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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Monday 7 September 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 599

FOURTH VOLUME OF SESSION 2015-2016

House of Commons

Monday 7 September 2015

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Speaker's Statement

Mr Speaker: I have agreed that questions to the Secretary of State for Wales should be postponed from this Wednesday until the following week, Wednesday 16 September, to allow the House to mark the occasion on which Her Majesty the Queen will become our longest-serving monarch. Prime Minister's questions will take place, as usual, afterwards at 12 noon. The Table Office will announce consequential changes to the questions rota shortly.

In addition, before we proceed to oral questions may I remind Members that there is a change in the alphabetical groupings in the Division Lobbies? Members with surnames beginning with G should give their name at the new A to G desk—[*Interruption*—and will need to do so for the next two weeks at least. The appreciation of the hon. Member for Bishop Auckland (Helen Goodman) is not always sought, but it is acknowledged.

Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

Long-term Deteriorating Health Conditions

1. **Emily Thornberry** (Islington South and Finsbury) (Lab): What information his Department holds on the number of people in the work-related activity group who have long-term deteriorating health conditions.
[901146]

The Minister for Employment (Priti Patel): There is no common medical definition as to what constitutes a long-term deteriorating health condition so no data on this are held within Government. The Department will be publishing data on the number of claimants on employment and support allowance with progressive conditions on Thursday.

Emily Thornberry: The answer is, according to the Work and Pensions Committee, about 8,000.

Ministers seem to have discovered remarkable healing powers over the summer break. They believe cutting benefits will help people in the work-related group who have been assessed and deemed as being unable to work to suddenly find work. It will give them an incentive, we are told. These are people who have deteriorating conditions such as Parkinson's and MS which medical experts have said mean they will never be able to work. Which medical condition would the Minister deem might be cured by cutting benefits by £30 a week?

Priti Patel: On the contrary, this Government believe in supporting people who are able to work to get back closer to the labour market, and the Government spend about £350 million a year on employment support for those with conditions, in particular disability. I think all Members will be pleased to know that the Budget has also provided new funding from April 2017 for additional support for claimants with limited capability for work, but importantly the principle here is that those who can work and are able to work are supported by this Government in getting closer to the labour market, and we are supporting them through our jobcentres and the initiatives we have across government.

David Tredinnick (Bosworth) (Con): Is my hon. Friend aware that deteriorating health conditions can be treated by a large number of complementary therapies, including homeopathy, herbal medicine and acupuncture, and will she look at them?

Priti Patel: I thank my hon. Friend for his comments and, as he mentions alternative therapies, I should add that this Government place great emphasis on supporting

benefit claimants with a range of conditions and that support can come in the form of treatment such as talking therapies as well as valuable support for those with mental health conditions. It is important to continue to provide support for those who need help, and that is the objective of this Government.

Melanie Onn (Great Grimsby) (Lab): I wrote to the Secretary of State over the summer following the news that his Department has been publishing fake quotes which it attributed to benefit claimants who had been sanctioned. As I am yet to receive a response, perhaps the Secretary of State or his team could answer one of my questions today. Has this practice of fabricating people and quotes been used by his Department in other instances? If so, can he provide details of when, and, if not, will he apologise to the British public for misleading them and commit to ensuring the practice is never undertaken again?

Mr Speaker: This is purely in relation to deteriorating health conditions.

Priti Patel: The answer to the hon. Lady's question is very clear: that issue has been addressed and my right hon. Friend the Secretary of State has made some very clear statements. I bring the hon. Lady back to the overall question, which is about people with deteriorating health conditions. This Government are committed to supporting the vulnerable and have put in place a great deal of support to help those with deteriorating health conditions manage their conditions and, where they can, get back into work.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): Deteriorating health is one of the main reasons why people are unable to work, but we now know that about 90 people every month over the past three years have died within a short time after having been assessed as fit for work and losing their social security benefits. Does the Minister accept that the assessment process for determining whether someone is fit for work is simply not fit for purpose?

Priti Patel: Let me be clear that the Department recently published fully quality-assured age-standardised mortality statistics, in line with Office for National Statistics requirements and to national statistics standard. It is wrong to state that people have died while claiming an out-of-work benefit and, for the record, it is impossible and completely wrong to draw any causality from the statistics. Any attempt to extrapolate anything beyond those figures is wrong, and two national newspapers that tried to do that have just published an apology for their incorrect reporting of the statistics.

Dr Whiteford: I do think Ministers need to take their head out of the sand, because it is clear that they are abdicating responsibility for very sick people. It has also emerged over the summer that almost half the people appealing against sanction decisions—more than 285,000 people—have been successful. I suspect that a large proportion of those people have serious health problems. Will the Minister finally listen to the cross-party calls for a full-scale review of the sanctions regime and commit to that review this afternoon?

Priti Patel: We have already had a review. Specifically with regard to the statistics, the trend is that the number of people dying, as a proportion of the population, is going down. I bring the House back to my point that any attempt to extrapolate anything beyond the figures is completely wrong.

Kate Green (Stretford and Urmston) (Lab): On Second Reading of the Welfare Reform and Work Bill, the Secretary of State said that if someone is in the work-related activity group, they should be

“capable of doing some work very soon.”—[*Official Report*, 20 July 2015; Vol. 598, c. 1260.]

But in July 2014, the Select Committee on Work and Pensions said that 80,000 people had been placed in the WRAG with a prognosis that a change in their condition was unlikely in the long term. Does the Minister agree that those people should not be in the WRAG?

Priti Patel: Of course, all claimants in the WRAG are assessed, and that assessment determines that they should be in that group. Importantly, people in that group who need more support to prepare for work receive employment and support allowance. I emphasise that that support helps them to prepare to go back to work, whether in the short or medium term. Importantly, claimants are asked to participate in activities that are both appropriate and reasonable for each individual claimant.

Kate Green: But 80,000 people who are not expected to get better have been placed in the WRAG, including 8,000 with degenerative conditions, which by definition mean they will become less well. Cutting £30 a week from such people's benefit will not make them better or help them work; surely it will just make them poorer.

Priti Patel: I reiterate what has been said previously: no one will lose out in financial support. [*Interruption.*] This is for those who are already on the benefit. Importantly, those in the WRAG will be given support to prepare for a return to work in the short or medium term. It is wrong to assume that their condition will automatically deteriorate. Everyone who participates in that group will have the appropriate support, and the expectation on them is both appropriate and reasonable for the individual claimant, with their circumstances taken into account.

Mr Speaker: I call Barbara Keeley. Not here.

Unemployment Rate

3. **Chris Skidmore** (Kingswood) (Con): What progress the Government have made on reducing the rate of unemployment. [901148]

5. **Mrs Sheryll Murray** (South East Cornwall) (Con): What progress the Government have made on reducing the rate of unemployment. [901151]

13. **David Morris** (Morecambe and Lunesdale) (Con): What progress the Government have made on reducing the rate of unemployment. [901159]

The Secretary of State for Work and Pensions (Mr Iain Duncan Smith): Under this Government, unemployment has fallen by more than 650,000 and the unemployment rate has been cut from 8% to 5.6% of the labour force.

Chris Skidmore: Last month's figures showed that the number of people in Kingswood claiming jobseeker's allowance had fallen by 23% since July 2014. Does my right hon. Friend agree that that shows that the Government's welfare reforms are helping people back into work, and that the Conservatives are now the true workers' party thanks to our long-term economic plan?

Mr Duncan Smith: My hon. Friend is, of course, right. People should remember what we inherited, which was a collapsing economy and huge levels of unemployment. Under this Government, some 1,000 more people are in work each day and employment is up by more than 350,000 to more than 31 million. Really importantly, 14.5 million women are in work, which is a record high that the last Labour Government never, ever achieved.

Mrs Sheryll Murray: May I thank the Secretary of State for all his work in reducing unemployment in my constituency? South East Cornwall is a beautiful area, attracting many tourists, especially during the summer. What action have the Government taken to assist those coming out of seasonal work, to help stop them becoming unemployed again?

Mr Duncan Smith: My hon. Friend does a huge amount of work in her constituency to help people in those kinds of jobs and represents them very well here. Jobcentres in her area are tasked with and focused on helping people who do periodic work, which is the nature of a lot of the employment there, and they are trained to do that. As universal credit arrives next year, my hon. Friend will find that a huge number of her constituents will benefit, because instead of losing their way by having to come off jobseeker's allowance and on to tax credits, they will stay on universal credit and with the jobcentre. That will help those who have work that is not always permanent.

David Morris: Does my right hon. Friend welcome the fact that the number of people in Morecambe and Lunesdale claiming jobseeker's allowance for 12 months or more fell by more than 30% over the past 12 months? Is not it a key part of any long-term economic plan to help the long-term unemployed back into the dignity of work?

Mr Duncan Smith: My hon. Friend has been assiduous in his work with the jobcentre and those who have been unemployed. Across the country, long-term unemployment is down by more than a fifth, falling to about 165,000 over the past year, and the number of people unemployed for more than 24 months is falling. The latest figures are down by a fifth, which is a remarkable position, given what we took over from the last Government.

22. [901168] **Catherine West** (Hornsey and Wood Green) (Lab): What assessment is being made by the Department for Work and Pensions of the impact of cuts to the teaching of English as a second language on over 50-year-olds who are seeking employment?

Mr Duncan Smith: As the hon. Lady should know, we offer support and help to those who attend jobcentres. If they do not speak English correctly, we send them on and support them through language courses. That process helps them obtain jobs and improve their circumstances.

Lady Hermon (North Down) (Ind): Is the Secretary of State confident that the rate of unemployment in Northern Ireland would be reduced if, perchance, the Northern Ireland Executive were not to agree welfare reform and the powers were taken back by Westminster?

Mr Duncan Smith: Obviously, this is a matter for my right hon. Friends the Prime Minister and the Secretary of State for Northern Ireland, but what I will say is that we have been in constant discussions and negotiations with politicians in Northern Ireland about implementing welfare reform. Even though there was agreement, they have now decided not to agree. I simply say to all involved that they now need to start thinking about how they can address the issue; otherwise, they will not benefit the people they serve who will lose out because they will lose money.

Hannah Bardell (Livingston) (SNP): My constituent, Mr Colin Fraser, has degenerative Parkinson's disease. He came to see me at my constituency surgery just over a week ago in a very shaken and devastated state after having had the mobility component of his personal independent payment reviewed. According to the Department's own guidelines—[*Interruption.*] This is an important issue. The guidelines state that cases involving claimants with severe neurological conditions such as motor neurone disease, dementia and Parkinson's should be "paper based" and not subject to interview. My constituent was subjected to very intimidating behaviour and I would like the Secretary of State to look very carefully at his case and, in a wider context, how people are dealt with in such situations.

Mr Speaker: With relation to employment.

Mr Duncan Smith: We do conduct reviews and I would be very happy to review that particular case, if the hon. Lady wants to take it up with me. My right hon. Friend the Minister for Employment has already met Parkinson's UK to discuss how we can improve and modify the system so that it helps people much better. We are always looking for ways to improve it, and I and my right hon. Friend would be very happy to speak to the hon. Lady about this particular case.

Richard Graham (Gloucester) (Con): I know that the Secretary of State and his team are absolutely committed to helping 1 million people with disabilities back into work. Last week, I met representatives of an access-to-work contractor, Pluss, which is very active in Gloucester. It told me some remarkable stories of people being helped into jobs. Does my right hon. Friend agree that specialist providers have a real role to play in helping his Department to achieve this important goal?

Mr Duncan Smith: Yes. That is one of the objectives of this Government. We have made huge strides in getting more people with disabilities back into work—I think the figure is now over 220,000, which I believe is the highest figure since records began, in proportionate terms—but the most important point is that we are looking to get that up to the level of normal, non-disabled people who are back in work. Those with disabilities have every right and every reason to expect exactly the same support into work that everybody else gets.

Stephen Timms (East Ham) (Lab): Unemployment went up last month. The Government's commission on employment and skills pointed out earlier this year that although we currently have German levels of adult unemployment, we have eurozone levels of youth unemployment, which went up in July and in August. Does the Secretary of State accept that much more needs to be done to give young people the chance of a decent start?

Mr Duncan Smith: Of course we are focused on youth unemployment, but it has actually been falling from what we inherited. It has fallen by more than 200,000 since we took over, and the claimant count has fallen every month in the past three and a half years. The right hon. Gentleman talked about the figures going up, and in a sense I am not surprised, because they cover the period leading up to the last election. Given what the Opposition were saying, and looking at the polls that some businesses carried out, it is no surprise to me that they might have held back. If he looks at the vacancies, he will see that there are 735,000 vacancies in the jobcentres every week, which is more than he managed.

Pensions Advice

4. **Ian Blackford** (Ross, Skye and Lochaber) (SNP): What discussions he has had with the Chancellor of the Exchequer on ensuring that people accessing new pensions freedoms receive appropriate advice. [901149]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr Shailesh Vara): Ministers in this Department have met and continue to meet the Chancellor and Treasury Ministers to discuss this and other matters. My Department works closely with the Treasury, as well as with the Financial Conduct Authority, to ensure that the requirement for individuals to take independent financial advice works as intended.

Ian Blackford: Has the Minister read the report from the Strategic Society Centre which points out a link between guaranteed retirement income and wellbeing? I am deeply concerned that we are not offering adequate protection to pensioners, given the choices that they face, and I ask the Government to look again at the question of promoting guaranteed income in retirement and to accept their responsibility to protect pensioners.

Mr Vara: I do not agree with the hon. Gentleman when he says that we are not taking our responsibility seriously. He will be aware that Pension Wise offers free impartial guidance that can be given by telephone, online or in face-to-face meetings, and that the Money Advice Service provides a free directory with more than 2,250 firms registered on it. That equates to more than 6,000 individuals who can give advice. In Scotland, there are 162 firms that can give such advice to people, so there are plenty of people out there, but if the hon. Gentleman knows of individual cases, I would be happy to hear from him.

Nigel Mills (Amber Valley) (Con): Is the Minister aware that certain savers who have old, with-profits policies are being forced to pay for financial advice and to get a sign-off, sometimes on an insistent client basis? It can often cost them a lot of money to access their

money under the new freedoms. Would the Minister be prepared to look at this matter again, in order to strike the right balance between providing the right advice and not pricing people out of the market?

Mr Vara: My Department is keen to ensure that the consumer does not miss out, and we are working closely with the Financial Conduct Authority to ensure that the rules and regulations are fit and proper. If my hon. Friend would like to bring any particular cases to my attention, I would be happy to look at them.

Yvonne Fovargue (Makerfield) (Lab): Will the Minister tell us when the Government are going to publish the information on the take-up of the Pension Wise service, and what action they are taking to combat the scammers, who have scammed £4.7 million out of people in the first month of the new scheme?

Mr Vara: If the hon. Lady has any specific information on that, I would be happy to receive it from her. We will be publishing the figures on the take-up of the Pension Wise service in due course, but I do not have them at the moment. It is a relatively new operation, and we need to give it some time. In relation to dealing with scams, we are working with the Financial Conduct Authority and we are seeking to stem these scams and any others that there might be.

Child Poverty

6. **Clive Efford** (Eltham) (Lab): What assessment he has made of the effect of Government policies on the number of children living in poverty. [901152]

16. **Jo Stevens** (Cardiff Central) (Lab): What representations he has received on changing the Government's child poverty targets. [901162]

The Secretary of State for Work and Pensions (Mr Iain Duncan Smith): This Government are committed to working to eliminate child poverty and improve the life chances of children. Our approach is to focus on the root causes of poverty and not just on the symptoms, which will deliver the best improvement in children's life chances. Our consultation on child poverty measurement in 2013 received more than 250 responses, capturing views across the spectrum from local authorities, charities, academics and members of the public.

Clive Efford: I am grateful to the Secretary of State for that answer, but children growing up in households where the parents are on the national minimum wage will see their household income cut next year by up to a maximum of £1,426. He punched the air when the announcement was made in the House in the Budget in July. Was he being incompetent or just callous when he did that? What is he going to do to deal with this cut in household incomes?

Mr Duncan Smith: I am surprised that the hon. Gentleman did not notice that at the time of the Budget my right hon. Friend the Chancellor announced one of the biggest rises in the living wage. I make no apology for punching the air, because that was a huge announcement. This is the whole point: as we get people

back to work, they should be earning more in work—rather than being paid for by taxpayers, they should be paid for by their businesses.

Jo Stevens: Can the Secretary of State explain why the Government are scrapping all child poverty targets?

Mr Duncan Smith: We are not scrapping all the child poverty targets; what we have said is that we are going to look at all the life chances measures. We want to know what they are doing and how well they are performing. Alongside that, we are still publishing income measures; HBAI statistics—households below average income—will still be published. The hon. Lady is therefore wrong in what she says. What we are doing is focusing on what we can actually do to help families get out of poverty, rather than rotating them around a 60% median income line, as the last Labour Government did. That did not make any sense and cost a huge amount of money.

