal Parliament would not object to that ridiculous state of affairs. In some written constitutions, transcending values—concerning, for example, human rights, structures and democracy—may be in the federal constitution rather than in national constitutions. We need to debate that, and I hope that the hon. Member for Glasgow South will join in that debate rather than simply shaking his head, as he is doing.

Martin John Docherty (West Dunbartonshire) (SNP) *rose—*

Mr Allen: I will give way to the hon. Member for West Dunbartonshire. I am sure, since his Front-Bench colleague is telling him not to take too much time, that he will be brief.

Martin John Docherty: I am grateful to the hon. Gentleman for participating in this resolute debate about the future of Scotland and the British Parliament. I come back to the Statute of Westminster of 1931. Is the hon. Gentleman suggesting that Scotland should be a dominion?

Mr Allen: That was before even my time. I will allow the hon. Gentleman to educate me about that in the Tea Room.

Ian Paisley (North Antrim) (DUP): On a point of order, Mr Amess. May we have a ruling that there is no such thing as the British Parliament; there is the Parliament of the United Kingdom?

The Temporary Chair (Sir David Amess): Order. I listened carefully to what the hon. Member for North Antrim (Ian Paisley) said, and it was a point of argument, not a point of order.

Antoinette Sandbach (Eddisbury) (Con): The hon. Member for Nottingham North (Mr Allen) seems to be advocating a written constitution, but the problem with that, as we have seen clearly with the Government of Wales Act 2006, is that it invites judge-made law. Recent Supreme Court decisions on the 2006 Act have led, in effect, to judicial decision making on a reserved powers model, which is not contained in the Act.

Mr Allen: I am sure that I would be called to order if I went into too much detail on the pros and cons of a written constitution. Suffice it to say that reams and reams of judge-made law exist, but our citizens are not allowed to see the basis on which that framework is put into place.

Mr MacNeil: Further to the point of order made by the hon. Member for North Antrim (Ian Paisley), France knows that it is France, but the UK does not seem to know that it is the UK. That is an extraordinary state of affairs.

The Temporary Chair (Sir David Amess): Order. Again I say to the House that that is a point of argument, not a point of order.

Mr Allen: Perhaps I can turn to a subject that will help the hon. Member for Na h-Eileanan an Iar, who has intervened several times, in his future career: the House of Lords. I have tabled a new clause that would enable the nations of the Union to decide how they would like their representatives in the second Chamber to be chosen, elected or balloted for. Should the SNP have reached its zenith, and should it suffer a catastrophe after the next general election, I suggest that the hon. Gentleman may wish to have his name added to a list of such representatives put forward by the Scottish Parliament.

Mr MacNeil *rose*—

Mr Allen: I think the hon. Gentleman has made more than his fair share of interventions. There may of course be others in the Scottish National party who wish to take his place.

5.15 pm

As we now have a five-year Parliament, one of the answers to this—with Government consent, I hope—is to convene a constitutional convention so that all the parties of good will can come together. I strongly hope that we could benefit from the views of Conservative Members who have spoken today. We could pull together a constitutional convention that did not at all delay Bills coming to this House. The problem is not that we take Bills through too slowly but that we take them through too quickly—although there are cast-iron reasons why this Bill should move forward quickly. We could have a constitutional convention that looks at all the issues—subsidiarity, local government, a written constitution, English devolution, and the human rights that we cherish so much in this country—and takes as long as it likes alongside the ongoing legislative process.

We have had a very good debate that has been good-natured but statesmanlike. People in this House of all parties are looking to how we progress the inevitable movement towards devolution and personal and community liberation that will, I hope, be the hallmark of this five-year Parliament. I hope that we will continue these discussions and come up with answers, very much in the vein of what we have tried to do in this debate.

Stewart Hosie (Dundee East) (SNP): It is a pleasure to serve under your chairmanship, Sir David, and to speak to amendment 89, tabled in my name and the names of my hon. Friends.

If amendment 89 is passed, it will deliver full fiscal autonomy for Scotland. That means that Scotland will collect all her own taxes, fund all her own spending—all the spending that is the responsibility of the Scottish Parliament—and pay a subvention for shared spending on Scotland's behalf, primarily on defence and foreign affairs, by the UK Government. This is not simply about responsibility for taxation; it is about responsibility for all spending outwith limited and agreed areas.

On the question of why we need this, the answer is clear. We need and deserve important decisions to be taken as close to the people as possible and, more importantly, we need those decisions to be taken in line with the aspirations and democratic choices of the Scottish people.

The next question is what we would do with the powers. The answer depends very much on the view of the Scottish Government of the day, the prevailing economic conditions, and the most up-to-date economic forecasts. I will describe what an SNP Government might do with the powers of full fiscal autonomy to grow the economy, improve conditions for business investment and job creation, and start to make society fairer—all of which are vital for Scotland's economy and future.

We believe in the transfer of more powers to Scotland not as an end in itself but because through it the Scottish Government can exercise those powers to the

benefit of Scotland's economy and society. For example, we would not merely have control over income tax rates and bands for earned income but have responsibility for all tax on income, including definition, the basic rate starting threshold, and tax rates on dividend and investment income. That would allow for every possible policy choice, delivering to future Scottish Governments the flexibility to craft an income tax system. Likewise, the devolution of corporation tax would allow for a comprehensive tax regime, including an intelligent use of allowances to assist business in investing for the future.

Ian Paisley: Does the hon. Gentleman desire air passenger duty to be included in the remit of the amendment? Does he accept that to be fair to all the component parts of the United Kingdom, any change to APD should affect Northern Ireland as well as the north of England?

Stewart Hosie: Air passenger duty is to be devolved to Scotland, as it has been to Northern Ireland, albeit in a limited way. I very much welcome that. It is for each of the component parts that have responsibility for a tax to use it wisely in the interests of the people. I think we would agree that serious, proper and justifiable tax competition to grow our economy and attract investment would be a good thing, and I hope the hon. Gentleman agrees that it is always odd to hear Government Members purport to support tax competition except, of course, when it begins to affect them.

Wayne David (Caerphilly) (Lab): It is interesting to hear the hon. Gentleman setting out some of the economic and fiscal priorities of a future SNP Government. Would they increase or reduce corporation tax?

Stewart Hosie: Yes, a future SNP Government would increase it, decrease it, keep it the same and use the amount raised in an intelligent way. I know the hon. Gentleman thinks he has asked a really clever question, but we have just had the 2015 election and I am not going to write the 2016 manifesto today.

To answer a little more clearly, we have argued for targeted reductions in corporation tax in order to promote investment in key industries. We have highlighted for many years the relatively low private sector research and development spend in Scotland. However, given that R and D tax credits can be claimed only by companies liable for corporation tax, in order to develop a comprehensive, joined-up approach to encourage more innovation, we need to move to full fiscal autonomy, including the devolution of corporation tax and all related allowances, in order to be able to use that lever.

Mr Rees-Mogg: The hon. Gentleman said that Government Members are not in favour of tax competition, but I am thoroughly in favour of tax competition. It would be an excellent idea for both Scotland and Northern Ireland to have control of their corporation tax, because I think they would suddenly discover the virtues of the Laffer curve and reduce taxes quite sharply.

Stewart Hosie: The Laffer curve is something about which our friends in the Labour party have criticised us for understanding just a little too well.

We also want to see continued downward pressure on the cost of employing people. That is one of the reasons the SNP proposed in our manifesto to increase the employment allowance from £2,000 to £6,000 per business a year. We cannot do that at present, but we would be able to do so with the devolution of national insurance as part of a package delivering full fiscal autonomy.

Alberto Costa (South Leicestershire) (Con) *rose*—

Stewart Hosie: I will give way in a moment, if the hon. Gentleman keeps calm.

Finally, as I have said, the issue of specific powers and what we might do with them is not all about tax: it is about other decision making, such as the minimum wage. We support a rise in the minimum wage to £8.70 by the end of this Parliament: that is the right thing to do. We do not currently have the power in Scotland to do that. Although we will table amendments to transfer that specific power, the last two examples demonstrate why we need full fiscal autonomy—to deliver a comprehensive, joined-up approach, which would allow us to increase the minimum wage to help those in employment who earn the least, while increasing the employment allowance to help support businesses to pay it.

Alberto Costa: How many times in the past eight years have the SNP Scottish Government exercised their powers to increase or decrease income tax? The hon. Gentleman keeps complaining that this place is restricting them from using powers, so could he please remind Scottish people and this House how many times they have used their existing powers?

Stewart Hosie: I welcome the hon. Gentleman to Parliament, but he does not need to jab his finger and point. The small business bonus has cut or reduced business rates for 80,000 people. At £640 million, the Scottish Government are delivering the most effective business rate tax relief across the whole of the UK. One could make a very strong case that we have ended a tax on ill health by removing prescription charges. The hon. Gentleman's failure to know what he is talking about was why he was defeated in Angus by my hon. Friend the Member for Angus (Mike Weir).

So far, we have not heard a single speech as to why we should not have full fiscal autonomy. I am sure that one will come, but let me focus on that matter now. The objections that we have so far heard are rather odd and almost entirely without principle. In essence, in order to say no, our opponents fall back on one or two flawed analyses of the Scottish economy, which are basically snapshots of one particular point in time.

Mr MacNeil: Was that not an extraordinary intervention from the hon. Member for South Leicestershire (Alberto Costa)? The Conservative party wants to handcuff itself and not use any of its tax powers at all, as we heard from the Chancellor only last week. Does that not show the deep malaise of understanding? When we have tax powers, they are not used all the time. For instance, in the last Parliament, VAT was changed only once. Let us hope that the Conservatives do not use that power again. The point about having tax powers is to use the power that is necessary or important to use at a particular time. Tax powers are not used willy-nilly, as the hon. Gentleman's own Chancellor has conceded.

Stewart Hosie: I fear that my hon. Friend was intervening less on me than on Conservative Members, but he is absolutely right. There is no argument too odd for them to deploy.

On the opposition to full fiscal autonomy, basing an argument on one or two flawed analyses is using a snapshot in time in order to say no. It is less a case of analysing all the facts to come to a considered view, and more one of finding any reason to oppose for opposition's sake.

Ian Murray: I have tremendous respect for the hon. Gentleman, but he is letting himself down by how he is conducting this debate. If he is saying that the Institute for Fiscal Studies is wrong, why has the same figure come out of the Scottish Government's own accounts?

Stewart Hosie: The chief of the snapshot analyses I have just described is the one from the IFS that our opponents pray in aid. They claimed in April that Scotland would face a relative deficit of £7.6 billion, which may rise to £10 billion by 2019-20, and that in itself is enough for them to say no. I also like and respect the hon. Gentleman—I will not finish the rest of that sentence. I would tell him that his argument is fundamentally flawed. In essence, our opponents' argument is that even if the IFS figures were true, UK Government economic policy has failed Scotland and we should therefore keep economic policy in the hands of a UK Government who have failed. That simply is not credible.

It is of course true that Scotland has a deficit, and so does the UK—borrowing £75 billion this year, almost four times what the Chancellor promised borrowing would be. The majority of advanced economies run deficits, particularly in difficult times. The UK deficit in 2013-14 was £98 billion. Over the five years to 2013-14, the cumulative deficit was £600 billion. The UK was been in deficit for 43 of the past 50 years, and 28 of the 34 members of the OECD were in deficit in 2013. If the deficit alone was a reason for a country to surrender its financial independence, the UK economy would be run from Berlin.

Mr Kenneth Clarke (Rushcliffe) (Con): The hon. Gentleman's desire for independence of taxation seems to be to lower taxation, while he contemplates raising expenditure and he is fairly indifferent to deficits. Does he contemplate any kind of fiscal discipline? Our neighbours across the channel started a single currency, and they—as we would—have a single currency and a single central bank. Had they stuck to their rules on fiscal discipline, the Maastricht criteria, and to their no bail-out clause, they might have done rather better. What fiscal discipline does he propose, or does he think the English will pick up the bill whatever decisions the Scottish Government make?

Stewart Hosie: We were very clear in our manifesto that there would be increased tax yield, perhaps from a 50p rate of tax at a UK level, from a bank bonus tax, from the bankers' levy and from a mansion tax. We supported a number of policies in our manifesto that clearly would have increased yield. We were also very clear on what we wanted to do about borrowing. We laid out explicitly that borrowing would rise, but that it would fund £140 billion of extra investment across the

[*Stewart Hosie*]

UK throughout this Parliament, as opposed to the cuts in the order of £146 billion that have been proposed by the Chancellor.

5.30 pm

That package was fiscally sustainable, workable and disciplined because the deficit and the debt would have continued to fall in every year of this Parliament. It was a cogent, coherent package that would have brought in revenue yield, spent and invested wisely, and still seen the deficit and the debt fall. That was the right approach. That anti-austerity position, which we took strongly to the Scottish people, was self-evidently supported by the majority of those who voted.

Mr Kevan Jones: Will the hon. Gentleman give way?

Stewart Hosie: In a moment.

If all the IFS and Treasury analyses do is project forward “Government Expenditure and Revenue Scotland” figures, they do not provide a meaningful description of the fiscal position in a fiscally autonomous Scotland. Whether Scotland’s budget deficit—or surplus—would be larger or smaller under full fiscal autonomy depends on a huge number of factors, not least the transition process that my hon. Friends referred to earlier; the negotiated fiscal framework between Scotland and the rest of the UK; Scotland’s contribution to UK-wide public services, such as defence, debt interest and international aid; the interaction with the UK macroeconomic framework; and, most importantly, the decisions made by the Scottish Government about borrowing, economic policy and public spending.

There would have to be agreement on the past contributions and tax receipts from Scottish taxpayers and corporates, and the shared liabilities that have accrued in terms of entitlements for individuals—for example, pensions that people have paid into through the national insurance system—to maintain the free movement of labour and an integrated single market. On liabilities, it is worth pointing out, in case anybody thinks I have forgotten about this, that we think there would have to be an adjustment to reflect UK-wide costs, such as the decommissioning costs in the North sea, because the UK Government have received the full benefit of all the tax revenue associated with that economic activity so far.

In short, the current economic situation is not a reason to say no to full fiscal autonomy; rather, it is vital, in tackling the deficit, to avoid further cuts by giving Scotland the economic levers that it needs to boost growth and increase revenues.

Ian Blackford: Does my hon. Friend agree that the key reason the UK deficit is sitting at close to £1.5 trillion is the failure to deliver sustainable economic growth over the past few years? The clear agenda behind our attempt to deliver fiscal autonomy to Scotland is that the Scottish Government are focused on innovation and skills, on driving investment into the Scottish economy, on driving productivity growth, on driving up tax receipts and on driving prosperity for the Scottish people. That is why we need these powers.

Stewart Hosie: That is absolutely right. Trend growth in the UK over decades has not been sufficient, and private sector investment and innovation have been lamentable. My hon. Friend is absolutely right that we need these powers for a reason.

Notwithstanding what has been said, it is important to remember that Scotland is a prosperous economy. It is about far more than oil, although to listen to some of our political opponents, one would think that that was all the Scottish economy consisted of.

Ian Murray: Will the hon. Gentleman enlighten the Committee about what level of economic growth he thinks Scotland would require to balance the budget?

Stewart Hosie: We need to get trend growth up and we need to operate within a framework that will see the deficit begin to come down. I do not remember the previous Labour Opposition ever coming up with a cast-iron figure—2.75%, 3%, 3.25%, 4% or 5%—for trend growth. No one would be so silly as to put a figure on it, when it is dependent on so many external criteria.

Our political opponents dismiss the Scottish economy, saying that it is all about oil. They seem to forget that in two of the past four years our deficit was smaller than that of the UK. In the past 34 years, tax revenue per person has been higher than in the UK. Indeed, in the last full year, including our geographic share of the North sea, it was more than £10,000 per head compared with £9,700 in the UK. Even without North sea oil, output per head is almost identical to the UK. We remain the third most prosperous and productive of the 12 so-called regions of the UK, and, including a geographic share of oil and gas, our output per head is higher than the UK average, even today.

Andrew Gwynne: I am listening carefully to the hon. Gentleman’s argument. It is clear that amendment 89, which is in his name and the names of his colleagues, would enable the Scottish Parliament, at some stage, to legislate to allow for those powers to be drawn down, either in part or whole. What timescale does he envisage for the Scottish Parliament to move to full fiscal autonomy, rather than, perhaps, partial fiscal autonomy? What does he envisage being the interim arrangements were it to draw down only some of those powers?

Stewart Hosie: I would like the Scottish Government to be in a position to draw down the powers as quickly as possible. Obviously, to draw them all down and use them would require transitional arrangements to be in place.

Mr Kevan Jones: Subsidies.

Stewart Hosie: I will come back to that in a moment.

It would require the tax system to be fully functioning and for there to be an agreed macroeconomic fiscal framework across the whole of the UK. That would require agreement between the Scottish Government and the UK Government—that is to say, there would be other people at the table who had to say yes to things—so it is not possible to put a hard and fast timetable on the powers. If, however, we can agree on full fiscal autonomy tonight, and the Scottish Government’s ability to draw down the powers at the right time, then with good will we can get agreement on the fiscal agreement and the overarching framework, and we can all get to work.

Ian Murray: The hon. Gentleman is being incredibly generous with his time. Will he tell the House why, if full fiscal autonomy is so good for the Scottish budget, he will not support new clause 3, tabled by the hon. Member for Gainsborough (Sir Edward Leigh)?

Stewart Hosie: I want maximum power for Scotland. I want it as quickly as possible. I am not like the British Labour party, which keeps saying no and, in the absence of no, says delay with yet another commission. If the hon. Member for Gainsborough (Sir Edward Leigh) presses new clause 3 to a vote, we will support it. Here is the thing: I hope the hon. Member for Edinburgh South (Ian Murray), who is grinning like a Cheshire cat, will now get to his feet and tell us whether he intends to back the Government tonight in opposing powers for Scotland. The silence is deafening.

Let me continue with more of the arguments our opponents deploy against full fiscal autonomy. When they argue against more powers they say that they would require further cuts, but that argument is completely flawed. It would suggest that the Scottish Government are protected from Westminster cuts at present, which simply is not true. Cuts in the previous Parliament actually took place at a time of rising North sea revenues.

Alberto Costa: I thank the hon. Gentleman for his generosity in giving way to me a second time. In the lead-up to the Scottish referendum, he very articulately and eloquently put all those points to the Scottish electorate, yet the Scottish electorate resoundingly rejected them. Had the referendum gone his way and there was a yes vote, he would have had to have been in a position today to set a timescale for everything he is arguing for.

Stewart Hosie: The hon. Gentleman is right about one thing: we did not win the referendum. There was, however, an election that we did win, so we are not bringing forward another mandate for independence; we are bringing forward provisions for full fiscal autonomy. I hear Tories pontificate right, left and centre about responsibility, but when it comes to full fiscal responsibility for Scotland, all of a sudden there is silence. They just sit on their hands and say no.

David Mundell: Why then did the SNP not table the new clause in the name of my hon. Friend the Member for Gainsborough (Sir Edward Leigh)? If the hon. Gentleman wants that full-blooded proposal, why did he leave it to the Tory Benches to propose what he claims is an SNP policy?

Stewart Hosie: I can almost hear Professor Adam Tomkins, the Tory adviser to this Tory Minister, coming up with that daft question. I say this to the Minister: our amendment 89 would deliver full fiscal autonomy in a way that makes sense.

Our opponents argue that full fiscal autonomy would lead to more cuts to the Scottish budget, which is ridiculous when one considers that between 2009-10 and 2013-14, at a time when the North sea was generating £32 billion in oil revenues, the Scottish Government's budget was cut by about 9%. According to the Institute for Fiscal Studies, prayed in aid by Tories and Labour alike, the cuts of more than 5% implied in 2016-17 and 2017-18—in this Parliament—will be twice the size of

any cuts over the last Parliament. The UK Budget showed that implied cumulative cuts to day-to-day spending on public services in Scotland over this Parliament could amount to £12 billion in real terms compared with 2014-15. In the absence of full fiscal autonomy, therefore, we are not protected from cuts. Rather, we suffer a double blow: continued austerity and an inability to grow the economy and increase tax yields in the way that Scotland requires.

Chris Philp (Croydon South) (Con): The hon. Gentleman mentioned that tax receipts in Scotland are on average 3% higher per head than in the rest of the UK. Public spending in Scotland, however, is more than 10% higher. The reason, of course, is the Barnett formula. Will he confirm that under his proposals the Barnett formula would be done away with, and will he explain where the extra money would be found? Would it be tax increases or spending cuts? If so, where from?

Stewart Hosie: It is extraordinary! UK debt is £1.5 trillion and the Government are borrowing £75 billion more this year than UK tax revenue would allow, and they have the audacity to question whether the Scottish Government, who have balanced the books every year, could do so in the future. If we have the right tools and levers, of course we can do the job. The hon. Gentleman's argument is fundamentally that there would be a cost to Scotland of full fiscal autonomy. As we have seen, our opponents tend to quote figures for this financial year, whereas we would only move to full fiscal autonomy over the medium term.

The second key issue, as the IFS has said on many occasions, is that our opponents fail to take account of the potential positive impact on Scotland's economy of full fiscal responsibility. The entire point of FFA is to empower our Parliament to take decisions for the benefit of Scotland's economy to deliver full tax and investment powers and to enable Holyrood to make better spending decisions.

Wayne David: This is an important point. The hon. Gentleman says he is in favour of moving towards fiscal autonomy, but only in the medium term. How long is the medium term?

Stewart Hosie: I support moving to full fiscal autonomy because, as the N-56 think-tank said, it produces an opportunity, not a threat. There was a time when there were 40 Scottish Labour MPs sitting behind the Opposition Front Bench shouting their heads off, but now there is barely a whimper, barely a squeak—not a cogent, credible argument from a party about to get into bed with the Tories to say no to Scotland.

5.45 pm

The N-56 report that said that full fiscal autonomy was an opportunity and not a threat. It also said that Scottish GDP could increase by 86% from a baseline of £153 billion in 2012 to £282 billion over 25 years, elevating Scotland to become one of the top five wealthiest countries in the world. *[Interruption.]* The four Labour Front Benchers are having a wee quiet giggle while SNP Members want Scotland to be one of the top five wealthiest countries in the world.

Geoffrey Clifton-Brown (The Cotswolds) (Con): The hon. Gentleman said that he will increase the deficit to spend to invest—where have I heard that phrase before?—but while Scotland is a member of the sterling area, would he expect the Bank of England to guarantee whatever sterling debt his party incurs?

Stewart Hosie: First things first: the central bank does not guarantee debt. It sets the base rate, but the gilts are issued by the UK Government. It would be UK debt, which is precisely why we need an agreed fiscal framework within which we operate. I would have thought that that is just common sense.

Mr Rees-Mogg: Will the hon. Gentleman give way?

Stewart Hosie: No. I have been very generous. I think I will stop being generous now.

In order to deliver full fiscal autonomy, amendment 89 would allow the Scottish Government to remove the reserved status of certain key areas, and allow that Government to have legislative competence over them. It would do so at an appropriate time, ensuring that the systems and the framework under which full fiscal autonomy would operate are fully in place.

We know we need full fiscal autonomy. We know how full fiscal autonomy will work. The Scottish people have voted for maximum powers, and we are here representing that view. Amendment 89 is the way forward to deliver the fairness, the justice and the economic levers that the Scottish Government need. I hope there will be huge support for it tonight. I commend the amendment to the Committee.

Mr Kevan Jones: It is a privilege to serve under your chairmanship, Sir David.

We have seen a remarkable event tonight—I never thought I would see such an event. The Scottish National party is having a love-in with the hon. Member for Gainsborough (Sir Edward Leigh) and the right hon. Member for Wokingham (John Redwood). Love does not come to mind very often when we think of the right hon. Gentleman, but tonight he is the darling of the SNP. The hon. Member for Dundee East (Stewart Hosie) has just lectured the Labour party about voting with the Conservatives. If he supports new clause 3, tabled by the hon. Member for Gainsborough, he will vote with them.

The hon. Member for Dundee East should cut the general election rhetoric and get down to the details. The debate is a serious one, as my hon. Friend the Member for Nottingham North (Mr Allen) has said. It is not just about Scotland, but about the devolution of powers and how we settle them for the rest of the United Kingdom. The hon. Member for Gainsborough put the SNP behind the eight ball. His is a clear proposal for moving to full fiscal autonomy or responsibility. I notice that the hon. Member for Dundee East changes things—he goes from “autonomy” to “responsibility” whenever he wants—but the hon. Member for Gainsborough is very clear that he is proposing full fiscal autonomy.

The argument being put forward is that that is what the Scottish people said at the general election. I do not accept that. In the referendum, the Scottish people said that they wanted to be part of the United Kingdom.

A responsibility of being part of the United Kingdom is that certain things will be done across the four nations of this great nation of ours.

It is difficult for Scottish National party Members. If something is said by Scottish nationalists, it has to be true, and no one dare ever say that something they are saying is not true. The hon. Member for Dundee East argues that amendment 89 is a movement to full fiscal autonomy or responsibility, but it is not. It would give the power to the Scottish Government to draw down those powers. Why is amendment 89 not framed as clearly as the proposal of the hon. Member for Gainsborough? His proposal would give the powers straight away, with the consequences for the Barnett formula and the support that that gives to the Scottish Government.

It is nothing new for the Scottish nationalists to want to have their cake and eat it, but many of my constituents—and, I am sure, those of other Members—will not accept an arrangement that would allow the Scottish Government to legislate for full fiscal autonomy for which they were expected to pay. That would be not only wrong, but totally unfair on the rest of the United Kingdom.

Dr Whitford: We await the granting, in 2016, of the powers that were recommended by the Calman commission in 2009. The devolution of small amounts of power will have taken seven years. It is not as if, having voted for full fiscal autonomy, we would get it next week—it is simply a matter of common sense that the process takes time—but we want it as quickly as possible. The delay following the Calman report happened here.

Mr Jones: What the hon. Lady has said is not unusual. It is part of the blame culture. Apparently, if things do not happen in Scotland, it is because wicked Westminster—meaning parliamentarians, among others—is somehow preventing them from happening. At the time of the independence referendum, the SNP stood on its platform arguing that Scotland could be a separate, independent nation in 18 months. What has changed?

Amendment 89 is rather mealy-mouthed. As I have said, the Scottish Government will draw down the powers when they want them. There will be what the hon. Member for Dundee East described as a transitional period, and we all know what that means. It means a period during which the Scottish Government could draw down powers that would enable them to make changes in Scotland, while retaining elements such as the Barnett formula. Well, I am sorry, but that will not happen—and the hon. Member for Dundee East, and the rest of the SNP, will blame big bad Westminster because it has prevented them, or the Scottish people, from being given those powers. The proposal from the hon. Member for Gainsborough is very simple. It means full fiscal autonomy along with all its consequences, rather than a “drip, drip, drip” process over a period during which the rest of the United Kingdom would be expected to fill any gap resulting from the Bill.

Andrew Gwynne: I suspect that my hon. Friend is right in his analysis of where amendment 89 would lead us. To be fair to the hon. Member for Dundee East (Stewart Hosie), he was very candid about the transitional arrangements that he envisaged, which would involve

the Westminster Government, the Scottish Government and, perhaps, others sitting around a table with the aim of agreeing on a framework for the drawing down of partial powers. But would we not expect the framework to be specified in the Bill, so that people in all four parts of the United Kingdom could be certain about what those transitional arrangements would be?

Mr Jones: I entirely agree. If we are to give the Scottish Government more powers over entire areas of taxation, including the raising of money that they will actually spend, we cannot do that twice. They cannot have the ability to raise revenue and, in addition, a top-up power allowing them to make some of the difficult decisions that they will have to make. The hon. Member for Dundee East seems to think that, overnight, Scotland will be turned into some beautiful paradise on a par with Switzerland—[HON. MEMBERS: “Hear, hear.”] I must say that, in terms of beauty, it already is.