Andrew Bridgen (North West Leicestershire) (Con): Does the Secretary of State agree that an important indicator of a child's prospects in this country is whether they live in a workless household, and that it is right for the Government to take account of that when assessing child poverty?

Mr Duncan Smith: Absolutely; that is exactly right. This is about the measures we take that keep people out of poverty in a sustained way. I have talked already about the rise in the national living wage, but we are also doubling free childcare to 30 hours a week; raising educational standards; and expanding successfully the troubled families programme to a further 400,000 families. In addition, the early years pupil premium is hugely important in helping the most troubled families.

Mr Philip Hollobone (Kettering) (Con): What has happened to the number of workless households since my right hon. Friend became Secretary of State for Work and Pensions?

Mr Duncan Smith: We inherited a situation where nearly one in five households in Britain had nobody in work at all. It is far more likely for someone who is out of work to be in poverty and for their children to be in poverty. We have pretty nearly halved that level and have the lowest number of workless households since records began.

Stephen Timms (East Ham) (Lab): Until a few weeks ago, the Secretary of State told us that he was committed to the targets in the Child Poverty Act 2010, but now he has brought forward legislation that not only scraps those targets, but, as my hon. Friend the Member for Cardiff Central (Jo Stevens) pointed out, will leave Ministers with no child poverty targets at all. He has just denied that from the Dispatch Box, but the fact is that the Welfare Reform and Work Bill removes all the child poverty targets. Why are the Government, in reality, despite his fine words, throwing in the towel on child poverty?

Mr Duncan Smith: We are not; we are committed to eradicating child poverty and we will have to report every year on our achievement in line with the figures

that I gave the right hon. Gentleman earlier. I simply say to him that his Government failed to meet their targets—they spent £75 billion on tax credits in their last six years and still failed—and it is under this Government, in the past five years, that child poverty has actually fallen by some 300,000, rather than under them.

Stephen Timms: The truth is that child poverty is now going to rise even faster than already predicted because of the huge cuts in tax credits next April, to which my hon. Friend the Member for Eltham (Clive Efford) referred. With most children in poverty now living in working households, not workless households, should the Secretary of State's children's life chances reports not include data on children in low-income working households, as well as on those in workless households?

Mr Duncan Smith: I believe that our reports will cover a much wider range of issues that affect child poverty. I have always felt that issues to do with family stability, drug and alcohol addiction and education are critical to a child achieving a decent outcome. If the right hon. Gentleman has anything further to add, I am always willing to take his submissions, and the Select Committee has also said that it will do the same. My point is that an arbitrary target simply for an income line, which is what his Government did, leads to a huge distortion in the benefits system, and the right hon. Member for Birkenhead (Frank Field) has said exactly the same.

New State Pension

7. **Graham Evans** (Weaver Vale) (Con): What steps he is taking to increase public awareness and understanding of the new state pension. [901153]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr Shailesh Vara): We have begun a new media campaign for the new state pension. It will use the full range of communication tools, including press, radio and digital means. Material has been updated to be clearer, to engage people and to help them better understand what the changes mean for them.

Graham Evans: The basic state pension would have been £560 a year higher by the end of the last Parliament if it had been uprated by earnings alone. Does my hon. Friend agree that maintaining the triple lock gives pensioners the greater certainty about their security that they definitely deserve?

Mr Vara: My hon. Friend is absolutely right, and I am grateful to him for making that point in this House. It is important to remember, notwithstanding the tough economic climate, that we on the Conservative Benches have looked after the pensioners. We have given them security and the protection that they need, and I can assure the House that they will continue to have that protection with the triple lock.

Andrew Gwynne (Denton and Reddish) (Lab): Does the Minister understand that a great number of women who were born in the 1950s feel that the Government did not adequately inform them not only about the changes to the state pension age affecting their retirement,

but about the speeding up of that process? Will he look again at that basic unfairness for a group of women who have paid in but who are getting nothing out?

Mr Vara: May I gently remind the hon. Gentleman that the original increase in ages was started under a Labour Government? We have relaunched the campaign to ensure that the target group of people—those who are within 10 years of retirement from April 2016—take an active role in trying to find out how they will benefit under the new state pension.

Fiona Mactaggart (Slough) (Lab): The Minister will be aware that the Association of British Insurers published figures this summer about the new pension freedoms which show that people with big pots are buying income drawdown and that people with small pots are cashing out. He knows that women live longer than men and that they have smaller pots than men, so what is he doing to ensure that women's income in retirement is properly protected?

Mr Vara: Let me be absolutely clear: this Government will not dictate what anybody should do with their pension pots. What we have put in place is the means by which people—both men and women—can seek advice. As I mentioned earlier, there is the Money Advice Service, which has on its books more than 2,250 firms across the country that can give advice. It is for people to take that advice and then to decide. We will not dictate how people should deal with their money.

Universal Credit

8. **Kate Hollern** (Blackburn) (Lab): What recent assessment he has made of progress on rolling out universal credit. [901154]

18. **Matt Warman** (Boston and Skegness) (Con): What assessment he has made of the effectiveness of the roll-out of universal credit. [901164]

The Secretary of State for Work and Pensions (Mr Iain Duncan Smith): Universal credit is now available in more than half of jobcentres across Great Britain and will be available in all jobcentres early next year. The national roll-out is on track and our “test and learn” approach is now working very well. Nearly 175,000 people have made a claim for universal credit so far. The number is growing exponentially as we roll out the scheme across the country. Our evidence shows that the universal credit claimants find work quicker, stay in work longer and earn more than the jobseeker's allowance claimants.

Kate Hollern: I am surprised by that response. The targets that the Minister set last October have been dramatically missed. Will he now accept that universal credit is a failed and expensive policy?

Mr Duncan Smith: It would be helpful if the hon. Lady listened to the answer that she was given rather than go with a Labour Whip's handout. The Front-Bench team obviously worked very hard to ensure that she got her question in. Universal credit is going to be a remarkable success; it is rolling out to more than half of jobcentres and people will benefit enormously.

Matt Warman: In contrast to the views expressed by the hon. Member for Blackburn (Kate Hollern), in my constituency of Boston and Skegness I am told that the roll-out of universal credit is progressing well in its limited form, thanks in part to all the agencies involved. Will the Secretary of State assure me that we will continue to provide the important computer support needed for this online programme so that we can ensure that it goes as far and as fast as possible?

Mr Duncan Smith: I can give my hon. Friend that assurance. In all the areas in which we have rolled out universal credit—in more than half of jobcentres—it is dramatically improving people's lives. Unlike when the previous Government rolled out tax credit and hundreds of thousands of people lost their money, this scheme is ensuring that people who deserve the money and are ready for it are paid it.

Stephen Timms (East Ham) (Lab): The number of people receiving universal credit remains derisively small. Four years ago, the Secretary of State told us that the transition to universal credit would be complete by 2017. We told him he would not manage it. We were right; he was wrong. He still has not given us a revised date for the completion of universal credit roll-out. Has he given up entirely on ever having one?

Mr Duncan Smith: I am on the verge of giving up speaking to the right hon. Gentleman, because he misuses all the facts. As I have told him again and again and again, he is more than welcome to visit the sites where it has been rolled out. He has had an open invitation to come to see the digital site and I recommend that he does so. Universal credit is already working; no one has lost any money; it will be online; and it will go out fully and start next year. This is a successful programme and if the right hon. Gentleman wants to compare notes about tax credit roll-outs, I would be more than happy to do that.

Helen Whately (Faversham and Mid Kent) (Con): I recently visited my local jobcentre in Maidstone. I found that the job coaches there were pretty much unanimous in their support of universal credit—

Neil Coyle (Bermondsey and Old Southwark) (Lab): Did you get one?

Helen Whately: Will my right hon. Friend advise on what formal assessment there has been of the success and impact of universal credit so far?

Mr Duncan Smith: As I have already said, universal credit is now available in more than half of the jobcentres. The full development starts rolling out next year. People will benefit enormously not just from the technicalities but from the fact that an adviser will now stay with a claimant all the way through the claim. I know that my hon. Friend was not looking for a job, but perhaps the hon. Member for Bermondsey and Old Southwark (Neil Coyle) will need to be looking for one in a few years' time.

Work Capability Assessments

9. **Louise Haigh** (Sheffield, Heeley) (Lab): What recent assessment he has made of the effect of work capability assessments on disabled people. [901155]

The Minister for Employment (Priti Patel): We are committed to continuously improving the work capability assessment process for all people. That is why since Labour introduced it in 2008 we have conducted a Department-led review, an evidence-based review and five independent reviews.

Louise Haigh: Contrary to the Minister's earlier remarks, figures finally released by the Department over the summer showed that 2,380 people died after being declared fit for work—more than four times the death rate of the general population. In a harrowing case, a constituent of mine reported to me that she frequently considered committing suicide, both before and after being found fit for work. Does the Minister not feel that it is therefore high time to review the work capability assessment and that thousands of people are being wrongly defined as fit for work?

Priti Patel: Once again let me say that any attempt to extrapolate anything from those figures is simply wrong. It is impossible to draw any causality from those statistics. Organisations have commented on this and Full Fact, which is widely known, has said that similar comments to those made by the hon. Lady, which have been widely reported, are simply wrong. We should not infer from the data that there is any causality, and the trends are down.

Natalie McGarry (Glasgow East) (SNP): I am sure that most people in the House will remember the Secretary of State's Easterhouse epiphany. When will he reply to my invitation to visit my constituency to meet the people of Easterhouse again to listen to them about the effects of his punishing policies on their lives?

Priti Patel: Ministers in the Department and the Secretary of State will be very happy to visit the hon. Lady's constituency and, importantly, speak about the Government's record in supporting people in getting back to work.

Support for Young People Seeking Work

10. **Mr Alan Mak (Havant) (Con):** What support his Department provides to young people seeking work. [901156]

12. **Dr James Davies (Vale of Clwyd) (Con):** What support his Department provides to young people seeking work. [901158]

14. **Nigel Huddleston (Mid Worcestershire) (Con):** What support his Department provides to young people seeking work. [901160]

The Minister for Employment (Priti Patel): Tackling youth unemployment is a priority for this Government. We are determined that young people should not slip into a life on benefit. The Department for Work and Pensions provides a broad range of additional support for young people over and above the standard Jobcentre Plus offer, and that support is tailored to their needs.

Mr Mak: I thank the Minister for that answer. There have been nearly 4,000 new apprenticeship starts since 2010 in my constituency, where the economy is strong

and growing. Does she agree that this Government's efforts to increase both the number and the quality of apprenticeships is critical to improving Britain's competitiveness in the world and to getting Britain back to work with more jobs and improving pay?

Priti Patel: My hon. Friend is absolutely right. Interestingly, notwithstanding the Government's well-known track record on apprenticeships and the number of people across the country who have benefited from our apprenticeship scheme, the subject was discussed at the G20 last week, and other countries are now looking at our scheme to see the positive benefits it has had on our young people.

Dr James Davies: The Minister might be aware of the Change100 scheme run by Leonard Cheshire Disability, which delivers paid work experience placements for young disabled graduates at major employers. Does she agree that such initiatives have an important role to play in helping to ensure that we reduce the disability employment gap?

Priti Patel: I am fully aware of the excellent work that Leonard Cheshire Disability, along with many other organisations, does to help young disabled people take up employment. The Under-Secretary of State for Work and Pensions, my hon. Friend the Member for North Swindon (Justin Tomlinson), has discussed with many organisations, including the Shaw Trust and Whizz-Kidz, how they plan to do more in that area. It is right that we should all do more to support young disabled people to secure employment.

Nigel Huddleston: I have been approached by several young people in my constituency who have learning and reading difficulties, and they tell me that they find the process of applying for benefit, and the form-filling involved in seeking jobs, very complex. What specific actions is the Department taking to assist young people in these challenges?

Priti Patel: My hon. Friend is right. For a start, all young people are screened at the beginning of their claim process to identify any barriers and the kind of support they need. Importantly, we provide options other than online and paper-based ones, such as telephone support or face-to-face interviews. If he would like me to look at any specific cases, I will be happy to discuss them with him.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Minister agree that what all our young people deserve is high-quality training and high-quality apprenticeships? Is she aware that young people suffering from autism face a particular struggle in getting into the labour market and staying there, even though they might be very talented indeed? What is she doing to help them?

Priti Patel: The hon. Gentleman makes a very valid point, and he is right that this is about supporting individuals. The Government have a raft of measures, schemes and initiatives to support young people. For those who face certain challenges, such as autism, we are working with employers to help them provide those young people with opportunities for sustained employment.

We have many programmes, such as Access to Work, which specifically support individuals who face challenges in the workplace. We are developing our relationships with employers so that more and more of them are coming on board to support young people in having fulfilling careers.

Nick Thomas-Symonds (Torfaen) (Lab): Last week I visited the Newport and District Group Training Association in my constituency, which provides higher national diplomas and higher national certificates, which bridge the gap between school and the workplace. I was told that what they want more than anything is a UK Government who are committed to those qualifications and to funding them. Is that a guarantee the Minister can give?

Priti Patel: This Government are absolutely committed to supporting young people. Bridging the gap between school and the world of work can be challenging. Our policies and measures across Government—not just in the Department for Work and Pensions, but in the Department for Business, Innovation and Skills and the Department for Education—fully support that transition. Importantly, the DWP is about to roll out a Jobcentre Plus programme in schools, and we are also doing much more with employers to support the transition into the world of work.

Mental Health and Employment

11. **Paul Scully** (Sutton and Cheam) (Con): What steps he is taking to help people with mental health conditions into work. [901157]

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): Across Government we are investing over £40 million in a range of voluntary pilots to explore the most promising and evidence-based approaches to improving the employment prospects of people with mental health conditions. The Access to Work mental health support service also offers support to individuals with a mental health condition who are absent from work or finding work difficult.

Paul Scully: Sutton Mental Health Foundation does excellent work in this field. Does my hon. Friend agree that, as well as helping unemployed people into work, it is important to help employed people who develop mental health conditions to remain in work, wherever possible? What are the Government doing to help businesses in this situation, in particular small and medium-sized enterprises, which do not have large HR departments?

Justin Tomlinson: As one who has employed someone with a mental health condition, I know the importance of keeping people in work. People with mental health conditions account for 20% of long-term absentees, so in December 2014 we launched the Fit for Work scheme, which helps to tackle sickness absence by providing an occupational health assessment and health and work advice to employees and, crucially, employers. That is particularly important to the smaller businesses that provide 47% of private sector jobs. Also, through the Access to Work scheme, our dedicated team of advisers have helped record numbers of people—more than 1,600 last year.

Mrs Madeleine Moon (Bridgend) (Lab): A joint report from the Methodists, Baptists and United Reformed Churches points out that 100 people with mental health problems are sanctioned every day. Every one of those sanctions reduces the confidence of a person with mental health issues and their hope that they can ever get back into work. Will the Minister look at what is happening with those sanctions? They are destroying confidence, not helping at all.

Justin Tomlinson: Over the past year, sanctions fell by 40%. Jobseekers are only asked to meet reasonable requirements, taking into account their circumstances and capability, including mental health conditions, disability and caring responsibilities. Sanctions are not imposed if a jobseeker has good reason for failing to meet those requirements. Also, jobseekers can always ask for decisions to be reconsidered by an independent panel.

Full-time Employment

15. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What estimate he has made of the number of people who have been in full-time employment in the last 12 months. [901161]

The Secretary of State for Work and Pensions (Mr Iain Duncan Smith): Full-time employment has risen by more than 350,000 over the last year, accounting for 99% of the rise in total employment. The number of people in full-time work is at a record high, and is up over 1.5 million since 2010.

Stephen Metcalfe: I am sure the whole House welcomes this Government's success in creating more full-time jobs. I hope it will also welcome the fact that wages are now rising by 2.8%, on average, which shows that not only are more people in work, but they are being rewarded better than ever.

Mr Duncan Smith: My hon. Friend is right: nearly 2 million more people take home a pay packet that is increasing, up 2.8% on the year, and for the last nine consecutive months, the increase in pay has outstripped inflation. Even better, my right hon. Friend the Chancellor has announced a huge rise in take-home pay through the national living wage, and we should all welcome that.

Topical Questions

T1. [901186] **Will Quince** (Colchester) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Work and Pensions (Mr Iain Duncan Smith): This month, we are rolling out our Fit for Work programme to all employers across England and Wales, and to GPs. Employers will now be able to refer thousands of workers facing long-term sickness to specialist support, providing occupational health advice and helping them to avoid long absence. The Fit for Work service is the first line of defence when anyone falls sick, and alongside GPs it will help employers to avoid people falling on to sickness benefits and losing their link with the world of work.

Will Quince: Will my right hon. Friend join me in paying tribute to the work of social enterprises, such as GO4 Enterprises in Colchester, which do brilliant work in helping young people, ex-offenders and those with mental health difficulties to get back into lasting work?

Mr Duncan Smith: Absolutely. I recognise the huge and vital contribution made by firms such as GO4 Enterprises, delivering huge change in Essex. My Department is instrumental in growing social investment via the £30 million innovation fund I set up, and we will continue to chase and improve those targets.

T4. [901189] **Wes Streeting** (Ilford North) (Lab): How can the Secretary of State claim, as he did this afternoon, that no one has lost out from the roll-out of universal credit, when the taxpayer has lost out to the tune of £140 million because of the botched roll-out of the IT systems?

Mr Duncan Smith: Actually, that has not happened. Taxpayers have not lost money. What we have done is go on rolling out a system, and unlike what happened when tax credits were rolled out under the last Labour Government and hundreds of thousands of people lost money, nobody is losing money as universal credit rolls out.

T2. [901187] **Mike Wood** (Dudley South) (Con): Despite being diagnosed with neuromyelitis optica mid-way through her degree course, my constituent Amy Green successfully completed her course and now hopes to set up her own business. What support is available for people with disabilities who want to start their own business?

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): As someone who ran my own business for 10 years, I wish my hon. Friend's constituent the very best of luck. The Government have helped over 28,000 people through the new enterprise allowance, and through the Access to Work scheme specific training and specialist support can be provided to people with disabilities.

T6. [901191] **Margaret Greenwood** (Wirral West) (Lab): When is the Minister's Department going to publish a full analysis of the impact of the Welfare Reform and Work Bill on the proportion of children living in child poverty as defined by the Child Poverty Act 2010?

Mr Duncan Smith: We publish statistics the whole time on child poverty. We will also be publishing statistics on the effects of different aspects of what we do. There has never been across-the-board comprehensive publication of data by Government on all those things, but I am happy to engage with the hon. Lady if she wants to take the matter further.

T3. [901188] **David T. C. Davies** (Monmouth) (Con): My constituent, Mrs C, recently bereaved, failed to apply for the bereavement allowance in time because she was not aware that it existed. She now has severe financial problems. Will the Minister and his officials be willing to meet me to discuss this case and any way that we could help her?

Mr Duncan Smith: I am very happy to see my hon. Friend myself. If what he is suggesting has happened, it should not have done, and let us put it right.

T7. [901192] **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): Will the Secretary of State support Oxfam's calls for the Welfare Reform and Work Bill to include a requirement for his Government to publish a poverty strategy that would properly address the issue of low pay and tax credit cuts? Please note: the answer is not the Chancellor's entirely bogus living wage.

Mr Duncan Smith: We are focused constantly on trying to get incomes up, and we are looking to do that through the raising of the national living wage announced by my right hon. Friend the Chancellor. For this Government, the No. 1 thing we need to do to make sure that people get out of poverty is to get them back to work. There are some of the best employment figures in Scotland thanks to this Government.

T5. [901190] **Mr David Nuttall** (Bury North) (Con): Given that the Chancellor has said that the welfare costs of new Syrian refugees will be paid for out of the international aid budget, does the Secretary of State agree that there is a good case to be made for that budget also to be used to pay for the costs of existing asylum seekers already in the United Kingdom?

Mr Duncan Smith: I thank my hon. Friend for that really helpful question. My right hon. Friend the Chancellor has made it clear that in this particular circumstance, the needs of these particular migrants, in many cases in desperate trouble, will be met by the money in the aid budget. We have no plans to change that. My hon. Friend cannot tempt me to say more, but following is a statement in which he might like to catch the Speaker's eye.

Mr Speaker: Of course, there is no obligation on colleagues to ask helpful questions.

T8. [901193] **Matthew Pennycook** (Greenwich and Woolwich) (Lab): The planned reduction in support of £30 a week for those in the employment support allowance work-related activity group is causing considerable anxiety. If I heard the Minister for Employment correctly, she said that no existing claimants will lose financial support. Does that mean that existing claimants reassessed after April 2017 will not be designated as new claimants and subject to that £30 reduction?

The Minister for Employment (Priti Patel): As I said, there will be no cash losers among existing claimants. Obviously, the details of this will be outlined as we go through the Welfare Reform and Work Bill in Committee.

T9. [901194] **Lucy Allan** (Telford) (Con): I note what the Minister has said about the excellent progress in reducing youth unemployment numbers, which is really welcome. What has the Department done specifically to focus on reducing the numbers of young people who are not in education, employment or training, given the very specific challenges that those people face?

Priti Patel: My hon. Friend is correct. This Government have had a very strong track record in supporting young people in getting back into work. As I said earlier, this area was discussed at the recent G20. We have now joined an international commitment to do even more because we are ambitious for our young people. We have agreed to have a target for doing more by reducing the number of NEETs by 15% by 2025. We are committed to that. She will be interested to know that our international counterparts are also interested in what the United Kingdom has done and achieved.

T10. [901195] **Neil Gray** (Airdrie and Shotts) (SNP): What assessment has been made of the impact of cuts to ESA for those with mental health conditions?

Priti Patel: I did not quite hear the hon. Gentleman's question, but I think he was alluding to ESA. Ten days ago, my right hon. Friend the Secretary of State gave a speech that basically outlined that we will continue to support those on ESA with the right interventions to help them get back to work.

Stephen Metcalfe (South Basildon and East Thurrock) (Con): As the Minister will be aware, the previous Government agreed to lift the Pension Protection Fund cap imposed on long-serving employees' pensions when a pension fund collapses. Will he tell the House when he will bring forward the appropriate legislation to make that happen?

The Parliamentary Under-Secretary of State for Work and Pensions (Mr Shailesh Vara): I am grateful to my hon. Friend for his question. He will appreciate that I am not prepared to make an announcement about that at the moment. When I do make an announcement, he will be the first to know.

Greg Mulholland (Leeds North West) (LD): Physical exercise and sport have been shown to have a very positive effect not only on physical wellbeing, but on mental wellbeing. What is the Department doing to encourage employers to encourage employees to take part in such activities, perhaps with flexible working hours to allow them to do so during the working day?

Mr Duncan Smith: The hon. Gentleman raises a really important point, which is about getting ahead of the curve by making sure that people do not fall sick. I have announced today the Fit for Work programme, part of which is very much about trying to encourage employers to look at the health of their employees well ahead of that happening. If he wants to write to me about this, I will be very happy to discuss it with him, and we may be able to do more.

Mims Davies (Eastleigh) (Con): I welcome all that the Government have done to increase youth employment, including the remarkable achievement of Eastleigh College, working alongside local employers and stakeholders. Will the Minister investigate having a separate disability living allowance application for those with mental disabilities, such as severe autism, as highlighted by my constituent Cheryl Derrick on behalf of her son?

Priti Patel: I thank my hon. Friend for her question. She is absolutely right about the Government's achievement in supporting young people back into work. I would be very happy to discuss her particular case with her and to pick up on the points she made.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): This Government oblige jobseekers to search online without giving them the skills or resources to do so. Despite my many questions, the Minister has refused to tell me how many claimants have been sanctioned because they cannot get online. Will the Minister tell me or promise to find out?

Mr Duncan Smith: Nobody should be sanctioned because they cannot get online. If the hon. Lady has any examples of that, we would be very happy to take them up. There are online opportunities in libraries and jobcentres, and everything else. If she wants to write to us about it, I would be very happy to deal with it.

Craig Williams (Cardiff North) (Con): With Wales nearly certain to qualify for the European championship, what efforts are being made to improve disabled spectators' facilities in football stadiums?

Justin Tomlinson: I think the whole House will join me in wishing Wales the very best of luck in qualifying for their first final since 1958. They are nearly there. As somebody who is very passionate about sport, I regularly meet the Minister for sport, my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch). We are putting a lot of pressure on both the Premier League and the Football Association. Disabled people should have the right to enjoy sport in the same way as everyone else.

Danny Kinahan (South Antrim) (UUP): As it seems that there may finally be movement towards addressing welfare in Northern Ireland, has the Minister considered how best to address one of the core legacy issues from the troubles—that of mental health?

Mr Duncan Smith: The hon. Gentleman is right that a huge amount of work is being done and there is still even more that can be done, but the No. 1 priority for Northern Ireland right now is for people to sit down, behave rationally and sort this out so that we can get the money to Northern Ireland and support the sort of people he talks about, rather than posturing and playing games.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): The Government's own data show that people in the work-related activity group are twice as likely to die than the general population. How can the Secretary of State justify £30-a-week cuts for people in that category?

Mr Duncan Smith: The hon. Lady put out a series of blogs on the mortality stats last week that were fundamentally wrong. Her use of figures is therefore quite often incorrect. I simply say to her—[*Interruption.*] She has had an offer to meet the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for North Swindon (Justin Tomlinson), time and again, but she just wants to sit in the bitter corner screaming abuse.

Christian Matheson (City of Chester) (Lab): In the period during which the Secretary of State has held his job, what is the most unacceptable reason he has come across for a benefit claimant being sanctioned?

Mr Duncan Smith: There are rules, regulations and guidance on who should be sanctioned. The sanctions regime, which was in place under the Labour Government, is there to ensure that when taxpayers pay their money

to support unemployed people, those people look for work, take that work and stay in work. I think that is only fair.

Syria: Refugees and Counter-terrorism

3.30 pm

The Prime Minister (Mr David Cameron): Before I make a statement on counter-terrorism, Mr Speaker, let me update the House on what we are doing to help address the migration crisis in Europe and, in particular, to help the thousands of refugees who are fleeing Syria.

This issue is clearly the biggest challenge facing countries across Europe today. More than 300,000 people have crossed the Mediterranean to Europe so far this year. These people came from different countries under different circumstances. Some are economic migrants in search of a better life in Europe; many are refugees fleeing conflict. It is vital to distinguish between the two.

In recent weeks, we have seen a vast increase in the numbers arriving across the eastern Mediterranean from Turkey. More than 150,000 people have attempted that route since January. The majority of them are Syrian refugees fleeing the terror of Assad and ISIL, which has seen more than 11 million people driven from their homes.

The whole country has been deeply moved by the heart-breaking images that we have seen over the past few days. It is absolutely right that Britain should fulfil its moral responsibility to help the refugees, just as we have done so proudly throughout our history. But in doing so, we must use our head and our heart by pursuing a comprehensive approach that tackles the causes of the problem as well as the consequences. That means helping to stabilise the countries from which the refugees are coming, seeking a solution to the crisis in Syria, pushing for the formation of a new unity Government in Libya, busting the criminal gangs who are profiting from this human tragedy and playing our part in saving lives in the Mediterranean, where our Royal Navy has now rescued over 6,700 people.

Britain is doing, and will continue to do, all those things. We are using our aid budget to alleviate poverty and suffering in the countries from which these people are coming. We are the only major country in the world that has kept the promise to spend 0.7% of our GDP on aid. We are already the second largest bilateral donor of aid to the Syrian conflict, including by providing more than 18 million food rations, giving 1.6 million people access to clean water and providing education to a quarter of a million children. Last week, we announced a further £100 million, taking our total contribution to over £1 billion. That is the UK's largest ever response to a humanitarian crisis.

Some £60 million of the additional funding will help Syrians who are still in Syria. The rest will go to neighbouring countries—Turkey, Jordan and Lebanon—where Syrian refugees now account for a quarter of the population. More than half of the new funding will support children, with a particular priority placed on those who have been orphaned or separated from their families. No other European country has come close to this level of support. Without Britain's aid to the camps, the numbers attempting the dangerous journey to Europe would be very much higher.

As my right hon. Friend the Chancellor said yesterday, we will now go much further in the spending review, significantly reshaping the way we use our aid budget to

serve our national interest. We will invest even more in tackling the causes of the crisis in the middle east and north Africa, and we will hold much larger sums in reserve to respond to acute humanitarian crises as they happen.

Turning to the question of refugees, Britain already works with the UN to deliver resettlement programmes and we will accept thousands more under the existing schemes. We have provided sanctuary to more than 5,000 Syrians in Britain and we have introduced a specific resettlement scheme, alongside those we already had, to help Syrian refugees who are particularly at risk.

However, given the scale of the crisis and the suffering of the Syrian people, it is right that we should do much more. We are proposing that Britain should resettle up to 20,000 Syrian refugees over the rest of this Parliament. In doing so, we will continue to show the world that this is a country of extraordinary compassion, always standing up for our values and helping those in need. Britain will play its part alongside our European partners, but because we are not part of—[*Interruption.*] This is important. Because we are not part of the EU's borderless Schengen agreement or its relocation initiative, Britain is able to decide its own approach.

We will continue with our approach of taking refugees from the camps, and from elsewhere in Turkey, Jordan and Lebanon. This provides refugees with a more direct and safe route to the United Kingdom, rather than risking the hazardous journey to Europe, which has tragically cost so many lives. We will continue to use the established United Nations High Commissioner for Refugees process for identifying and resettling refugees. When they arrive here we will grant them a five-year humanitarian protection visa, and we will significantly expand the criteria we use for our existing Syrian vulnerable persons relocation scheme. As we do so, we will recognise that children have been particularly badly affected by the crisis in Syria. In most cases, the interests of children are best met in the region where they can remain close to surviving family members, but in cases where the advice of the UNHCR is that their needs should be met by resettlement here in the UK, we will ensure that vulnerable children, including orphans, will be a priority.

In recent days, we have seen councils and our devolved Administrations coming forward to express their willingness to do more to take Syrian refugees. This has reflected a wider generosity from families and communities across our country. I commend in particular the Archbishop of Canterbury for the offer made by the Church of England. My right hon. Friends the Home Secretary and the Secretary of State for Communities and Local Government will now work intensively with local authorities and the devolved Administrations to put in place the necessary arrangements to house and support the refugees we resettle. The Home Secretary will update the House on these plans next week.

Finally on this part of the statement, in full accordance with internationally agreed rules we will ensure that the full cost of supporting thousands of Syrian refugees in the UK will be met through our aid spending for the first year, easing the burden on local communities. This will be a truly national effort and I know the whole House will come together in supporting these refugees in their hour of need.

Turning to our national security, I would like to update the House on action taken this summer to protect our country from a terrorist attack. With the rise of ISIL, we know terrorist threats to our country are growing. In 2014, there were 15 ISIL-related attacks around the world. This year, there have already been 150 such attacks, including the appalling tragedies in Tunisia in which 31 Britons lost their lives. I can tell the House that our police and security services have stopped at least six different attempts to attack the UK in the past 12 months alone.

The threat picture facing Britain in terms of Islamist extremist violence is more acute today than ever before. In stepping up our response to meet this threat, we have developed a comprehensive counter-terrorism strategy that seeks to prevent and disrupt plots against this country at every stage. It includes new powers to stop suspects travelling. It includes powers to enable our police and security services to apply for stronger locational constraints on those in the UK who pose a risk. It addresses the root cause of the threat—the poisonous ideology of Islamist extremism—by taking on all forms of extremism, not just violent extremism.

We have pursued Islamist terrorists through the courts and the criminal justice system. Since 2010, more than 800 people have been arrested and 140 successfully prosecuted. Our approach includes acting overseas to tackle the threat at source, with British aircraft delivering nearly 300 air strikes over Iraq. Our airborne intelligence and surveillance assets have assisted our coalition partners with their operations over Syria. As part of this counter-terrorism strategy, as I have said before, if there is a direct threat to the British people and we are able to stop it by taking immediate action, then, as Prime Minister, I will always be prepared to take that action. That is the case whether the threat is emanating from Libya, from Syria or from anywhere else.

In recent weeks it has been reported that two ISIL fighters of British nationality, who had been plotting attacks against the UK and other countries, have been killed in air strikes. Both Junaid Hussain and Reyaad Khan were British nationals based in Syria and were involved in actively recruiting ISIL sympathisers and seeking to orchestrate specific and barbaric attacks against the west, including directing a number of planned terrorist attacks right here in Britain, such as plots to attack high profile public commemorations, including those taking place this summer.

We should be under no illusion; their intention was the murder of British citizens, so on this occasion we ourselves took action. Today, I can inform the House that in an act of self-defence and after meticulous planning, Reyaad Khan was killed in a precision airstrike carried out on 21 August by an RAF remotely piloted aircraft while he was travelling in a vehicle in the area of Raqqa in Syria. In addition to Reyaad Khan, who was the target of the strike, two ISIL associates were also killed, one of whom, Ruhul Amin, has been identified as a UK national. They were ISIL fighters, and I can confirm that there were no civilian casualties.