George Kerevan: The SNP won the majority of the vote on 7 May on the basis of a clear commitment to go beyond the proposals of the Smith commission. What we are trying to decide now is how far beyond Smith we should go. The hon. Gentleman seems to be rejecting that, while not coming up with a positive argument about what we should be doing.

Mr Jones: I am not, actually. I agree with the hon. Gentleman. I doubt that most people were thinking about the Smith proposals when they voted. That is not the way in which the debate in Scotland has been portrayed over the last few years. Romanticism has taken over, obscuring the practical issues that will face the Scottish economy whether we like it or not.

The hon. Gentleman cannot have it both ways. He cannot argue that he wants Smith-plus without making clear what that means. As my hon. Friend the Member for Denton and Reddish (Andrew Gwynne) pointed out, what the hon. Member for Dundee East has proposed in his “trickle-down” amendment cannot be done in a vacuum by people who have no idea what the transitional framework is.

Whether we like it or not, the Scottish economy faces issues that have nothing to do with who is in either Holyrood or in this place. Those issues are an ageing population and the decline in the working population, which is expected to drop by 3% over the next 15 years in Scotland while rising by 5% in the rest of the United Kingdom. If that does happen, the tax base in Scotland will contract when it has full fiscal autonomy, and if there is no backdrop of Barnett money, or some other pool of money on which to draw, hard decisions will have to be made. When working people in Scotland wake up to the fact that what is being proposed is not Barnett plus full fiscal autonomy, but full fiscal autonomy or independence on its own without the existing safety net, and when they become aware of some of the tough decisions that the Scottish Government will have to start making, they may think differently about what is being recommended tonight by the Scottish nationalist party. [HON. MEMBERS: “Scottish National party.”] I am sorry. I am not known for my delicacy when it comes to not wanting to offend people, but the over-victimised mentality that some Members bring to the Chamber, and to this debate in particular, is irritating, to say the least.

Andrew Gwynne: My hon. Friend is making an important point. We must focus on the nature of the transitional arrangements that would lead to full fiscal autonomy, and I am none the wiser about what the SNP is proposing. Is it proposing a proportionate change in the Barnett formula, aligned with the amount of tax that they will draw down in their move to full fiscal autonomy?

Mr Jones: I agree with my hon. Friend that the position is not clear, but I think that the SNP wants to move to full fiscal autonomy while retaining the majority of Barnett, and I am afraid that that is not going to happen. Of course, when a United Kingdom Government say no to it, we will hear what we usually hear from the Scottish nationalists: wicked Westminster is preventing Scotland from getting what it needs. That is the nub of the problem. That, I think, is why the SNP has retreated from its 18-month target for full independence, and now wants a fudge that will get them through the next few years.

The real issue, for me, is this. I support the people of Scotland in their wish for more devolution, but I do not support a system that is not good for individual members of the Scottish public, and is also unfair on my constituents and others.

My hon. Friend the Member for Nottingham North raised the broader issue of whether we need to have a debate about devolution in this country. I think that we do. I do not take his dewy-eyed approach; I think that there are times when, in any type of organisation, responsibility must stop at a certain level. If we did not take that approach, we would be devolving power to something like a French commune, and creating a system of street-level decision-making. However, it could be argued that in a country such as ours, which has a very centralised system, there is a need for a movement towards the devolution of powers.

What we saw in the north-east in 2005 was a clear decision by the people that they did not want another tier of government when they rejected the regional assembly approach, and I have to say I think most places do not want more politicians. The Chancellor’s proposal is to devolve certain things to the north-east of England only if it has an elected mayor whose jurisdiction stretches from Berwick all the way down to the Tees. Again, that is looking at the structure of things, rather than asking people. The Conservative party machine in the north-east has gone into overdrive this weekend with Mr Jeremy Middleton, a failed Conservative parliamentary candidate who cannot get elected anywhere in the north-east under the Conservative banner, now leading 60 business leaders saying the north-east’s elected councillors and others need to sit up and listen to the Chancellor and get on with having an elected mayor for that huge region. Well, I am sorry but we in the region need to have a debate about how we devolve those powers and I gently say to business, “Do not be used by someone like Mr Jeremy Middleton who clearly has a political agenda of his own. Get involved and work with local councillor and others to determine and support the future.” [Interruption.] There is a cynical side to the Government’s approach to the devolution debate, which is—[Interruption.]

6 pm

The Temporary Chair (Sir David Amess): Order. A mobile phone is going off. I hope the hon. Member responsible will adjust it. I call Mr Graham Allen. [Interruption.] No, Mr Kevan Jones.

Mr Jones: I would not want to insult my hon. Friend the Member for Nottingham North in that way.

There is a cynical side to the Government's approach to devolution and it goes like this: "You devolve powers because you devolve responsibilities, but you don't devolve the funds to actually undertake them." The Government want to contract Whitehall but they are not going to devolve the money to the English regions; they are going to devolve the responsibilities and then say to the various local bodies concerned that they are responsible for the failure to deliver at the local level.

Andrew Gwynne: We are here today primarily to debate the Scotland Bill, which we support, but my hon. Friend is right to point out that it has far-reaching consequences for every part of the UK, including his constituency and, indeed, mine as the Government are proposing quite extensive devolution powers to Greater Manchester. Is that not precisely why we need to have a proper debate within the framework of the constitutional convention to decide what the English answer to the English question is, as well as deciding what this place is going to do on the UK-wide question?

Mr Jones: I agree, and we need to get away from the cynical approach of this Government who talk about devolution and about devolving decision-making but with no funds attached to that.

Ian Paisley: Getting back to the Scotland Bill, I agree with the thrust of what the hon. Gentleman is saying in that we should know what this costs. We have a proposal tonight to devolve all these fiscal powers, but we do not know what the cost will be for the ordinary Scot or indeed for the rest of us. When corporation tax powers were devolved to Northern Ireland, we were shown the bill of fare, and it is going to cost us £250 million a year to do that. What is it going to cost the ordinary Scot if there is devolution of all these fiscal powers?

Mr Jones: The hon. Gentleman raises an interesting point, which illustrates why the later amendment seeking to quantify the cost is needed. If we are going to take these decisions in the long-term interests of the Scottish economy and its people, they need to know that. I am a former trade union official and I never went into negotiations without knowing what the costs of the outcome would be. The problem with the Scottish Nationalists' proposals is that they do not know what the ultimate costs will be.

Amendment 58 in the name of the hon. Member for Moray (Angus Robertson) proposes that the phrase that the Scottish Parliament is recognised as

"a permanent part of the United Kingdom's constitution"

replace the current wording in clause 1, which states:

"A Scottish Parliament is recognised as a permanent part of the United Kingdom's constitutional arrangements."

We have a problem with that, as I tried to tease out in my interventions on the hon. Gentleman: what is the definition of the United Kingdom's constitution, because we do not have anything called that? If that amendment passes, there would be a feast day for lawyers in trying to identify what the constitution is. If we had a written constitution, the Scottish Parliament could be a permanent part of it, but we do not have a written constitution and I am at a loss to know how this would be interpreted as

things currently stand. The amendment has been tabled so it is in order, but I am not sure of its practicality and uses, and I am not sure that the hon. Gentleman understands how this would be interpreted and whether it will be left to a court to decide how the UK constitution is to be defined.

Patricia Gibson: Does the hon. Gentleman agree that the best time to raise any concerns and questions about costs and the definition of the word "constitution" would have been when Gordon Brown was going around Scotland making a vow about creating a powerhouse Parliament?

Mr Jones: I am not sure what the point of that intervention was. I am talking about an amendment proposed by the hon. Lady's party, and I think it is deficient. The onus is on the hon. Gentleman who moved it to explain to the Committee what its reference to the United Kingdom's constitution actually means. He clearly does not have a clue what that means, and the danger is that there could be a challenge and that would lead to lots of work for lawyers—and as Members know from me of old in this place, I am not one for feeding lawyers.

This Bill is a major move forward.

Andrew Gwynne: Will my hon. Friend give way?

Mr Jones: No, as I am about to finish.

My hon. Friend made the point about the rest of the United Kingdom and there is a need for that convention. If we do not get that, we will have this patchwork quilt of so-called devolution which will not be in the interests not only of all of our constituents but of the UK as a whole.

Mr Christopher Chope (Christchurch) (Con): The last two and a half hours have been fascinating, and show what this Chamber should be about. The Government and the Opposition Front Benches have come in with their own ideas and during the course of the debate it has become apparent that the new clause of my hon. Friend the Member for Gainsborough (Sir Edward Leigh) has captured the imagination of the Committee and has superseded amendment 89 proposed by the Scottish nationalist party, and I say to the hon. Member for Dundee East (Stewart Hosie)—[*Interruption.*] I say to the hon. Member for Dundee East that I think he has made a very wise decision in saying he is going to bring the full weight of his party in Parliament behind my hon. Friend's new clause. It is much clearer than his party's amendment. The hon. Gentleman should get credit for that. Governments and official Oppositions are often reluctant to change the line they have taken when faced with strong arguments against it.

In the course of this debate, my hon. Friend has shown that new clause 3 finds favour with a large number of Members across this Committee. I support it because it would do what is stated in the explanatory statement:

"entirely remove the remaining reservations over financial and economic matters, home affairs, trade and industry, energy, transport, social security, regulation of the professions, employment, health and medicines, media and culture and other miscellaneous matters. The consent of the Treasury would be needed for any changes in old age pensions which would affect the liabilities of the National Insurance Fund."

So, by giving full fiscal autonomy to the Scottish Parliament, we would also be giving it full fiscal responsibility. As my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), the former Chancellor of the Exchequer, said in an intervention, that is an important and worthwhile matter.

My constituents are worried about the mix and match approach, however. When I had the privilege of being a member of the Political and Constitutional Reform Committee, we took evidence in Scotland. One of the most telling pieces of evidence came from an academic—I cannot remember which university he came from—who said that shared responsibility would be a recipe for conflict. That has been the problem: for too long, we have been sharing these responsibilities between one part of the United Kingdom and another, with one part being played off against the other. That has meant that those wanting to promote a particular agenda have been given ammunition, because they have been able to argue that the sharing of the responsibility has been ill defined. It is almost invariably ill defined and open to interpretation. Indeed, some of the evidence we heard suggested that such disputes would ultimately have to be determined by the courts. It was suggested that the courts in the United Kingdom would determine what Parliament had decided on a particular split or shared responsibility. What a recipe for conflict and division!

The new clause tabled by my hon. Friend the Member for Gainsborough has great clarity and takes the debate forward by leapfrogging other proposals. Obviously it could not be implemented instantly, but it would not leave the matter of when to introduce full fiscal autonomy to the discretion of the Scottish Parliament, as amendment 89 proposes. Instead, new clause 3 would ensure that this Parliament would agree now on full fiscal autonomy for the Scottish Parliament. That would be a good way for this Parliament to say to the Scottish people that we respect their decision in the recent general election and that we respect the decision of their elected representatives, as enunciated by the hon. Member for Dundee East, to support this new clause.

I hope that new clause 3 will also find favour with the Secretary of State for Scotland, who I am delighted to see sitting on the Front Bench preparing to respond to the debate. He gave evidence to the Political and Constitutional Reform Committee on several occasions during the last Parliament. At that stage, only some members of the Committee—I included myself among the optimists—thought that it would not be long before he became a fully fledged Secretary of State for Scotland. It is wonderful that that has come to pass.

This is an important debate, not least because it will sort out the problem of the Barnett formula by effectively abolishing the need for it. The formula is very unpopular with my constituents because, whenever they argue for free prescriptions, free long-term care for the elderly or free university tuition, they are told that these things cannot be afforded in England, yet they somehow can be afforded in Scotland. At the same time, however, they point out that they are paying £1,600 a head to Scotland, so it cannot be a matter of those things being unaffordable in England; rather, it is something to do with the Barnett formula. The new clause would resolve that issue and help to bring the United Kingdom back together with less conflict than there would be if we allowed the “too little, too late” agenda to be perpetuated.

6.15 pm

It has been some time since I had the privilege of being an undergraduate at a Scottish university, but even then there were early stirrings of dissatisfaction among the Scottish people about the constitutional arrangements affecting them and the rest of the United Kingdom. Since then, this Parliament and the majority of my English colleagues have embarked on a process of continuous appeasement, which has not provided a satisfactory solution. My hon. Friend the Member for Gainsborough’s new clause gives us the opportunity to do away with all that little-by-little continuous appeasement, whereby we feel forced to do this or that. The new clause allows us to take the initiative and to give the Scottish people what they want. It also allows us to give them the responsibility that will go with that power. That is why I am an enthusiast for new clause 3.

Pete Wishart (Perth and North Perthshire) (SNP) *rose*—

Hon. Members: Hear, hear!

Pete Wishart: I thank you, Sir David, for calling me to speak, and I thank my Back-Bench colleagues. Have not we been blessed on this first Committee day of the Scotland Bill? We have had contributions from the hon. Member for Christchurch (Mr Chope), from the hon. Member for Nottingham North (Mr Allen)—who unfortunately is no longer in his place—and from the hon. Member for North Durham (Mr Jones). What have we done to deserve such good fortune today? We have all very much enjoyed their speeches. This just goes to show how different these debates are now. My hon. Friend the Member for Moray (Angus Robertson) and I are veterans of Committee debates on Scotland Bills, and we remember the braying, the aggressive shouting down and the interventions by 40 Scottish Labour Members of Parliament. They are no longer here. This is the salutary lesson of today’s Committee debate. We are now in the new Scotland, which has made certain critical decisions about how it wants to be governed and how it wants to progress with its constitutional agenda. The challenge for this Government, and for those on the Labour Front Bench, is to respond to that. They can ignore my hon. Friends who are sitting on these Benches in such great numbers—we represent 56 of the 59 seats in Scotland—and they can ignore the fact that the SNP secured more than 50% of the vote. They can pretend that we do not exist and hope that we go away, but we are going nowhere. We are going to be here on Committee days, demanding that the Scottish people secure what they voted for in overwhelming numbers.

I support my hon. Friend the Member for Moray in setting out the three key principles that we are advocating. The critical one—the one that we have to secure—is that the Scottish people get what they voted for and what they expect from this House, which is to have the Smith commission proposals delivered in full, alongside everything that was promised to the Scottish people in what Gordon Brown, the former right hon. Member for Kirkcaldy and Cowdenbeath, called the “vow plus”, including federalism and home rule.

Mr MacNeil: My hon. Friend mentions the vow plus and the promises made to the Scottish people. In reality, these powers are wanted not only by the yes voters but

[Mr MacNeil]

by the no voters as well. The fact is that 100% of the people of Scotland voted for these powers. Whether they voted yes or no, they voted for this.

Pete Wishart: My hon. Friend always gets right to the heart of the matter. We know that everything in this Bill that we have been trying to secure is supported by the Scottish people. It is also supported by the massed ranks of SNP Members here, and by the 60% of the Scottish people who want everything devolved to the Scottish Parliament other than foreign affairs, defence and treason. The hon. Member for Gainsborough (Sir Edward Leigh) forgot to mention treason in his list of powers that would remain reserved. An opinion poll last week showed not only that we won more than 50% of the vote but that we are now on course to win 60% of the Holyrood vote next year. It showed that there is a clear desire to ensure that we move forward progressively.

I shall turn to the central issues in the Bill, starting with the permanence of the Scottish Parliament. That was about the most useful thing to emerge from the Smith commission's report. It followed the vow that was reported in the *Daily Record* as stating that the permanence of the Parliament should be a predominant issue. We were disappointed that the draft Scotland Bill could not find an appropriate form of words to encapsulate that proposal. The thing that has struck me is the Scottish people's surprise that this House could actually do away with the Scottish Parliament. I do not think that people really believed that that was the case. We have to resolve this issue.

The Scottish Parliament is now the key focus of the national debate on our nation and our political culture in Scotland. As we have continued to secure more and new powers for the Scottish Parliament, it has become an intrinsic feature of what we are about as a nation. The fact that this House can simply decide, perhaps on a whim, to abolish the Scottish Parliament is totally unacceptable to the Scottish people and has now to be put right. We have this one opportunity to address it by getting our amendment through this evening—we could sort this out.

I pay tribute to the right hon. Member for Orkney and Shetland (Mr Carmichael) because he recognised that situation when he was Secretary of State for Scotland. He said—I paraphrase him and I will let him intervene if I have this wrong—that something must be done about it. It was then thrown over to the new Secretary of State to pick up; it now falls in his lap, and he has to address it and ensure that we get what we want, which is the permanence—

Mr Alistair Carmichael: Does the hon. Gentleman accept, however, that by doing this through primary legislation any solution—any form of words—is always going to be imperfect, and that the only way we will genuinely recognise the political reality that is the permanence of the Scottish Parliament is through a written constitution and for that we need a constitutional convention?

Pete Wishart: There is very little I would disagree with the right hon. Gentleman about on about these things, and I agree that there is a real requirement for a

written constitution in this country. But let me suggest another way we can get the permanence for the Scottish Parliament, as set out in our amendment 59: by putting this to the Scottish people in a referendum. The only way then that the Scottish Parliament would ever be abolished or done away with would be on the say-so of the Scottish people, as a directly expressed desire through a referendum. I hope the right hon. Gentleman supports us in that amendment this evening, because it is the way to go forward.

That deals with the permanence issue. We have not heard much about another matter, despite several of my friends from south of the border having spoken in this debate. I refer to new clause 2 on the constitutional convention, which I believe the hon. Member for Edinburgh South (Ian Murray) is still to speak to. That has been a long-standing policy of the Labour party and it was central to its manifesto at the last election—I have say to say that Labour did not have a great deal of success when it was put to the people of England. My problem with this idea that Scottish devolution and our constitutional journey should be mashed together with a UK-wide look at the constitution is that it would slow down our very clear progress and our clear statement of where we want to go. The cause of English devolution moves at an almost glacial pace, and any suggestion that we have to be slowed down, as England rightly works out what it wants to do, has to be rejected this evening. Just piggy-backing Labour's concerns about a constitutional convention and about English devolution on to a Bill about Scotland, and the things we were promised in the vow and that were progressed with the Smith commission is totally unacceptable. I say to the Labour party: do the work yourselves. There is no need to bring it to a Scotland Bill in order to progress this agenda. Bring in your own piece of legislation. Bring it in however you like and we will play a part in that. There are interesting things to be discussed on the further progress of constitutional change all over the UK.

Stewart McDonald: One phrase used earlier by a Labour Member was that this Bill is the property of the Union. Is not part of the problem that this is viewed through the prism of the Union? What is needed is a radical vision, which was once the territory of the Labour party but which we are now offering tonight.

Pete Wishart: My hon. Friend is, again, spot on. We always seem to get here in Scotland Bills: there is a debate in Scotland where we think we have managed to reach some sort of agreement about a way forward, but when it comes to this House all of a sudden we get caught up in “English votes for English laws” and with English devolution. Those are important things that have to be debated, but somehow they find their way into a debate we are having in Scotland about what we think we are entitled to and what the Scottish people have decided they want by sending so many of my hon. Friends here.

Ian Paisley: I have some sympathy with what the hon. Gentleman is saying but surely he accepts that this is a debate for all of the peoples of all of the United Kingdom and that all these issues counterbalance each other? That is why these other issues get brought into the debate. Surely the hon. Gentleman recognises that—have some generosity on that point.

Pete Wishart: I am not disagreeing with the hon. Gentleman; he probably heard me say that these issues are important and have to be looked at and considered, because they are the things that make all the rest of it work. What we are debating tonight is a Scotland Bill that is the end part of a proposal by the former Prime Minister, the previous leader of the Labour party, the previous leader of the Liberal Democrats and the leader of the Conservatives—it was promised in the vow.

Ian Paisley *rose*—

Pete Wishart: I am not going to give way again, because I know a lot of people want to get in and I want to make some progress. These issues are all important, but tonight is Scotland Bill night and these are the sorts of things we are considering.

Unfortunately, the hon. Member for Nottingham North is not in his place—*[Interruption.]* He is here—well, perhaps he wants to take his place. We are always very grateful for the concise way in which he puts his wide range of views. He is always interesting to listen to and is always innovative and creative. Again, we give him a lot of congratulation on the way he so rapidly went through his constitutional tour de force. The hon. Gentleman talked about his new clause 8, and I was particularly attracted when he invited the Scottish Parliament to take a proportional share of Members of the House of Lords as part of his long-term constitutional reform. With a deal of candour may I say to him that the House of Lords is perhaps the most absurd, ridiculous legislature in the world? It is bloated beyond redemption and the last thing that place needs is more Members. What it needs is total abolition, and that cannot come soon enough.

The hon. Member for Gainsborough has put forward his helpful new clause 3. As the hon. Member for Christchurch rightly identified, it has got quite a bit of attention, and not only today—we have done nothing other than debate this for the past few weeks and months. If we swapped the three words “full fiscal autonomy” with the word “independence”, we would see that we have been having this debate for the past four, eight, 15 or 20 years. The same themes seem to be revisited when we talk about full fiscal autonomy or independence, and it is the same adversaries: the Scottish National party, and the old amigos of Labour and Conservatives getting together to tell us once again how we are too poor, too wee, too unimaginative, not just to have independence, but to run ourselves fiscally within the United Kingdom. What next? Where do we go to? Can we not run local authorities properly without being too wee, too poor or too unimaginative? *[Interruption.]* I see that the hon. Member for Edinburgh South does not want to intervene but I give way to the hon. Member for Gainsborough.

Sir Edward Leigh: I am not saying that.

Pete Wishart: Sorry, I was expecting a bit more of a substantial contribution from the hon. Gentleman, and I am almost disappointed we did not get some more fulsome prose from him. I thought he made quite a good case for his new clause, but I say ever so gently to him that we favour our amendment, because it is the way we should be doing this. It seeks to give time for the Scottish Parliament to progress towards full fiscal autonomy. If we suppose Government Members are right that

there is this huge deficit that we keep hearing about again and again, surely they should be working with us, through a fiscal framework, to work towards full fiscal autonomy. Surely what should happen is a process that starts by giving us the important early new powers—powers over the minimum wage, national insurance contributions and welfare. There is a process of moving towards this. If they are right about that, what is wrong with working with us to try to achieve and secure it? Surely that is how we should be doing this. As I have said, the themes are the same; oil and gas is a burden and a curse with independence, as it is with full fiscal autonomy. It is as though they have learned absolutely nothing, because these were the very themes put to the Scottish people during the general election campaign. I am not trying to speak for the Scottish people, but on the doorstep I was hearing that there is a tiredness and a deep despondency among the Scottish people at being told that they cannot do something, that they are in such a diminished position that we cannot take responsibility. That argument does not work any more. We have been through a process of national self-definition, of finding ourselves and of ensuring that we try to do something different.

Mr MacNeil: That despondency and disbelief among the Scottish people becomes even stronger when we look at those islands close to Scotland. The Faroe Islands, for example, have 50,000 people and full control of their taxes. The Isle of Man has 80,000 people and full control of its taxes. Scotland, which is the size of Denmark, cannot have full control of its taxes, because the Government say so. That time is now over.

Pete Wishart: I am grateful to my hon. Friend for his intervention. He is a great champion and passionate advocate of the island nations. This evening, we invite this House to support us in the next stage of Scotland’s constitutional journey, which is about securing more powers, making our Parliament permanent, and granting full fiscal autonomy to our nation so that decisions about how we run our country are made in Scotland by the elected Members who represent the people of Scotland. Tonight, I invite the House to support us in that effort.

6.30 pm

Tommy Sheppard (Edinburgh East) (SNP): We are talking here about the government of Scotland, so I hope it is not contentious to say that what should be uppermost in all our minds are the views of the people who live there. I am very much in favour of evidence-based policy, by which I mean that we should try to make things right according to the facts of the situation. We are in a fortunate position in this debate because we do not have to guess what the people of Scotland think, as they have been consulted quite extensively over the past year.

We are having this debate today because of the referendum that took place on 18 September, when the people of Scotland voted on whether they wanted to be an independent country. They decided by 55% to 45% that they did not want to be an independent country and leave the United Kingdom, and I respect that result and that opinion. But no one can deny that one thing that swung that vote in favour of the no campaign was the intervention by the leaders of all

[Tommy Sheppard]

three Unionist parties who promised substantial new powers for Scotland should it decide to stay within the United Kingdom. The vow that was published and signed in *The Daily Record* and promoted the length and breadth of the country was definitely a major factor on which the outcome of that result depended.

The response was to set up the Smith commission, and Lord Smith has now reported and given his view. We took part in that commission and we signed up to it, but we made it very clear that the Smith commission is a floor, not a ceiling, on the ambition of Scotland for additional powers. We made that clear from the word go. We argued for that in the run-up to the election. There was a raging debate during the election campaign about whether the Smith commission was an adequate response to the wishes expressed by the people of Scotland in the referendum. We said that it was not, but that it was a start and that we needed to go further to satisfy the aspirations and hopes that were given to us by the Prime Minister, Gordon Brown and others who said that we would get substantial new powers. They said that we would have home rule and that it would be as near to federalism as possible. That is what the people of Scotland were promised, and the Smith commission does not add up to that. We took that argument and put it before the Scottish people in a general election, and we asked them to say whether they agreed with our analysis that we should go beyond the current Smith commission. What happened? They voted for us. They voted for us not just by a little bit but by a lot. More than 50% of the people who turned out at that election voted for members of the Scottish National party—I ask Members to try to get the name of our party right.

The question now is: does the Bill before us respond to what happened at the general election. I must say—the Secretary of State can correct me if I am wrong—that the Bill looks as though it was drafted before the election; its clauses are very similar to those that were published in January. The speed with which the Bill was published makes me think that there has been very little reflection over what happened at the election, and over the views of the Scottish people. Very little has been included in the Bill in response to those things.

I ask the Secretary of State and the Government to consider making changes to the Bill so that it reflects the views of the people of Scotland, delivers the promises of the Smith commission and, where possible, goes beyond the commission to do things on which Smith is silent—I am talking about the administrative changes that the third sector and specialist organisations in Scotland are asking for and that could easily be granted—and responds to our argument for granting substantial new powers that would be tantamount to the vow that was made.

One thing the Secretary of State could do quite easily is say, “We will accept the amendments about the permanence of the Scottish Parliament, albeit within our flawed and unwritten constitution.” The Government could make a statement that “This Chamber agrees that the Scottish Parliament will never ever be taken away without a referendum of the people who live in Scotland.” It would cost the Government nothing to accede to that amendment, so why do they not do it? They would be demonstrating some respect towards the people who have sent us to this Chamber to argue these points.

Let me turn now to the issue of full financial autonomy. Last week, I was in the strange position of finding myself misquoted by the Prime Minister, the Secretary of State, shadow Ministers and—just to complete the pack—the leader of the Scottish Liberal Democrats in the Scottish Parliament. I did not know whether to feel victimised or honoured. I am delighted, both in recent press articles and in this Chamber today, to be able to put the record straight. I am absolutely committed to the idea that the Scottish Government should be responsible for raising the revenues that they spend. To be honest, that should be a non-contentious point. In any structure in the world where there is a federal relationship and a federal-type Government, or even a devolved Assembly, those arrangements are commonplace. I have yet to hear the argument against that view.

Ian Paisley: I thank the hon. Gentleman for giving way. Indeed, he is my hon. Friend, as he is both a canny Ulster man and a County Antrim man. Of course he will know in his heart—the heart of a County Antrim man—that before a person can say that they want to spend money on something, they should know the price. Does he agree that, before we vote on his party’s amendments tonight, it is important that we know the price, especially for corporation tax? What will it mean for the ordinary Scot?

Tommy Sheppard: I am a Derry man as it happens. If the hon. Gentleman wants to make a point of such substance, perhaps he should indicate to the Chair and take part in the debate. What we are talking about is a matter of political principle. It is about the direction in which we want to go forward. It is entirely possible, with good will, to put in place proper fiscal arrangements.

I wish to turn to the amendment of the hon. Member for Gainsborough (Sir Edward Leigh). I have not been in this job long—

Ian Murray rose—

Tommy Sheppard: May I deal with this point, and then take an intervention? I have not been in this job long, but I am surprised—I expect I will be surprised by various things over the next five years—to find such a passionate and eloquent exposition from the Conservative Back Benches of a position with which I agree. I suspect that there is little else on which the hon. Gentleman and I would agree. On this point, he makes his case very well. However, I wonder whether there is an element of mischief at the back of his mind. Perhaps he believed the propaganda from his own Front Bench several weeks ago that we were weakening in our commitment to full financial autonomy, and he thought that he might embarrass us in this debate today. I must reassure him that we are not lukewarm and our commitment is not weakening. In fact, we like the idea so much we have brought our own amendment before the Committee. I am intrigued at the suggestion that all we need to do is vote for it—

Sir Edward Leigh: I am completely sincere. I believe that the case for full fiscal autonomy is unanswerable in logic.

Tommy Sheppard: I am pleased to hear it. I therefore expect the hon. Gentleman to vote for our amendment later.

Sir Edward Leigh: Vote for mine.

Tommy Sheppard: Why do we not do a deal? I will try to ensure that all my colleagues vote for the hon. Gentleman's amendment, if he makes sure that all of his party do as well. Perhaps we can have it sewn up by 10 o'clock this evening. The strange thing about this debate so far—

Sir Edward Leigh: This is very important. The hon. Member for Dundee East (Stewart Hosie) made an absolute commitment that he would vote for my new clause. I will press it to a Division and at 10 o'clock I expect to see the hon. Member for Edinburgh East (Tommy Sheppard) in the Lobby.

Tommy Sheppard: If the new clause is moved, the hon. Gentleman will see me there, for sure. I hope that I will see him in the Lobby to vote on our amendment.

The interesting thing about the debate so far is that the case has not been made against full fiscal—

Ian Murray *rose*—

Tommy Sheppard: Is this perhaps on the subject of the hon. Gentleman's misrepresentation of my views?

Ian Murray: I am grateful to the hon. Gentleman, who has just confirmed that he will walk through the Lobby with the hon. Member for Gainsborough (Sir Edward Leigh). He said on the radio—I was on with him—that the delivery of full fiscal autonomy for Scotland would be utterly devastating. Does he stand by those comments?

Tommy Sheppard: The hon. Gentleman must apologise for misquoting me. I said—*[Interruption.]* Yes, I have the transcript as well as the hon. Gentleman. I said in the context of a debate that if this was done wrongly it would be possible to get it wrong. To my mind, that is a tautology: if we do not do something right, we get it wrong. The hon. Gentleman then decided that that somehow meant that I was against the whole principle of full financial autonomy and took to the Twittersphere to promote that. It does not, I am not and the fact that he had to do that shows the paucity of the arguments against our proposals.

We have yet to hear the argument against full financial autonomy for the Scottish Government, and I hope that we shall before the debate concludes. We have heard talk of a black hole, which other people will regard as a deficit when in fact it something that pertains to all economies at this point in time. We have heard that a policy of principle should be based on a snapshot from one point of time in an academic survey of what might happen in a year that will not even be covered by the process. That has somehow been extrapolated into an argument of principle against the proposal. It is not. If it was, would that mean that if there was not a deficit but a surplus in the Scottish budget, as there has been on many occasions, the policy would be flipped again and autonomy would suddenly become okay? We need to hear the arguments of principle against the proposal.

The difference between us is that, although there is a deficit in the Scottish budget, the SNP believes that it is possible for Scotland to prosper if it has control of its

own resources, if it can manage its own economy, if it can grow its own revenue base and if it can steward its own budgets properly. Full financial autonomy would mean that the people of Scotland could get the benefits of that economic growth. That seems a laudable objective.

Mr Kenneth Clarke *rose*—

Tommy Sheppard: I am sorry, but I am just coming to the end of my speech.

My hon. Friend the Member for Dundee East (Stewart Hosie) has given some clear examples of how economic powers could be deployed. If Members, many of whom are on the Labour Benches although some might be on the Government Benches, are against that in principle, they need to tell us. If they are against it just because of the economics that might pertain to it, it is entirely possible to make an argument about equalisation measures and other mechanisms that could be introduced if we wanted it to happen. They need to tell us why on principle they do not want it to happen. I hope that we will hear that before the night is out, but in the meantime I commend the amendments to the Committee.

Ian Murray: May I personally congratulate the hon. Member for Edinburgh East (Tommy Sheppard) on his stunning victory at the general election? I miss my colleague, Sheila Gilmore, whom I wish well, but I congratulate him.

It is a great pleasure to speak in support of our amendments. I could not help noticing that Lionel Richie was in the Gallery earlier, and I hope he enjoyed the first part of our debate as much as we enjoy his music. These days in Committee are important in ensuring that the Smith agreement is delivered in full in both spirit and substance, as we said consistently on Second Reading. It is also essential to ensure that we go further than the Smith agreement, as Labour has said time after time, and we have set out a number of clear improvements.

Scotland has had an in-depth and passionate debate about its future and concluded that a fair and more prosperous Scotland is best delivered by shared tax and spending across the UK, with Scotland taking more control over the levels of tax and spending alongside greater accountability. I agree with the hon. Member for Perth and North Perthshire (Pete Wishart) that if anyone is under any illusion that the centre of political gravity in Scotland is not at Holyrood, they have not grasped the modern political landscape in Scotland. That is why the clauses and amendments recognise the Scottish Parliament as the seat of political power and the catalyst for change in Scotland. Our amendments attempt to deliver that change. This is a great responsibility on us all, but in the end it is much more important that we debate how powers are used than where they lie. We have tried to tease out some of those issues in interventions today, but without much success.

6.45 pm

Clause 1 conveys the permanency of the Scottish Parliament as an institution. We agree that that is a critical part of ensuring its permanence as an integral part of Scottish life, but our amendments would improve the Bill beyond the proposals of the Smith commission. As I said last week on Second Reading, this Bill is the latest staging post in a long and sometimes arduous, but always exciting, devolution journey. As a passionate

believer in the principle of devolution in delivering a strong and vibrant Scottish Parliament, I hope that this staging post delivers the most powerful devolved Parliament in the world.

Our journey began with the Scotland Act 1998, drafted and delivered by a Labour Government and crowned by Donald Dewar's now infamous pronouncement:

“There shall be a Scottish Parliament.”

Further steps that we have taken along our devolution journey have served only to enhance the Scottish Parliament's potential. The Calman commission on further devolution, the recommendations of which were codified in the Scotland Act 2012, transferred further powers and placed the Parliament on a firmer footing. Then came last year's referendum, in which the people of Scotland voted decisively to remain part of the United Kingdom.

Mr MacNeil: At the time of the referendum, the yes side included full fiscal autonomy in its proposals. After the vow, the no side also included full fiscal autonomy. What has changed since the referendum that has made the no side resile from that? The vow was as near to federalism as possible, and it would have included full fiscal autonomy. Why does the hon. Gentleman now want to leave those powers in the hands of the Tories at Westminster rather than with the Parliament of the Scots in Edinburgh?

Ian Murray: There is a very simple answer to that question. We all want what is best for Scotland. The latter part of my speech sets out how full fiscal autonomy would be bad for Scotland according to all the information we have. We can either have a sensible debate in this Chamber about our fundamental principles on people's lives and livelihoods in Scotland, or we can have a political knockabout on who will vote with who, who prefers who and who said what to whom during the referendum debate. The Bill is critical to future livelihoods in Scotland, and if all we can get from those on the SNP Benches is simple party point scoring we will get no further forward in improving the Bill.

To answer the question asked by the hon. Member for Na h-Eileanan an Iar (Mr MacNeil), we are here today because the vow put together the Smith agreement. The five political parties, including the SNP, which was represented on the commission, have come forward with proposals that are now in the Bill. Labour wants to take the Bill a little further. I keep emphasising that and I emphasised it consistently on Second Reading.

Ian Blackford *rose*—

Ian Murray: I am going to make a little progress, but I will come back to the hon. Gentleman if he wants to intervene a little later.

As Labour said at the time of the referendum, and as we have said many times since, the no vote was not a vote for no change. Labour played an active part in the Smith commission, the recommendations of which bring us to where we stand today, considering the Bill. It was a compromise position and with all good compromises there will be some gains and some losses. I hope and believe that the Bill will strike the right balance, affording the Scottish Parliament the power to make a real difference to people's lives while ensuring that Scotland remains part of and secure in the United Kingdom.

Mr MacNeil: Will the hon. Gentleman give way?

Ian Murray: I will give way to the hon. Member for Ross, Skye and Lochaber (Ian Blackford), who got in before the hon. Member for Na h-Eileanan an Iar.

Ian Blackford: Will the hon. Gentleman not accept that the Scottish people voted overwhelmingly for the Scottish National party in the general election on 7 May? Fifty-six Members of Parliament were sent to this Chamber with the express view of the Scottish people that we want home rule—the home rule that Gordon Brown talked about before the referendum. Why does the hon. Gentleman not accept that Labour lost the general election in Scotland because it was out of tune with the Scottish people? It is about time it started to listen to what the people of Scotland want and to deliver it.

Ian Murray: It seems to me that the SNP, in its fantastic victory, on which I have congratulated and complimented its Members on a number of occasions from this Dispatch Box, does not want any scrutiny at all. Just because the SNP has made a proposal for full fiscal autonomy does not mean that we should not scrutinise that proposal. In fact, if it was not for the hon. Member for Gainsborough (Sir Edward Leigh), we probably would not even be discussing full fiscal autonomy today. He forced the hand of the Scottish National party so that it brought forward its manifesto commitment, which it was rowing back on incredibly quickly.

Stewart Hosie: Will the hon. Gentleman give way?

Ian Murray: Let me make a little progress and then I will give way, as the hon. Gentleman was generous in giving way to me.

In the past couple of years it has become increasingly apparent that devolution is a matter not just for Scotland, Wales and Northern Ireland, but for England and the United Kingdom as a whole. The Labour movement has always been an engine of reform and the party of devolution. People want to see power devolved and exercised at local level, affording greater decision making and enhanced accountability.

Patricia Gibson: Will the hon. Gentleman give way?

Ian Murray: I will give way, but let me make a little progress first as people want to speak on other amendments.

If those ambitions are to be realised, we need to depart from the divisive rhetoric employed during the general election campaign, which set Scots against the English and against one another and risks tearing the UK apart at the seams. Labour believes in the historic Union of the UK nations working together for the common good. However, it is clear that the Union now needs to evolve, and that evolution means dispersing power from the centre, from Whitehall and from this Parliament. With devolution to Scotland, Wales and Northern Ireland continuing apace, this evolutionary process is in danger of becoming lopsided.

That is why, had Labour won in May, we would immediately have started to devolve power away from Whitehall not just to Scotland, Wales and Northern Ireland, but to the regions and localities across the

United Kingdom. That is because we recognise that regions can and must be given more of a voice in our political process, and that we must find new ways to give further voice to regional and national culture and identity, and crucially without the strings that this Government have attached.

Stewart McDonald: I am grateful to the hon. Gentleman for giving way and I apologise to my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) for intervening first. The hon. Gentleman makes an important point about taking power out of the hands of this place and of the Scottish Parliament and giving it to local communities. Others on the Labour Benches have made the same point. Why then did Labour-controlled Glasgow city council continue to act as a roadblock against our legislation in the Scottish Parliament? I see him rolling his eyes and chuntering to his mate beside him. Why is Labour against our Bill in the Scottish Parliament to give power to local communities through the Scottish Parliament? Why is Labour such a roadblock in Glasgow?

Ian Murray: I am not sure of the entire detail of the proposal that the hon. Gentleman refers to, but there is a general consensus across Scotland that the Scottish Parliament has been one of the most centralist Parliaments in the world by grappling power away from local government. What we are trying to do as part of this Bill, which I think is a major positive, and I hope the Government—

Stewart Hosie: Will the hon. Gentleman give way?

Ian Murray: Will the hon. Gentleman allow me to answer the previous intervention first? He is a seasoned professional in this Chamber, so he should allow me to get at least halfway through the response to his hon. Friend's intervention.

One of the key questions—I hope the Secretary of State and those on the Treasury Bench look at some of these principles in the context of the Bill—is whether those principles go further towards double devolution. There is no point in sending powers from one Parliament to another. [HON. MEMBERS: “Give way!”] Those powers also have to be spread across Scotland from Holyrood to local authorities. Without that process, hon. Members cannot take power closer to the people they seek to represent.

I will give way to the hon. Member for Dundee East (Stewart Hosie) and then to the hon. Member for North Ayrshire and Arran (Patricia Gibson). [Interruption.] The hon. Lady can blame her boss if she likes; he wants to come in first.

Stewart Hosie: The hon. Gentleman suggested about 10 minutes ago that the Scottish National party was not going to table an amendment to deliver full fiscal autonomy, and he suggested that it happened only because of the amendment tabled by the hon. Member for Gainsborough (Sir Edward Leigh). That is completely false. Amendment 89 is on the amendment paper to deliver full fiscal autonomy. Will the hon. Gentleman withdraw that daft allegation from the Labour Front Bench and, more importantly, confirm that Labour Members intend to go through the Lobby with members of the Tory Front-Bench team to stop power coming to Scotland?

Ian Murray: It is wonderful. We are now being accused of voting not with the Tories, but with the Tory Front Bench, while SNP Members troop through the Lobby with the most right-wing Conservatives. It is incredible. The hon. Gentleman is not listening to the answer, although he insisted on the intervention. If he was so keen on full fiscal autonomy before he tabled amendment 89, he could have just signed new clause 3, tabled by the hon. Member for Gainsborough.

Sir Edward Leigh: My amendment gives what SNP Members say they want straight away, whereas their amendment is a bit of a fudge and slightly kicks the matter into the long grass. It is a bit like St Augustine saying, “Let me stop sinning, but not quite yet.”

Ian Murray: The SNP position can be summed up with the words, “What do we want? Full fiscal autonomy. When do we want it? We're not quite sure.”

Patricia Gibson: Does the hon. Gentleman agree that the powers proposed in the Smith commission report and in the Bill are utterly inadequate? By way of illustration, the powers of the Scottish Parliament are so feeble that it cannot even ban parking on pavements, such is its lack of teeth. Further, does the hon. Gentleman agree that all power should be devolved to Scotland unless there is a compelling reason to reserve that power at Westminster?

Ian Murray: The hon. Lady is right: there is a deficiency in respect of parking on pavements and all hon. Members have been lobbied about trying to change that in the Bill. We will table amendments, which she is welcome to sign.

Patricia Gibson *rose*—

Ian Murray: Let me give this commitment: if the hon. Lady brings forward an amendment on parking on pavements, we will sign it.

Let me explain why we tabled new clause 2 in terms of the constitutional convention and the practical steps we need to take so that, where appropriate and desirable, decisions are taken as close to communities as possible. Our new clause proposes that members of the constitutional convention must include members of the public, which is the key part of any constitutional convention, elected representatives across all levels of government, including this place and local government, representatives of civic society organisations and, in an advisory role, academia. What we cannot have is a Prime Minister and Government cooking up a devolution settlement in a back room of the Cabinet Office without proper recourse to the public. As I said on Second Reading, the Prime Minister's cack-handed approach to the way he dealt with the post-Scottish referendum landscape has in itself threatened the very viability of the UK that Scots voted to maintain.

Let us have a wide-ranging discussion on the constitutional settlement of the whole of the UK. The review undertaken and the recommendations by the constitutional committee would include, but not be restricted to, matters that we have already discussed today—the role and voting rights of Members in this Chamber, democratic reform of the House of Lords, further sub-national devolution to England, Wales,

[*Ian Murray*]

Northern Ireland and Scotland, votes at 16 and codification of the constitution, the absence of a proper written constitution being one of the problems we have when discussing the Bill.

Our amendment 37 and 38 are very similar in substance to those tabled by the right hon. Member for Orkney and Shetland (Mr Carmichael). The opening lines of the vow declared that

“The Scottish parliament is permanent and extensive new powers of the Parliament will be delivered”.

Equally, the Smith commission agreement said that

“UK legislation will state that the Scottish Parliament and the Scottish Government are permanent institutions”.

As I have said, the centre of political power in Scotland is the Scottish Parliament. It has powers over most things that affect the day-to-day lives of most Scots, but as things stand and as was noted by the Political and Constitutional Reform Committee, the Scotland Act 1998 stated:

“There shall be a Scottish Parliament”,

but did not provide that it be permanent, nor does it set out any special procedures or grounds on which it could be dissolved. Would there be a simple repeal of the Scotland Act 1998?

There has been agreement among legal experts that the clause could be made clearer, more concise and more in keeping with the overall spirit and tenor of the Smith recommendations. For example, the Law Society of Scotland—I thank it and particularly Michael Clancy for all his advice on the legalities of these clauses—stated:

“The phrasing in the draft clause does not literally implement the terms of Paragraph 21 of the Smith Report. The use of the phrase ‘recognised as’ permanent has a different nuance from a statement that the Scottish Parliament and the Scottish Government are permanent institutions.”

Patrick Grady (Glasgow North) (SNP): Given that the Scottish Parliament, at the insistence of the Labour party, was founded through the process of a referendum, will the hon. Gentleman support our clause to ensure that it cannot be abolished without a referendum?

Ian Murray: I am delighted that the hon. Gentleman has raised that point. That is exactly what our amendment does as well. We are very happy for SNP Members to sign our amendment, given that ours were tabled before theirs. We agree on this; there is no division on this. We need a robust devolution architecture. That means making sure that the legal restrictions in the Bill are removed so that we have a permanent Scottish Parliament in statute as well as in spirit.

Amendment 37 would alter clause 1 by exchanging the indefinite article for the definite article in reference to the Scottish Parliament. There is only one Scottish Parliament, after all, so there is no need for a double reference. Amendment 38 would add to clause 1 the stipulation that the Scottish Parliament and the Act on which it is predicated can be abrogated only with the consent of the Scottish people given effect by an Act of the Scottish Parliament. That is the referendum section of our amendment. I believe that amounts to what is known in constitutional law as contingent entrenchment. Given the limited time available, I will not go through the other issues relating to contingent entrenchment, but I am sure that the Secretary of State realises the

desire of all three opposition parties to strengthen clause 1 and include a referendum requirement so that permanency is determined by the Scottish people. Amendments 58 and 59 make similar proposals.

7 pm

Let me touch on some of the other amendments we have debated in this group. My hon. Friend the Member for Nottingham North (Mr Allen), who brings great knowledge to constitutional debates, promoted his amendment expertly, as he always does. We have also considered new clause 3, tabled by the hon. Member for Gainsborough, and amendment 89, tabled by SNP Members. As the hon. Member for Gainsborough has said time and again, new clause 3 would effectively deliver full fiscal autonomy now, not later. Amendment 89 effectively says, “Perhaps we should have full fiscal autonomy, but we are not sure and we don’t know when, so we reserve the right to do so at some unidentified point in the future.”

Let me be clear that we will support neither amendment, because they are not in the interests of the Scottish people. New clause 3 does what it says on the tin; it would deliver the key SNP manifesto promise of full fiscal autonomy at the commencement of this Bill. The Labour party and others have always said that the worst-case scenario for Scotland’s future would be an SNP group here in Westminster that pushes that promise of full fiscal autonomy and a Conservative majority Government who deliver it for them.

Ian Paisley: At the end of this debate, has the shadow Secretary of State any inkling whatsoever of when the Barnett formula calculations for Scotland would cease and what impact that would have on the rest of the United Kingdom?

Ian Murray: The Barnett formula would cease as soon as the powers for full fiscal autonomy were transferred. That is something everyone should be aware of. The hon. Gentleman has consistently challenged SNP Members to say what the cost of full fiscal autonomy would be for the ordinary Scottish person in the street, and we are yet to have an answer. We have been told, “Let’s get the principle of full fiscal autonomy together and then work out the consequences later.”

Several hon. Members *rose*—

Ian Murray: I will give way again, but first let me make some progress.

It is simple: the pooling and sharing of resources across the UK, and the maintenance of the Barnett formula, benefits Scotland. The much-quoted Institute for Fiscal Studies, which the SNP continually rubbishes, has demonstrated beyond argument that full fiscal autonomy would result in Scotland having a deficit of some £7.6 billion. Before SNP Members jump up to challenge those expert figures, I want to put it on the record that that is over and above any current UK deficit and UK spending projections.

Joanna Cherry (Edinburgh South West) (SNP): Does the hon. Gentleman agree that all this talk of black holes with full fiscal autonomy fails to recognise that a black hole exists already as a result of the policies of

successive Westminster Governments, both Tory and Labour, and for which the Tories are now making the poorest and most vulnerable in our society pay? [HON. MEMBERS: "Speech."] The case that Labour is making in attacking full fiscal autonomy is that things are so bad that letting the Tories fix the deficit their way is better—*[Interruption.]* I am going to keep going—*[Interruption.]*

The Temporary Chair (Mr David Crausby): Order. Interventions should be short, and the Committee should be tolerant of that. Joanna Cherry.

Joanna Cherry: Does the hon. Gentleman agree that his party should have more ambition for Scotland?

Ian Murray: This is the nub of the matter: if we try to scrutinise what would be a devastating policy for Scotland, we are accused of not being ambitious for Scotland. For the avoidance of doubt, that £7.6 billion is over and above the UK deficit. I agree with the hon. Lady that the Conservative Government made a complete shambles of getting rid of the deficit in the previous Parliament, breaking all their promises and only halving it. But the actual deficit—I have the IFS paper here—is not just £7.6 billion, but £7.6 billion over and above the current UK deficit, which is £14.2 billion. That is not a lack of ambition for Scotland, but a warning against a fiscal policy that would be folly for families up and down Scotland.

Mr MacNeil *rose*—

Ian Murray: I will give way to the hon. Gentleman, before he bursts a blood vessel.

Mr MacNeil: It is now clear that the policy of Labour's Front Benchers is to leave Scotland's tax powers in the hands of this Tory Government. The vow did not say that; the vow included full fiscal autonomy. Will the hon. Gentleman tell us when he changed his mind?

Ian Murray: The Bill before us will transfer nearly 50% of tax and 60% of spending to the Scottish Parliament. We promised to make it the most powerful devolved Parliament in the world, and that is a promise we will keep. As I have always said, we will ensure that the Bill is delivered in full, both in spirit and in substance. We will go further, as we will debate in Committee in due course.

Let me return to the £7.6 billion deficit—*[Interruption.]* I know that SNP Members do not like to talk about the £7.6 billion deficit, but it is important to get it on the record. It is unfortunate that they have consistently misquoted the figures from the Institute for Fiscal Studies, and indeed it has had to ask them to retract what they have said about its figures.

We have also heard no mention of the Office for Budget Responsibility's oil report, which was published last week. It showed that the reliance on oil as an underpinning of the Scottish economy is no longer a viable projection. The collapse of revenues from oil will see the tax take from that source drop from £37 billion to just £2 billion over the 20-year period to 2040. That would be catastrophic for Scottish public finances. The question, then, is this: will SNP Members vote with the Tories to deliver what they want, as they have said they

will do, or will they finally admit in this House that their flagship policy of full fiscal autonomy is economically illiterate?

Stewart Hosie *rose*—

Ian Murray: And there is no better time to go to the hon. Member for Dundee East.

Stewart Hosie: The hon. Gentleman is extremely generous. He mentioned the OBR. He will want to confirm, for the sake of completeness, that the OBR itself has said that the forecasts were very uncertain, even over the short term. It implies 8 billion barrels of oil extracted, rather than the normal industry 14 billion to 24 billion, and of course the figures it uses are contradicted by other expert groups that have higher prices and higher forecast extraction figures.

Ian Murray: Well, the hon. Gentleman is wasted in this House; he should be in the City, buying and selling futures in oil price shares. I think that is the best way for him to go. The three points that fall from the OBR report are the unpredictability of the oil price, the difficulty of extraction in the North sea and the fact that, whatever way we look at it, oil revenues will be declining sharply over the next 20-year period. It would appear that the hon. Gentleman—*[Interruption.]* I am happy to take other interventions, but it is quite clear that SNP Members cannot defend their policy for full fiscal autonomy. Indeed, they should listen to their hon. Friend, the hon. Member for East Lothian (George Kerevan), who said that it would be economic suicide. He is an experienced journalist and economist, so they would do well to listen to him.

In conclusion, we will push amendment 38 to the vote because we feel that the permanency of the Scottish Parliament should have the underpinning of the Scottish people by any means that would be appropriate, including a referendum. We will push to a vote new clause 2, which proposes a constitutional convention to resolve some of the larger issues on a constitutional settlement across the country. We will oppose full fiscal autonomy in all its forms, because it would be bad for the Scottish people, bad for the Scottish economy and bad for the future of Scotland.

David Mundell: Today is the first of four days in Committee on the Scotland Bill. I assure the hon. Member for Edinburgh East (Tommy Sheppard), whose contribution I enjoyed, that I will be listening and reflecting. Contrary to the suggestion made by the hon. Member for Perth and North Perthshire (Pete Wishart), this is not the only opportunity for changes to be made to the Bill. I will be meeting the Devolution (Further Powers) Committee of the Scottish Parliament next week to discuss points that it has raised in its report.

I would not normally begin a contribution by suggesting that anyone read one of Gordon Brown's books, but tonight I will do so. Gordon Brown has been misquoted a number of times in the Chamber today, and it is important to put on the record the fact that in his book "My Scotland, Our Britain: A Future Worth Sharing", he states that neither his proposals nor those of any of the pro-UK parties involved a federal solution. Although they came close to the idea

[David Mundell]

of home rule, they were not home rule. Therefore, it is a myth, which has been perpetuated this evening, that Gordon Brown has called for either federalism or home rule.

Mr MacNeil *rose*—

David Mundell: The hon. Gentleman has already spoken a great deal on the subject this evening. I would also like to see empirical evidence to back up the suggestion made by the hon. Member for Edinburgh East that the vow and the offer of additional powers made a significant change to the referendum result, because I do not believe that such empirical evidence exists.

Tommy Sheppard: Is the Secretary of State suggesting that they had no effect at all? In that case, what was the point of them?

David Mundell: What I am suggesting is that the hon. Gentleman cannot bring forward a shred of evidence to suggest that those proposals changed the referendum result and that somehow the people of Scotland have been defrauded. The people of Scotland voted decisively no in the referendum. They voted for a strong Scottish Parliament within the United Kingdom. The vow, which was set out in the *Daily Record* and other outlets, was taken forward on the basis of the Smith commission, of which the Scottish National Party was a part and to which it was a signatory. I received an interesting letter today from John Swinney, the Deputy First Minister of Scotland, who was a signatory to the Smith commission recommendations. He now tells me that the Smith commission recommendations, which he signed, were incoherent. I do not understand how he came to sign those recommendations if he genuinely believed that they were incoherent. If that was the case, he should have been making some of the arguments that we have heard this evening and during the general election campaign.

Mr MacNeil: Will the Secretary of State give way?

David Mundell: Not at this stage. The result of the general election represented a call from the people of Scotland for the delivery of the powers in the Smith commission recommendations. The Scottish National Party set itself up as the voice of the people of Scotland to ensure that those powers were delivered, and they will be delivered in the Scotland Bill.

Ian Blackford: Will the Secretary of State give way?

David Mundell: Not at the moment. I have heard a number of small speeches from the hon. Gentleman, and I know the point that he wants to make.

I disagree with some of my right hon. and hon. Friends on the idea that conflict and division are inevitable when Governments work together. Despite what we regularly read in the media, see on television or hear in this Chamber, the Government work very closely with the Scottish Government on a range of important matters for the benefit of the people of Scotland. The Government remain committed to working continually for the benefit of the people of Scotland.