We took this action because there was no alternative. In this area, there is no Government we can work with; we have no military on the ground to detain those preparing plots; and there was nothing to suggest that Reyaad Khan would ever leave Syria or desist from his

desire to murder us at home, so we had no way of preventing his planned attacks on our country without taking direct action. The US Administration has also confirmed that Junaid Hussain was killed in an American airstrike on 24 August in Raqqa.

With these issues of national security and with current prosecutions ongoing, the House will appreciate that there are limits on the details I can provide. However, let me set out for the House the legal basis for the action we took, the processes we followed and the implications of this action for our wider strategy in countering the threat from ISIL. First, I am clear that the action we took was entirely lawful. The Attorney General was consulted and was clear that there would be a clear legal basis for action in international law. We were exercising the UK's inherent right to self-defence. There was clear evidence of these individuals planning and directing armed attacks against the UK. These were part of a series of actual and foiled attempts to attack the UK and our allies, and given the prevailing circumstances in Syria, the airstrike was the only feasible means of effectively disrupting the attacks that had been planned and directed. It was therefore necessary and proportionate for the individual self-defence of the United Kingdom. The United Nations charter requires members to inform the President of the Security Council of activity conducted in self-defence, and today the UK permanent representative will write to the President to do just that.

Turning to the process, as I said to the House in September last year:

"I think it is important to reserve the right that if there were a critical British national interest at stake or there were the need to act to prevent a humanitarian catastrophe, you could act immediately and explain to the House of Commons afterwards."—[*Official Report*, 26 September 2014; Vol. 585, c. 1265.]

Our intelligence agencies identified the direct threat to the UK from this individual and informed me and other senior Ministers of that threat. At a meeting of the most senior members of the National Security Council, we agreed that should the right opportunity arise, military action should be taken. The Attorney General attended the meeting and confirmed that there was a legal basis for action. On that basis, the Defence Secretary authorised the operation. The strike was conducted according to specific military rules of engagement, which always comply with international law and the principles of proportionality and military necessity. The military assessed the target location and chose the optimum time to minimise the risk of civilian casualties. This was a very sensitive operation to prevent a very real threat to our country, and I have come to the House today to explain in detail what has happened and to answer questions about it.

I want to be clear that the strike was not part of coalition military action against ISIL in Syria; it was a targeted strike to deal with a clear, credible and specific terrorist threat to our country at home. The position with regard to the wider conflict with ISIL in Syria has not changed. As the House knows, I believe there is a strong case for the UK taking part in airstrikes as part of the international coalition to target ISIL in Syria, as well as Iraq, and I believe that that case only grows stronger with the growing number of terrorist plots being directed or inspired by ISIL's poor leadership in Raqqa. However, I have been absolutely clear that the Government will return to the House for a separate vote if we propose to join coalition strikes in Syria.

[*The Prime Minister*]

My first duty as Prime Minister is to keep the British people safe. That is what I will always do. There was a terrorist directing murder on our streets and no other means to stop him. The Government do not for one minute take these decisions lightly, but I am not prepared to stand here in the aftermath of a terrorist attack on our streets and have to explain to the House why I did not take the chance to prevent it when I could have done. That is why I believe our approach is right. I commend this statement to the House.

3.44 pm

Ms Harriet Harman (Camberwell and Peckham) (Lab): I thank the Prime Minister for his statement and I shall start by asking about the refugee crisis. When a country decides how to respond to the plight of others from outside, it is a moment when a nation becomes clear about who it is and what it stands for. This is one such defining moment. Is our national priority to keep people out at all costs or to give sanctuary to those fleeing from their homes? Is being British to be narrow, inward looking and fearful of the outside world or is it about being strong, confident and proud to reach out to those seeking refuge on our shores? It must be the latter.

We should not be talking about refugees as being “a burden” on us. Among the Syrian children we take in now will be the future consultants at our hospital bedsides, the entrepreneurs who will build our economy, the professors in our universities and those who will be among the strongest upholders of British values, because that has been the story of refugees to this country—whether it be the Jewish children of the Kindertransport, the Asian families driven out of east Africa 20 years later or the Sierra Leoneans fleeing a brutal civil war. The Prime Minister said last week that it will not help to take more refugees because it will not solve the problem in Syria, but that was a false choice. Helping those Jewish children was not part of our efforts to end the second world war; helping the east African families did not bring down the brutal dictatorships in east Africa, but it was the right thing to do.

I shall not take up any more time rehearsing the criticisms of the Government’s response to date, but I want to ask the Prime Minister about what is going to be done now. He said that this country will now accept 20,000 Syrian refugees over the course of this Parliament. How many will it be this year? The crisis is immediate so does that mean there will be only 4,000 this year? We need more information on that. Will the Prime Minister now urgently convene local authority leaders from around the country to hear from them what they are prepared and able to do to settle the refugees into their areas and how much further they can go? Many local authorities are keen to step forward and play their part—and that is greatly to their credit. They will need additional resources, particularly at a time when they are undergoing unprecedented cuts. The Government have said that they are planning to use the international aid budget for this purpose. Is that compliant with our commitment to 0.7%, and why does the Prime Minister not use the reserves for this purpose?

It is not just a matter of immediate resettlement; there is also integration. Will the Prime Minister establish and publish a proper integration plan? The refugee

crisis is not an issue only for local government or the Home Office; it is an issue for the Department for Transport, the Department for Education, the Department of Health, the Department for Business, Innovation and Skills and for the devolved authorities of Scotland and Wales. What discussions has the Prime Minister had with the First Ministers of Scotland and Wales on this issue, and will he convene Cobra to establish a cross-governmental plan?

Desperate conditions in the refugee camps are what drive many of those who risk their lives trying to bring their families to Europe. We strongly support our aid already provided to the refugee camps in Jordan, Lebanon and Turkey, but it remains a concern that the Prime Minister is not co-ordinating his response more broadly with other European countries or with the UN. Will he reconsider his refusal to take any refugees from the southern European countries where most refugees have arrived? Fifty thousand have come to Greece in the course of just one month, and these refugees, too, need help.

It is clear that Europe has been overwhelmed and is without a plan so will the Prime Minister call for an emergency summit of EU leaders? We have a lot to learn from those countries that have already embarked on the process of resettling refugees, so will he join me in thanking Dame Glenis Willmott, MEP, for ensuring that this will be debated in the European Parliament this Wednesday?

Let me turn to the Government’s action on counter-terrorism. No one should be in any doubt about the scale of the threat posed by ISIL. We have witnessed its brutal torture and murder of British citizens abroad, and the sickening attacks that it has inspired and is seeking to organise here at home. The security services and our armed forces do immensely important work to keep us safe—a task that is difficult and dangerous—and we thank them for what they do.

I thank the Prime Minister for briefing the shadow Foreign Secretary and me this morning, when for the first time we learned of the specific operation of 21 August of which he has just informed the House. The Prime Minister has told the House today that in order to protect the safety of our citizens here at home, the Government have authorised the targeting and killing of a man—a British citizen—in Syria, a country where our military force is not authorised. Will he confirm that this is the first occasion in modern times on which that has been done?

The Prime Minister said in his statement that a meeting of senior members of the National Security Council had agreed that should the right opportunity arise, the military should take action, and that the Attorney General, who was at the meeting, had confirmed that there was a “legal basis for action”. The Prime Minister has said that the action was legally justifiable under the doctrine of national self-defence, because the man was planning and directing armed attacks in the United Kingdom, there was no other way of stopping him, and the action was necessary and proportionate. Bearing in mind that the sufficiency of evidence in relation to each of those points is crucial to the justification for that action, why did the Attorney General not authorise the specific action, rather than merely confirming that “there was a legal basis” for it? Was the Attorney General’s advice given or confirmed in writing, and will

it be published? The Prime Minister said in his statement that the Defence Secretary had authorised the operation. Why was it not the Prime Minister himself who authorised it?

I want to ask the Prime Minister about the specific target of this attack. Inasmuch as he can disclose it to the House, will he say what it was about this individual and his actions that singled them out from all that had gone before? Did he represent an ongoing threat, or was the threat based on a specific act that he was plotting? Will the Prime Minister tell the House whether this action by our military was an isolated action, or is he saying that the Government are likely to repeat action of this sort in the future? Above all, will he agree with me that there is a need for independent scrutiny of what the Government have done? May I ask him to request that the counter-terrorism reviewer and the Intelligence and Security Committee investigate this action and, in particular, consider the sufficiency of the evidence?

We are already engaged in the use of force against ISIL in Iraq, and it is vital for the United Kingdom to continue to play its part in international efforts to combat ISIL across the region. The Prime Minister said in his statement that if he proposed joining coalition strikes in Syria, he would return to the House for a vote of authorisation. May I reiterate the position as set out by the shadow Defence Secretary and me on 2 July? ISIL brutalises people, it murders people, and it is horrifically oppressive. We will carefully consider any proposals that the Government present in relation to military action in Syria, but we all need to be clear about what difference any action would make to our objective of defeating ISIL, and about the nature of such action, its objectives, and the legal basis. Potential action must command the support of other nations in the region, including Iraq and the coalition that is already taking action in Syria.

The Prime Minister: I thank the right hon. and learned Lady for her response. I agree with her about the contribution that refugees who have come to Britain have made to our country. I am thinking of Jewish refugees from Europe, and of the Ugandan Asians who have made an immense contribution to our country, and I know that these people will do so as well.

I also agree with the right hon. and learned Lady that, as I said, there is not a number of refugees that we can take that will solve the problem of Syria. This is about meeting our humanitarian responsibilities, and demonstrating that ours is a country—which it is—with a moral conscience and a moral way in the world, which is why it is one of the countries that are not only taking refugees, but meeting their aid targets in a way that other major countries are not.

The right hon. and learned Lady asked about the 20,000 and how many we can take in this year. Obviously we want to get on with this process. It will depend in part on how well UNHCR can do in processing people in the camps to come to the UK. Checks obviously have to be made on the people we will be receiving. We also want to work, as she says, very closely with local authorities so that the capacity to not just receive people, but receive them well, is in place. She asked about the aid budget and whether we were going to stick to the rules. Yes, we are. The aid rules are explicit: we can use the

money in the first year receiving refugees. That makes common sense, apart from anything else, so we will use that money.

The right hon. and learned Lady asked for an integration plan. The Home Secretary and Communities and Local Government Secretary will chair a committee to bring together Government, so that we make sure we do everything we can to help people across the country, and they will be looking at that issue of integration. Have we discussed this issue with First Ministers in Wales and Scotland? Yes, there has been contact. The First Minister in Scotland has made a generous offer, wanting to take, I think, 1,000 refugees into Scotland. With this 20,000 figure, that will probably rise, and I welcome what the Scottish National party is saying about that.

The right hon. and learned Lady asked about European co-operation. I have just got off the telephone to Angela Merkel; she was very grateful and welcomed the statement we are making today, but let me make this point, because it is important: Britain has a major role to play in terms of this conflict because we are the second biggest funder of these refugee camps, and we are the biggest donor of aid to many of these countries. We will be taking 20,000 refugees, but we think it makes more sense to take the refugees from the refugee camps, rather than those redistributed within Europe. Obviously countries within the Schengen no-border system have a different set of responses, and we will work with them, and it is important that we show solidarity as we do so. We want to encourage people not to make that dangerous crossing in the first place, and it is worth considering this: 11 million have been pushed out of their home in Syria, and so far only perhaps 3% have made that journey to Europe, so it is important that as we act with head and heart, we help people without encouraging them to make that dangerous and potentially lethal journey.

The right hon. and learned Lady asked about an emergency summit. Britain, France and Germany called for an emergency meeting of Home Affairs and Justice Ministers, which will take place on 14 September. We will be meeting as well in October, and if there is a need for further meetings, we can look at that, but what is needed overall in Europe is a comprehensive plan—not just for the number of refugees, but for dealing with the external border, making sure other countries meet their aid obligations and stopping the criminal gangs.

Let me turn to the right hon. and learned Lady's questions on counter-terrorism. She asked: is this the first time in modern times that a British asset has been used to conduct a strike in a country where we are not involved in a war? The answer to that is yes. Of course, Britain has used remotely piloted aircraft in Iraq and Afghanistan, but this is a new departure, and that is why I thought it was important to come to the House and explain why I think it is necessary and justified.

The right hon. and learned Lady asked about the legal justification. She is right to say that we believe it was necessary and proportionate, and there was no other way we could have met our objectives, and all this was based on the Attorney General's advice. We do not publish the Attorney General's advice, but I am very happy to discuss the content of that advice and describe what it was about, which was largely self-defence. She asked whether the Attorney General should taken the

[The Prime Minister]

responsibility for carrying out these strikes. I do not think that is the right person to carry it out. I think the way we did this is right: with a meeting of senior national security Ministers, it being authorised by that group, and the operational details being left with the Defence Secretary, in line with what the Attorney General said. A proper process was followed.

The right hon. and learned Lady asked what was different about this person and this case. There was a relatively unique set of circumstances—which is not to say that they will not happen again—in that these people were in a part of Syria where there was no Government, no one to work with, and no other way of addressing this threat. The choice we were left with was to either think, “This is too difficult,” throw up our arms and walk away and wait for the chaos and terrorism to hit Britain, or take the action in the national interest and neutralise this threat, and I am sure that was the right thing to do. She asked if we would repeat this. If it is necessary to safeguard the United Kingdom and to act in self-defence, and there are no other ways of doing that, then yes, would.

The right hon. and learned Lady asked about scrutiny, which is a very good question. I have come here today because I think it is important to be accountable in front of this House, but I am happy to look at what other ways there may be of making sure these sorts of acts are scrutinised in the coming months and years.

Finally, the right hon. and learned Lady talked about whether we should combat ISIL in Syria, as we do in Iraq. The question for the House is whether, if it is right to degrade and defeat ISIL in Iraq, in time it is surely right for us to assist in the efforts already under way to defeat and degrade ISIL in Syria. There are complications and difficulties, and I do not want to come back to the House until we have debated the matter more and people have had the chance to make their views known, but I am in no doubt that ISIL and its operatives are a clear and present danger to the United Kingdom, and the sooner they are defeated and eradicated the better.

Mr Kenneth Clarke (Rushcliffe) (Con): Does the Prime Minister agree that one of the more absurd features of the discussions on the dreadful migration crisis of recent weeks has been the suggestion by some that the problem is either caused, complicated or made worse by Britain’s membership of the European Union? Does he agree that the flows start through Turkey and Libya, after which people come across the continent towards Britain, which is one of the more popular destinations after Sweden and Germany, and that those flows will cease only if we have more co-operation of the type that we have with the French at Calais, not if we open up disputes with the other member states of Europe?

Will the Prime Minister continue to make a leading and positive contribution to the comprehensive plan that he says is required to deal with, among other things, the appalling problems of where people should be encouraged to go and be accommodated outside Europe, how hard-headed decisions can be taken on who has to be settled for the duration of the crisis, and how that will be handled? We should not join Governments in Europe who simply pretend that the problem can be pushed over the border into a neighbouring state for the time being.

The Prime Minister: My right hon. and learned Friend is certainly right about the need for a comprehensive plan, and obviously our membership of the European Union enables us to take part in the discussions and debates about what that comprehensive plan requires. We have been particularly clear that until we get a return path for returning some migrants to Africa, it will be very difficult to solve the problem.

I also agree with my right hon. and learned Friend that if we were not in the European Union, the problem at Calais would not go away. Actually, we are helped by being good partners with the French and by being able to have our border controls on French soil. I commend the Home Secretary on her excellent work with the Interior Minister in France on strengthening that border, but the problem is not related to our membership of the EU. If we were out of the EU we would still have a problem—possibly a worse problem—of people trying to break into Britain.

Angus Robertson (Moray) (SNP): May I thank the Prime Minister for his statement but say that I am sorry it was not shared in advance, as is the norm? That is extremely disappointing and frankly unacceptable, especially on matters of national security.

Having raised the humanitarian crisis with the Prime Minister at the first Prime Minister’s questions of this Parliament in June, I am glad that there are finally the beginnings of a change in UK Government thinking. It is frankly appalling that few more than 200 Syrian refugees have been taken up so far through the UK relocation scheme, and it is correct that we should be taking more. It is welcome that more will be given refuge in the UK, but it is a shame that that is being spread through the duration of this Parliament. Will the Prime Minister tell us how many Syrian refugees will be relocated to the UK before the end of the year?

We should take the opportunity to recognise the welcome that was given to refugees in countries such as Germany, Austria and Sweden. Today we learned that the French Government are to allow 24,000 Syrians to settle in France, while Germany is allocating £4.4 billion to support refugees. Why will the Prime Minister not work constructively with EU partners on accepting a share of the refugees who are in Europe at the present time? Will he make sure that he does not use the refugee issue as an excuse to revisit military intervention in Syria? Given the importance of all those issues, will the Prime Minister take part in the full day’s debate on the humanitarian crisis that will be held in the House of Commons this Wednesday? Finally, on counter-terrorism, when will the Prime Minister get round to setting up the Intelligence and Security Committee of this House?