7.15 pm

A good example of such work last week was the very constructive meeting between the Deputy First Minister and the Chancellor of the Exchequer, at which they discussed the roll-out of the fiscal framework that will support the Bill. I assure my right hon. Friend the Member for Wokingham (John Redwood) that details of that full fiscal arrangement will be brought to the House, as that agreement must proceed in parallel to the Bill. We are keen to put that fiscal framework into place.

Mr Clarke: When pressed on the possible difficulties of fiscal autonomy, the reaction of Scottish National Party Members is to point to the tremendous new levels of growth that will be achieved by the Scottish economy, and the added GDP that will flow from their enlightened measures. They are not the first politicians I have heard attribute those kinds of consequences to their economic policy. If their policy fails, they imply that any deficit would be the liability of the UK Government and the British taxpayer. Will my right hon. Friend assure me that a fiscal framework, which is still to be achieved, will include some real fiscal discipline? We cannot have an unsuccessful devolved Government running up enormous additions to the United Kingdom's debt and deficit.

David Mundell: I can give that assurance. If it is to meet the various spending commitments that we hear sprayed around not only in the Chamber, but across Scotland, the Scottish National Party will eventually have to tell the people of Scotland how much tax will rise to pay for all its proposed measures. The hon. Member for Dundee East (Stewart Hosie) carefully avoided any detail about tax when he set out the case for full fiscal autonomy. He criticised the proposals in the Bill for the devolution of income tax bands and rates, and he criticised the provision for a 0% rate. In fact, all he argued for was to enable the Scottish Government to reduce the personal allowance. I do not quite understand how that would benefit the less well-off in Scotland or the Scottish economy. The full range of other income tax powers worth £11 billion are coming to Scotland as part of the Bill.

John Redwood: When will the Secretary of State be able to share with the House the proposals to adjust the grant formula? Scotland will have higher spending and it will have tax revenues of its own, and my constituents in England are very interested in what the grant formula will look like.

David Mundell: I made it clear earlier that we would, in early course, bring forward details of the full fiscal framework as it is being negotiated.

I was not convinced by the arguments for full fiscal autonomy advanced by the hon. Member for Edinburgh East and others. I was not convinced by the red-blooded version that my hon. Friend the Member for Gainsborough (Sir Edward Leigh) set out for delivering the Scottish National party's manifesto commitments, and I was not convinced by the SNP full fiscal-lite proposals—sometime, somewhere, somehow.

Ian Blackford: The hon. Member for Gainsborough (Sir Edward Leigh) gave an eloquent speech, in which he explained how the debate in Scotland had moved on.

We won the election in Scotland, and the people of Scotland have demonstrated their desire for powers, for a purpose and for a Parliament. Is it not the case, as the hon. Gentleman said, that the Government are playing with the future of their own Union, which they want to defend? It really is about time that they listened to the Scottish people and delivered what the people of this country have asked for.

David Mundell: I said at the start of my remarks that I was listening to the Scottish people. The only people who are playing games are those who threaten another referendum in Scotland every time they do not get what they say they want.

The principal issue raised in relation to full fiscal autonomy is that it would mean Scotland having almost £10 billion less to spend by the last year of this Parliament. That is not good for Scotland, and that is why this Government will not support it. I am afraid that the only argument we have heard in support of these proposals was that heard during the referendum campaign—basically, “It will be all right on the night: trust us.” The people of Scotland decided on 18 September last year that they did not trust that argument, and I still do not trust it. Full fiscal autonomy would mean an end to the Barnett formula. It would mean that the Scottish Government would need to fund all public spending in Scotland from their own resources. The Scottish Government would therefore be fully responsible for raising all the tax from Scottish taxpayers required to fund all spending in Scotland on public services, benefits and pensions.

Stewart Hosie: Can the Secretary of State confirm that in terms of the principles underlying Smith, we have no detriment and no advantage simply because of devolution itself, and that there will be a negotiated financial framework between the Scottish and UK Governments for the devolution in this Bill? Of course, we already have limited borrowing consent under the Scotland Act 2012 to fill holes in revenue, notwithstanding that the repayment terms were too short. Can he confirm that under the “no detriment, no advantage” principles there will be a negotiated financial framework for this Bill, and that there are already revenue-borrowing powers in statute?

David Mundell: I can confirm that the Scottish National party signed up to the Smith commission agreement, this Government are committed to delivering the Smith commission agreement, and the hon. Gentleman will therefore get what he is looking for in respect of the Smith commission agreement. There is not a shadow of a doubt about that.

Full fiscal autonomy would mean the end of Scotland pooling resources and sharing risks with the rest of the United Kingdom, and an end to Scotland being part of the UK’s hugely successful single market, which generates jobs, growth and prosperity. To all intents and purposes, the fiscal union between Scotland and the United Kingdom would end entirely, and the lesson of the eurozone is that it is extremely difficult to have a successful currency union without fiscal union.

Steve McCabe (Birmingham, Selly Oak) (Lab): I understand the Secretary of State’s desire to protect the Scottish people, but whether or not there is a £10 billion

shortfall, if this is what the people of Scotland and the bulk of their representatives want, then why do not the rest of us, in the interests of the rest of the UK that we represent, let them have it, provided that we have a guarantee that we will not have to bail them out?

David Mundell: I do not accept the hon. Gentleman’s argument. A £10 billion shortfall in spending in Scotland would affect every school, every hospital, and every family by £5,000. I am not going to countenance that, and I am not going to support any amendments that would promote it.

We have had a lengthy discussion on full fiscal autonomy.

Sir Edward Leigh: Will the Secretary of State give way?

David Mundell: I will. [HON. MEMBERS: “Oh!”] I will take my hon. Friend’s intervention because he proposed an amendment.

Sir Edward Leigh: Let me be quite clear: those of us who propose full fiscal autonomy and the scrapping of the Barnett formula are also arguing that there should be a block grant based on Scotland’s needs and not on England’s spending, so that there is a real Parliament making real decisions, which is what the Scottish people want.

David Mundell: I have noted what my hon. Friend has said. At times today, I am sure that he will have been an honorary member of Team 57.

I want to make very clearly a point that echoes the evidence I gave to the Select Committee chaired by the hon. Member for Nottingham North (Mr Allen). I regard a Scottish Parliament as a prerequisite of a United Kingdom. There will not be a United Kingdom if there is not a Scottish Parliament. I can understand why there is a lot of debate about the exact wording, and I will continue to listen to it, but I am absolutely clear that without a Scottish Parliament there will not be a United Kingdom, and that it is not sustainable to argue about lots of preconditions on that basis.

Mr Graham Allen: I thank the Secretary of State for listening to the proposal by the Political and Constitutional Reform Committee. Will he take away the idea that what he is saying should be in the Bill, in so many words? What those words should be should be left to him, and perhaps he can return to that on Report.

David Mundell: I said that I would reflect on a number of the issues raised by the right hon. Member for Orkney and Shetland (Mr Carmichael) relating to proposals by the Law Society of Scotland. Among those is the debate on the wording currently in part 1, and we will certainly look at that.

I do not accept amendments 58 and 59 because they refer to the term “constitution” whereas clause 1 refers to the term “constitutional arrangements”. The term “constitutional arrangements” is used to reflect the fact that the United Kingdom does not have a written constitution. That is a well-established constitutional arrangement of which a Scottish Parliament is a crucial and enduring part.

[David Mundell]

In new clause 2, the hon. Member for Edinburgh South (Ian Murray) proposes a constitutional convention. I have said at this Dispatch Box previously that I, and this Government, do not support a constitutional convention for reasons that have been well rehearsed, not least because—on this one matter I am in agreement with the Scottish National party—it would slow down the progress of this Bill, which I am committed to taking through Parliament as quickly as possible.

Other matters have been raised and we have debated them fully but they do not fully relate to the Bill. On that basis, I propose that we move to vote on the amendments.

Mr Alistair Carmichael: I am mindful of the fact that we have spent a considerable amount of time on this group of amendments, so I will not detain the Committee for long at this stage.

We have had a very good debate; in fact, two very good debates. On the first, there is among the three Opposition parties a broad measure of consensus that the Bill is capable of improvement. I will hold the Secretary of State to his word when he says that he will take that away and look at it. I remind him that while he might win a majority quite easily in this House, the Bill will also be scrutinised in the other place. I urge on him further consideration and suggest that the proposals brought forward by me and others tonight—I do not intend to press mine to a vote, but others who choose to do so will have my support—are reasonable.

I was very disappointed by the Secretary of State's response on the constitutional convention. Ultimately, if we are to continue with this Union, a federal structure is inevitable. That will have to be grasped sooner or later, and the way in which that will be done is through the calling of a constitutional convention.

There has not been the same level of consensus on our other debate about the proposals for full fiscal autonomy. It has not been a particularly good debate: it has been characterised more by the heat it has generated than the light. Like the hon. Member for Edinburgh East (Tommy Sheppard), I favour the idea of evidence-based policy. I am not without sympathy for those on the SNP Front Bench when they say that they could do things differently with the extra powers that would be given to them. However, to simply say that it could all be done by generating extra economic growth is not good enough.

7.30 pm

When the deficit is of the scale outlined by the hon. Member for Edinburgh South (Ian Murray), it is incumbent on those wanting us to go down that road to say exactly what it would mean. What sort of reductions in public expenditure and what sort of increases in taxation would be necessary? What would be the new level of borrowing and how would it fit into a new fiscal framework?

Essentially, I do not think that the SNP's proposals sufficiently respect what the people of Scotland voted for in the election. They voted for the continuation of a Union—

Mr MacNeil: Will the right hon. Gentleman give way?

Mr Carmichael: No, I am just winding up.

They voted for a family of nations whereby we all put in and all take out at different times, with different measures and in different ways, with a single market, offering a single system of regulation and of business taxation. That is what my constituents voted for, both in this election and in last year's referendum. For that reason, I will certainly not vote with the Scottish nationalists or, indeed, with the English nationalists on the Conservative Back Benches if they are minded to press their proposals to a vote. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 58, in clause 1, page 1, leave out lines 7 and 8 and insert—

“(1A) The Scottish Parliament is a permanent part of the United Kingdom's constitution.

(1B) Subsection (1) or (1A) may be repealed only if—

(a) the Scottish Parliament has consented to the proposed repeal, and

(b) a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”—(*Angus Robertson.*)

This amendment is to ensure that the Scottish Parliament can only be abolished with the consent of the Scottish Parliament and the Scottish people after a referendum.

Question put, That the amendment be made.

The Committee divided: Ayes 271, Noes 302.

Division No. 8]

[7.31 pm

AYES

Abrahams, Debbie	Carmichael, rh Mr Alistair
Ahmed-Sheikh, Ms Tasmina	Champion, Sarah
Alexander, Heidi	Chapman, Douglas
Ali, Rushanara	Chapman, Jenny
Allen, Mr Graham	Cherry, Joanna
Anderson, Mr David	Coaker, Vernon
Arkless, Richard	Coffey, Ann
Ashworth, Jonathan	Cooper, Julie
Austin, Ian	Cooper, Rosie
Bailey, Mr Adrian	Cooper, rh Yvette
Bardell, Hannah	Corbyn, Jeremy
Barron, rh Kevin	Cowan, Ronnie
Beckett, rh Margaret	Cox, Jo
Benn, rh Hilary	Coyle, Neil
Berger, Luciana	Crawley, Angela
Black, Ms Mhairi	Creasy, Stella
Blackford, Ian	Cruddas, Jon
Blackman, Kirsty	Cryer, John
Blackman-Woods, Dr Roberta	Cummins, Judith
Blenkinsop, Tom	Cunningham, Alex
Blomfield, Paul	Cunningham, Mr Jim
Boswell, Philip	Dakin, Nic
Bradshaw, rh Mr Ben	Danczuk, Simon
Brake, rh Tom	David, Wayne
Brock, Deidre	Davies, Geraint
Brown, Alan	Day, Martyn
Brown, Lyn	Debbonaire, Thangam
Brown, rh Mr Nicholas	Docherty, Martin John
Bryant, Chris	Donaldson, Stuart Blair
Buck, Ms Karen	Doughty, Stephen
Burden, Richard	Dowd, Jim
Burgon, Richard	Dowd, Peter
Butler, Dawn	Dromey, Jack
Cadbury, Ruth	Dugher, Michael
Cameron, Dr Lisa	Durkan, Mark
Campbell, rh Mr Alan	Eagle, Ms Angela
Campbell, Mr Ronnie	Efford, Clive

Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Fellows, Marion
 Ferrier, Margaret
 Field, rh Frank
 Fitzpatrick, Jim
 Fello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg
 Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris

Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, Angus
 Robinson, Mr Geoffrey

Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Tami, Mark
 Thewliss, Alison
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle

Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Jonathan Edwards and
Liz Saville Roberts

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Mr Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bradley, Karen
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Carmichael, Neil

Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishty, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George

Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David

Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel

Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert

Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

Clause 1 ordered to stand part of the Bill.

Clause 2

THE SEWEL CONVENTION

Wayne David: I beg to move amendment 39, page 2, line 2, leave out “But it is recognised” and insert “Notwithstanding subsection (7) above”.

The Temporary Chair (Mr David Crausby): With this it will be convenient to discuss the following:

Amendment 56, page 2, line 2, leave out “not normally” and insert “never”.

The Amendment would require the Sewel Convention, requiring the legislative consent of the Scottish Parliament, to be observed in all legislation of the Parliament of the United Kingdom.

Amendment 4, page 2, line 3, leave out “normally”.

Amendment 19, page 2, line 3, after “legislate”, insert “(a)”.

Amendment 20, page 2, line 3, after “matters”, insert “and (b) to alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Government”.

Amendment 41, page 2, line 4, at end add—

“(9) A Minister of the Crown in charge of a Bill in either House of Parliament must, before second reading of the bill—

- (a) make a statement to the effect that in his view the provisions of the bill do not constitute legislation with regard to devolved matters; or
- (b) make a statement that the consent of the Scottish Parliament to the Bill is being sought, or will be sought, and specifying the matters in respect of which consent is being sought; and that the Bill will not be presented for Royal Assent without such consent. Such a statement must be in writing and be published in such manner as the Minister making it considers appropriate”.

Amendment 45, page 2, line 4, at end add—

“(9) A Minister of the Crown in charge of a Bill in either House of Parliament which makes provision with regard to devolved matters must, before Second Reading of the Bill—

- (a) make a statement to the effect that the Bill has the consent of the Scottish Parliament (“a statement of consent”); or
 - (b) make a statement to the effect that although he is unable to make a statement of consent the Government nevertheless wishes the House to proceed with the Bill.
- (10) A statement—
- (c) under subsection (9) must be in writing and be published in such manner as the Minister making it considers appropriate; and
 - (d) under subsection (9)(b) must also state the Government’s reasons for wishing the House to proceed with the Bill.
- (12) In this section, “devolved matters” include—
- (e) the legislative competence of the Parliament; and
 - (f) whether, and the extent to which, functions are exercisable by the Scottish Ministers.”

In paragraph 70 of its Ninth Report of Session 2014-15 (HC 1022), the House of Commons Political and Constitutional Reform Committee suggested that one approach to giving the Sewel Convention the force of statute would be the addition of a requirement for the Government to set out its reasons for legislating on a matter covered by the Sewel Convention without the consent of the Scottish Parliament where it seeks to do so.

Clause stand part.

New clause 5—*Application of the Human Rights Act 1998 to Scotland*—

The application of the Human Rights Act 1998 to Scotland shall not be repealed in so far as it affects Scotland without the express consent of the Scottish Parliament.”

The New Clause states the intention that the express consent of the Scottish Parliament would be required before any repeal by the Parliament of the United Kingdom of the Human Rights Act 1998 as it applies to Scotland.

New clause 10—*Consent of the Scottish Parliament to certain Westminster Acts*—

(1) In section 28 of the Scotland Act 1998 (Acts of the Scottish Parliament), at the end add—

- “(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.
- (9) A provision is about a devolved matter if the provision—
 - (a) applies to Scotland and does not relate to reserved matters,
 - (b) modifies the legislative competence of the Scottish Parliament, or
 - (c) modifies the functions of any member of the Scottish Government.

(10) In subsection (8), “Acts” includes any Act, whether a public general Act, a local and personal Act or a private Act.

- (2) After section 28 of the Scotland Act 1998 insert—

“28A Duty to consult the Scottish Government on Bills applying to Scotland

 - (1) A Minister of the Crown shall consult Scottish Ministers before introducing any Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland.
 - (2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—
 - (a) 21 days before the proposed date of introduction, or
 - (b) such later date as the Scottish Ministers may agree.
 - (3) The requirement in subsection (2) does not apply if—
 - (c) the Scottish Ministers so agree, or
 - (d) there are exceptional circumstances justifying failure to comply with the requirement.
 - (4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.”

This new clause would ensure that the UK Parliament can only legislate in devolved areas with the consent of the Scottish Parliament. It puts the Sewel Convention onto a statutory footing, as agreed by the Smith Commission.

Wayne David: I rise to speak to amendments 39, 4 and 41 on the Sewel convention. As Members will know, the convention is quite well established. In the debate on the Scotland Bill 1998, Lord Sewel, the Parliamentary Under-Secretary of State at the Scottish Office, said that

“we would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish parliament.”—[*Official Report, House of Lords*, 21 July 1998; Vol. 592, c. 791.]

That was accepted, and the Sewel convention became a reality.

As the Law Society of Scotland has said, it is true that since the enactment of that Bill there is agreement that the convention has been successful, and it has been adhered to by successive Parliaments. The Smith commission gave a firm commitment:

“The Sewel Convention will be put on a statutory footing.”

That was a clear and unambiguous statement. On the face of it, the Government’s draft legislation honoured the commitment that had been given, but I suggest that there are weaknesses in what the Government have proposed in this Bill.

I want to refer to the excellent work done by the Political and Constitutional Reform Committee. It has been pointed out that the Sewel convention has been distilled in the Government’s interpretation of it. Clause 2 refers only to the convention’s applicability in respect of devolved matters, and the convention also applies to legislation affecting the competences of the devolved institutions. We are concerned that, in some ways, what has happened in practice is not quite recognised in the Bill.

We are also concerned about the way in which the convention is to be placed on a statutory footing. Students of British constitutional history will recognise that,

[Wayne David]

according to Dicey's principle, this British Parliament has ultimate sovereignty. Such a statutory footing recognises that constitutional reality, but does not challenge it or take it forward in any way whatever. That is somewhat unfortunate and certainly worthy of debate. The statutory footing, in reality, does not count for anything because what we have is essentially a summation of the Sewel convention that is little more than a political statement. Indeed, the Political and Constitutional Reform Committee quoted academics as saying that the clause was "legally vacuous" and

"like a bowl of jelly".

We should be concerned about that.

It is noteworthy that the House of Lords Constitution Committee, which is highly regarded by many people, said, in its rather more sedate way, that

"it can be said that the new provision will recognise the existence of the Sewel convention rather than turn it into a legally binding principle."

That is an extremely important phrase. Although those of us who are committed firmly to the Sewel principle recognise that there is no challenge to the convention, who knows what will happen in the future? That is why it should be legally binding, not just on this Government, but on all future Governments of any political complexion. Those issues need to be aired fully in considering the Sewel convention, because they are important and fundamental to the Bill.

Mr Graham Allen: This is not some constitutional nicety; it is about the circumstances in which the UK Parliament is allowed to legislate on a matter that is covered by the convention, without the consent of the Scottish Parliament. I hope that my hon. Friend will press the Secretary of State very hard on this matter. The Secretary of State might want to take it away and look at the wording. As my Political and Constitutional Reform Committee said:

"The presence of the word 'normally' in the Convention is clearly problematic when it comes to giving it the force of a statute, and we recommend that this be addressed in any redraft of the clause."

As well as pressing the Secretary of State on this matter now, perhaps my hon. Friend will return to it on Report so that we can all be satisfied that the Scottish Parliament's sovereignty is not in question.

Wayne David: My hon. Friend has put his finger on another important issue that was considered carefully by his Committee. When the word "normally" is used, I ask, "How long is a piece of string?" It is legally imprecise, which is a cause for concern. That reinforces my earlier point.

The Secretary of State gave evidence to the Political and Constitutional Reform Committee, but I suspect that his response was not wholly acceptable to its members. I therefore hope that he has refined his response and will give more robust answers to the questions that I have put to him. We wait with interest to hear what he has to say.

Finally, new clause 5, which was tabled by my hon. Friend the Member for Nottingham North (Mr Allen), refers to the application of the Human Rights Act 1998 to Scotland. It is extremely important constitutionally

that devolution has, to a large extent, been underpinned by human rights legislation, in particular the 1998 Act. That is certainly the case as far as Wales is concerned, it is extremely important as far as Northern Ireland is concerned, and it has an important bearing as far as Scotland is concerned.

In the past few years, the Scottish Parliament has taken a number of initiatives with regard to human rights. I commend those initiatives. It is easy to take them forward in Scotland because it has a different legal system from England and Wales. The Scottish Human Rights Commission has published "Scotland's National Action Plan for Human Rights". Whatever one's political allegiance, those positive measures should be welcomed.

I would not like to see any piece of legislation that does not take those measures into account or that does not fully take into account how devolution in Scotland rests firmly on the principle of extensive and liberal human rights. I hope that the Committee agrees with the Opposition on that point. If any action is taken against the Human Rights Act by this Government, whatever form it takes, there should first be the express consent of the Scottish Parliament.

Mr Graham Allen: It is a pleasure to speak on this group of amendments. I will speak not about the Sewel convention, because that clause should be put right in a relatively straightforward way by the Secretary of State, but about the implications for the Human Rights Act 1998 of what we are considering.

New clause 5 would ensure that, were the Human Rights Act abolished, renewed, revived or changed by this place in whatever shape or form, the Scottish Parliament would be able to maintain the Act, as it would like to do. That is a principle of devolution that I would like to be applied to England, Wales and Northern Ireland within an overarching federal settlement, so that we can be sure that fundamental human rights are close to the people and cannot be dispensed with on the whim of a federal Parliament.

Whenever I talk about these things, people say, "Here we go again—dry constitutionalism," so I want to say a little about this dry constitutionalism. This is all about defending the victims of crime, those who have disabilities, women who are facing sexual and domestic violence, and the victims of child trafficking. It is about fundamental human rights.

The rights that are listed were not written by some recent bureaucrat in the Commission in Brussels, but by an eminent group of Conservatives led by David Maxwell Fyfe, a former Conservative Home Secretary and, I think, a boss of the intelligence services, so no woolly liberal radical he. Having been affected by the appalling suffering of the second world war, he pulled together the European convention on human rights. I cannot commend him highly enough. It was not drawn up by Mr Delors or the current President of the European Commission, but was drawn up in response to the plight of refugees and the torture and inhumanity of the second world war. David Maxwell Fyfe and a number of British civil servants drafted these human rights, which have been adopted across the European Union. The rights also arose out of the United Nations charter.

The rights that are listed include things that we take for granted: the right to life, liberty and security of person; the right to a fair trial; protection from torture

and ill treatment; freedom of thought, conscience, religion, speech and assembly; the right to marry; the right to free elections; the right to fair access to the country's education system; and the right not to be discriminated against.

There are many arguments about how the convention is enforced and used across the European Union, and about our interaction with the continental courts system. Is it perfect? Of course it is not. However, we should not dispense easily with something that has had a good 60 or 65 years' service, and that has allowed people in this country who were struggling for their rights to pursue their cases, defeat the domestic courts and have things overturned in their favour. I do not want to use this just as a prelude to the arguments we will have on human rights later, but I will certainly do my best, if Mr Crausby is not listening too intently, to make sure we have a proper debate.

8 pm

The sharp end of the debate on the Bill concerns the role of the Scottish Parliament. It just so happens that the guardians of human rights in Scotland are the Scottish Government and the Scottish Parliament, which is why clause 2 is a first skirmish in the battle to ensure that the Human Rights Act, in its form of maintaining the European convention on human rights, is central to what we do as Members of Parliament, regardless of party. Those rights are not important to those who are on top or in the majority. They are important to those who are losing. They are important to those who are suffering. They are important to people when arbitrary power is being used against them. This is the first little shot being fired. Perhaps it is like the part of the battle in the film "Zulu" when the first scouts encounter each other, but it is certainly really important.

I say to Scottish colleagues from all parties that the Scotland Bill is not just about Scotland. Obviously it is central, but it is not just about that. It reflects on every nation. It reflects on our values and what we stand for as a Parliament. I would therefore argue very strongly that my Scottish colleagues, even if they have some political reason not to want this as it stands, should, for the benefit of those who need the defence of the European convention on human rights, please stand up on this occasion not only for the Scottish people, vital as that is, but for the rest of the people in the Union who depend on these rights. This is an issue we will return to.

Angus Robertson: It is an honour to serve under your chairmanship, Mr Crausby, and to follow the hon. Member for Nottingham North (Mr Allen). I can give him the assurance that my right hon. and hon. Friends on the Scottish National party Benches will be resolute in our support of the Human Rights Act and the European convention on human rights.

I would like to speak to new clause 10. Paragraph 22 of the Smith report, entitled "Scottish Parliament consent to the UK Parliament making law in devolved areas", recommended, simply and with no room for ambiguity, that

"The Sewel Convention will be put on a statutory footing."

The details of clause 2 are therefore really important. The Scotland Bill, as drafted, seeks to implement this recommendation by adding a new subsection (8) to section 28 of the Scotland Act 1998. The positioning of this new provision is significant because the provision

before it, section 28(7), makes an unambiguous assertion of Westminster's parliamentary sovereignty and the legislative supremacy of the UK Parliament. Section 28(7) declares:

"This section does not affect the power of the Parliament of the United Kingdom to make laws for Scotland."

This is therefore a clear statement that Westminster continues to have the legal power to legislate for Scotland across devolved, as well as reserved, areas of public policy. Clause 2 inserts section 28(8), which states:

"But it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament."

In paragraph 61 of its report, the Scottish Parliament Devolution (Further Powers) Committee considered that the draft clause placed

"the purpose of the Sewel Convention in statute"—

but—

"does not incorporate in legislation the process for consultation and consent where Westminster plans to legislate in a devolved area."

In addition, the Committee recommended that the words "but it is recognised" and "normally" in the draft clause should be removed because they weaken the intention of the Smith recommendations. We agree with the all-party Committee's analysis.

The current clause fails to implement the Smith recommendation in three respects. First, on amendments to the legislative competence of the Scottish Parliament, the Sewel convention, as set out in devolution guidance note 10, also requires the consent of the Scottish Parliament to Westminster legislation that alters the legislative competence of the Scottish Parliament or the Executive competence of Scottish Ministers. The clause does not refer to either of those categories. This is a significant omission. As the House of Commons Political and Constitutional Reform Committee noted, and as the hon. Member for Nottingham North no doubt remembers:

"We heard in oral evidence from Professor McHarg and in written evidence from Dr Adam Tucker and Dr Adam Perry that the draft clause failed to acknowledge the full scope of the Sewel Convention as it is currently applied in practice. The clause refers only to the Convention's applicability in respect of devolved matters: it was pointed out to us that the Convention is also applied to legislation affecting the competences of the devolved institutions."

This is reflected in the UK Government's devolution guidance note 10, which states that a Bill requiring Scottish parliamentary consent under the Sewel convention is one which

"contains provisions applying to Scotland and which are for devolved purposes, or which alter the legislative competence of the Parliament or the executive competence of the Scottish Ministers."

DGN 10 is referred to in the Command Paper, containing the draft clauses, as follows: "It is expected that the practice developed under Devolution Guidance Note 10 will continue."

DGN 10 has no legal effect, but sets out how the UK Government Departments legislating in Scotland will meet the terms of the convention. This practice is not reflected in the drafting of clause 2.