The Prime Minister: Taking the last question on the ISC first, I think we will be able to do that in the coming days. I am confident of making progress. I thank the hon. Gentleman for his response.

On the issue of how many Syrians Britain has already given asylum to, I think the figure is actually 5,000, and the number under the relocation and resettlement schemes that we already have runs to about 1,000 refugees a year. What we are now doing is adding to that with this new scheme, which will be exclusively for Syrians and will see the resettlement of 20,000 Syrian refugees. As I said,

we welcome the fact that the First Minister in Scotland has offered to take 1,000. We think that will now have to be increased with this more generous approach.

The hon. Gentleman talks about working constructively within the EU. That is exactly what we are doing, and that is what lay behind my phone call with Angela Merkel just a few minutes ago. The point I would make is that we do not believe the right answer is for Britain to take people who have already arrived in Europe. We think that it is better to take people out of the refugee camps, so that we do not encourage people to make this perilous crossing. We are not part of the Schengen no-borders agreement, so we do not have to take part in that relocation scheme. We are doing work in the Syrian refugee camps: 10 times more money is given by Britain than by some other major European countries to those refugee camps. I think that entitles us to say that we are taking an approach that is about helping people on the ground, rather than encouraging people to move.

Mr Andrew Mitchell (Sutton Coldfield) (Con): The Government are clearly right to increase yet further Britain's immense humanitarian support for the Syrian people, and right, too, to use British aid—entirely in accordance with the rules governing its spending—to support refugees in their first year in the United Kingdom, but will the Prime Minister accept that the failures of the international community to protect, and to tackle the causes of the Syrian catastrophe, evoke memories of the failures over the Rwandan genocide, over which the international community was left guilty and shamed?

The Prime Minister: First, may I thank my right hon. Friend for his remarks about the use of the aid budget, which he did so much as a Minister to promote and develop? He is right to say that we are dealing with the consequences of failure with respect to Syria. It is an incredibly difficult situation, because not only do we have the terrorisation of people by ISIL, but Assad has been the recruiting sergeant for ISIL because of the butchery of his own people. What we must not do is give up on the idea of a transition for Syria; we need to keep working towards that.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): In the summer of 1939, my parents took into our home a young Jewish girl, Johanna, who had arrived in Leeds on the Kindertransport. Her sister and others had arrived on the same Kindertransport, and Neville Chamberlain facilitated the arrival of these young children more than this Government are facilitating such things now. It is sad that this Government are doing less than Neville Chamberlain did. The right hon. Gentleman says that he is going to take in 20,000 refugees over five years. The Germans took in 10,000 on one day. What kind of comparison is that? I recognise the financial problems and the assimilation problems, but if we do not do it now, we will live to regret it for the rest of our lives. The message from my constituents, in a huge postbag and at every event I attended in my constituency over the weekend, is: "Let them in! We'll welcome them. We'll do what the Germans did. Let's get on with it!"

The Prime Minister: I believe that the 20,000 Syrian refugees—many of whom will be children—that we will take directly from the Syrian refugee camps are the

modern equivalent of the Kindertransport, and this country should be proud of that. At the same time, let us recognise that when it comes to those Syrian refugee camps, Britain is spending more than France, Germany and Italy. On our aid budget, we all sat around the table and promised 0.7% of GDP, but how many major countries have actually kept their promises? This one has.

Heather Wheeler (South Derbyshire) (Con): I congratulate my right hon. Friend on his statement. On those people we will be letting in, can some priority be given to not just Christians, but the Yazidis, who have been so poorly treated in Syria?

The Prime Minister: My hon. Friend makes an important point. In drawing up the criteria, we will be looking at the people who are the most vulnerable, and there is growing evidence that some people are vulnerable not only within Syria but within the refugee camps themselves, so Yazidis, Christians and others—particularly children or women at risk of abuse—will all be in our scheme.

Kevin Brennan (Cardiff West) (Lab): There is perhaps a sad inevitability about the news that my former constituent Reyaad Khan has been killed, having joined ISIL, but I think that the House will have been surprised to learn that the manner of his death was a drone strike against a British citizen in Syria. There will therefore be many questions that Members will want to ask, and that I as his constituency MP and members of his family will want to ask. In the light of the action that the Prime Minister has outlined to the House today, I would like an assurance that he will be as forthcoming as possible, given the security situation, in explaining the nature of the threat that this 21-year-old man posed to the United Kingdom.

The Prime Minister: I thank the hon. Gentleman for his question and for the way in which he put it. Of course I will be as forthcoming as I possibly can be. I have been forthcoming in this statement, and I will be in future statements, but I am restricted because of operational sensitivities and for reasons of national security. The police will have informed his former constituent's family of what has happened. I would simply say that when we are dealing with people who are producing such a tempo of potential terrorist attacks—attacks on police and on members of the armed services, attempted attacks on commemorations in our country—which the head of MI5 describes as having no recent comparator, we have to take action. When we are dealing with people in ISIL-dominated Syria—there is no Government, there are no troops on the ground—there is no other way of dealing with them than the route that we took. I think that, for all those reasons, it was the right route.

Dr Liam Fox (North Somerset) (Con): I commend the Prime Minister's emphasis on taking those who are in the Syrian camps. If we are genuinely to help refugees, this cannot simply be about helping the fittest, the fastest and those most able to get to western Europe. We must help those who are left behind in the camps, who are sometimes the most vulnerable. I ask him to go further, however, and to enable the United Kingdom to spearhead international efforts to create safe zones in

[Dr Liam Fox]

Syria, so that those who are caught between the barbarity of Assad and the depravity of ISIL do not feel the need to flee their own country in the first place.

The Prime Minister: I thank my right hon. Friend for his support for taking people from the camps. We have looked at the issue of safe zones, and we will continue to do so, but if we are going to designate safe zones, we have to ensure that they are safe. That would involve a military commitment by Turkey, by America and potentially by Britain, and it would be a very significant commitment. We should focus on what the safe zones are supposed to achieve, which is to try to keep people in their homes and communities or, when they have left, to keep them in refugee camps rather than see them making the dangerous crossing into Europe. The thinking about safe zones is certainly the right sort of thinking.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I recognise and welcome the change in Government policy in recent days and weeks. The Prime Minister might no longer be describing refugees as a “swarm”, but there is still a lot that he could be doing to catch up with public opinion here. We should not be raiding our international development budget to pay for this, we should not be restricting our help to those who are currently in the country, and we should not be resisting efforts to build a common EU position. The people of Britain do not want to see the human misery of hundreds of thousands of people being used as a political football; they want a non-partisan approach. May I therefore suggest that the Prime Minister convene a summit of the leadership of all the parties represented in this House, so that we can construct a policy for the reaction to this crisis that will unite our country rather than dividing it?

The Prime Minister: I thank the right hon. Gentleman for his remarks. I should like to make two points. First, we are not raiding the Department for International Development budget. It is an acceptable existing use of that budget to pay for refugees in their first year after coming to Britain, and that is good common sense. I will resist, though only partly, the temptation to point out that, according to my Sunday papers, the Liberal Democrats want to cut the aid budget. But there we are; perhaps I will leave that one for the memoirs.

The right hon. Gentleman talks about a common European position. Yes, we should be working towards a comprehensive approach, but we are not in the Schengen no borders agreement, and I think that being able to maintain our border controls when others in Europe have given theirs up is right for Britain. I also think it is right to take the refugees out of the refugee camps rather than take part in the relocation scheme, which always has the danger of encouraging more people to get into boats, get into dinghies and make the potentially lethal crossing across the Mediterranean.

Sir Alan Duncan (Rutland and Melton) (Con): For every drowned baby we see on television there are many more in the rubble of Syrian cities unseen, and for every refugee we take there are many more who want to come, too. Given that the only long-term solution is to re-establish

functioning nation states in the region, will the Prime Minister not accept that aerial bombardment can have only a partial effect and that this needs a much greater and wider international approach to trying to solve the problem at source? What discussions are now unfolding among other Prime Ministers and Presidents to try to do more than just stick Elastoplast on this continuing and growing problem?

The Prime Minister: My right hon. Friend is entirely right that what is required, whether in Iraq or, more crucially now, in Syria, is functioning Governments that can represent all their people, with armed forces that have the confidence of all their people. That is the long-term answer in both Iraq and Syria, but we are a long way from that in Syria. He asked what conversations are going on. Conversations are going on to try to secure a transition in Syria from the totally unacceptable regime we have today, which is the recruiting sergeant for ISIL, to a regime that can represent all the Syrian people, but he is right.

Caroline Lucas (Brighton, Pavilion) (Green): The offer of 20,000 refugees over five years amounts to just 12 refugees a day, which falls pitifully short of what is needed and of what people in this country deserve and expect. Local authorities such as Brighton and Hove’s would be very willing to accept more, provided the Government fully resource this. Will the Prime Minister therefore guarantee the funds—not from the aid budget—and, crucially, that they will last for more than one year, so that people who want to act to help this crisis can be enabled to do so?

The Prime Minister: I notice that Brighton is very keen to be generous with other people’s money. The point is that, yes, we will fund this in the first year through the Department for International Development budget and then we will need to look at how we provide the resources that local authorities need. That process will be led by the Home Secretary and the Communities Secretary over the coming weeks.

Sir Nicholas Soames (Mid Sussex) (Con): May I welcome the statement that my right hon. Friend has made this afternoon? Does he agree that it is, in effect, the only way to uphold international law and to show real compassion, by acting in the way that he proposes in the countries that are lodging the greatest number of refugees?

The Prime Minister: I thank my right hon. Friend for his support. We are endeavouring to have a plan that demonstrates both head and heart. It is right to take refugees and it is right for us to demonstrate our humanitarian concerns—to play our part—but we have to recognise that solving the problem is going to require a lot more than that. Indeed, as I said the other day, there is no number of refugees that you can take to sort out this problem: 11 million people have been pushed out of their homes, and only 3% of them have so far come to Europe. Part of the focus must be on trying to secure the future for those 11 million and not encouraging them to get into boats and dinghies to attempt such a perilous crossing.

Mr George Howarth (Knowsley) (Lab): I welcome the Prime Minister's statement, but does he accept that the generous spirit the British people have demonstrated in the past few days gives him wide scope to do even more than he has proposed today? Will he give us some more indication of the number of refugees he proposes to take—children and those in other categories—in the coming months? He has talked about 20,000 over the course of this Parliament, but how many will come in the short term and in the medium term? Can he tell us about that?

The Prime Minister: The Home Secretary will be making a full statement next week about this, but it is going to depend on the capacity of the UNHCR to process people, and on the capacity of councils and others to take people on. But I do not see any reason why we cannot get off to a very good start and make sure that we bring people to this country and give them the genuine welcome that this country wants to give them.

Crispin Blunt (Reigate) (Con): Tomorrow the Foreign Affairs Committee will begin taking evidence on the widening of military action in Syria. On refugees, I entirely understand the Prime Minister's need to respond to the public mood, but he will know that every refugee brought here means that many times that number cannot be looked after in the region. His response of focusing on those most in need is both sensible and proportionate. Will he press our European Union partners to get on the path of achieving the 0.7% UN development expenditure target so that agencies such as the World Food Programme and the UNHCR have the resources to address the consequences of action in the region?

The Prime Minister: My hon. Friend makes an important point. The 0.7% commitment is not some sort of badge to take out and wear; it is something that is making a real difference. The reason why we have been able to be the second largest bilateral donor to the Syrian refugee camps is that the resources are available—as I have said, I am talking about giving 10 times more than some other major European countries. This morning I met Stephen O'Brien, formerly a Member of this House and now UN Under-Secretary-General with responsibility for humanitarian affairs. The camps are short of money. They need money for food and for proper resources. There is a crying need for other countries to do what Britain has done and meet the promises that we have made.

Alison McGovern (Wirral South) (Lab): When I asked the Prime Minister a question in June, he told me he was convinced that our country was doing all it should to help vulnerable child refugees. It took tragic events in August and the signatures of half a million British people to get him to change his mind. May I ask him to change his mind again and take refugees out of his migration target?

The Prime Minister: The point about the migration target is that the Office for National Statistics has calculated migration figures in the same way for many, many years. It includes refugees as well as other migrants. I think the British public wants to know that the system as a whole—for migration and for those seeking asylum

—is under control. I am absolutely clear that we are committed to taking 20,000 Syrian refugees, and we will meet that target.

Sir William Cash (Stone) (Con): My hon. Friend the Member for Reigate (Crispin Blunt) was quite right to emphasise the World Food Programme and the fact that many other European countries have simply not subscribed enough. The website for the World Food Programme demonstrates that the United Kingdom has given twice as much as Germany over the past year and 45% more than Germany over the past five years. Perhaps that is something the Prime Minister would like to take up with Angela Merkel.

The Prime Minister: Everyone in Europe is taking action, and it is important that, collectively, we work together to deliver what is needed. On the issue of providing resources not just to the World Food Programme and to Syrian refugee camps but to the countries from which these people are coming in order to stabilise them, there is no doubt in my mind that Britain is leading the way.

Mr Nigel Dodds (Belfast North) (DUP): On the issue of talking to the devolved Administrations, may I urge the Prime Minister to include the First Minister of Northern Ireland? There is a strong desire on the part of the people of Northern Ireland to play their fair and proportionate role in taking refugees. That has been very clear from the outpouring of compassion right across the community in all parts of Northern Ireland. The Prime Minister is right to say that refugees should come from the camps and to point out the difference between economic migrants and genuine refugees. On the issue of possible military intervention in Syria, it is one thing to talk about targeted and clearly defined action against Daesh, but quite another to talk in the wide and indiscriminate terms that we heard on the television at the weekend.

The Prime Minister: May I thank the right hon. Gentleman for his support for taking migrants from the refugee camps? I would like to take him up on his offer, and I will ensure that conversations are had with the First Minister to see what role Northern Ireland can play in this matter.

John Redwood (Wokingham) (Con): I strongly support the Prime Minister's view that our help to Syrian refugees must be given close to the borders of Syria, and that we should not encourage people to undertake hazardous journeys using people traffickers; that is cruel. Will he confirm that on the unrelated topic of economic migrants, more will need to be done to honour the very serious promises that we made to the British people?

The Prime Minister: My right hon. Friend makes an important point. There are a number of people who are fleeing the appalling conflicts for whom we need to find a home, but clearly there are people who have been crossing the Mediterranean—particularly those coming from Libya on the central Mediterranean route—who are economic migrants in search of a better life. Part of the comprehensive approach that Europe needs is to ensure that there is a way of breaking the link between getting on a boat in Libya and getting settlement rights

[*The Prime Minister*]

in Europe. Going back through history, whenever countries have had huge problems in this regard, they have needed to break that link to discourage people from making the trip if they are not refugees.

Jeremy Corbyn (Islington North) (Lab): At the Home and Interior Ministers summit next Monday, will Britain now sign up to be part of a Europe-wide response to assist refugees from all parts of the world and ensure that they have somewhere safe to go, so that Britain plays a much greater role than it does at present, including sorting out the misery and desperation of people living in the camps in Calais and other places? They are human beings, too, who need some help and support.

Can the Prime Minister say anything about the welcome remarks made by the Foreign Secretary during his visit to Tehran, when he indicated that the new relationship with Iran meant that there was a possibility of wider political involvement in bringing about some degree of progress in and possibly even a solution to the desperate crisis facing Syria through a summit of all the nations of that region plus, of course, Britain, the USA and Russia?

The Prime Minister: We do not believe it is right to take part in the European relocation quota because we think that a better answer for Britain, which is such a major investor in the refugee camps, is to take people directly from the camps. In that way we will not encourage more people to make this perilous journey. By taking a long-term view, and looking at the asylum seekers we have taken and the people we have resettled from around the world, I would say Britain is absolutely fulfilling our moral responsibility, and we absolutely play our part.

In terms of the hon. Gentleman's question about Iran, of course there is an opportunity for greater dialogue with Iran now that this nuclear deal, which I think is a good deal, has been done, but Britain should enter into that in a cautious and sceptical way. We ought to remember that Iran is still a supporter of terrorist organisations like Hamas and Hezbollah, which I know he describes as friends but which I see very much as enemies. We also need to make sure that Iran is playing a positive role in Syria, rather than the role it plays now of propping up the hated Assad regime.

Dr Julian Lewis (New Forest East) (Con): My right hon. Friends the Members for Sutton Coldfield (Mr Mitchell) and for North Somerset (Dr Fox) have both raised the possibility of safe havens in Syria itself to stem the flow of refugees at source. If this is to work, it would require a United Nations mandate, which would require the support of Russia. Do the Government recognise that remaining fixated on removing Assad puts a bar on any solution of this sort? Will the Government make up their mind that the main threat to our interest is Daesh? If so, we can then proceed to have a genuinely international coalition and agreement against that main threat.