Secondly, on statute as a convention, the clause puts the Sewel convention into legislation as a convention, rather than putting the convention on a statutory footing. As the Scottish Government have pointed out to the Scottish Parliament Committee, this is very different

[Angus Robertson]

from precedents where the UK has placed other conventions on a statutory footing, such as the Ponsonby convention relating to treaty ratification. Again, as the House of Commons Political and Constitutional Reform Committee noted:

“We consider that draft clause 2 does not give the Sewel Convention the force of statute, but may strengthen the Convention politically. We believe it fails to acknowledge that the Convention extends to legislation affecting the competences of the devolved institutions. We recommend that the presence of the word ‘normally’ in the Sewel Convention, and the applicability of the Convention to legislation affecting the competences of the devolved institutions, be addressed in any redrafting of draft clause 2.”

Thirdly, on the consultation requirement, as has been widely noted and as set out in DGN 10, the effective operation of the Sewel convention depends on consultation between the Scottish and UK Governments, something which the Secretary of State for Scotland made play of earlier. The clause, however, fails to include any consultation requirements.

The Scottish Government’s alternative clause, which we have tabled as a new clause, addresses those deficiencies and properly places the Sewel convention on a statutory footing. The opening subsection of the alternative adds to section 28 of the Scotland Act by providing a clear statement of the Sewel convention that the UK Parliament must not pass Acts applying to Scotland about a devolved matter without the consent of the Scottish Parliament. It then defines “about a devolved matter” to encompass all three categories covered by DGN 10: legislation in a devolved area; changing the legislative competence of the Scottish Parliament; and adjusting the Executive competence of the Scottish Government.

The alternative clause then provides for a new section 28A to be inserted into the Scotland Act. This is a straightforward consultation provision requiring the UK Government to consult the Scottish Government before introducing to Westminster Bills that apply to Scotland. Where the Westminster Bill would require the consent of the Scottish Parliament under section 28, as amended, the UK Government should share a copy of the provisions of the Bill that apply to Scotland with the Scottish Government 21 days before introduction at Westminster. However, there is an understanding that, on occasion, it is necessary to expedite the legislative process, and therefore the alternative clause is pragmatic and flexible in allowing the consultation requirement to be curtailed in certain circumstances.

The Scottish Parliament has of course looked at the clauses proposed by the Government, and its Devolution (Further Powers) Committee considered

“that the current draft clause, whilst placing the purpose of the Sewel Convention in statute, does not incorporate in legislation the process for consultation and consent where Westminster plans to legislate in a devolved area. The Committee considers that it should do so. Moreover, the Committee considers that the use of the words ‘but it is recognised’ and ‘normally’ has the potential to weaken the intention of the Smith Commission’s recommendation in this area and recommends that these words be removed from the draft clause.

For those reasons, I urge Members on all sides of the House to support the measure we are promoting. In response to the published Bill, the Committee called for the specified words to be removed from the clause, but there has been no change: clause 2 is identical to the draft clause 2 we saw those many months ago.

Given everything we hear about reflecting, improvements, co-operation and the UK Government listening to the Scottish Government, the SNP and other parties, I would love to hear from the Secretary of State, whose ear I am hoping to catch, at what stage the Government intend to accept and implement these improvements. As drafted, the clause does not implement the Smith recommendation. As I have said, that critique was agreed by all parties in the Scottish Parliament, and I hope the UK Government will take that on board.

The clause puts the Sewel convention into statute, rather than putting it on a statutory footing, as required by paragraph 22 of the Smith report. In our view, the intention of the Smith recommendations was that key aspects of DGN 10 would be codified in statute. As it stands, the clause sets out the basic principle, but provides no statutory process for consultation and consent where Westminster plans to legislate for Scotland in devolved areas. As things stand, the Bill has not been drafted to take account of the shortcomings; does not put the Sewel convention on a meaningful statutory basis; does not adequately implement the Smith commission recommendations; and does not apply to changes to the legislative competence of the Scottish Parliament or Executive competence of Scottish Ministers. That is why we will be pressing for these changes.

Mr Alistair Carmichael: Amendments 19 and 20 have their genesis in the efforts of the Law Society of Scotland and seek to achieve much the same ends as those already outlined by the hon. Member for Caerphilly (Wayne David) and the hon. Member for Moray (Angus Robertson). On a very literal basis, clause 2 does implement the Sewel convention, which is why the word “normally” is in there. When Lord Sewel, during consideration of the Scotland Act 1998 in the other place, gave his undertaking, the word “normally” was used. However, as has become apparent from the comments of the hon. Member for Moray and others, the operation of the convention over the years has been very different—we now have DGN 10—and on reflection, with the benefit of pre-legislative scrutiny, it should be revisited in the terms before the House. I do not necessarily expect the Secretary of State to accept the amendments, but I hope he will acknowledge that this is a legitimate point that it would cost the Government nothing to adopt. It would be an indication that they are listening and of their good will.

New clause 5 is in the name of the hon. Member for Nottingham North (Mr Allen). I enjoyed the trailer for his Second Reading speech to the Human Rights Act abolition Bill—if we are ever to see it; it is notable, of course, that it was not in the Queen’s Speech. I hope that, having looked into the abyss and seen the myriad complications that would come from their proposal, the Government might find extensive and mature consideration necessary and that we might, in fact, never see that Second Reading.

8.15 pm

The purpose of the Bill is to cement and protect the integrity of the UK and Scotland’s position within it as a single constitutional unit. If we were ever to have a proper, federal written constitution, the Human Rights Act would be part of it at a federal level. There is no doubt in my mind about that. To have different regimes

for something as fundamental as the Human Rights Act and the European convention in different parts of the UK would put further stress on the fabric that holds us together as a constitutional unit.

Mr Graham Allen: Incidentally, the draft of a written constitution done by the Political and Constitutional Reform Committee included the Bill of Rights.

The abolition of the Human Rights Act—or changes to it—was in the manifesto of the governing party, so it might feel that it ought to do it. Will the right hon. Gentleman reinforce the point, however, that, as we are proving this evening, good pre-legislative scrutiny on something so technical and detailed would prove an immense bonus to the Government in getting their proposals through?

Mr Carmichael: Indeed, that is the case. For all sorts of reasons, pre-legislative scrutiny is not always possible, but it ought to be the default in any sensible legislature.

The Secretary of State may intervene if I am wrong, but I understand that the Government have said they will not change the integration of the Human Rights Act in the 1998 Act and that it will continue to underpin the Scottish Parliament. Inevitably, then, any such change would not apply to Scotland. It is conceivable, however, that we might be left with a messy situation in Scotland where the Human Rights Act applied to some matters and not to others. I was practising in the Scottish courts as a solicitor when the Scotland Act 1998 came into force but before the Human Rights Act came into force across the whole of the UK. It meant we had to use a device known as a “devolution note” if we wanted to raise human rights matters in court. It was messy. It was necessary to get us through the year, but I do not want to go back to those days. Having a single regime of human rights protections that applies across the whole of the UK is absolutely necessary, and we tamper with it at our peril.

Mr Graham Allen: On a point of order, Mr Crausby. It might help you to know that I will be requesting a vote on new clause 5 relating to the protection of the Human Rights Act in the Scottish context in due course after 10 o'clock.

The Temporary Chair (Mr David Crausby): The hon. Gentleman's point of order is noted.

David Mundell: I am happy to respond to the points made and to restate, as I did on the previous group, that I will be meeting the Scottish Parliament's Devolution (Further Powers) Committee next week, which will be an opportunity to explore some of the issues it raised in its report.

The Government's starting point is that the Smith commission's intention was not that the current constitutional position should be changed. Instead, the commission's intention was that legislation should accurately reflect the political understanding of the convention, and that is exactly what I see the clause as doing.

Currently, the Government do not normally legislate in devolved areas without the consent of the Scottish Parliament. Clause 2 sets out that practice. In doing so, it puts on a statutory footing a convention that has been consistently adhered to by successive United Kingdom

Governments. I understand the desire to put beyond doubt that we will seek the consent of the Scottish Parliament when legislating on devolved matters. However, in effect, amendment 56 seeks to limit the sovereignty of this Parliament by removing the word “normally” to state that the Parliament of the United Kingdom cannot legislate with regard to devolved matters without the consent of the Scottish Parliament.

In reality, the amendment would directly contradict section 28(7) of the Scotland Act 1998, which states that the section, which relates to Acts of the Scottish Parliament,

“does not affect the power of the Parliament of the United Kingdom to make laws for Scotland.”

The amendment would radically alter the way in which the practice was intended to operate as envisaged by Lord Sewel.

Mr Alistair Carmichael: The Secretary of State is making a compelling case for codification. On a number of occasions and in different ways, the House has limited its sovereignty, particularly in relation to the European Communities Act 1972. As I recall, there is judicial authority on that from the Factortame case. Surely he accepts that the mere act of putting a convention on a statutory footing is a change. For that reason, the adherence to the word “normally” is not appropriate.

David Mundell: It is not a change to how things are normally done, but a change to how they are set out on the face of legislation. As part of the Smith process, it was clear that people wanted the convention set out in the Bill, but I do not accept that they want a change to the convention as envisaged by Lord Sewel.

Mark Durkan (Foyle) (SDLP): Surely not even the Smith commission wanted mere commentary to be dressed up as a clause. That is all clause 2 is—mere commentary. There is no binding or cogent constitutional governance in it.

David Mundell: I answered the hon. Gentleman's questions when he was part of the Constitutional and Political Reform Committee, and I understand the strength of his views, but it was the view of the Smith commission that the convention should be set out in such a Bill, which is what the UK Government are doing. It is a fundamental principle of United Kingdom constitutional law that the United Kingdom Parliament is a sovereign legislature. The people of Scotland voted last September to remain part of that United Kingdom. Therefore, it is right that this Parliament, while respecting the Scottish Parliament and its right to legislate, continues to be able to legislate for all matters without restriction on its sovereignty.

Furthermore, I believe amendment 56 is unnecessary. The Bill adopts the language that formed the basis of the Sewel convention. When Lord Sewel said that he would

“expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament”,

he did not intend his words to carry a technical meaning. The same expectation exists in clause 2. The wording used will take the convention's ordinary English language meaning.

[David Mundell]

The Smith commission recommended that the Sewel convention be put on a statutory footing—no more, no less. That is what the Bill seeks to achieve. Accepting amendment 56 would be to go further than was recommended, radically alter how the convention was intended to operate, and attempt to limit the authority of the UK Parliament. For those reasons, I urge hon. Members to resist it.

Amendments 41 and 45 seek to make additional stipulations to the Sewel convention. I reiterate that the Bill already establishes that the UK Parliament will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament. That convention operates effectively at present. The amendments would add unnecessary bureaucracy to the procedure. I do not believe that the statutory requirements that would be placed on Members of the UK Parliament by the amendments would add any value to a process that operates well, and that is being placed on a statutory footing by the Bill.

On amendments 19 and 20, and new clause 10, as I have said, the Bill adopts the language that formed the basis of the Sewel convention. As I said in previous remarks, when Lord Sewel said that he would

“expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament”,

he did not intend those words to carry a technical meaning. We have established that the Bill clearly states that the UK Parliament

“will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament.”

That is what the well-established Sewel convention does, and it has been consistently adhered to by successive UK Governments. We have had more than 15 years of good practice of the convention. It has not been breached. In the context of my earlier remarks, I do not accept that it could be. I believe that that current good practice will continue.

The hon. Member for Nottingham North (Mr Allen) referred to the Government’s plan to reform the Human Rights Act and its incompatibility with the devolution settlements. Amendment 5, which he tabled, would make it more difficult for the UK Parliament to repeal the Act. Let me be clear about the Government’s intentions: we are committed to human rights and have pledged to bring forward proposals for a Bill of Rights. The protection of human rights is vital in a modern and democratic society. This Government will be as committed as any to upholding those human rights. The purpose of a Bill of Rights is not the diminution of rights, but to reform and modernise our system, and to restore credibility to the human rights legal framework.

The Government know that our proposals for reform are likely to be significant. As such, we will consult widely on the reforms. We are aware of the potential devolution implications of reform and will engage with the devolved Administrations as we develop proposals. We are currently developing our proposals and it would not be sensible to prejudge that process at this stage through the amendment. I hope the hon. Gentleman reconsiders his statement that he wishes to press it to a Division.

I believe I have addressed all the proposals. The Government are not persuaded by them at this stage but, as I have indicated, I will discuss the report of the Scottish Parliament Devolution (Further Powers) Committee when we meet next week.

Wayne David: We shall not be pressing any of our amendments to a vote. I note that the Secretary of State has said that he is not convinced “at this stage”, and I take that to mean that he is open to persuasion and willing to listen. I hope he will be persuaded by arguments that will be put to him in the other place, and, indeed, by Members of the Scottish Parliament, which he will visit shortly.

There is something of a mismatch between theory and practice here. Theory has it that this Parliament is absolutely sovereign, but, in practice, the very existence of devolution puts constraints on that sovereignty, as does the very fact that we are members of the European Union. I think that we have reached a point at which that needs to be legally recognised. There is no doubt that the word “normally” is legally imprecise, and if it ever arose in a court of law, enormous difficulties would result because of that conflict between theory and practice.

I take on board what the Secretary of State has said, and I hope that we shall see some movement. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Clause 3

ELECTIONS

Angus Robertson: I beg to move amendment 60, ‘page 2, line 7, leave out “Section B3 of”’

The Temporary Chair (Mr David Crausby): With this it will be convenient to discuss the following:

Amendment 61, page 2, line 9, leave out from “Under the heading” to end of line 29 on page 3 and insert—

‘(2) In Part 2 of Schedule 5 to the Scotland Act 1998, for Section B3 (elections) substitute—

“B3 Elections

Elections for membership of the House of Commons and the European Parliament, including the subject matter of —

- (a) the European Parliamentary Elections Act 2002,
- (b) the Representation of the People Act 1983 and the Representation of the People Act 1985, and
- (c) the Parliamentary Constituencies Act 1986,

so far as those enactments apply, or may apply, in respect of such membership.

Paragraph 5(1) of Part 3 of this Schedule does not apply to the subject matter of the European Parliamentary Elections Act 2002; and the reference to the subject matter of that Act is to be construed as a reference to it as at 24 July 2002 (the date that Act received Royal Assent).

(B) Elections for membership of the Parliament and local government elections

The holding of the poll at an ordinary general election for membership of the Parliament on the same day as the poll at—

- (d) a parliamentary general election (other than an early such election),
- (e) a European parliamentary general election, or
- (f) an ordinary local government election in Scotland.

The combination of polls at—

- (a) elections for membership of the Parliament, or
- (h) local government elections,

with polls at elections or referendums that are outside the legislative competence of the Parliament.

Modifying the digital service for the purposes of applications for registration or for verifying information contained in such applications.

The subject matter of Parts 5 and 6 of the Political Parties, Elections and Referendums Act 2000 in relation to polls at elections that are within the legislative competence of the Parliament where they are combined with polls at elections for membership of the House of Commons and the European Parliament.

“Digital service” has the meaning given by regulation 3(1) of the Representation of the People (Scotland) Regulations 2001 as at the day on which the Scotland Act 2015 received Royal Assent.

Paragraph 5(1) of Part 3 of this Schedule does not apply to the subject matter of Parts 5 and 6 of the Political Parties, Elections and Referendums Act 2000; and the reference to the subject-matter of those Parts of that Act is to be read as at the day on which the Scotland Act 2015 received Royal Assent.”

This amendment provides substitute text for the Section B3 Elections reservation in Schedule 5 to the Scotland Act 1998 which makes the effects clearer. Part (A) reserves elections for membership of the House of Commons and the European Parliament. Part (B) refers to Scottish Parliament elections and local government elections in Scotland.

Amendment 42, page 2, leave out lines 24 to 26.

Government amendments 92 to 98.

Clause 3 stand part.

Amendment 44, in clause 4, page 3, line 42, at end insert

“including provisions about the impact of the ending of the transition to Individual Electoral Registration on the completeness of the register.”

Amendment 46, in clause 4, page 3, line 42, at end insert

“including the automatic registration of eligible electors.”.

The Amendment would give Scottish Ministers power to make provision for automatic registration for Scottish Parliament and Scottish local elections. In its Fourth Report of Session 2014-15 (HC 232), the House of Commons Political and Constitutional Reform Committee reaffirmed its view that voters should ideally be registered to vote automatically.

Amendment 47, in clause 4, page 3, line 42, at end insert—

“(b) about online voting in elections,”

The Amendment would give Scottish Ministers power to make provision for online voting for Scottish Parliament and Scottish local elections. According to the House of Commons Political and Constitutional Reform Committee in its Fourth Report of Session 2014-15 (HC 232), online voting could lead to a substantial increase in the level of participation.

Government amendments 99 and 100.

Clause 4 stand part.

Government amendment 101.

Amendment 43, in clause 5, page 6, line 8, at end insert—

“(c) A referendum called under reserved powers”.

Clause 5 stand part.

Government amendments 102 to 105.

Clauses 6 to 8 stand part.

Government amendments 106 and 107.

Clause 9 stand part.

New clause 11—*Electoral registration: requirement to produce report*—

“(1) The Electoral Commission shall prepare and publish guidance setting out, in relation to Scotland, how to further improve the electoral registration process and how to ensure the completeness of the electoral registers.

(2) Guidance under subsection (1) must in particular include—

- (a) workable proposals for prompting people to register to vote or update their registration details when using other public services;
- (b) whether to allow schools, universities and colleges to block-register students;
- (c) whether to pilot election day registration; and
- (d) other proposals to ensure that greater numbers of attainers join the electoral register.”

The New Clause would require the Electoral Commission to produce a report into ways of further improving the electoral registration process and of ensuring the completeness of the electoral registers in Scotland.

8.30 pm

Angus Robertson: It is a pleasure to speak about this string of amendments and new clauses relating to elections to the Scottish Parliament and local authorities.

As Members will know, paragraph 23 of the cross-party Smith commission report recommended that the Scottish Parliament should have

“all powers in relation to elections to the Scottish Parliament and local government elections in Scotland (but not in relation to Westminster or European elections). This will include powers in relation to campaign spending limits and periods and party political broadcasts.”

Additional detail was set out in paragraph 24 of the agreement.

Clauses 3 to 9, which are the focus of this group of amendments, seek to address that recommendation. While the clauses have some merit, we believe that there are still a number of issues to be worked on with the United Kingdom Government. In particular, some parts of the clauses limit the Scottish Parliament’s powers beyond those proposed in Smith. As the Scottish Government said in their response to the report of the Scottish Parliament’s Devolution (Further Powers) Committee, clause 3 does not fully implement the Smith commission’s recommendation. That is why the Scottish Government have proposed an alternative to the clause, which forms the basis of our amendments.

Our proposal would replace, rather than amend, the section B3 Elections reservation in schedule 5 to the Scotland Act 1998. That is designed to make the effects of the clause clearer. We propose that part (A) should reserve elections for membership of the House of Commons and the European Parliament, while part (B) should refer to Scottish Parliament elections and local government elections in Scotland. Our amendments reserve the holding of a Scottish election vote on the same day as a UK parliamentary general election, a European parliamentary election, or an ordinary local government election in Scotland. That would implement paragraph 24(4) of the Smith report.

In their response to the Devolution (Further Powers) Committee, the Scottish Government said:

“We have removed paragraph (b) of the combination of polls provision in Part (B), which would have had the effect of reserving the combination of devolved polls. Should the timing rules be varied to allow ordinary Scottish Parliament and ordinary Scottish

[Angus Robertson]

local government polls to coincide, then the Secretary of State would have had competence over the devolved conduct rules, which would otherwise both be the responsibility of the Scottish Parliament. This is clearly undesirable and goes beyond the Smith recommendation.”

The Scottish Government suggested alternative drafting in relation to the digital service, which they, and we, think is clearer about the actual effect of the reservation. The reference to the reservation of parts 5 and 6 of the Political Parties, Elections and Referendums Act 2000 is the same as that in the Scotland Bill.

The Scottish Government have said that they are generally content with clauses 4 to 9, subject to the changes that they are proposing to the United Kingdom Government. The Secretary of State is no longer present, but no doubt his colleagues will be avidly taking notes about the Scottish Government’s suggestions. We have heard, in good faith, that they will be taken on board and considered in full, and hopefully they will be.

The House will excuse me if I rely heavily on the points of detail set out by the Scottish Government and shared with the UK Government and the devolution Committee of the Scottish Parliament. The first of those, in relation to clause 4, the part which enables Scottish Ministers to make provision by order for the combination of polls for a specified list of polls that currently may coincide, could be simplified. The reservation of the power to make combination rules could be removed from section B3, and the list of coinciding polls at section I2(2)(d) could be replaced with a provision that gives Scottish Ministers power to provide for the combination of polls and referendums that are within the legislative competence of the Scottish Parliament.

The references to use of the digital service could be seen to conflict with clause 6. This currently gives Scottish Ministers some powers to make provision, with the agreement of the Secretary of State. This could be read as restricting the use of the digital service beyond what is actually needed or intended.

Clause 5(3) goes beyond what was recommended by the Smith commission. The Smith agreement clearly sought only to prevent the polls from being held on the same day. The Scottish Government would wish to adhere to that narrow limitation. Their preference would be for the words

“or within two months before”

to be omitted from clause 5(3).

In clause 6, the Scottish Government view is that the definition of

“use of the digital service”

is overcomplicated. They also believe that the inserted section 6(3) may be out of step with existing provision in this area, as it appears to suggest that a person cannot use the digital service unless they are eligible to register, when there is nothing to suggest any current restriction on those who may use the service. If the purpose of the digital service is to determine whether an applicant is eligible to register, this provision could be omitted.

Also in clause 6, and in common with the approach to the vetoes throughout the Bill, we believe that the provision at subsection 11—

“Regulations made by the Scottish Ministers by virtue of subsection (9) may not be made without the agreement of the Secretary of State”—

should be removed. We will, of course, return to vetoes at a later stage of our consideration.

On clause 7, the Scottish Government have noted that this power does not apply where any other poll is combined with a Scottish Parliament election. They accept this in principle as a practical approach, but they suggest that it should be limited to the combination of a Scottish Parliament election with any other poll that is outwith the Parliament’s competence. The provision as drafted would have the effect that, should the timing provisions be varied to permit Scottish Parliament elections to be combined with local government elections in Scotland, the combination rules would be reserved, which would be undesirable.

On clause 9, the Scottish Government argue that subsection (6) can be omitted as the Scottish Parliament (Elections etc.) Order 2010 is already devolved under the Scotland Act 2012. The Smith commission recommended that the Scottish Parliament should have all powers in relation to Scottish Parliament elections and elections to local government in Scotland. In doing so, the commission specifically stated that this would include party political broadcasts. There does not appear to be any provision to this effect in the draft clauses. We hope the Government will address this point in particular.

The Smith commission also recommended that

“the Electoral Commission will continue to operate on a UK-wide basis. The Scottish Parliament will have competence over the functions of the Electoral Commission in relation to Scottish Parliament elections and local government elections in Scotland. The Electoral Commission will report to the UK Parliament in relation to UK and European elections and to the Scottish Parliament in relation to Scottish Parliament and local government elections in Scotland.”

We believe that clause 3 does not fully deliver the second part of this recommendation. An alternative approach should be considered, to give greater clarity and to ensure that the Scottish Parliament will have competence over the commission’s functions in relation to Scottish Parliament elections and local government elections in Scotland.

These may seem very technical areas, but they are important. I note that those on the Treasury Front Bench have been listening with interest and they no doubt will look at the record. We hope they can be persuaded to accept amendment 60 later. If they do not, I trust they will be consulting colleagues about how to take on the technical improvements that we have outlined and that I have spoken in support of this evening.

Mr Graham Allen: I should like to speak to amendments 46 and 47, if I may. I am sure that colleagues will know that the largest amount of public consultation ever achieved by a Select Committee was on the “Voter engagement in the UK” report that the Political and Constitutional Reform Committee produced just before the last general election. The report covered a raft of ways in which we as a House and as politicians—and politics in general—could re-engage with people out there.

The Committee did some technical stuff, and I want to talk this evening about the amendments relating to automatic registration and online voting. Anyone who believes in devolution will know that it is not possible to mandate the nations of the Union to conduct themselves and their democracy in a specified way from the centre, or even from the federal Parliaments. There has to be a

degree of discretion and a degree of trust, particularly when there is an institution with the status of a Parliament within one of our nations. I would argue that that should also apply to an Assembly and an Executive and that, when we get devolution in England, it should apply to the means of devolution here as well. I would argue strongly that that should take the form of constitutionally separate local government, which is commonplace in every western democracy apart from our own.

Anyone who believes in that, and who believes that there can be a rich diversity of approaches to our democracy to suit national and local characteristics, will understand that it is key to ensure that our colleagues in the Scottish Parliament and the Scottish Government maintain and extend their discretion on matters such as automatic registration and on the suggestion in my Committee's report for online voting. It would be out of order to suggest that that happens overnight in other nations, but we are in the middle of discussing the Scotland Bill and it is highly pertinent to say that if the representatives in the Scottish Parliament wish it, they could take forward a proposal on automatic registration, just as they did so innovatively in relation to votes for 16 and 17-year-olds before the referendum.

Such a measure would be important because it would allow everyone to participate, and because we have a false dichotomy about how boundaries could change unless registered electors met a certain number. I will explain this to the House—I am getting there slowly. If a small number of people are registered, that does not mean that there is a small number of constituents. In fact, some colleagues argue strongly that the people who give us the highest number of casework items are those who are not on the register. Should we say to them, "Sorry, you're not on the register so I'm not going to help you"? Of course not.

Automatic registration can be achieved using a number of devices. I am going to ask the hon. Member for Meon Valley (George Hollingbery) some questions about this afterwards, so I hope he is paying attention. I hope that it could be achieved through registration with the Department for Work and Pensions, for example, or through credit ratings or council tax forms. It is entirely possible to make registration almost automatic. I see the distinguished members of the Political and Constitutional Reform Committee nodding eagerly in approval of what I am saying.

The Committee also looked at online voting, and 16,000 people responded to our consultation on this. Lots of organisations also put out online information and questionnaires for us. The Committee found that the most popular option was online voting. It obviously appeals to particular groups of people at the moment, but it is clearly something whose time will come very soon. Sometimes the other place is innovative. On this occasion, there is so much we can learn from the way our devolved friends in the Scottish Parliament conduct their business. Why should they not be the first to trial online voting in certain well-prescribed circumstances, which they would keep an eye on and feel responsible for, and which I am sure they would make a success. I will not detain the House any further on this, other than to say that diversity, experimentation and creativity are the hallmarks of proper devolution and these are just two small ways in which could encourage our friends in the Scottish Parliament to take devolution that little bit further in their own nation.

8.45 pm

Wayne David: I wish to focus on two issues, the first of which is individual electoral registration. We know full well that IER is imminent. There is some debate with the Electoral Commission, which is conducting its assessment, as to the completeness of the registers and whether or not IER will be introduced at the end of 2016 or 2015. Labour Members think it is essential that we have a complete register as far as is humanly practicable. We urge the Government and all other bodies to ensure that every effort is made to get as many people on to the register as possible. What is essential in any democracy is that people who are entitled to vote are on the register and able to choose whether to cast their vote.

That is why we think it is important that this be not only a responsibility of central Government, but a devolved matter. As we have heard, the Scottish Parliament has some responsibilities already on the conduct of elections. I am sure it shares our view of wanting to make sure that as many people as possible who are able to vote are on the electoral register. Our amendments provide practical means of providing that assessment, but we also urge that every consideration be given by the Scottish Parliament to ensuring that we do have people on that register.