The Prime Minister: I very much respect my right hon. Friend's views, but on this occasion I do not agree with him on two grounds. I do not think it is right to look at Syria and say that we have to choose between

ISIL or Assad. It would be a great mistake to think that because Assad is perhaps the lesser of two evils we should back him. Assad is one of the chief recruiting sergeants for ISIL because of the butchery of his own people. I do not think there is a workable proposal for safe havens as things stand today, but it has been possible in past times to intervene in that way to try to keep people safe. If you were acting to try to alleviate a humanitarian emergency, you could act in that way, but the problem is that safe havens would require a large military intervention, and a large military intervention that I do not currently believe is the right answer.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): Like most Members, over the past few days I have been inundated with messages of sympathy and support for those suffering as a result of the humanitarian crisis unfolding in Europe. Let us remember that no parent would place their child on water unless they thought that that was still safer than being on land. Will the Prime Minister join me in praising the work carried out by local and national groups, such as Scotland Supporting Refugees, that have demonstrated leadership where this Government have fallen so woefully short and have provided information to members of the public who want directly to support those affected by this desperate situation?

The Prime Minister: Let me agree with the hon. Lady in commending the many great voluntary and charitable bodies that will be helping with the national welcome that we will be giving to 20,000 refugees from Syria.

Sir Gerald Howarth (Aldershot) (Con): May I commend the Prime Minister for his measured and reasonable response to what has sometimes been an hysterical clamour for something to be done without a specific plan for what that something should be. I can tell him that in Aldershot we have no spare accommodation; I spoke to my local authority this morning and was told that it has no assets, and the private rented market is completely saturated. That is the reality there. My right hon. Friend the Member for New Forest East (Dr Lewis) is absolutely right that if we are to deliver a comprehensive solution, which is what the Prime Minister has called for, we need to resolve the problem in Syria. Unless we engage with Russia, which has made it crystal clear that it will not resile from its support for Assad, and get everyone around the table—regional leaders, the Americans and ourselves—we will not be able to do that. I commend the Prime Minister. He has a job to do, and I think that he will do it brilliantly.

The Prime Minister: I thank my hon. Friend. He is right that resolving the problem in Syria will take engagement with all the parties he mentioned. The argument that I would make to the Russians is that nobody benefits from the immense boost that is being given to Islamist extremist violence by what is happening in Syria. Russia, in time, will feel the pain of that just as we do, so I think that there are some common interests. He is right that, as well as showing heart and welcoming people to our country, we now need to go through all the practicalities of making sure that we can give them that very good welcome.

Mike Gapes (Ilford South) (Lab/Co-op): I welcome the Prime Minister's statement—however belated and inadequate it is—and the action being taken against Daesh military terrorist planners. However, is not it a fact that the vast majority of Syrians who have had to flee their homes have been driven out by the actions of the Assad regime and that Assad continues to barrel-bomb civilian populations? What is our Government doing, alongside other Governments, to get a no-fly zone over those areas to protect Syrian civilians?

The Prime Minister: The hon. Gentleman is absolutely right to draw the House's attention to the fact that President Assad and his forces are still using chemical weapons against their own people and that barrel bombs have been used on a number of occasions. I came to the House after seeing pictures of dead children who had been gassed by Assad, and I suggested that we take military action. The House did not agree on that occasion, but I hope that when it comes to future discussions we will think very carefully about our national interests and how to keep this country safe, how to defeat terrorism and how to give the people of Syria the chance of a better future.

Sir Eric Pickles (Brentwood and Ongar) (Con): The Prime Minister is quite right to concentrate on the plight of children, which I think is in the spirit of the Kindertransport. I also think that he is right to concentrate on helping the people in the camps in Syria. Of course, it is not the children who decide to take the dangerous journey from Syria; they are accompanied by their parents. If they are separated or orphaned thousands of miles from home, they are peculiarly vulnerable. Will my right hon. Friend tell us about the discussions he has had with international and European partners to identify those children quickly and see that they are resettled in the region or elsewhere?

The Prime Minister: My right hon. Friend is absolutely right to draw attention to the issue of children, who will be one of the priority groups of the 20,000 we will be taking. We have to be very careful in this regard, because many expert groups advise that there is a danger in potentially taking children away from other family members and groups, but I am sure that there are many orphaned children and children at risk whom we could welcome here. We have also looked at Save the Children's proposal about the 3,000 Syrian children already here in Europe, and we will continue to discuss that. Again, major international organisations such as UNHCR advise caution on relocating unaccompanied children, so we should be guided by the evidence as we make these very difficult decisions.

Mr David Winnick (Walsall North) (Lab): In view of the crisis over the past few weeks, should not Germany be warmly congratulated on its act of humanity? In many respects, Germany has acted as the conscience of the European Union, and indeed of Europe as a whole. When the right hon. Gentleman next meets the Hungarian Prime Minister—no doubt he will—will he express our contempt for the remarks made by that creature and tell him that what is required is humanity and that it does not matter a damn whether the people who are trying to save their lives and their children's lives are Muslim or not, because that is totally irrelevant?

The Prime Minister: I agree with the hon. Gentleman that we should not take account of someone's religion. We do not do that in our asylum processes, when we welcome and resettle people in what is—and let us be proud of it—one of the most successful multiracial, multi-ethnic democracies anywhere on earth.

I think we have to show some understanding of the difficulties that the Schengen countries have. Once people have crossed one external frontier into Europe, there is not really another border, unless they come to Calais, perhaps, so there are stresses and strains within the Schengen system. We are working with the Schengen countries as partners. We will not join the Schengen system—we are going to keep our borders—and we will not take part in their relocation system, but we need to show some understanding of the problems they have and perhaps help them with, for example, the external frontier to Europe, which is causing so many difficulties at the moment.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I well remember when the Prime Minister came to this House to ask for authority to take action against President Assad. This Parliament decided to block him in that quest and has allowed President Assad to ethnically cleanse his own country. Does my right hon. Friend agree with me that his job in preventing Assad's genocide is now much more difficult than it was two years ago, when he first proposed those measures?

The Prime Minister: I am grateful for what my hon. Friend says, but we have to deal with the situation that faces us now. No one is arguing that military action is the only answer to the problem. We need a comprehensive solution, but at the end of the day, I am sure, the removal of ISIL from Syria will be in this nation's interests.

Several hon. Members rose—

Mr Speaker: Order. There is naturally huge interest in this subject, and I am keen, as far as possible, to accommodate it, but there is a pressure on time. In appealing for brevity, perhaps I can look to that versatile thespian, Mr Stephen Pound.

Stephen Pound (Ealing North) (Lab): I think the whole House is grateful to the Prime Minister for his statement, responding to a unique outpouring of sympathy, tempered with horror, from the nation—well articulated, if I may say so, by the shadow Home Secretary—but he is now talking about 5,000 travel documents being issued to 5 million people in Lebanon and Jordan alone. What criteria will be used to make that dreadful “Sophie's choice”? Will it be the UNHCR, or will he—as I hope he will—make use of the religious leaders in the camps, particularly among the Assyrian Christian community, to help him in this terrible, difficult task?

The Prime Minister: In the interests of brevity, let me say that it will be the UNHCR, but we should look at vulnerable groups—that could include Yazidis and Christians—who may, on some occasions, face dangers in the camps.

Chris Heaton-Harris (Daventry) (Con): May I thank you, Mr Speaker, for facilitating the organisation of the vigil we held in Westminster Hall earlier today?

I welcome the statement and I am very pleased that we are doing more, but when welcoming Syrian refugees to our shores, how can we ensure that we do not inadvertently reward those who traffic vulnerable people for financial gain?

The Prime Minister: My hon. Friend makes an important point. One of the ways to make sure that the criminal gangs do not benefit is to take people out of the camps, rather than take people who have arrived in Europe, because, tragically, many of them are being inveigled into using criminal gangs, which benefit when the trade in people increases.

Keith Vaz (Leicester East) (Lab): I welcome the Prime Minister's statement and remind him that it was the Ugandan Asians arriving in Leicester that so transformed that city. I agree with him that direct recruitment should be from the camps; however, there will be exceptional cases of people who have arrived in mainland Europe, some of whom I have met in Calais, who have ties with the United Kingdom and who may need to be processed. Will he look at those cases? In particular, will he please stress to the EU the need to support Europol? That is the organisation best placed to deal with the criminal gangs and Daesh, and we should give it more support.

The Prime Minister: The right hon. Gentleman is absolutely right about Europol, and we are putting in investment and working very closely with it. We are also putting National Crime Agency officials into the operations in Sicily and elsewhere to break up the criminal gangs. I would be very cautious, however, about his suggestion about Calais. Anything that suggests that Calais will become a processing centre for people to come to the United Kingdom would simply make the situation there worse. We need to explain to people that coming to Calais and trying to get through the tunnel is not the way to get to the United Kingdom. That is what all the security and the defences are about, and we should keep them up.

Boris Johnson (Uxbridge and South Ruislip) (Con): Having seen at first hand the work of DFID officials helping refugees from Daesh in their camps, can the Prime Minister confirm that there will be no reduction in that effort now that we are welcoming more to this country with DFID funds? I am sure that that was the implication of what my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) said. I think the whole House will agree that we should all be proud of what those officials are doing and have been doing over many years.

The Prime Minister: My hon. Friend is absolutely right. We will continue to invest in these refugee camps; £1 billion has gone in already and we will keep up that investment. Taking people from the camps is the right answer for Britain and the right answer for those people, and of course we will release some of the capacity of those camps, because at the moment they are under huge amounts of pressure, not just budgetary pressure but people pressure as well.

Barry Gardiner (Brent North) (Lab): The Prime Minister has said that Britain will take in 20,000 refugees over the next five years, but he has paradoxically said that we will not accept them as refugees—they will not be given refugee status. He said they would be given status as being under humanitarian protection. As he knows, that is a discretionary leave to remain that does not entitle them to settlement. These are people who desperately need security and stability in their lives. How is he going to reconcile that with the status that he is proposing to give them?

The Prime Minister: That is a very good question. There are two reasons for taking this approach. One is that by granting people the humanitarian passport, as it were, they do not formally have to go through asylum procedures to prove that they are refugees; we are taking them once they have met the criteria, and then they have the right to stay. Of course, at the end of those five years some may choose to return to Syria, but many will want to stay here and apply for settlement rights, which of course they will be able to do.

Victoria Atkins (Louth and Horncastle) (Con): The acting Leader of the Opposition rightly referred to the contributions that refugees have made to this country throughout history and the hopes for the children whom we are to welcome, but ultimately Syria will need its best and its brightest. Is it not right that by investing in refugee camps in the region we will help—I hope—Syria to rebuild itself in future as well as look after people in the immediate vicinity?

The Prime Minister: My hon. Friend is absolutely right. I repeat the figure of about 11 million people taken out of their homes. All our interests are in those people going back to their homes. That obviously needs a solution to the Syrian crisis, but it is the right answer rather than an even bigger movement of people.

Dr Philippa Whitford (Central Ayrshire) (SNP): We welcome the Prime Minister's statement, but when he talks about 11 million people in the camps in Syria and the impossibility of moving them and investing in them, does that not suggest that the policy should be the opposite—to help with the crisis of the people who are on the streets in Europe and fund the camps to protect and keep the people on the border and in the region of Syria?

The Prime Minister: We are funding the camps in Jordan, in Lebanon and in Turkey. The point I am trying to make about the 11 million is that, given that so far only 3% of the 11 million have moved to Europe, we have to be careful not to create an incentive so that that 3% becomes 10% or 20%, because that would completely overwhelm the capacity of even the most generous state, such as Germany, to receive people. That is why investing in the refugee camps and not just helping those in the camps outside Syria but working with UN agencies about how to help people inside Syria, which I was discussing with Stephen O'Brien this morning, is so important in trying not only to stop the scale of the movement but to save lives at the same time.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate the Prime Minister on both parts of his statement and the agencies on the intelligence-led operation

of 21 August. Does he agree that the mark of a truly altruistic and compassionate society is measured not in the tens of thousands of fit and able young men it accommodates, but in the number of people who are truly vulnerable—women and children, the elderly and the sick?

The Prime Minister: My hon. Friend is absolutely right. That is why we are working with the UNHCR on the categories of people we will be taking from the camps.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I remind the Prime Minister that many of us in the Chamber are quite closely linked through our ancestry to migrants and refugees? In my case, my Huguenot Protestant ancestors were hounded out of France by the Catholics. Most of us in the Chamber will come from that sort of background. Should we not build on the generosity of spirit that has been shown by the British people? I do not think that the Prime Minister has yet gone far enough. I hope that he will go further. All of us must realise that none of us has clean hands and many of us are so responsible for the instability in the middle east that caused this problem in the first place.

The Prime Minister: Where I agree with the hon. Gentleman is that the British public are very generous and want to see us resettle refugees. They do not see any conflict—neither do I—between resettling refugees and playing our humanitarian part while having a well managed and well controlled immigration system. They want both things and we must deliver both things.

Philip Davies (Shipley) (Con): The facts of the matter are that those refugees who have made it into the EU are already safe and we cannot make them any safer. Not all those coming in are genuine refugees. We are already taking hundreds of thousands of migrants into the UK every year and we are struggling to cope with them. I have not heard anybody ask that they should be distributed around the rest of the EU through a quota system. May I therefore urge the Prime Minister to have regard to the silent majority in this country and base his decisions on common sense and being practical, not on the affliction of so many other politicians, which is some kind of emotional craving to be seen as compassionate, irrespective of the practicalities of the situation?

The Prime Minister: I thank my hon. Friend for his remarks. He makes an important point about those who have already made it to Europe being, to some degree or other, far safer and less at risk than those still stuck in Syria or in very precarious positions in refugee camps or on the borders. It is right that we consider that in our response.

Ann Clwyd (Cynon Valley) (Lab): It is ironic that it has taken a photograph of one little boy washed up on a beach to focus world attention. This has been going on for months if not years: thousands of people have already drowned, but that one little boy has certainly focused attention. Our response, while welcome, is insufficient. One person in my constituency rang up today as I was driving up in the car and said, “I’ve got places for 20 families.” My local authority, which is

a poor local authority, has already offered places for 20 families. That little boy came from Kobane, which was liberated by Syrian and Iraqi Kurds, not by us, and that little boy’s father has gone back to Kobane. We owe such people something more. It is this country’s individuals who have shown the way, and I would hope that the Government will follow.

The Prime Minister: The right hon. Lady is right to draw attention to the connection between what happens in Kobane, with the liberation of that town by Kurdish forces, and the opportunity for people to return. There is a connection between what happens on the ground in Syria militarily and this refugee crisis.

The second point I would make is that Britain’s generosity on this issue did not start five minutes, five days or five weeks ago. Our generosity started with our decision to pursue 0.7% of GDP for aid, even at a time of austerity, and our decision to be the second largest bilateral aid donor to those Syrian refugee camps—beaten only by the United States of America. We give more than Germany, more than France and many times more than most other major European countries. This money is a measure of our compassion and sympathy, because it has saved many, many lives.

Mr Jonathan Djanogly (Huntingdon) (Con): For clarification, is my right hon. Friend saying that in the event of the destruction of Daesh the flow of refugees from Syria is unlikely to recede unless we also see the end of Assad’s regime?

The Prime Minister: My hon. Friend is absolutely right. It is difficult to get precise figures, but a number of people have left Syria because of Assad’s brutality and a number of people have left because of ISIL’s brutality. That is why the movement of refugees has been so great and why it is wrong to say that we need to choose between two evils. We need to get rid of both of them.

Tom Brake (Carshalton and Wallington) (LD): Does the Prime Minister agree that our priority in relation to Syria should be to work with other Arab countries and Iran, Russia, France and Germany to find a coherent response to the fighting in the region, and that we should not repeat the mistakes of the Iraq war—a war opposed by the Liberal Democrats—by following the US Government into bombing and then occupying an Arab country?

The Prime Minister: We should work with other countries in accordance with international law, but that should not stop us getting on and doing the necessary things that we have done, including the counter-terrorism action that I referred to earlier.

Mr Stewart Jackson (Peterborough) (Con): I congratulate my right hon. Friend on taking a proportionate, measured approach in the national interest. It is a shame that Her Majesty’s Opposition did not take a similar approach when Syria was debated on a substantive motion two years ago, when their behaviour was duplicitous, and that is being charitable. May I take him back to the tragedy within this humanitarian disaster that is the systematic persecution of Christians over many years? Notwithstanding his earlier answers, in designing the

[Mr Stewart Jackson]

mechanics of the refugee settlement regime, will he take into account the systematic persecution of Christians that has existed for many years?