As things stand, the Electoral Commission has indicated that as many as 7.5 million eligible voters are not registered. Multiple elections are coming up next year, including the Scottish Parliament elections, and the Government need to take action, as does everybody else, to ensure that a boost is given to electoral registration. We think that lessons can be learned from Scotland's extension of the franchise in the referendum to 16 and 17-year-olds and the effort made to ensure that a special procedure was in place to ensure the maximum registration of young people. Those lessons need to be learned, acted upon and taken much further.

Labour Members are particularly concerned about the need to ensure that as many young people as possible register and that procedures are in place to ensure that college and university students are able to do so. We would like registration to be carried out en bloc by the student authorities, as it used to be. Given the increase in the private rented sector, there is a particular need for its involvement. The Government should be working much more closely with letting agencies so as to include reminders to register for all new tenants. Those issues are very important and I hope they will be given due consideration.

We would also like to press our amendment 43, on the European Union referendum. We are fully aware that that Bill is passing through this House, but the great concern out there in the country is to ensure that we have a proper, reasonable, rational and focused debate on Britain's membership of the European Union. For that debate to take place, it is imperative that there are no other elections that will take people's attention away from the central direction on which they must focus. We are mindful that the Electoral Commission, which has studied this matter in a great deal of depth, has said unequivocally that there should be a separation between the European Union referendum and other elections. It takes an emphatic stance. It says:

"It is important that voters and campaigners are able to engage fully with the issues which are relevant at these elections. It is also important that any debate about the UK's membership of the

[Wayne David]

European Union takes place at a time that allows the full participation of voters and campaigners, uncomplicated by competing messages and activity from elections which might be held on the same day.”

That is a pretty emphatic message by the non-political objective observers—people who have the responsibility to ensure that elections and referendums are conducted fairly and honestly. I strongly urge the Government to accept that amendment. If they are not minded to do so, we give notice that we will be pressing it to a vote.

The Parliamentary Secretary, Cabinet Office (John Penrose):

I thank the hon. Members for Moray (Angus Robertson), for Nottingham North (Mr Allen), and for Caerphilly (Wayne David) for their contributions to the debate on this group of amendments on the significant electoral powers that will be transferred to the Scottish Parliament and Scottish Government. I hope to respond to as many points as I can, but first let me deal with a number of minor and technical Government amendments before I get on to the meat of the points that have been made during the debate.

Government amendments 93, 94 and 97 amend and clarify the reserved undeveloped powers in clause 3 in respect of enforcement provisions within the Political Parties, Elections and Referendums Act 2000 where they apply to other provisions that are also reserved. Government amendments 95 and 96 remove sections that do not need to be reserved in the 2000 Act as well. Amendments 106 and 107 are minor and technical amendments. Amendment 106 repeals the subsections inserted into the Scotland Act 1998 by section 13 of the Scotland Act 2012. Clause 11 brings the function of making an Order in Council under sections 15(1) and (2) of the 1998 Act within devolved competence and those subsections are therefore no longer required. Amendment 107 repeals section 13 of the Scotland Act 2012 entirely.

Amendment 101 relates to clause 5, which concerns the timing of Scottish parliamentary elections and local government elections in Scotland. It will ensure that general elections for the Scottish Parliament cannot be held on the same day as general elections to the UK Parliament or to the European Parliament or a local government election in Scotland. That is in line with the Smith commission agreement, as we heard from the hon. Member for Moray.

I hope that the hon. Gentleman will be pleased to hear that the purpose of amendment 101 is to remove the provision from the clause that says that a general election to the Scottish Parliament cannot be held in the two months preceding a general election to the UK Parliament or a general election to the European Parliament. That brings us more closely in line with the Smith commission, and is, I hope, an example of cross-party working.

Amendments 92 and 98 are also minor and technical. The purpose of amendment 92 is to protect the individual electoral registration digital service from future technical changes, such as the transfer of functions between UK Government Ministers. Effectively, it is nothing more than a future-proofing move. If amendment 92 were not made, the effect may be to place an unintentional constraint on the future actions of both the UK and Scottish Governments. The amendment should protect

against the potential need to amend the Act as the registration of electors and verification of applications to register via a digital service evolves.

Amendment 92 means that the definition of “digital service” and of “elections in Scotland” in clause 3 is no longer required. Amendment 98 therefore removes those definitions. It does not make the reservation any wider but gives additional clarity over what is to remain reserved—I am talking about the digital service itself but not the powers that have been devolved to the Scottish Parliament.

Amendments 99 and 100 are again minor and technical. Their purpose is to reflect the changes made to the reservation of the IER digital service in clause 3 by amendment 92. Amendment 99 ensures that subsection (4) of the new section 12 of the Scotland Act 1998 refers to the amended reservation of the digital service in clause 3—I trust that everybody is taking notes and following closely. Amendment 100 removes the now unnecessary definition of the digital service in clause 4, again as a result of the amended reservation of the digital service in clause 3.

Amendments 102 to 105 are technical amendments that reflect the changes made to the reservation of the IER digital service in clause 3 by amendment 92. Amendment 102 ensures that the regulation-making power of Scottish Ministers in this provision refers to the amended reservation of the digital service in clause 3. Amendment 103 removes the definitions of “the digital service” and “the use of the digital service” from the clause, as they are no longer technically required. Amendment 104 ensures that clause 6 refers to the amended reservation of the digital service, as made by the amendment to clause 3. Finally, amendment 105 removes the definitions of “the digital service” and “elections in Scotland” that are also no longer required as a result of that further amendment.

Let me turn to the other amendments that are part of this wider group. I will start with amendment 42 and the elements of amendments 60 and 61 that relate to clauses 3 and 5 and the continued reservation of certain combinations of polls. The clauses fulfil the Smith commission agreement devolving significant electoral powers to the Scottish Parliament while ensuring that polls for Scottish parliamentary general elections will not be held on the same day as UK parliamentary general elections, European parliamentary general elections or ordinary local government elections in Scotland, which have already been devolved.

Ian Murray: Will the Minister explain why the entirety of the administration of Scottish parliamentary and local government elections is devolved to the Scottish Parliament while the UK Parliament reserves the right not to have Scottish parliamentary and local government elections on the same day? Why not devolve them all to allow the Scottish Parliament to make that decision?

John Penrose: That is a question I asked myself a short while ago. The reason is very straightforward. Although the two powers are devolved, as the hon. Gentleman rightly points out, changing the rules surrounding them and on whether or not they can happen on the same day is a reserved power. As that is a reserved power, it makes sense to keep any potential combination of elections as a reserved power for the

time being, as the two powers match up. Were it to be within the competence of the Scottish Parliament to vary that, it would make sense for the Scottish Government to have the power to adjust the combination rules. As it is, the two match up closely.

Pete Wishart: I am grateful for that explanation. The key issue we face in the next year is the prospect of an EU referendum being held on the same day as the Scottish parliamentary elections. Would he like to take the opportunity to say what he thinks about that and to rule it out? We cannot have 16 and 17-year-olds coming into the polling booth to vote in the Scottish Parliament election, possibly being ID-ed, and then being turned out as they cannot vote in the EU referendum.

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. We need to watch out so that we do not go outside the scope of what we are discussing. That is the danger. As much as the hon. Gentleman wants to tempt the Minister, I want him to try to stay within the scope of the Bill and to try to answer along those lines.

John Penrose: I shall endeavour to be as helpful as I can when I reach amendment 43, which is closely adjacent to the points made by the hon. Member for Perth and North Perthshire (Pete Wishart), without, I hope, trying your patience in the process, Mr Hoyle.

Clauses 3 and 5 fulfil the Smith commission agreement devolving significant electoral powers to the Scottish Parliament while ensuring that polls for Scottish parliamentary ordinary general elections will not be held on the same day as UK parliamentary general elections, European general elections or ordinary government elections, as we just discussed. The UK Government consider the timing and combination of polls to be intrinsically linked. I think that we might have covered that point, but I want to make sure that it is clear. That is why the combination of polls involving a reserved poll with a poll at a Scottish parliamentary election or local government election in Scotland continues to be reserved, as does the combination of a poll at a Scottish parliamentary ordinary general election with a poll at an ordinary local government election in Scotland. I urge Members to withdraw their amendments for the reasons that I have just given.

Amendment 43 seeks to ensure that it would not be possible for a Scottish parliamentary general election to be held on the same day as a referendum called under reserved powers. The hon. Member for Caerphilly gets top marks for ingenuity for trying to shoehorn into the Bill before us today a measure which affects tomorrow's business. I understand that there are strong views on the issue and I promise him that we are considering them carefully. He will know that an amendment has been tabled for the business tomorrow which is very similar to this one and will allow the issue to be debated in some depth. I therefore encourage my right hon. and hon. Friends to resist the opportunity to support the amendment, if only because it would not be fair to Members of other devolved Parliaments and Assemblies, which may have elections on the same day as the Scottish elections next year, for such a measure to be dealt with in a Scottish Bill when we have the opportunity to deal with it properly tomorrow.

9 pm

The hon. Member for Caerphilly was right to point out the Electoral Commission's view on the combination of polls. The commission is very cautious and extremely concerned about excessive combination of polls because of the potential for confusion in electors' minds. I hope we would all agree that this is a statement which is true within boundaries. We are all familiar with occasions—7 May was a good example in many parts of the country—where there are general election polls on the same day as local election polls, so it is possible to combine some polls without any ill effects and electors are used to that. But if too many polls are combined on the same day, perhaps with combined ballot papers, the potential for confusion exists, which is why the Electoral Commission is so concerned.

Amendments 46 and 47 on electoral registration and voting were tabled by the hon. Member for Nottingham North. Members will be aware that the hon. Gentleman was Chair of the Political and Constitutional Reform Committee in the previous Parliament—indeed, he was waving around one of the Committee's reports earlier. I thank him for his Committee's work on the important issue of registration. His amendments relate to automatic registration and online voting. The Bill transfers order-making powers in clause 4—the new section 12—that provide the Scottish Ministers with powers regarding the conduct of Scottish Parliament elections and the registration of electors at those elections. The Government consider that these will be sufficient for the Scottish Ministers to provide, should they wish, for both automatic registration and electronic voting at Scottish parliamentary elections. The Government therefore consider the amendments unnecessary and beyond the remit of the Bill.

The hon. Members for Edinburgh South (Ian Murray) and for Caerphilly tabled new clause 11 which seeks to require the Electoral Commission to produce guidance on ways of further improving the electoral registration process in Scotland, and of ensuring the completeness of electoral registers in Scotland. Under the Smith commission agreement, the Bill devolves functions of the Electoral Commission to the Scottish Parliament in relation to Scottish Parliament elections. The provisions in the Bill will already allow the Scottish Parliament to make provisions for the Electoral Commission to produce such guidance in relation to Scottish parliamentary and local government elections in Scotland. The new clause is therefore not necessary and I hope the hon. Gentlemen will withdraw the new clause when the moment arrives.

On individual electoral registration, I agree with the hon. Member for Caerphilly. Speaking from the Opposition Front Bench, he said it was essential that registers were as complete and as accurate as possible. I am sure that democrats in all parts of the House would applaud that sentiment. We want to ensure that that is happening wherever we can. A report from the Electoral Commission is due shortly which is designed to assess the effect of individual electoral registration, where it has gone well and where it has progressed more slowly, and to assess what benefits have resulted from it. It would therefore be premature to prejudge that report, but I am sure that the hon. Gentleman and I and pretty much everybody in the Chamber will examine it in detail when it comes out. I am sure it will contain some useful recommendations and some important facts for us all to consider.

Non-IER registered electors are those who were not among the 87% of the electorate who were data-matched and automatically transferred to the new registers and who are yet to make a fresh application under the new system. That means 13% of electors on the original electoral rolls were initially unmatched, and we have been whittling down that number. Unless their electoral registration officers have evidence to suggest that those people are no longer eligible, they have been retained on the electoral register as carry-forward electors. The end of the transition to IER will be the point at which any of those remaining non-IER registered electors are automatically removed from the electoral registers in Great Britain.

The amendment would allow the Scottish Government to make regulations about the impact of the end of transition to IER on the completeness of the registers for Scottish parliamentary and local government elections. However, clause 4 already gives Scottish Ministers a broad power to make provision on matters relating to the conduct of Scottish parliamentary and local government elections, particularly on the registration of electors. The intention behind the amendment is to make provision to keep non-IER registered electors on the Scottish electoral registers beyond the end of the transition, but Scottish Ministers could do so already under clause 4 as currently drafted. The amendment would therefore add nothing and is unnecessary. I hope that it will be withdrawn so that we can proceed.

Angus Robertson: I know that we are running out of time, so I will not detain the Committee. I have listened to what the Minister has said and beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 92, page 2, leave out lines 30 to 32 and insert—

“Any digital service provided by a Minister of the Crown for the registration of electors.”.

This amends the reservation of the Digital Service to allow for future changes, such as to the operational mechanisms of the Service, subsequent amendments to the Representation of the People (Scotland) Regulations 2001 (SI 2001/497) and for transfers of functions between Ministers.

Amendment 93, page 2, leave out lines 33 to 37 and insert—

- (a) Parts 5 and 6 of the Political Parties, Elections and Referendums Act 2000 (expenditure in connection with elections) in relation to an election within the legislative competence of the Parliament, where the poll at the election is combined with the poll at an election for membership of the House of Commons or the European Parliament, and

- (b) sections 145 to 148 and 150 to 154 of that Act (enforcement) as they apply for the purposes of Part 5 or 6, so far as the subject-matter of that Part is reserved by paragraph (a).”.

This amendment amends the reservation relating to Parts 5 and 6 of the Political Parties, Elections and Referendums Act 2000 to make clear that sections 145 to 148 and 150 to 154 are also reserved to the extent that those Parts are reserved.

Amendment 94, page 3, line 1, leave out from “Act” to end of line 2 and insert

“as they apply for the purposes of section 155 or 156, so far as the subject-matter of that section”.

This amendment makes drafting changes to the reservation of sections 145 to 148 and 150 to 154 of the Political Parties, Elections and Referendums Act 2000 in line with amendment 93.

Amendment 95, page 3, leave out line 12 and insert—

“(c) sections 12, 21 to 33, 35 to 37, 39 to 57, 58 to 67, 69, 71, 71F, 71G, 71H to 71Y and 140A.”.

This amendment amends the reservation of the Political Parties, Elections and Referendums Act 2000 so that sections of that Act which have been repealed, make amendments to other legislation or do not relate to elections to the Scottish Parliament are not included in the reservation.

Amendment 96, page 3, line 15, after “157”, insert “and 159”.

This amendment amends the reservation of the Political Parties, Elections and Referendums Act 2000 in B3(B) so that section 158 is not reserved. Section 158 provides for amendments and repeals of other legislation and therefore there is no subject-matter within this section that needs to be reserved.

Amendment 97, page 3, line 16, leave out from “154” to end of line 18 and insert

“as they apply for the purposes of a provision mentioned in paragraphs (a) to (e), so far as the subject matter of that provision is reserved by those paragraphs.”

This amendment makes drafting changes to the reservation of sections 145 to 148 and 150 to 154 of the Political Parties, Elections and Referendums Act 2000 in line with amendment 93.

Amendment 98, page 3, leave out lines 20 to 25.— (Stephen Barclay.)

Due to amendment 92, definitions of the “digital service” and “elections in Scotland” are no longer required.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4

POWER TO MAKE PROVISION ABOUT ELECTIONS

Amendments made: 99, page 4, line 30, leave out from “of” to end of line 32 and insert

“any digital service provided by a Minister of the Crown for the registration of electors”.

This amendment ensures that subsection (4) of new section 12 of the Scotland Act 1998 refers to the amended reservation of the Digital Service (see amendment 92).

Amendment 100, , page 5, leave out lines 1 to 3.— (Stephen Barclay.)

Due to amendment 92, a definition of the “digital service” is no longer required.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5

TIMING OF ELECTIONS

Amendment made: 101, page 6, line 4, leave out “, or within two months before,”.— (Stephen Barclay.)

This amendment removes the provision preventing a Scottish parliamentary ordinary general election from being held in the two months before a UK or European parliamentary general election, but such an election to the Scottish Parliament could not be held on the same day as such elections to the UK or European Parliaments.

Amendment proposed: 43, page 6, line 8, at end insert—

“(c) A referendum called under reserved powers”.— (Wayne David.)

Question put, That the amendment be made.

The Committee divided: Ayes 269, Noes 305.

Division No. 9]

[9.7 pm

AYES

Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Anderson, Mr David

Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Kevin

Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Black, Ms Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 Boswell, Philip
 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
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Cowan, Ronnie
 Cox, Jo
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Danczuk, Simon
 David, Wayne
 Davies, Geraint
 Day, Martyn
 Debonnaire, Thangam
 Docherty, Martin John
 Donaldson, Stuart Blair
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Eagle, Ms Angela
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Fellows, Marion
 Ferrier, Margaret
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg
 Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona

Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, Angus

Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Tami, Mark
 Thewliss, Alison
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Nic Dakin and
Karl Turner

NOES

Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Mr Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake

Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bradley, Karen
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Carmichael, Neil
 Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dineneage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark

Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark

Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence

Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Souby, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6

ELECTORAL REGISTRATION: THE DIGITAL SERVICE

Amendments made: 102, page 6, leave out lines 38 to 40 and insert

“is exercisable by the Scottish Ministers concurrently with the Secretary of State for the purposes of making provision about the use, in relation to elections in Scotland, of any digital service provided by a Minister of the Crown for the registration of electors.”

This amendment ensures that the regulation-making power of the Scottish Ministers refers to the amended reservation of the Digital Service (see amendment 92).

Amendment 103, page 6, line 41, leave out from “(9)” to end of line 7 on page 7 and insert “elections in Scotland’ means—”.

Due to amendment 102, definitions of the “digital service” and “use of the digital service” are no longer required.

Amendment 104, page 7, line 21, leave out “the digital service” and insert

“a digital service provided by a Minister of the Crown for the registration of electors”.

This amendment ensures that the provision refers to the amended reservation of the Digital Service (see amendment 92).

Amendment 105, page 7, leave out lines 34 to 36 —(Stephen Barclay.)

Due to amendment 104, definitions of the “digital service” and “election in Scotland” are no longer required.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 and 8 ordered to stand part of the Bill.

Clause 9

MINOR AND CONSEQUENTIAL AMENDMENTS: ELECTIONS ETC

Amendments made: 106, in clause 9, page 11, line 4, at end insert—

“() Omit sections 92(4A), 104(3) and 112(6) and paragraph 11(4) of Schedule 4 (functions under section 15 to be regarded as exercisable within devolved competence).”

This amendment repeals the subsections inserted into the Scotland Act 1998 by section 13 of the Scotland Act 2012. Clause 11 brings the function of making an Order in Council under sections 15(1) and (2) of the 1998 Act within devolved competence and these subsections are therefore no longer required.

Amendment 107, page 11, line 7, leave out “and 2” and insert “, 2 and 13”—(Stephen Barclay.)

This amendment repeals section 13 of the Scotland Act 2012. Amendment 106 repeals the amendments section 13 made to the Scotland Act 1998 and therefore this section is no longer required.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10

SUPER-MAJORITY REQUIREMENT FOR CERTAIN LEGISLATION

Joanna Cherry: I beg to move amendment 62, page 11, line 19, leave out

“the decision whether to pass or reject it”

and insert

“the motion that the Bill be passed is debated”.

Amendments 62 to 66 to Clause 10 aim to clarify matters around references to the Supreme Court, in particular where the Scottish Parliament resolve to reconsider the Bill.

The Chairman of Ways and Means (Mr Lindsay Hoyle):

With this it will be convenient to discuss the following:

Amendment 21, page 11, line 27, at end add—

“(aa) the period between general elections specified in section 2(2)”.

Amendment 22, page 11, line 30, at end add—

“(ba) the alteration of boundaries of constituencies, regions, or any equivalent electoral area”.

Amendment 63, page 11, line 39, after “unless”, insert

“it is passed without division, or”.

Amendment 64, page 12, line 18, at end insert—

“(2A) He shall not make a reference by virtue of paragraph (a) of subsection (2) if the Parliament resolves that it wishes to reconsider the Bill.

(2B) He shall not make a reference by virtue of paragraph (b) of subsection (2) if—

- (a) the Bill was passed without a division, or
- (b) the Bill was passed on a division and the number of members voting in favour of it was at least two thirds of the total number of seats for members of the Parliament.”

This amendment establishes that a Bill passed by consensus in the Scottish Parliament (i.e. without a division) automatically meets the super-majority requirement and ensures that a Presiding Officer’s statement is not required if the super-majority requirements are not triggered.

Amendment 65, page 12, line 23, at end insert—

“(3A) Subsection (3B) applies where—

- (a) a reference has been made in relation to a Bill under this section, and
- (b) the reference has not been decided or otherwise disposed of.

(3B) If the Parliament resolves that it wishes to reconsider the Bill—

- (a) the Presiding Officer shall notify the Advocate General, the Lord Advocate and the Attorney General of that fact, and
- (b) the person who made the reference in relation to the Bill shall request the withdrawal of the reference.”

Amendment 66, page 12, line 27, leave out subsections (11) and (12) and insert—

“(10A) In subsection (4) after paragraph (a) insert—

“(aa) where section 32A(2)(b) applies—

- (i) the Supreme Court decides that the Bill or any provision of the Bill relates to a protected subject matter, or
- (ii) a reference has been made in relation to the Bill under section 32A and the Parliament subsequently resolves that it wishes to reconsider the Bill.”

(10B) After that subsection insert—

“(4A) Standing orders shall provide for an opportunity for the reconsideration of a Bill after its rejection if (and only if), where section 32A(2)(a) applies—

- (a) the Supreme Court decides that the Bill or any provision of the Bill does not relate to a protected subject matter, or
- (b) the Parliament resolves that it wishes to reconsider the Bill.””

Clause 10 stand part.

Amendment 67, in clause 11, page 13, line 4, at end insert—

“(1A) In paragraph 1 of Schedule 4 (protection of Scotland Act 1998 from modification), delete ‘(2)(f) the Human Rights Act 1998’”

This amendment would remove the Human Rights Act 1998 from the list of protected provisions in Schedule 4 of the Scotland Act 1998.

Amendment 68, page 13, line 10, paragraph (a)(ii), leave out “(3)” and insert “(2B)”.

Amendments 68 to 88 to Clause 11 would grant the Scottish Parliament powers to make decisions about all matters relating to the arrangements and operations of the Scottish Parliament and Scottish Government as agreed in the Smith Commission.

Amendment 69, page 13, line 11, paragraph (a)(iii), leave out “11” and insert “12”.

Amendment 70, page 13, line 12, paragraph (a)(iv), leave out from “section” to the end and insert “sections 13 to 27,”.

Amendment 71, page 13, line 13, paragraph (a)(v), leave out from “(v)” to the end and insert “section 28(1) to (6),”.

Amendment 72, page 13, line 14, paragraph (a)(vi), leave out from “(vi)” to the end and insert “sections 29(2)(e)”.

Amendment 73, page 13, line 15, paragraph (a)(vii), leave out “27(1) and (2)” and insert “31”.

Amendment 74, page 13, line 16, paragraph (a)(viii), leave out “28(5)” and insert “32(1) to (3),”.

Amendment 75, page 13, line 17, paragraph (a)(ix), leave out “(1)(a) and (b) and (2) and (3)”.

Amendment 76, page 13, line 18, paragraph (a)(x), leave out “39” and insert “38”.

Amendment 77, page 13, line 21, paragraph (b)(i), leave out “44(1B)(a) and (b), and (2)” and insert “44(1C), (2) and (4),”.

Amendment 78, page 13, line 22, paragraph (b)(ii), leave out “(3) to (7)” and insert “to 50”.

Amendment 79, page 13, line 23, paragraph (b)(iii), leave out “46(1) to (3)” and insert “51(1), (2) and (5) to (8)”.

Amendment 80, page 13, line 24, paragraph (b)(iv), leave out “47(3)(b) to (e)” and insert “52”.

Amendment 81, page 13, line 25, paragraph (b)(v), leave out “48(2) to (4)” and insert “59”.

Amendment 82, page 13, line 26, paragraph (b)(vi), leave out “49(2) and (4)(b) to (e)” and insert “61”.

Amendment 83, page 13, line 27, leave out paragraph (b)(vii).

Amendment 84, page 13, line 28, paragraph (c), leave out “(3)”.

Amendment 85, page 13, line 29, paragraph (d), leave out from “general,” to the end of the paragraph, and insert—

“(i) sections 81 to 85,

(ii) sections 91 to 95, and

(iii) section 97,”.

Amendment 86, page 13, line 31, paragraph (e), leave out from “supplementary,” to the end of the paragraph in line 37, and insert—

“(i) sections 112, 113 and 115, and Schedule 7 (insofar as those sections and that Schedule apply to any power in this Act of the Scottish Ministers to make subordinate legislation),

(ii) sections 118, 120 and 121,

(iii) section 124 (insofar as that section applies to any power in this Act of the Scottish Ministers to make subordinate legislation),

(iv) section 126(1) and (6) to (8), and

(v) section 127,”.

Government amendments 108 to 110.

Amendment 87, page 13, line 39, paragraph (g), leave out “6” and insert “7”.

Amendment 88, page 13, line 41, paragraph (h), leave out

“paragraphs 1 to 6 of”.

Clause stand part.

Joanna Cherry: I rise to speak in favour of amendments 62 and 67. Amendment 67 would introduce to clause 11 a subsection that would remove the Human Rights Act from the list of protected provisions in schedule 4 to the Scotland Act 1998.

In the debate on the Gracious Speech, the Home Secretary confirmed that a Bill will be brought forward during this Parliament to introduce a Bill of Rights and to repeal the Human Rights Act. The Scottish National party has consistently opposed repeal of the Human Rights Act. We won the election in Scotland and therefore there is no mandate from the Scottish people for repeal of the Act. None the less, the Secretary of State for Scotland has confirmed, albeit on Radio Scotland, that repeal of the Human Rights Act will apply equally in Scotland as in England. At present, the Human Rights Act is listed as a protected provision in schedule 4 to the Scotland Act 1998, which means that the Scottish Parliament cannot modify the Human Rights Act. Amendment 67 would change that.

The UK Government have not been clear on how potential changes to the United Kingdom’s relationship with the European convention on human rights and the abolition of the Human Rights Act could impact on the place of the ECHR in Scotland’s constitutional settlement. That is important because the ECHR is entrenched in the Scotland Act 1998. For example, section 29(2)(d) provides that a provision that is incompatible with the ECHR is outwith the legislative competence of the Scottish Parliament, and section 57(2) provides that a member of the Scottish Government has no power to make any subordinate legislation or to do any act in so far as that would be incompatible with the ECHR.

Neither of those sections would be changed by simple repeal of the Human Rights Act alone. It is clear, therefore, that human rights are not specifically a reserved matter; they are partially devolved. Scottish National party Members therefore argue that any repeal of the Human Rights Act without first consulting the Scottish Parliament would violate the Sewel convention, whereby the Westminster Government will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament.

Matters are further complicated by the fact that the Smith commission and the draft clauses proposed putting the Sewel convention on a legislative footing. There is therefore the prospect of a very real clash between the United Kingdom Government commitment to revise and reduce the role of the ECHR in United Kingdom law and their commitment to the Scottish electorate to implement the vow. There is a real possibility of a clash between the Scottish and Westminster Parliaments.

It is worth pausing to look at the realities of human rights in the United Kingdom and why they matter. As I said in my maiden speech, the United Kingdom in fact loses very few of the cases brought against it in Strasbourg. The United Kingdom once had a proud tradition of leading in Europe on human rights. It was elected to membership of the United Nations Human Rights Council in 2014 on a prospectus claiming that it was

“a passionate, committed and effective defender of human rights”.

Repealing the Human Rights Act would not really live up to that claim and would send out all the wrong signals. The right hon. and learned Member for Beaconsfield (Mr Grieve) said in 2014 that the proposal to repeal the Human Rights Act represented a

“failure of ambition...on the global promotion of human rights”.

Human rights matter to ordinary people in this country. Those who have benefited from the Human Rights Act include victims of domestic violence, who have been able to get better protection, and victims of rape, who have used the Act to ensure that the police properly investigate offences. Lesbian, gay, bisexual, transgender and intersex people have used human rights to overcome discrimination in this country. The families of military personnel killed on active service because the Ministry of Defence supplied them with outdated equipment have also benefited under the Human Rights Act. These rights are very real for ordinary United Kingdom citizens.

In Scotland, we have a national action plan for human rights, which has been co-produced in partnership with wider civil society. We have a United Nations-accredited Scottish Human Rights Commission, which is internationally acknowledged as one of the world's best. As I said in my maiden speech, our commitment to human rights in Scotland extends not just to the ECHR, but beyond that to social and economic rights. Through our work on social justice and challenges such as that on fair work, we are intent on ensuring that people in Scotland can enjoy their economic, social and cultural human rights. Scotland is also a world leader in its work to give full effect to the rights of children. We are very proud of that record in Scotland and we wish to protect it—hence amendment 67.

As I have said, the amendment would have the effect of removing the Human Rights Act from the list of enactments that cannot be modified by the Scottish Parliament. If the Scottish Parliament was able to modify the Human Rights Act, that would allow the Scottish Government and the Scottish Parliament to establish a human rights regime in Scotland regardless of whether the Act was repealed by the UK Parliament.

I hasten to add that, as our First Minister has said, the SNP is committed to opposing the repeal of the Human Rights Act for the whole of the UK, not just for Scotland. However, in the unfortunate event that it is repealed for the whole of the UK, amendment 67 would enable us to do something about it, at least in Scotland. That position has the overwhelming support of the Scottish electorate, as evidenced by the 56 out of 59 MPs sitting beside and behind me.

Mr Alistair Carmichael: I will not detain the Committee because time is pressing.

I tabled amendments 21 and 22, which were authored by the Law Society of Scotland. The two issues that they deal with are fairly short in their compass and I do

not intend to press them to a Division. However, I will be interested to hear the Minister's response to them and to have it on the record.

Amendment 21 would include the parliamentary term of the Scottish Parliament within the provisions that can be altered only by way of a super-majority. Under amendment 22, the same would be true of boundaries. It is the wish of the Law Society of Scotland that it should not be possible to influence those matters by a simple majority merely for political advantage.

9.30 pm

The more substantive amendment is amendment 62, which was moved by the hon. and learned Member for Edinburgh South West (Joanna Cherry). There was virtually nothing in her speech with which I disagreed on the role of the Human Rights Act 1998 in Scotland and the integral nature of it to the constitutional furniture that created and maintains the Scottish Parliament. It is a matter of significant importance.

I say to the Government that the way to avoid the difficulties that they will create in respect of the Scottish Parliament and the Northern Ireland Assembly by going ahead with the abolition of the Human Rights Act in the rest of the United Kingdom is simply not to do it in the first place. They risk creating a constitutional mess and leaving a situation in which in one United Kingdom there are different standards of human rights, different practices and different bodies of jurisprudence. I see no advantage to the people of Scotland or the people of the rest of the United Kingdom of meddling in that way. I hope that the Government will listen to the wise words of the hon. and learned Lady.

The Deputy Leader of the House of Commons (Dr Thérèse Coffey): I thank the hon. and learned Member for Edinburgh South West (Joanna Cherry) and the right hon. Member for Orkney and Shetland (Mr Carmichael) for their contributions. A number of significant points have been raised and, in responding to them, I will set out the Government's approach.

I will start by speaking to a number of minor and technical Government amendments. Government amendments 108 to 110 will give Scottish Ministers the power to modify additional sections of the Scotland Act 1998 within their devolved competence and will clarify the extent to which those and other sections can be modified.

Amendment 108 will allow the Scottish Parliament to modify subsections (1) and (3) to (5) of section 112 of the 1998 Act to the extent that they apply to any power exercisable within devolved competence to make subordinate legislation. Amendment 109 will ensure that the Scottish Parliament can modify subsections (1) and (3) to (5) of section 112, section 113, section 115 and schedule 7 to the 1998 Act so far as those provisions apply to making subordinate legislation, including Orders in Council made by Her Majesty in areas of devolved competence. Amendment 110 will give the Scottish Parliament the power to modify section 124 of the 1998 Act, so far as it applies to making subordinate legislation in areas of devolved competence. Those amendments will ensure that the Scottish Parliament can modify how the relevant sections apply to subordinate legislation made by Scottish Ministers and to Orders in Council made by Her Majesty that fall within devolved competence.

[*Dr Thérèse Coffey*]

Amendments 62 to 66 and amendments 21 and 22 seek to amend clause 10, which fulfils the Smith commission agreement to require certain types of electoral legislation to be passed by a two-thirds majority of the Scottish Parliament. I thank the hon. and learned Lady and the right hon. Gentleman for those amendments. The Government believe that our approach to clause 10 delivers on paragraph 27 of the Smith commission agreement, which identified that there are certain types of electoral legislation on which a broad consensus is important. The commission agreed that such a procedure should apply to legislation that changes the franchise, the electoral system or the number of constituencies and regional Members of the Scottish Parliament.

Although the Government will reflect on the points that were made, we do not support those amendments, because we believe that at least two thirds of the Members of the Scottish Parliament should vote in favour of legislation that comes under clause 10 at the final stage. We recognise that that means there will have to be a vote, rather than a Bill passed by consensus, but we believe that the clause implements the intention behind the Smith commission agreement. As the Smith commission recognised, the super-majority requirement is an important safeguard of legislative powers. It is for this reason that I urge hon. Members not to press the amendments.

Amendments 21 and 22, in the name of the right hon. Gentleman, go beyond the Smith commission agreement, which did not propose that legislation relating to the term length of the Scottish Parliament, or the date of any Scottish Parliament ordinary general election, should be subject to that two thirds majority; neither did the agreement state that the Bills concerning the alteration of boundaries of constituencies, regions or any other equivalent electoral area for the Scottish Parliament should be covered by this requirement. For that reason, I ask the right hon. Gentleman not to press his amendments.

Mr Alistair Carmichael: In principle, why would the parliamentary term length be different from the other functions the Minister listed?

Dr Coffey: To be clear, that is what was agreed in the Smith commission. The right hon. Gentleman's party agreed to it and we are not planning to go beyond the Smith commission on this particular arrangement.

Ian Murray: I did not want the moment to pass without congratulating the hon. Lady on her first time at the Dispatch Box and saying that we are delighted to see her.

Dr Coffey: Well, that is very sweet. The hon. Gentleman and I, in our very first summer here together as Members of Parliament, had the joy of going to the United States of America to participate in the British-American parliamentary group. We have been firm friends since. [HON. MEMBERS: "Ooh!"] Exactly—what goes on in Vegas, stays in Vegas.

Clause 10 implements paragraph 27 of the Smith commission agreement, which identified that it is important to have an adequate check on certain types of Scottish Parliament electoral legislation. The Smith commission recommended that UK legislation should provide that

such legislation is passed by a two-thirds majority of the Scottish Parliament. The Government agree that this provides an important safeguard. It is possible, of course, that there may be discussions on whether a particular Bill is in fact this type of legislation.

Clause 10 also allows the Advocate General, the Lord Advocate or the Attorney General to refer to the Supreme Court the question of whether a certain piece of legislation requires a two-thirds majority of the Scottish Parliament. The Supreme Court already provides a similar role on whether a particular matter is within the legislative competence of the Scottish Parliament, so I will move that clause 10 stand part of the Bill.

Amendments 67 to 88 concern clause 11, which delivers on the Smith commission recommendation to give the Scottish Parliament greater powers in relation to the arrangements and operation of the Scottish Parliament and the Scottish Government. It does this by enabling the Scottish Parliament to modify relevant sections of the Scotland Act 1998. I am sure that the Secretary of State will wish to reflect on this to ensure that the agreed powers work correctly, but the Government are clear that the substantial new powers devolved under clause 11 are the right ones.

A number of the amendments to clause 11 would allow further modification of the 1998 Act beyond the scope of the transfer of powers envisaged by the Smith commission. The Bill already transfers substantial powers to modify the Act, consistent with the commission, and the Government do not believe it is right to go beyond that.

The hon. and learned Member for Edinburgh South West referred in particular to amendment 67. Indeed, the right hon. Member for Orkney and Shetland said that this matter should be consistent across the UK, reinforcing that this is reserved for the UK Parliament and not a devolved matter. The hon. and learned Lady said that the UK Government had not been clear on some aspects of this matter. I believe that the Prime Minister has been clear at this Dispatch Box. Amendment 67 would amend the Bill such that paragraph 1 of schedule 4 to the 1998 Act would be modified to remove the Human Rights Act 1998 from the list of legislation the Scottish Parliament cannot modify, otherwise known as the "protected enactments".

The House will be aware that the Government outlined their proposal to reform and modernise our human rights framework by replacing the Human Rights Act with a Bill of Rights. That was reinforced today by my right hon. Friend the Prime Minister at the celebration of the 800th anniversary of Magna Carta. Of course, we are aware of the possible devolution implications of reform and we can engage with the devolved Administrations as we develop the proposals. As the Secretary of State said, the Sewel convention, as intended by Lord Sewel, has been placed in the Bill, but this Parliament remains sovereign. The Government are certainly committed to human rights and, as I indicated earlier, we will consider the devolution implications.

Pete Wishart: That is just not good enough. These are fundamental and profound issues for the Scottish Parliament. We are dependent on the Human Rights Act for the competence of the Parliament. Will the Minister vow to go forward, make sure this is looked at properly, and come back with a more suitable and substantial response?

Dr Coffey: The hon. Gentleman is right that these are important matters, and I can assure him that my right hon. Friend the Secretary of State is engaging with the devolved Administration as we develop the proposals. It has to be said, however, that the amendment is squarely outwith the Smith commission agreement, which contained no proposals in this respect. The hon. and learned Member for Edinburgh South West herself said it was not directly a matter for the Scottish Parliament.

Clause 11 contains important provisions that transfer substantial new powers to ensure that the Scottish Parliament has a greater role and greater powers to make decisions about the operation and administration of itself and the Scottish Government. By doing so, the clause delivers a critical element of the Smith commission package. Among other matters, the clause transfers greater powers to the Scottish Parliament over its membership and proceedings and over the composition and powers of the Scottish Government. I hope that the House will agree to the clause.

Joanna Cherry: We are also grateful to see the hon. Lady in her place, and she is always welcome to make a contribution to Scottish debates, but I regret that her contribution today does not give us the comfort we seek on the protection of human rights in Scotland. We do not wish to press our amendment to a vote tonight, but we reserve the right to return to these matters later in the Bill's proceedings. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 10 ordered to stand part of the Bill.

Clause 11

SCOPE TO MODIFY THE SCOTLAND ACT 1998

Amendments made: 108, page 13, line 32, before “section” insert

“section 112(1) and (3) to (5).”.

This amendment would allow the Scottish Parliament to modify subsections (1) and (3) to (5) of section 112 of the Scotland Act 1998 to the extent that those subsections apply to any power exercisable within devolved competence to make subordinate legislation.

Amendment 109, page 13, line 34, leave out from “power” to end of line 36 and insert

“exercisable within devolved competence to make subordinate legislation).”.

This amendment would allow the Scottish Parliament to modify the sections of the Scotland Act 1998 to be listed at subparagraph 4(2)(e)(i) of Schedule 4 so far as those sections apply to any powers exercisable within devolved competence to make subordinate legislation (including Orders in Council).

Amendment 110, page 13, line 37, at end insert

“, and

(iii) section 124 (so far as that section applies to any power exercisable within devolved competence to make subordinate legislation).”—(*Stephen Barclay.*)

This amendment would allow the Scottish Parliament to modify section 124 of the Scotland Act 1998 to the extent that the section applies to any power exercisable within devolved competence to make subordinate legislation.

Amendment proposed: 89, page 13, line 42, at end insert—

“(2A) In paragraph 4 of Schedule 4 (protection of Scotland Act 1998 from modification), insert new sub-paragraph—

“(5A) This paragraph does not apply to amendments to Schedule 5, Part II, Head A, Section A1 insofar as they relate to:

- (a) taxes and excise in Scotland,
 - (b) government borrowing and lending in Scotland, and
 - (c) control over public expenditure in Scotland.”
- (*Joanna Cherry.*)

This amendment would enable the Scottish Parliament to amend the Scotland Act 1998 to remove the reservation on taxation, borrowing and public expenditure in Scotland, with the effect that the Scottish Parliament could then legislate in these areas to provide for full fiscal autonomy in Scotland.

Question put, That the amendment be made.

The Committee divided: Ayes 60, Noes 309.

Division No. 10]

[9.42 pm

AYES

Ahmed-Sheikh, Ms Tasmina	McCaig, Callum
Arkless, Richard	McDonald, Stewart
Bardell, Hannah	McDonald, Stuart C.
Black, Ms Mhairi	McDonnell, John
Blackford, Ian	McGarry, Natalie
Blackman, Kirsty	McLaughlin, Anne
Boswell, Philip	Monaghan, Carol
Brock, Deidre	Monaghan, Dr Paul
Brown, Alan	Mullin, Roger
Cameron, Dr Lisa	Newlands, Gavin
Chapman, Douglas	Nicolson, John
Cherry, Joanna	O'Hara, Brendan
Cowan, Ronnie	Oswald, Kirsten
Crawley, Angela	Paterson, Steven
Day, Martyn	Ritchie, Ms Margaret
Docherty, Martin John	Robertson, Angus
Donaldson, Stuart Blair	Salmund, rh Alex
Durkan, Mark	Sheppard, Tommy
Fellows, Marion	Skinner, Mr Dennis
Ferrier, Margaret	Stephens, Chris
Gethins, Stephen	Thewliss, Alison
Gibson, Patricia	Thompson, Owen
Grady, Patrick	Thomson, Michelle
Grant, Peter	Weir, Mike
Gray, Neil	Whiteford, Dr Eilidh
Hendry, Drew	Whitford, Dr Philippa
Hosie, Stewart	Wilson, Corri
Kerevan, George	Wishart, Pete
Kerr, Calum	
Law, Chris	
MacNeil, Mr Angus Brendan	
Mc Nally, John	

Tellers for the Ayes:

**Jonathan Edwards and
Liz Saville Roberts**

NOES

Adams, Nigel	Beresford, Sir Paul
Afriyie, Adam	Berry, Jake
Aldous, Peter	Berry, James
Allan, Lucy	Bingham, Andrew
Allen, Heidi	Blackman, Bob
Andrew, Stuart	Blackwood, Nicola
Ansell, Caroline	Blunt, Crispin
Argar, Edward	Boles, Nick
Atkins, Victoria	Bone, Mr Peter
Bacon, Mr Richard	Borwick, Victoria
Baker, Mr Steve	Bradley, Karen
Baldwin, Harriett	Brazier, Mr Julian
Barclay, Stephen	Bridgen, Andrew
Baron, Mr John	Brine, Steve
Barwell, Gavin	Brokenshire, rh James
Bebb, Guto	Bruce, Fiona
Bellingham, Mr Henry	Buckland, Robert
Benyon, Richard	Burns, Conor

Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Carmichael, Neil
 Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard

Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim

Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok

Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Simon Kirby and
Margot James

Question accordingly negated.

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

New Clause 2

CONSTITUTIONAL CONVENTION

(1) The Prime Minister shall establish a Constitutional Convention within one month of the day on which this act is passed.

(2) The Chair and Members of the Constitutional Convention shall be appointed in accordance with a process to be laid before, and approved by, resolution in each House of Parliament.

(3) The Chair of the Constitutional Convention is not permitted to be a Member of Parliament or a member of a political party.

(4) Members of the Constitutional must include, but not be limited to, the following—

- (a) members of the public, chosen by lot through the jury system, who shall comprise the majority of those participating in the convention;
- (b) elected representatives at all levels;
- (c) representatives of civil society organisations and, in an advisory role, academia.

(5) The Constitutional Convention shall review and make recommendations in relation to future governance arrangements for the United Kingdom, including but not limited to the following—

- (a) the role and voting rights of Members of the House of Commons;
- (b) democratic reform of the House of Lords;
- (c) further sub-national devolution within England;
- (d) codification of the constitution.

(6) The Constitutional Convention shall engage in widespread consultation across the nations and regions of the UK, and must provide a report to both Houses of Parliament by 31 March 2016.

(7) The Secretary of State must lay before both Houses of Parliament a formal response to each recommendation of the Constitutional Convention within four months of the publication of the final report from the Constitutional Convention.” —(*Ian Murray.*)

This New Clause provides an outline for a Constitutional Convention selected from the widest possible number of groups in society to analyse and design future governance arrangements for the United Kingdom, and to report by 31 March 2016.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 218, Noes 306.

Division No. 11]

[9.55 pm

AYES

Abrahams, Debbie
 Alexander, Heidi
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Barron, rh Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 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
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Jenny
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Cox, Jo
 Coyle, Neil
 Creasy, Stella
 Cruddas, Jon
 Cryer, John

Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Danczuk, Simon
 David, Wayne
 Davies, Geraint
 Debbonaire, Thangam
 Dodds, rh Mr Nigel
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Eagle, Ms Angela
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gapes, Mike
 Gardiner, Barry
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg
 Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hopkins, Kelvin
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Khan, rh Sadiq

Kinahan, Danny
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Murray, Ian
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Paisley, Ian
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Saville Roberts, Liz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy

Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Starmer, Keir
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Tami, Mark
 Thomas-Symonds, Nick
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Derek

Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 West, Catherine
 Whitehead, Dr Alan
 Williams, Mr Mark
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:

**Nic Dakin and
 Karl Turner**

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Mr Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bradley, Karen
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Carmichael, Neil
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey

Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick

Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David

Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith

Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth

Tugendhat, Tom
 Turner, Mr Andrew
 Tyrrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

Simon Kirby and
 Margot James

Question accordingly negated.

10.9 pm

Proceedings interrupted (Programme Order, 8 June).

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

New Clause 3

TRANSFER OF RESERVED MATTERS

(1) Schedule 5 (which defines reserved matters) to the Scotland Act 1998, has effect with the following modifications.

(2) In Part I (general reservations) omit paragraph 6 (political parties).

(3) Part II (specific reservations) is omitted.

(4) Insert Part IIA (UK pensions liability) as follows—

PART IIA

UK PENSIONS LIABILITY

The consent of the Treasury is required before the enactment of any provision passed by the Scottish Parliament which would affect the liabilities of the National Insurance Fund in respect of old age pensions.”

(5) In Part III (general provisions) the following provisions referring to Part II of the Schedule are omitted—

(a) paragraph 3(2);

(b) paragraph 4(2)(c).”—(*Sir Edward Leigh.*)

This Amendment would allow the Scottish Parliament to make provision for the registration and funding of political parties, but would otherwise retain the Part I reserved matters covering the constitution, foreign affairs, public service, defence and treason. It would entirely remove the remaining reservations over financial and economic matters, home affairs, trade and industry, energy, transport, social security, regulation of the professions, employment, health

and medicines, media and culture and other miscellaneous matters. The consent of the Treasury would be needed for any changes in old age pensions which would affect the liabilities of the National Insurance Fund.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 68, Noes 298.

Division No. 12]

[10.9 pm

AYES

Ahmed-Sheikh, Ms Tasmina
 Arkless, Richard
 Bardell, Hannah
 Black, Ms Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Boswell, Philip
 Brock, Deidre
 Brown, Alan
 Cameron, Dr Lisa
 Chapman, Douglas
 Cherry, Joanna
 Chope, Mr Christopher
 Cowan, Ronnie
 Crawley, Angela
 Davis, rh Mr David
 Day, Martyn
 Docherty, Martin John
 Donaldson, Stuart Blair
 Edwards, Jonathan
 Fellows, Marion
 Ferrier, Margaret
 Gethins, Stephen
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Hendry, Drew
 Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Law, Chris
 Leigh, Sir Edward
 Lewis, rh Dr Julian
 Lucas, Caroline
 MacNeil, Mr Angus Brendan

Main, Mrs Anne
 Mc Nally, John
 McCaig, Callum
 McDonald, Stewart
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Monaghan, Dr Paul
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 Nuttall, Mr David
 O'Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Percy, Andrew
 Robertson, Angus
 Salmond, rh Alex
 Saville Roberts, Liz
 Sheppard, Tommy
 Skinner, Mr Dennis
 Stephens, Chris
 Thewliss, Alison
 Thompson, Owen
 Thomson, Michelle
 Vickers, Martin
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Wishart, Pete

Tellers for the Ayes:

Mr Philip Hollobone and
 Philip Davies

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Mr Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew

Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bradley, Karen
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Carmichael, Neil
 Cartledge, James
 Caulfield, Maria

Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Dinéage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark

Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston

Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
Simon Kirby

Question accordingly negatived.

New Clause 5

APPLICATION OF THE HUMAN RIGHTS ACT 1998 TO SCOTLAND

‘The application of the Human Rights Act 1998 to Scotland shall not be repealed in so far as it affects Scotland without the express consent of the Scottish Parliament.’—(*Mr Allen.*)

The new clause states the intention that the express consent of the Scottish Parliament would be required before any repeal by the Parliament of the United Kingdom of the Human Rights Act 1998 as it applies to Scotland.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 274, Noes 309.

Division No. 13]

[10.22 pm

AYES

Abrahams, Debbie
 Ahmed-Sheikh, Ms Tasmina
 Alexander, Heidi
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Arkless, Richard
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Black, Ms Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 Boswell, Philip
 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
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, Jeremy
 Cowan, Ronnie
 Cox, Jo
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim

Danczuk, Simon
 David, Wayne
 Davies, Geraint
 Day, Martyn
 Debbonaire, Thangam
 Docherty, Martin John
 Donaldson, Stuart Blair
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Eagle, Ms Angela
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Fellows, Marion
 Ferrier, Margaret
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hillier, Meg

Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg

Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Tami, Mark
 Thewliss, Alison
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan

Whitford, Dr Philippa
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Wishart, Pete

Woodcock, John
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:
Karl Turner and
Nic Dakin

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bradley, Karen
Brazier, Mr Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Cairns, Alun
Carmichael, Neil
Cartlidge, James
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Costa, Alberto
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Glyn

Davies, James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donelan, Michelle
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Mr David
Fallon, rh Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard

Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, Boris
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Kinahan, Danny
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
Maynard, Paul
McCartney, Jason
McCartney, Karl
McLoughlin, rh Mr Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw

Metcalfe, Stephen
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Philp, Chris
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spelman, rh Mrs Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi

Swayne, rh Mr Desmond
Swire, rh Mr Hugo
Syms, Mr Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vaizey, Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin

Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negatived.

New Clause 10

CONSENT OF THE SCOTTISH PARLIAMENT TO CERTAIN WESTMINSTER ACTS

‘(1) In section 28 of the Scotland Act 1998 (Acts of the Scottish Parliament), at the end add—

“(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.

“(9) A provision is about a devolved matter if the provision—

- (a) applies to Scotland and does not relate to reserved matters,
- (b) modifies the legislative competence of the Scottish Parliament, or
- (c) modifies the functions of any member of the Scottish Government.

(1) In subsection (8), “Acts” includes any Act, whether a public general Act, a local and personal Act or a private Act.

(2) After section 28 of the Scotland Act 1998 insert—

“28A Duty to consult the Scottish Government on Bills applying to Scotland

(1) A Minister of the Crown shall consult Scottish Ministers before introducing any Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland.

(2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—

- (a) 21 days before the proposed date of introduction, or
- (b) such later date as the Scottish Ministers may agree.

(3) The requirement in subsection (2) does not apply if—

- (c) the Scottish Ministers so agree, or
- (d) there are exceptional circumstances justifying failure to comply with the requirement.

(4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.—(*Angus Robertson.*)

This new clause would ensure that the UK Parliament can only legislate in devolved areas with the consent of the Scottish Parliament. It puts the Sewel Convention onto a statutory footing, as agreed by the Smith Commission.

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 63, Noes 309.

Division No. 14]

[10.35 pm

AYES

Ahmed-Sheikh, Ms Tasmina	Mc Nally, John
Arkless, Richard	McCaig, Callum
Bardell, Hannah	McDonald, Stewart
Black, Ms Mhairi	McDonald, Stuart C.
Blackford, Ian	McGarry, Natalie
Blackman, Kirsty	McLaughlin, Anne
Boswell, Philip	Monaghan, Carol
Brake, rh Tom	Monaghan, Dr Paul
Brock, Deidre	Mulholland, Greg
Brown, Alan	Mullin, Roger
Cameron, Dr Lisa	Newlands, Gavin
Carmichael, rh Mr Alistair	Nicolson, John
Chapman, Douglas	O’Hara, Brendan
Cherry, Joanna	Oswald, Kirsten
Cowan, Ronnie	Paterson, Steven
Crawley, Angela	Pugh, John
Day, Martyn	Ritchie, Ms Margaret
Docherty, Martin John	Robertson, Angus
Donaldson, Stuart Blair	Salmond, rh Alex
Durkan, Mark	Sheppard, Tommy
Farron, Tim	Stephens, Chris
Fellows, Marion	Thewliss, Alison
Ferrier, Margaret	Thompson, Owen
Gethins, Stephen	Thomson, Michelle
Gibson, Patricia	Weir, Mike
Grady, Patrick	Whiteford, Dr Eilidh
Grant, Peter	Whitford, Dr Philippa
Gray, Neil	Wilson, Corri
Hendry, Drew	Wishart, Pete
Hosie, Stewart	
Kerevan, George	
Kerr, Calum	
Law, Chris	
MacNeil, Mr Angus Brendan	

Tellers for the Ayes:
Jonathan Edwards and
Liz Saville Roberts

NOES

Adams, Nigel	Blackman, Bob
Afriyie, Adam	Blackwood, Nicola
Aldous, Peter	Blunt, Crispin
Allan, Lucy	Boles, Nick
Allen, Heidi	Bone, Mr Peter
Andrew, Stuart	Borwick, Victoria
Ansell, Caroline	Bradley, Karen
Argar, Edward	Brazier, Mr Julian
Atkins, Victoria	Bridgen, Andrew
Bacon, Mr Richard	Brine, Steve
Baker, Mr Steve	Brokenshire, rh James
Baldwin, Harriett	Bruce, Fiona
Barclay, Stephen	Buckland, Robert
Baron, Mr John	Burns, Conor
Barwell, Gavin	Burns, rh Sir Simon
Bebb, Guto	Burrowes, Mr David
Bellingham, Mr Henry	Burt, rh Alistair
Benyon, Richard	Cairns, Alun
Beresford, Sir Paul	Carmichael, Neil
Berry, Jake	Cartledge, James
Berry, James	Caulfield, Maria
Bingham, Andrew	Chalk, Alex

Chishti, Rehman
 Choqe, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gummer, Ben

Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott

Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe

Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Treddinick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negatived.

The occupant of the Chair left the Chair (Programme Order, 8 June).

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

PETITION

Car insurance costs

10.47 pm

Andrew Stephenson (Pendle) (Con): I would like to present to the House a petition signed by a large number of Pendle residents about the high cost of car insurance.

The petition states:

The Petition of residents of Brierfield and Nelson,

Declares that the Petitioners believe that the price of car insurance has risen rapidly within the BB9 post code area making it unaffordable for many, as a result of a minority of drivers making fraudulent insurance claims.

The Petitioners therefore request that the House of Commons urges the Government and the insurance industry to work together to reduce insurance costs for car drivers living in the BB9 post code area so that owning a car can be made more affordable.

And the Petitioners remain, etc.

[P001528]

Navitus Bay Wind Farm

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

10.49 pm

Richard Drax (South Dorset) (Con): What a pleasure it is to be in the Chamber with you in the Chair, Madam Deputy Speaker. It is the first time I have spoken while you are in the Chair, so it is a double pleasure.