The Prime Minister: We will certainly look at that. As I have said, we should look at vulnerable groups. That can include Yazidis, Christians and others who are vulnerable not just in Syria right now but, potentially, in the situations in which they find themselves outside Syria.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): There can be no starker contrast than that between the overwhelming majority of young people in my constituency and that of my hon. Friend the Member for Cardiff West (Kevin Brennan), who utterly condemn the activities of Daesh, and the actions of Reyaad Khan and the two individuals from my constituency who regrettably associated with him and also travelled to fight in Syria. Clearly, the Prime Minister and his Ministers have difficult decisions to take when there is a threat to this country. Will he meet me and my hon. Friend to discuss the circumstances and the nature of what happened and, most importantly, to discuss what we can do better together to tackle the extremists who are trying to recruit individuals from our shores in order to prevent further young people from getting involved with this barbarous organisation?

The Prime Minister: It is certainly a matter of huge regret when young people from our constituencies get involved in extremism and violence, and when they travel to Syria or Iraq and take part in these dreadful events. I will consult the Defence Secretary to see whether he can host a meeting with MPs who have particular concerns to raise.

Steve Brine (Winchester) (Con): My constituents will warmly welcome what the Prime Minister has said today. They do care that we are generous and I know that they will do their bit if they can. He spoke about causes. There is no question but that the exodus from Syria is down to the chaos that reigns in that country. There has been a lot of talk of moral obligations in my postbag over the past few weeks. Does this country have a moral obligation to join the military coalition that is operating in Syria?

The Prime Minister: I think that we have an obligation to act in a way that will reduce the pressure on these people and that will further our national interests and make us more safe. We therefore have to debate and discuss in this House not only how many refugees we should take and what we are doing in terms of humanitarian aid, but what we can do to help degrade and ultimately destroy ISIL. There is no doubt that the ISIL fanatics are dedicated to doing us harm. Therefore, what we are doing in Iraq is right, it is right that we support the action that others are taking in Syria, and we need a debate about whether we should do more to help with that.

Ian C. Lucas (Wrexham) (Lab): In January the Prime Minister committed us to taking 500 refugees from Syria under the vulnerable persons relocation programme. Why are only 217 people here, despite 150,000 people going from Turkey to western Europe, as he described?

The Prime Minister: Of course, in total we have given refuge to about 5,000 Syrians. We have also had a resettlement programme for many years that resettles about 1,000 people a year, including Syrians. In addition to that, there is the specific vulnerable persons programme, which we will be massively expanding.

Lucy Frazer (South East Cambridgeshire) (Con): Some time ago, my great-grandparents made a long journey over land and sea and became refugees in England, so I understand as much as anybody the importance of Britain giving refugees a home. Once we have welcomed those who need to come here, we must ensure that they have the tools to lead a decent life, integrated in our communities. Is the Prime Minister satisfied that the investment we are making for the long-term future of these refugees will be sufficient?

The Prime Minister: My hon. and learned Friend makes an important point. Giving someone asylum and that refugee status is not an act that is just completed with a piece of paper; it has to be completed with a warm welcome. We have to say to these people, "You will be welcome in our communities. Your children will be welcome at our schools. You will be welcome to use our hospitals." These people will be able to take jobs in Britain. They will have all those rights. It is very important we make sure that the welcome is warm and well organised, which is why I think the scale we are looking at is about right.

Yasmin Qureshi (Bolton South East) (Lab): The Prime Minister must be aware that there has been a sharp rise in crimes against Muslims and in anti-Muslim sentiment in the UK and Europe. Will he, as Prime Minister of this country, assure me that religion will not be a criterion to grant humanitarian relief? Will he resist the temptation to use the term "Islamic terrorism"? It is not Islamic. It is just pure terrorism.

The Prime Minister: The hon. Lady is absolutely right that we should not take people on the basis of their faith, but on the basis of whether they are being persecuted. I describe it as "extremist Islamist terrorism" because I think simply to say that what we are facing from ISIL and others is terrorism is not a proper description of what we are facing. The religion of Islam is a religion of peace. The overwhelming majority of Muslims want to condemn—and do daily condemn—these fanatics, but the fact is that the fanatics themselves self-identify as Muslims. That is why it is so important that British Muslim communities—as they do—stand up and condemn them and say, "You are not acting in the name of our great religion. You are perverting it." But simply pretending the problem does not exist by just calling it terrorism will not work.

Sir Edward Leigh (Gainsborough) (Con): The Prime Minister defended the recent action against ISIL on the basis of specific intelligence and specific targeting. When it comes to the debate we are going to have on bombing Syria, may I commend that approach? I think many of us want to be reassured that we have a specific intelligence-based approach, not just a generalised one of bombing our enemies' enemy.

The Prime Minister: My hon. Friend makes a good point. It is a difficult balance to explain the information we have without endangering national security or operations that may be under way. All I would say is that we will always try to provide the best and most up-to-date intelligence information in a format that people can find reliable, but, as Prime Ministers have found before, this is very, very difficult water to go through.

Jack Dromey (Birmingham, Erdington) (Lab): Our country has a long and honourable tradition of providing asylum and we warmly welcome those who will come to our shores—to Birmingham as they did to Berlin. Leadership is key at this time of the greatest refugee crisis since the war, and so, too, is the tone that that leadership sets. Will the Prime Minister therefore assure the House that there will be no more talk of swarms of marauding migrants, when there are hundreds of thousands of people fleeing for their lives?

The Prime Minister: I think what matters is the action we take to demonstrate the humanity and moral conscience of Britain. That is what we are doing today.

Alec Shelbrooke (Elmet and Rothwell) (Con): ISIL does not recognise the boundaries of Syria and any Russian intervention would be to support the Assad regime alone. On that basis, will my right hon. Friend assure the House that we will carry on supporting the countries that surround Syria, such as Lebanon and Jordan, which are taking in the refugees?

The Prime Minister: I can certainly give that assurance. The scale of movement of people into Lebanon, for instance, now accounts for about a quarter of its population. We give a lot of money to that country to help with refugees and we should continue to do so. It is better for people to stay and be looked after there, and in time to return to Syria, than to take the perilous journey to Europe.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The city of Liverpool has a very proud tradition of welcoming those fleeing from oppression and we stand ready to welcome refugees from Syria. From the hundreds of pieces of correspondence I have received in recent weeks from my constituents, I know that they, like me, will be bitterly disappointed by the lack of ambition from the Prime Minister today. How quickly, after the statement from the Home Secretary next week, can we expect the British programme to start?

The Prime Minister: The British programme can get under way straightaway. We need to talk to UNHCR to make sure it can process the people out of the camps, but I think that 20,000 Syrian refugees is a generous and correct approach for Britain to take.

Sir Edward Garnier (Harborough) (Con): For what it is worth, I think the military event in August was both lawful and right. The refugee and terrorism crisis the Prime Minister has described suggests we need not just a diplomatic and an aid solution but a defence solution. Will he please urge the strategic defence and security review to look carefully at increasing our defence budget over the next year or so, because we are surely going to need it?

The Prime Minister: My right hon. and learned Friend makes an important point about the defence budget. That is why we have recommitted to 2% throughout this decade, meaning a real-terms increase in our defence budget, and I believe that an important part of that must be making sure we have these counter-terrorism capabilities, such as the one we used in August.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The Prime Minister rightly said that he did not want people making these dangerous crossings of the Mediterranean. The Swedish academic Professor Hans Rosling has identified an EU aviation directive that is forcing such crossings to happen, at four times the cost of flying, helping criminal gangs to grow and creating the risk of drowning, as we saw with that young boy last week. Will the Prime Minister consider the possibility at the EU level of suspending that directive for a while on the routes people are using so that they do not have to risk their lives making these crossings?

The Prime Minister: I will certainly look at that suggestion and the academic the hon. Gentleman quotes.

Mr Andrew Tyrie (Chichester) (Con): Given that at least part of the humanitarian crisis derives from regional instability caused by the Iraq war, I welcome the Prime Minister's statement, because we bear a particular responsibility for it. Does he agree that the US, which contributes only half as much as the UK in Syrian aid as a proportion of GDP, and which has accepted scarcely any asylum seekers at all, should now also respond and do more, and will he ask the US Administration to do so?

The Prime Minister: I obviously look forward to discussing this matter with President Obama, but let us be fair, the US is the largest aid donor to Syria, and I am sure we will go on encouraging it and others to do more, just as we have kept our promise about the 0.7%.

Mr David Lammy (Tottenham) (Lab): I welcome what the Prime Minister has said today, but he will know that when Turkey invaded Cyprus, we took 50,000 Cypriots; that during Idi Amin's reign in Uganda, we took 30,000 Asian Ugandans; and that we took more than 20,000 Vietnamese boat people in a short space of time. Why has he limited his help for Syrians to 4,000 a year?

The Prime Minister: We have said 20,000 refugees, which I think is the right response for Britain. We want to make sure we have the capacity to give these people a home and a welcome. Obviously, every year Britain takes asylum seekers from right around the world—I think last year we had some 25,000 applications. We have a large number of people from Eritrea and other countries trying to make their way to Britain and claim asylum. Our record on asylum claims over a 10 to 20-year period shows that we are a generous country which operates the system properly, and I think that 20,000 Syrian refugees is about right.

Henry Smith (Crawley) (Con): The children of Syria are the victims of dictators, terrorists and traffickers. They are certainly not the victims of UK immigration

[Henry Smith]

policy, and therefore I commend and support my right hon. Friend the Prime Minister's statement today. What discussions have been had with countries such as Saudi Arabia and the Gulf states on providing greater aid, taking refugees and supporting refugee camps around Syria?

The Prime Minister: My hon. Friend makes an important point. We have had those discussions and will continue to do so. The Arab world has provided some generous funding for refugee camps, but I am sure we will have further conversations with them.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The British people are indeed, as the Prime Minister said, a generous people, and they will find his proposal for taking 4,000 Syrian refugees a year derisory, but above all, long after this refugee crisis is no longer on the front pages, there will be a need for a sustainable, Europe-wide strategy. It cannot be right for Greece and Italy to be left alone to deal with incoming migrants from across the Mediterranean. It cannot be right that we refuse to take our quota. Syrian refugees are not the only issue; migrants from the horn of Africa and north Africa are drowning in the Mediterranean every day. The Prime Minister needs to look to a more sustainable strategy that is more genuinely about working closely with our European neighbours, because hundreds of thousands of lives depend on it.

The Prime Minister: I do not agree with the hon. Lady. I think 20,000 Syrian refugees is the right response for Britain. While I agree that we need a co-ordinated European response, I do not believe it should be Britain giving up our borders and joining the Schengen no-borders arrangement. That lies behind what the hon. Lady and others are suggesting—[*Interruption.*] If that is not the case, the Labour party needs to be clear about it. I think we can have a comprehensive approach that helps the Schengen countries with their external borders, but maintains our borders and recognises that we benefit from having them.

Simon Hoare (North Dorset) (Con): My right hon. Friend's decision to spread the 20,000 refugees over the lifetime of this Parliament seems to me a sensible one, but it does not come without risks—namely, the opportunity for those who wish our country ill to infiltrate the camps to see if they, too, can get themselves to the UK under this programme. Will the Prime Minister assure the House and the country that robust but sensitive vetting and security procedures, where appropriate, will be in place from day one until the end?

The Prime Minister: I can certainly give that assurance. It is important to select people who are genuinely vulnerable and need to be saved. We will be careful not to accept people who might support extremist or terrorist views.

Mark Durkan (Foyle) (SDLP): Constraints mean that I will have to park questions about the deployment of lethal force against a UK citizen in order to address the refugee crisis. The Prime Minister talked about supporting these refugees in their hour of need, but how does that

rhetoric chime with admitting only 20,000 over the course of five years, with overtones of disqualification for those who have already made perilous journeys and perhaps lost loved ones? Will the Prime Minister go further than merely having his Ministers having disparate conversations with First Ministers and will he, along with the Irish Government, convene a special meeting of the British-Irish Council properly to co-ordinate the response for refugees across all the Administrations of these islands, taking account of their different service models, and to offer good partnership to international agencies and domestic charities that want to help?

The Prime Minister: I will look carefully at what the hon. Gentleman says. Obviously, what the Republic of Ireland does is a matter for the Republic of Ireland, if it wants to opt in to the relocation system. I am pretty confident that 20,000 refugees coming into Britain is, and will be seen to be by other European countries, a generous and compassionate offer that will help to take the pressure off other European countries.

Oliver Dowden (Hertsmere) (Con): I welcome the Prime Minister's willingness to use the aid budget for exactly what it was intended to achieve—helping people in crisis right now. Will he ensure that as the aid budget, thanks to our strong economy continues to grow, he retains the flexibility to use it for similar crises in the future?

The Prime Minister: My hon. Friend is absolutely right. The aid budget is there to help the most vulnerable, the weak and the poorest in our world, and that should include the first-year costs of people to whom our country is giving refuge and asylum. Yes, we will go on making sure—this will be part of the spending review—that the aid budget addresses some of the causes of instability and insecurity in our world, because that is a way of stopping some of these problems before they happen.

Barbara Keeley (Worsley and Eccles South) (Lab): In a few weeks' time, it will be the first anniversary of the murder of my constituent, Alan Henning, by ISIL. Alan gave his life to get vital aid through to Syrian children, but as we saw last week, Syrian children are still in desperate need of refuge and support. It is in respect of the scale and lack of immediacy of the Government's response today that my constituents in Eccles and Worsley will be disappointed. They want to see a more immediate response and a more generous offer to Syrian refugees. Will the Prime Minister think again?

The Prime Minister: This response is immediate, and it is generous. We will start straight away, working with the United Nations High Commissioner for Refugees, taking people into our country—as we have up to now—and giving them a warm welcome.

Mr David Burrowes (Enfield, Southgate) (Con): I welcome the increase in the number of refugees, but may I raise the issue of timing? Given that only 216 vulnerable Syrian refugees have been relocated via the vulnerable persons relocation scheme, can the Prime Minister assure me that the expanded programme will happen more

quickly, so that it will not be desperately too late for those thousands of refugees over the course of this Parliament?

The Prime Minister: I can certainly give my hon. Friend that assurance.

Jenny Chapman (Darlington) (Lab): In the 1990s, families in Darlington welcomed Bosnian refugees into their homes, and it is a credit to them that they are willing to welcome refugees again. Our voluntary sector is already collecting toys and clothes. Those people know what to do, and the local authority is on board. What they do not know—they are trying to plan, and the success of the scheme will be greatly assisted by an ability to plan properly—is when this is going to happen. They have no idea when it will happen. The Prime Minister said “straight away”, but we need more than “straight away”. We need to know whether the Prime Minister is talking about days or weeks. What does he mean?

The Prime Minister: As I have said, the Home Secretary will make a statement next week, setting out more detail about how the scheme will work and how we will work with local councils to deliver it.

James Morris (Halesowen and Rowley Regis) (Con): The Prime Minister is absolutely right to focus on long-term solutions to this problem, but does he agree that we must face the reality that, in order to solve it, we shall need to consider more concerted military action across Iraq and Syria, working with our allies, and that we shall not be able to avoid having that debate and arriving at a resolution?

The Prime Minister: My hon. Friend is right. In order to solve the problem, we need to see an end to ISIL in Iraq and Syria. This is a terrorist state: it is a state that terrorises its people, that throws gay people off buildings, that terrorises women. No wonder people are fleeing from it. It is unthinkable, in my view, that we will ever see a solution to the problems in Syria and Iraq while ISIL still exists. The role that we are playing at the moment is that of helping those who are taking direct military action, while providing military action in Iraq, but of course we must discuss and debate in the House whether we are to go further.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): In recent days, a number of people have been in touch with me asking how they personally can extend accommodation, support and friendship to refugees who are fleeing the conflict in Syria. What consideration have the Government given to how they will harness the tremendous generosity of individuals, churches and community groups, so that we can take advantage of that massive generosity in respect of which the Government have been so tardy?

The Prime Minister: I think that, apart from the last bit, the hon. Lady has made a very good point. We will ensure—for instance, through the devolved Administrations—that the scheme that we come up with with local councils enables voluntary groups and others who want to volunteer to try to harness their enthusiasm.

Jason McCartney (Colne Valley) (Con): I welcome my right hon. Friend’s statement. What more can be done to encourage Saudi Arabia, the United Arab Emirates and Qatar to play a greater role? Will my right hon. Friend join me in praising the Kurdistan Regional Government, who are currently supporting 1.8 million Syrian refugees and other displaced people who are currently in northern Iraq, in various refugee camps?