Before I begin, I want to thank several important contributors to today's debate. Dr Andrew Langley, founder of the Challenge Navitus campaign, has provided me with information, updates, analysis and photographs over a number of years. Bournemouth Borough Council has made its extensive, commissioned research available. Mike Unsworth, the wind farm's project director, has been most accommodating. Of course, there are also my fellow Dorset MPs, several of whom are in the Chamber.

We are faced with the daunting prospect of a giant wind farm off Dorset's coast. Navitus Bay is a joint venture between two foreign energy companies: EDF and Eneco. Together, they formed Navitus Bay Development Ltd, which will hereafter be known as the developer. As with every infrastructure project of national significance, the proposals have been examined in depth by the Government's Planning Inspectorate. Its recommendations have been passed to the Secretary of State for Energy and Climate Change and a decision is due by 11 September.

The purpose of tonight's debate is to impress on the Government the contentious nature of the wind farm and how many people are opposed to it. I am most grateful that the Minister of State, Department of Energy and Climate Change, my hon. Friend the Member for South Northamptonshire (Andrea Leadsom) is in her place and I welcome her to her role.

The plan is to erect 121 giant wind turbines, each 193 metres tall. The nearest will lie a mere 9 miles off the resort of Swanage in my constituency. The wind farm will generate power for 700,000 homes. It will occupy 153 sq km, which is an area the size of Bournemouth, Poole and Christchurch combined. A second, smaller so-called mitigation option for 78 turbines was submitted very late—I want to underline that—in the process.

Both proposals are hugely unpopular. The Planning Inspectorate received more than 2,000 interested representations during the examination period. That is more than twice the number received in respect of the Brighton Rampion project and the highest number for any proposed offshore wind farm the inspectorate has handled. In a test sample over nine days in February, 97% of emailed submissions to the inspectorate were found to be against Navitus Bay.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Does the hon. Gentleman agree with me and many people in the highlands of Scotland that locational price modelling causes distortions in the market? I can hear from what he is saying that the idea of these things being built is not very popular in south Dorset. Such things might be more popular in other areas, such as the Tiree Array, but locational price modelling makes it expensive to connect to the grid from some parts of the coast, whereas other parts of the coast are almost given a subsidy. That is distorting the market, seemingly to the detriment of his constituents.

Richard Drax: I hear the hon. Gentleman, but I will not go down that road because I have only a short amount of time. I am grateful to him for intervening.

Before I move on to the unprecedented opposition to the Navitus Bay proposal, it is important to point out that most of the objections to it are due to its size and its proximity to Dorset's Jurassic coast. Offshore wind generation is accepted as part of our renewables commitment and is already established in places such as the North sea. The problem with Navitus bay is that it is too big and too close.

The development will desecrate one of the most beautiful parts of our country. The Jurassic coast is made up of about 60 miles of the most highly designated coastline in England, including its only UNESCO natural world heritage site, a national park, two areas of outstanding natural beauty and two heritage coasts. A more sensitive site is hard to imagine, yet at its nearest points the wind farm will sit only 9 miles off Swanage, 10.9 miles from the Isle of Wight and 13.3 miles from Bournemouth. Those distances are all inside the 13.8 miles that was recommended by the offshore energy strategic environmental assessment in 2009. Furthermore, 70% of the pylons in the primary allocation will fall within that limit. The so-called mitigation option is little better, with the nearest turbine located 11.5 miles off Swanage.

Why on earth would anyone choose this site? Cost is surely the answer. As it is close to shore and in shallow water, the potential savings must run into millions of pounds when compared with a site further out to sea. However, the area is popular with the sailing, boating and diving communities, and is home to an array of wildlife from migratory birds to harbour porpoises, bottlenose dolphins and, of course, fish. On land, a 40 metre swathe will be carved through the New Forest to enable the wind farm to plug into the national grid.

In addition, studies have pointed to negative environmental impacts, such as rain and radar shadows, and light flicker and sound, including an ultra-low-frequency hum. Project director Mike Unsworth admits that, under the right atmospheric conditions, the rotating blades could be heard onshore. Most significantly, in 2001, UNESCO designated the Jurassic coast as England's sole natural world heritage site of outstanding universal value.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I am very grateful to my hon. Friend for securing this debate. It is good to see so many hon. Friends from across Dorset here in support of my hon. Friend. Does he agree that this issue affects the whole of Dorset, including the local authority areas of East Dorset, Poole and Purbeck, which fall in my constituency? The tourism industry across the whole of our county will be affected if this goes ahead.

Richard Drax: I entirely concur with my hon. Friend. I will flesh out the very point he raises shortly.

The UNESCO designation inscription states that world heritage sites should be

“transmitted, intact and unchanged, to future generations.”

UNESCO's Director of the world heritage centre, Kishore Rao, on advice from a UN advisory body, has warned of the wind farm's impact, saying:

“from being located in a natural setting that is largely free from man-made structures to one where its setting is dominated by man-made structures”,

this, he added,

“could affect the long term viability”

of the site and therefore, ultimately, its designation.

Mr Robert Syms (Poole) (Con): I congratulate my hon. Friend on securing the debate. It was clear from the general election the strength of opposition in my constituency. This is a very real threat to yachting, birds, the community and the view.

Richard Drax: I entirely concur with my hon. Friend. The wildlife is important, and millions of people travel to enjoy our beautiful wild coastline because of the unspoilt view. It is one of the reasons for the world heritage designation.

Mr Christopher Chope (Christchurch) (Con): The Government have said that they wish to give a say to local people in relation to onshore wind farms. Does my hon. Friend agree that it would be ironic if they were not giving a say to local people in relation to offshore wind farms, which can have an equally dramatic impact on local communities—as will the 26 mile corridor of cables across my constituency?

Richard Drax: I entirely concur. I am very grateful that the Minister is sitting in her place. I know she will be listening intently to every single word that we utter and take our concerns back to her Department to ensure that the right decision is made. My only concern is that, because the Government have put less emphasis on onshore, it might mean there is more likelihood of something happening offshore. I hope the Minister does not think that and that that is not the situation.

Although the risk of losing the designation has been played down, the threat is clearly there. Objectors include the National Trust, the New Forest national park, English Heritage, the Jurassic coast world heritage site steering group, numerous environmental groups, recreational and commercial sea users, Dorset County Council, Christchurch, Purbeck, and Bournemouth Councils, Poole Conservative councillors, local MPs and, of course, thousands of residents—an impressive list.

Natural England has concluded that there would be “significant effects on designated landscapes”

and the Campaign to Protect Rural England agrees. Both organisations say they are unable to undertake a thorough review of the second submission because it was submitted so late in the process. The National Trust has also complained of the “lack of transparency” in allowing both applications to run in tandem, describing it as “contrary to the spirit” of the process.

For most local councils, the effect on tourism is the greatest concern. John Beesley, leader of Bournemouth Borough Council, wrote in a recent letter to the Prime Minister:

“Navitus Bay offshore wind farm would be highly visible from land and dramatically alter and damage the intrinsic appeal and beauty of what is currently a natural and untouched seascape... The industrial-scale turbines would be classed as permanent structures and fall into the highest category of harm in terms of visual assessment.”

A report commissioned by the council found that nearly 7 million visitors to Dorset raised £1 billion in revenue and supported 24,000 jobs, and visitor and business surveys, commissioned by Navitus Bay itself—interestingly—predict a drop in tourism of between 32% and 20% during the construction phase alone. Using the lower figure of 20%, the wind farm, over its 30-year lifespan, could cost Bournemouth, Poole, Christchurch and Purbeck up to £6.3 billion and almost 5,000 jobs. The developer does not accept these findings.

Meanwhile, UNESCO has criticised the in-house environmental impact assessment used by the developer, saying that a more genuinely independent report should have been commissioned. Certainly schemes to mitigate this eyesore are on occasions ridiculous. For example, local residents are described in the report as “principal visual receptors”—I am not making this up—and what effect the wind farm has on these so-called receptors depends on whether they are sailing, walking or cycling, which is a very strange way of judging it. Interestingly, environmental concerns were assessed and graded, while, suspiciously, the visual impact was downplayed.

To be fair—it is only right because the developers are not here—I will say what is potentially good about the project. The developer says it would create up to 1,700 jobs during the construction phase; one of three ports—Poole, Yarmouth or Portland—would be chosen as a base for operations and maintenance; the preferred supplier for the turbine blades would secure 200 jobs on the Isle of Wight; and if the foundations are concrete rather than steel, hundreds of jobs would be created on Portland. Some £15 million has been promised to negate the impact on tourism, and a further £8.6 million would be spent in schools and colleges and developing a supply chain with regional businesses.

That is the sweetie shop, and of course I welcome the potential benefits, but they are dependent on the green light, which we hope the Government, whom I know are listening tonight, will not give. However, the longer-term risk to the tourism industry and the desecration of this unique part of the country’s coastline would far outweigh the advantages. The crux is that there are plenty of other places where this wind farm could and should be sited.

Simon Hoare (North Dorset) (Con): My hon. Friend is deploying his arguments with his usual fluency and cogency. Tourism is an integral part of my constituency’s local economy, but the tourist economy is often very fragile, as we can see from lots of our seaside towns around the country. People have plenty of choice, and our county cannot take the risk of seeing even a temporary downturn in tourist numbers. Those numbers might never return, and that would hammer lots of local businesses in my constituency.

Richard Drax: It would, and while we are all trying to get long-term secure jobs into our constituencies, there is no doubt that in a beautiful part of the country such as ours, tourism still has a major role to play and must continue to do so. More importantly, we must protect it.

Navitus Bay has been controversial, flawed and deeply unpopular from the start. If the public are to continue supporting such projects, surely it would be wise to site them with greater sympathy, judgment and balance. Ironically, this Government created an organisation

in 2012 with the intention of protecting our precious natural environment from uninformed and destructive decisions. A decision to refuse both of the two options put forward by Navitus Bay would be a very good start.

11.5 pm

Conor Burns (Bournemouth West) (Con): It is a pleasure to speak for the first time with you in the Chair, Madam Deputy Speaker. I congratulate you on your elevation. I also congratulate my hon. Friend the Member for South Dorset (Richard Drax) on securing the debate.

For those Dorset Members who were here in the previous Parliament, the issue dominated our lives. I looked this afternoon at the number of times I have raised the issue. I did so first on 12 July 2011, when the former Member for Eastleigh, Chris Huhne, was the Secretary of State for Energy and Climate Change. I spoke again on 4 July 2012, 19 November 2013 and 5 December 2013. I posed written questions on 11 June 2014. I raised it at the Culture, Media and Sport Committee with the then Secretary of State on 19 January this year, and mentioned it as recently as 11 June 2015.

It is the biggest issue that confronts our constituents across Dorset. The point my hon. Friend the Member for South Dorset made needs to be emphasised: every single one of us present tonight made it a major feature of our election campaigns. Opposition to Navitus and fighting its detrimental impact on my constituents in Bournemouth West was the No. 1 promise I made to my electorate in my personal election address. I am delighted to see new Members joining the fight—my hon. Friends the Members for North Dorset (Simon Hoare) and for Mid Dorset and North Poole (Michael Tomlinson).

I place on record the gratitude we all feel to Bournemouth Borough Council, and in particular to its leader, John Beesley, who has put the full resources of the council and its officers behind the opposition to the proposal.

My hon. Friend the Member for South Dorset made an important point that is worth emphasising: more people registered as interested parties in this proposed development than in any other offshore development. I hope the Minister understands, but it should not be thought that opposition to the proposal is confined to those who live on the coastline or adjacent to it. When campaigning in my constituency, I was struck by the opposition of people in the north of Bournemouth—in Kinson and Redhill—and by the opposition in Alderney and Branksome East in the Borough of Poole. I was struck by the opposition, too, when I campaigned with my hon. Friend the Member for Mid Dorset and North Poole.

Right from the beginning of the proposal, we said to the company and to Mike Unsworth that, if we could not see the development, and if the visual impact was minimal, we would be prepared to work with the company to bring it to fruition, but in the development zone that the Crown Estate provided to the company, it is strange that the only area it deemed capable of development was the area that is closest to the shore and that has the greatest visual impact.

I understand that the Government have listened intently to other colleagues and their concerns about onshore wind, and I understand the Government’s resolve to put the brakes on it, but I hope it is not the case that on is

[Conor Burns]

off and off is on. I hope the application will be determined on its merits. That is all any of us ask. We believe that the arguments against the proposal are absolutely compelling.

I hope the Minister also notes that, in everything all of us who have spoken about the proposal over the last Parliament and in the beginning of this one, we have not sought to take issue with the Government's energy policy, and we have not sought to discuss the merits or demerits of renewables. We accept the Government's energy policy to be exactly that. We contend that the application is potentially deeply damaging to our communities.

My hon. Friend the Member for South Dorset quoted from the advisory body to UNESCO, which said that, if the development goes ahead, it will take the Jurassic coast from being largely in a natural setting to being largely in a man-made setting. We should be under no illusion about the fact that UNESCO will revoke the coast's natural world heritage designation. It has done it in Germany, and threatened to do it to Mont Saint Michel.

The Minister will rise to speak in a moment, and I have great sympathy for her. She will be able to say almost nothing about this matter, because the application is under consideration, and must be considered quasi-judicially. I can see that you want me to wind up my speech, Madam Deputy Speaker, but the Minister would probably like me to continue a little longer.

Our constituents cannot understand that why the Planning Inspectorate's recommendation—which followed a lengthy public inquiry that took place throughout last year and during the early part of this year, and which has now been put to Ministers in the Department—is secret. We think that that is quite wrong. In our view, the matter should now be out in the open, and debate on it should be welcomed.

Some people will naturally accuse us of being nimbys, but the back yard of Dorset Members of Parliament is a world heritage site. I plead with the Minister to implore her colleagues to reject this case on its merits. Were the project to go ahead, that would be the beginning of the next phase of the fight, because we are united in our determination that it shall not proceed.

11.10 pm

The Minister of State, Department of Energy and Climate Change (Andrea Leadsom): It is a great pleasure to see you in the Chair, Madam Deputy Speaker.

I congratulate my hon. Friend the Member for South Dorset (Richard Drax) on securing the debate. I know that this matter is of great interest to his constituents, and that he has been assiduous in pursuing opportunities to discuss the proposed wind farm in the House on their behalf. I also know that the matter is of great interest to the constituents of my hon. Friends the Members for Poole (Mr Syms), for Christchurch (Mr Chope), for Bournemouth West (Conor Burns), for Bournemouth East (Mr Ellwood), for Mid Dorset and North Poole (Michael Tomlinson), and for North Dorset (Simon Hoare). Along with my hon. Friend the Member for South Dorset, they are long-standing advocates in this matter, and have been diligent in representing the views of their constituents. They should all be commended for their efforts.

As Members will appreciate, I am relatively new to the energy portfolio, but my short time in the Department has reinforced my awareness of the huge importance that the energy sector has, and will continue to have, to the country's economy. I am also very aware of the importance to local communities of proper consideration of the potential local impacts of energy projects.

My right hon. Friend the Secretary of State has set out the key aims of her Department: keeping the lights on, powering the economy, and keeping bills low for families and businesses. The achievement of those aims will require a robust energy strategy, and will, in turn, depend on a broad energy mix for electricity generation, including new nuclear, gas, carbon capture and storage, renewables, and other relevant technologies. We will approach the United Nations climate change conference in Paris with both ambition and pragmatism. I know that energy infrastructure projects of all sorts can have real impacts on local communities, but such projects can also bring real benefits. Finding the right balance between impacts and benefits is a key issue for the Department when it makes its decisions.

As was pointed out by my hon. Friend the Member for Bournemouth West, I cannot comment on the specific merits or otherwise of the Navitus Bay proposal this evening, as doing so could be considered prejudicial to the planning process.

As my hon. Friends will know, the Planning Inspectorate completed its examination of the development consent application for the proposed wind farm, and its associated onshore and offshore infrastructure, in March this year. During a debate that took place in November 2013, before the Navitus Bay application was submitted to the Planning Inspectorate, my right hon. Friend the Member for Sevenoaks (Michael Fallon), who was Energy Minister at the time, encouraged individuals and organisations with an interest in the proposal to engage with any public consultation that was launched. I know that a number of the Members who are present tonight noted that encouragement, and were among the many hundreds, if not thousands, of people who made representations to the Planning Inspectorate during the examination of the Navitus Bay application.

Prior to examining the application, the Planning Inspectorate indicated that it would cover a broad range of topics it considered to be of importance in assessing the potential impacts of the proposed wind farm. The topics on which views were to be sought included biodiversity, fishing, navigational safety, onshore and offshore heritage—including the Jurassic coast world heritage site—and visual and socioeconomic impacts.

The Planning Inspectorate's report was submitted to the Secretary of State on 11 June along with its recommendation on whether consent should be granted or refused. It will now be for the Secretary of State to consider her decision in the light of that report and all relevant information.

Simon Hoare: Can my hon. Friend give any indication of the Secretary of State's timeframe for coming to a decision on the report?

Andrea Leadsom: I was just coming to that. My very next comment is that it is now for the Secretary of State to consider her decision and she must announce it no later than 11 September 2015, to meet the statutory

requirements for planning Act cases. My hon. Friend will forgive me for not being more precise, but he will appreciate that we have only had that report for a couple of days

In taking decisions on planning applications, it is important that all parties are given a fair crack of the whip and that issues are analysed on their merits with an open mind. The consideration of all such applications has to be robust and thorough—this is a fairness point for all interested parties and the applicant.

Large energy infrastructure projects inevitably attract considerable interest from people who may be directly affected by the proposals and also from people who have views on energy projects in a more generic way.

Richard Drax: Yes, big energy projects do draw huge attention, but the only reason why this one is drawing a lot of attention is because it is so near the shore. If it was miles out, we would not give it any attention at all.

Andrea Leadsom: I thank my hon. Friend for that remark. He should certainly feel reassured that my officials and I are very much listening to his and other hon. Friends' concerns.

In planning Act applications of this sort, it is for the Secretary of State, as decision maker, to consider all the arguments that are made for and against these projects and that are set out in the Planning Inspectorate's report. I can assure all hon. Friends that the Secretary of State's consideration of the Navitus Bay application will be rigorous and fair.

In conclusion, I hope that all hon. Members are reassured that the concerns raised by interested parties about the potential impacts of this project are being properly considered through the planning process. I am grateful to my hon. Friend the Member for South Dorset for raising this constructive and thoughtful debate and to all other hon. Friends for attending and for their contributions. I can assure them that I will note the views expressed tonight and will relay them to Lord Bourne, who will be taking the decision on the consent application.

Question put and agreed to.

11.18 pm

House adjourned.

Written Statements

Monday 15 June 2015

TREASURY

Bilateral Loan: Ireland

The Financial Secretary to the Treasury (Mr David Gauke): 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 2014 to 31 March 2015.

A written ministerial statement on the previous statutory report regarding the loan to Ireland was issued to Parliament on 13 October 2014, *Official Report*, column 1WS.

[HCWS34]

Prudential Regulation Authority

The Economic Secretary to the Treasury (Harriett Baldwin): The annual report and accounts 2014-15 of the Prudential Regulation Authority has today been laid before Parliament.

The report forms a key part of the accountability mechanism for the Prudential Regulation Authority under the Financial Services and Markets Act 2000, and assesses the performance of the Prudential Regulation Authority over the past 12 months against its statutory objectives.

Copies are available in the Vote Office and the Printed Paper Office.

[HCWS35]

TRANSPORT

HGV Levy

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): Since 1 April 2014 all HGVs at or above 12 tonnes gross weight using UK roads have been required to pay the HGV road user levy. The levy ensures all such HGVs contribute to the costs of UK

road maintenance and removes some of the inequality UK hauliers feel when paying to use many roads abroad. The levy costs up to £10 per day or £1,000 per year.

I am pleased to announce that the HGV levy has proved to be a great success in its first year of operation. It has raised a total £192.5million in receipts, with £46.5million from foreign-registered vehicles and £146million from UK-registered vehicles. Receipts from foreign vehicles are significantly ahead of the projected £21 million.

For most UK-registered HGVs, vehicle excise duty (VED) was reduced by the same amount as the levy, and is conveniently paid alongside VED to keep administrative costs to a minimum.

Over 160,200 foreign vehicles have been registered on the levy payment system. In total 1.9 million levies were purchased for foreign HGVs, 91% were 'daily', i.e. covering only one or a few days, 3% were weekly, 5% monthly and just 1% annual, despite the discounts available on long duration purchases. This predominance of more expensive daily levies is a major factor in our original estimate being exceeded. Even so, in terms of revenue raised, 18% (£8.5 million) came from annual levies and 48% (£22.3 million) from daily levies. The number of levies purchased was greatest for Polish registered vehicles (27%), followed by Romania (12%), Spain (9%) and Hungary (7%).

The levy has also been a success in terms of efficient digital delivery and customer service. The vast majority of transactions—97%—are made through an on-line portal using registered accounts. The remaining 3% of sales have been through assisted digital point of sale terminals on ferries, at truckstops and through agents. This has all been supported by a multi-lingual customer service call centre.

Effective roadside enforcement has been provided by the Driver and Vehicle Standards Agency (DVSA), Driver and Vehicle Agency (DVA) in Northern Ireland, and the police. This has contributed to a levy compliance level for foreign vehicles inspected by DVSA at roadside check sites in Great Britain of 95%. Officers in Great Britain and Northern Ireland have issued over 3,000 fixed penalties for levy offences during its first year raising more than £900,000 in fines. DVLA has enforced the levy alongside VED for UK registered vehicles, and over 99% compliance has been achieved.

[HCWS33]

Petition

Monday 15 June 2015

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Stance of the Foreign and Commonwealth Office on Hamas

The Petition of residents in the Southend West constituency,

Declares that the Petitioners believe that the Foreign Office view Hamas as a plausible negotiating partner for creating a peace agreement with Israel; further that the Petitioners believe that such a view is incorrect as Hamas's own political charter clearly states that it seeks nothing less than the destruction of Israel; further that the Petitioners believe that the Foreign Office is unwilling to clearly declare that it deplores the use of civilians and civilian buildings by Hamas as part of Hamas's warfare strategy; Hamas's consequential abuse of civilian properties as places from which to launch attacks on Israel, and its abuse of civilians as human shields resulting in a disproportionate loss of life; further that the Petitioners believe that Israel is the only democracy in the Middle East, and is the only place in the Middle East where Christianity and other faiths can co-exist peacefully and thrive; further that a lack of clarity in support of Israel contributes to anti-Jewish sentiment; further that the Petitioners recognise the need for, and the rights of, the civilians of Gaza and other Arabs who live within and around Israel for a peaceable existence; and further that the Petitioners believe that the lack of demonstrable public clarity by the Foreign Office to support Israel and to deplore Hamas is deeply concerning.

The Petitioners therefore urges the House of Commons to request that the Foreign Office explains its actions and views on Israel, and clarifies its view of and position on Hamas.

And the Petitioners remain, etc.—[Presented by Sir David Amess, *Official Report*, 12 February 2015; Vol. 592, c. 1049.]

[P001436]

Observations from the Secretary of State for Foreign and Commonwealth Affairs:

The UK is a firm friend of Israel and we enjoy an excellent bilateral relationship, built on decades of co-operation between our two countries across a range of fields including education, hi-tech research, business, arts and culture. The Government have made significant progress in building the UK-Israel partnership. On almost every front, we have taken the relationship to new levels.

The Prime Minister, who visited Israel in 2014, has made clear the importance he attaches to this relationship, most recently during a call with Israeli Prime Minister, Benjamin Netanyahu, following his re-election. The FCO

Ministers have also repeatedly expressed their support for working closely with Israel on issues that matter to us both. And we continue to support Israel's right to self-defence; our commitment to Israel's security is unwavering. UK Government policy on Hamas have not changed and is clear: Hamas must renounce violence, recognise Israel and accept previously signed agreements. These conditions remain the benchmark against which Hamas' intentions should be judged.

Throughout the hostilities in Gaza of summer 2014, the UK condemned Hamas' illegal and indiscriminate rocket attacks against Israel and stressed the need for Hamas and other militant groups to stop them. We condemned any use of human shields as violations of international humanitarian law, and we called on all sides to ensure that civilians were not put in danger. The UK was also clear that Israel had a right to take action to defend itself but needed to act proportionately and to minimise the risk of civilian casualties.

We also made clear our serious concern regarding human rights abuses in Gaza by Hamas. We are deeply concerned by incitement in the Hamas-run media and leadership, which is both anti-Israel and anti-Semitic; we are concerned about the deteriorating freedoms of religion and belief; and we are concerned about the continued use of extrajudicial executions of alleged collaborators.

Hamas' military wing (Izz al-Din al-Qassem Brigades) is proscribed by the UK Government and have been since March 2001. Proscription makes it a criminal offence to invite support for a proscribed organisation which includes, but is not restricted to, the provision of funds.

The entirety of Hamas (including its political and military wings) has been listed by the European Union since 2003. The UK enforces the EU asset freeze on Hamas through the Terrorist Asset Freezing Act 2010 which makes it a criminal offence for individuals or entities to supply funding to any part of Hamas. In December 2014, the listing of Hamas was annulled on procedural grounds by the European Court. This does not mean that the EU no longer considers Hamas a terrorist organisation and the European Commission is challenging the European Court's decision. The asset freeze remains in place while the legal challenge is ongoing.

The UK has a longstanding policy of no direct contact with Hamas. No UK aid money goes to Hamas. Safeguards ensure compliance with UK and EU legislation on terror financing.

Anti-Semitism is a separate issue, but the following should be noted to address the remark made in the petition. The United Kingdom remains firmly committed to fighting all forms of anti-Semitism, wherever it is found, both domestically and globally. The FCO plays an active part in the cross-Government working group on anti-Semitism. We encourage our embassies and high commissions across the world to remain vigilant to resurgent anti-Semitism and report to London on developing issues of concern. We work actively through multilateral organisations and bilaterally to tackle anti-Semitism wherever it is found.

Ministerial Correction

Monday 15 June 2015

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Food Waste

The following is an extract from the speech made by the Under-Secretary of State for Environment, Food and Rural Affairs in the Westminster Hall debate on food waste on 11 June 2015:

Rory Stewart: Food to the value of £108 billion and the one in eight jobs connected to food and farming in the UK are connected to what every hon. Member in this Chamber deeply believes in, whether it be poverty alleviation, mentioned by my hon. Friend the Member for Blackpool North and Cleveleys; the legislative programmes advocated by the hon. Member for Bristol East; the important arguments on the environment and

resource depletion advanced by the hon. Member for Brighton, Pavilion; or the civil society examples from Zero Waste Scotland produced by the hon. Member for Rutherglen and Hamilton West.

[Official Report, 11 June 2015, Vol. 596, c. 204WH.]

Letter from Rory Stewart:

An error has been identified in the speech I made in the Westminster Hall debate on food waste.

The correct response should have been:

Rory Stewart: Food to the value of **£103 billion** and the one in eight jobs connected to food and farming in the UK are connected to what every hon. Member in this Chamber deeply believes in, whether it be poverty alleviation, mentioned by my hon. Friend the Member for Blackpool North and Cleveleys; the legislative programmes advocated by the hon. Member for Bristol East; the important arguments on the environment and resource depletion advanced by the hon. Member for Brighton, Pavilion; or the civil society examples from Zero Waste Scotland produced by the hon. Member for Rutherglen and Hamilton West.

ORAL ANSWERS

Monday 15 June 2015

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Monday 15 June 2015

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PETITION

Monday 15 June 2015

	<i>Col. No.</i>	<i>Col. No.</i>
FOREIGN AND COMMONWEALTH OFFICE	1P	
Stance of the Foreign and Commonwealth Office on Hamas	1P	

MINISTERIAL CORRECTION

Monday 15 June 2015

	<i>Col. No.</i>
ENVIRONMENT, FOOD AND RURAL AFFAIRS	1MC
Food Waste.....	1MC

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