The Prime Minister: I certainly join my hon. Friend in praising the KRG for the work that they are doing, not only looking after people but combating ISIL. We will go on talking to Saudi Arabia and other countries about the support that we can all give, together, to those in refugee camps.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): At present, even an 18-year-old Syrian girl isolated in Lebanon, Jordan or Turkey would not normally be eligible, under family reunion rules, to join her refugee parents in the United Kingdom, which would potentially push her towards people-smugglers. Will the Prime Minister undertake to look again, urgently, at the scope of the family reunion rules, and also at ways of overcoming the difficulties—highlighted by organisations such as the Red Cross—that many people face in attempting to make applications at British embassies in the region?

The Prime Minister: I will ask the Home Secretary to look specifically at the point that the hon. Gentleman has raised, and to write to him.

Craig Whittaker (Calder Valley) (Con): I was pleased to hear the Prime Minister refer again to the huge contribution of Britain, not just over the last few weeks but over several years, in helping to ease the burden of the Syrian refugees. Can he elaborate on whether discussions are going on with our European counterparts on how, jointly, we can tackle and stop these murderous people-traffickers at source?

The Prime Minister: My hon. Friend is absolutely right to highlight that issue. We are working with European partners, particularly through the operation centre in Sicily, where we are bringing to bear our expertise in combating the people-traffickers. European action, of which we are part, is under way.

Paul Flynn (Newport West) (Lab): Does the Prime Minister agree that there are great advantages to both local communities and refugees if they are located evenly and proportionately throughout the kingdom? Does he know that in the fine city of Newport, we successfully host 459 asylum seekers and Cardiff has more than 900, but the constituency of the Chancellor has only two, the Home Secretary has only five and the Prime Minister has none? How many of the 20,000 will be located to his constituency?

The Prime Minister: That will be for the discussions chaired by the Home Secretary and the Communities Secretary. We want to make sure that the whole country can come together to welcome these people.

Heidi Allen (South Cambridgeshire) (Con): There has been a lot of debate this afternoon about the numbers, and rightly so because, to maintain the good

[Heidi Allen]

will we have all spoken about in our communities, that number has to be right. I am interested in the how and the when. How can we feed-in ideas from our constituents? For example, in South Cambridgeshire we have an empty, fully functioning barracks in Bassingbourn, and many of my constituents think it could be a good idea to use it. How do we feed this in?

The Prime Minister: My hon. Friend makes an excellent suggestion. The point of the committee chaired by the Home Secretary and the Communities Secretary will be to take into account what local authorities can do and what voluntary bodies and charities can do, but also to listen to the suggestions of hon. Members.

Chris Stephens (Glasgow South West) (SNP): During the summer I visited the British Red Cross office in Glasgow. A constituent who is a Syrian refugee, has a brother in Athens with kidney failure. He needed to go to Athens and the Home Office granted asylum after representations from me. That serves to highlight the fact that in this crisis there will be issues of family reunion and instances when a relative will have to go to another part of Europe for reasons of organ donation. May I ask the Prime Minister to look at such issues very sensitively?

The Prime Minister: One of the hon. Gentleman's colleagues raised the issue of family reunion, which we obviously look at in this context. The rules we have are there for a good reason, but I know that the Minister for Immigration has taken careful note of what the hon. Gentleman has said.

David Tredinnick (Bosworth) (Con): Is my right hon. Friend aware of the remarks of former Archbishop of Canterbury, George Carey, who has pointed out that the UN camps have hardly any Christians in them because the Islamists have driven them out? Will my right hon. Friend take special steps to address the issue of Christians who are not in the UN camps?

The Prime Minister: My hon. Friend makes a good point, which is why I pointed out earlier that we will take people who are vulnerable and that could include Yazidis or Christians, who, because of their religious beliefs, have not only been persecuted in Syria but have sometimes found life difficult in the camps as well.

Wes Streeting (Ilford North) (Lab): This afternoon the Prime Minister has unhelpfully conflated membership and signing up to the Schengen agreement with taking a proactive part in a proper co-ordinated pan-European response. Why does he continue to unhelpfully muddy these waters, and will he now give a clear explanation as to why, beyond the opinions of his rabid Eurosceptic Back Benchers, he is not engaging properly with our partners in Europe?

The Prime Minister: We are engaging. Our decision to take 20,000 people and our immense funding of the refugee camps will take the pressure off other European countries. I am not conflating those two things. Those who are part of Schengen have taken away all their

internal border controls across Europe and they maintain their external border, so obviously the Schengen countries have to come together to work out what they are going to do about this migration crisis. We can be part of that—we help to fund Frontex and to secure the external border, and we are helping to break up the criminal gangs—but we have not decided to take our borders down, as they have, so we are not in the same position. I am not conflating the two; this is a really important point.

Johnny Mercer (Plymouth, Moor View) (Con): I warmly welcome the Prime Minister's statement, and may I take this opportunity to pay tribute to the operators and those who endure what we ask them to in order to execute these strikes? Does the Prime Minister agree that we now have to win the argument about dealing with ISIS? We have seen the tragic events over the past few months, and we must now use that momentum to push ahead, win this debate and deal with the core cause of this: ISIS and President Assad.

The Prime Minister: I commend my hon. Friend for what he has written and said about this, and I thank him for what he says now.

I believe that we will benefit if ISIL is degraded in Iraq and Syria. We are taking an active part in Iraq and helping in Syria; the question is, should we go further? I feel that one of the problems of the last debate was that many colleagues on both sides of the House said to me, "I simply felt I couldn't vote for this action against Assad and chemical weapons because of what happened over Iraq." I totally understand that, but we have now got to get over that and recognise that it is in our interests as a country for ISIL to be degraded and ultimately destroyed. We are playing a proud part, but I would like us to do more. Let us separate this from the issue of the Iraq war and act in our national interest now, with partners, to get rid of this dreadful terrorist organisation.

Diana Johnson (Kingston upon Hull North) (Lab): Over the past 10 years Hull has taken many refugees under the Home Office's Gateway programme, and they have been successfully resettled. At the Freedom festival over the weekend, nearly 1,200 people signed the petition established by Sue Hubbard to get more support for Syrian refugees. A few months ago Hull offered to help by taking in more Syrians, but the Home Office dragged its feet and nothing happened. What assurance can the Prime Minister give me that the Government will now take up Hull's very good offer?

The Prime Minister: I can certainly give the hon. Lady that assurance. The Gateway programme, which she talks about, and other schemes effectively resettle about 1,000 people in Britain every year. In addition there are successful asylum applications—I think there were 11,000 last year—and we will now be taking 20,000 Syrian refugees. I think that is a generous, compassionate country in action, and we look forward to working with Hull City Council on that basis.

Mr Jacob Rees-Mogg (North East Somerset) (Con): There is widespread support for the Prime Minister's generous decision to take 20,000 refugees, but last year alone we took 183,000 economic migrants from the

European Union. I wonder whether that is proportionate, or whether we could not be more generous to refugees if we were less obsessed with the free movement of people.

The Prime Minister: The ability to move in Europe and take a job is something that many of our own citizens enjoy by going to live in another country. What we should be addressing is the additional pull factor of our welfare system, which can give people some €12,000 or €13,000 in their first year after coming to Britain. That would ensure that free movement works, which is important, but is not artificially inflated by our own welfare system.

Nia Griffith (Llanelli) (Lab): The Prime Minister has mentioned the five-year protection visa. Will he give assurances that people who have that visa will be allowed to work and travel, and that there will be an automatic assumption of the extension of proper resettlement rights to them if they so wish?

The Prime Minister: The basic answer to all those questions is yes.

Peter Aldous (Waveney) (Con): The International Chamber of Shipping, the UK Chamber of Shipping and their respective members are doing their best to assist with the rescue of refugees and migrants at sea. However, there is a pressing need for the UK and the other EU countries to work with those in Africa and the middle east to deal directly with people smugglers. My right hon. Friend outlined in his answer to my hon. Friend the Member for Calder Valley (Craig Whittaker) the work that is being done in that regard, but may I urge him to leave no stone unturned in eliminating that wicked and cruel practice?

The Prime Minister: I certainly take on board what my hon. Friend says. At the heart of the situation is the problem of people smugglers and criminal gangs, and we must crack them.

Chris Law (Dundee West) (SNP): The Prime Minister stated that today's decision to accept 20,000 refugees in the UK over five years was made with both the head and the heart. My head says that is only six refugees per constituency per year, or a total of 30 per constituency over five years. In the past month I have had literally dozens of offers from constituents in Dundee West, and I am sure I echo Members throughout the Chamber who have had the same experience. Why do we need to wait five years? We have a crisis on our hands. Can we not get on with it now, and act urgently and compassionately?

The Prime Minister: We are getting on with it now, and in the letter that the First Minister of Scotland wrote to me, she said that Scotland would be willing to take 1,000 refugees. She will have to reassess that, because now that we are taking 20,000 as a country I will be able to write back and say that Scotland will be able to do more.

Andrew Bridgen (North West Leicestershire) (Con): By announcing that their borders are open to all the migrants who can get to them, Germany and Sweden have inadvertently increased the demand for migration

across a continent and increased the human misery. Will the Prime Minister assure the House that the UK will not make that mistake and that we will not do the wrong thing, even if it is for the right reasons?

The Prime Minister: As I have said, we must act with head and heart, and that is why we think it is right to take people from the refugee camps.

Several hon. Members rose—

Mr Speaker: Order. I keep spotting people who I did not think were here at the start of the statement, but they are all people of the very highest integrity, so I will leave people to self-regulate, if I can put it that way. If they were here at the start, they are welcome to take part, and if they were not, they are not.

Mrs Madeleine Moon (Bridgend) (Lab): When the Prime Minister started speaking, I felt really proud that Britain was going to take 20,000, but then we were told that it would be over five years and I have to say that my heart sank. The local council in my constituency of Bridgend has said that, despite £50 million in cuts over five years, it will take in 10 families. Many of these families cannot wait five years for us to offer them a home. Their need is now. Why cannot we move the 20,000, start taking people now and have a regular statement from the Prime Minister telling us how many have come so that we can get a sense of movement and take our 20,000, certainly before five years is up?

The Prime Minister: We are getting on with it.

Mr Speaker: I say very gently to the House that the Prime Minister is giving very succinct replies and I think it is not unreasonable that we should have succinct questions to which he can respond.

David Rutley (Macclesfield) (Con): What steps are being taken to warn President Putin about the implications of his plans further to support the Assad regime, which will only lead to the expansion of Islamic terrorism? It is bad news for the middle east, for the UK and for Russia.

The Prime Minister: My hon. Friend is absolutely right. We need to continue discussions with the Russians. As I have said, in the long run the growth of Islamist extremist violence is bad for Russia, just as it is bad for the United Kingdom.

Patrick Grady (Glasgow North) (SNP): It is worrying that the Prime Minister is using a crisis situation to announce a major reshaping of aid policy, which many people would say should meet humanitarian need rather than a narrow definition of national interest. In confirming that the use of aid will meet current OECD guidelines, will he also tell us what thought he has already given to providing support outside of the aid budget and beyond the first 12 months of resettlement?

The Prime Minister: Obviously, we will start with the use of the aid budget, which covers the first year, and then the committee, to be chaired by the Home Secretary

[*The Prime Minister*]

and the Communities Secretary, will look at what more needs to be done to make sure that these people can be properly looked after.

Jeremy Lefroy (Stafford) (Con): May I warmly thank the Prime Minister for his decision and will he join me in thanking, alongside the Kurdish Regional Government, the people of Jordan, Lebanon, Iraq, Turkey and other countries that have taken in millions, supported by the UK and other countries, over the past four years?

The Prime Minister: My hon. Friend is absolutely right to praise those countries. They have borne a huge burden in terms of the people they have taken in and looked after. We must go on supporting them and the work they do.

Rachael Maskell (York Central) (Lab/Co-op): What criteria has the Prime Minister used to arrive at a figure of just six refugees per constituency per year? In the light of the compassionate acts of constituents, will he review that figure?

The Prime Minister: I believe that 20,000 Syrian refugees is a generous and correct figure for Britain. What we should do now is get on with it and move as rapidly as we can to process those people. It takes time because we have to work with the UNHCR to go through those in the camps and find suitable people to come here. It also takes time to work with local councils. I do not want to make a pledge that we then cannot deliver properly on the ground, and I believe that this 20,000 pledge can be delivered properly.

Oliver Colville (Plymouth, Sutton and Devonport) (Con): As my right hon. Friend knows, Plymouth is a dispersal centre for asylum seekers. When he knows what the figures are, will he let Plymouth MPs and Plymouth City Council know how many people they will have to help? Will he also make sure that there will be health screening so that we can sort out whether or not people have TB, which is an important issue in my patch?

The Prime Minister: I am sure that all those issues will be looked at by the Home Secretary's committee.

Greg Mulholland (Leeds North West) (LD): In the 1840s and 1850s, the Yorkshire solicitor Thomas Constable was estimated to have saved the lives of 500 refugees fleeing the appalling humanitarian disaster of An Gorta Mór. Now that the Prime Minister has properly recognised the present situation as a refugee crisis, will he give us an assurance that he and all his Ministers in the Government will give the necessary leadership to ensure that we keep the nation together in our actions to deal with it, and that they will not allow anyone to use it to divide us for political gain?

The Prime Minister: Yes, I can certainly give that assurance. The whole country will recognise, as should political leaders, that this is a good approach that we can all work with.

Graham Evans (Weaver Vale) (Con): I welcome my right hon. Friend the Prime Minister's statement, and I am sure that the whole House welcomes the £1 billion of British taxpayers' money that is being committed to humanitarian aid in and around Syria. Does he agree that the French and the Germans need to match that commitment, and more? Does he also agree that Germany's open-door policy gives a green light to the human traffickers who are directly responsible for so much human tragedy in the Mediterranean?

The Prime Minister: Every country must take its own approach, and justify it to its Parliament and its people. I do think that the money we spend in Syrian refugee camps is hugely important, because it not only saves lives but gives people the chance of security and safety without having to make a perilous journey.

Ian Blackford (Ross, Skye and Lochaber) (SNP): The mark of a civilised society is the way in which it deals with a humanitarian crisis. All of us have had full postbags over the past few weeks as people have reflected on the human misery and suffering that has taken place, and people in my constituency will reflect on the paucity of the response from the United Kingdom. When we see Germany taking in 10,000 refugees a day, talking about taking 20,000 people over five years is inexcusable. This Government should be ashamed of themselves. We have talked about the capacity to take people in. What is this country's capacity to take real action to deal with this humanitarian crisis?

The Prime Minister: As I said, I think taking 20,000 people is the right response for the United Kingdom, and I think we should come together and work out how best our local councils and local voluntary groups can give those people a warm welcome.

Rehman Chishti (Gillingham and Rainham) (Con): The Prime Minister said that the thinking on safe havens was the "right sort of thinking". On 28 November 2011, I asked the then Secretary of State for Foreign and Commonwealth Affairs whether we could have safe havens in Syria for the protection of civilians. He replied that there was no "imminent plan" for such safe havens. Why did we not push harder for safe havens at that time? Which countries objected to them? And what is the timeline for the present plan for safe havens that would allow people to be protected on their doorstep from Assad and from Daesh?

The Prime Minister: Let me be clear about what I was saying; I do not want to mislead anybody. I said that the thinking about safe havens was the "right sort of thinking", because it is addressed at trying to help people in the region, rather than encouraging them to travel. The problem with safe havens up to now—it is still a problem—is that if we are going to declare somewhere a safe haven, it must be safe. Our experience in Bosnia and elsewhere is very relevant here. To make the haven safe, we would have to commit a lot of troops and, potentially, air support to take out Syrian air defences. A whole series of steps would have to be taken, and we are a long way away from that. The only point I was trying to make

was to show some sympathy with those people who are pursuing the idea of safe havens, because they are at least trying to help people in the region, rather than encouraging this trade in people.

Andrew Gwynne (Denton and Reddish) (Lab): The Prime Minister has set out the action that he intends to take in and around Syria, and also here at home. He has been very clear about not becoming involved in the EU quota system. Given that, and given the very real pressures faced by the countries on the frontline—particularly Greece and Italy—is there any assistance that the United Kingdom can give those countries with the processing of the applications and with the refugees?

The Prime Minister: Yes, we can and we do. We help them with their capacity in terms of fingerprinting and sorting people. Part of the problem with the Schengen system is that people who come to Greece and Italy then transit onwards, rather than doing what they ought to do, which is to provide their details so that they can make their asylum applications in the first country they arrive in. We are helping with that, as it is part of the problem that Schengen is coping with at the moment.

Tom Tugendhat (Tonbridge and Malling) (Con): I welcome my right hon. Friend's comments on the generosity of the British people through the aid budget. It is extremely welcome that, as the second biggest donor, we are finally getting recognised for the efforts that we have made alongside the Turks, the Lebanese, the Jordanians and the Iraqis. May I urge him to work with our regional NATO partners in the area to enable them to do more, not only financially but militarily? They are capable, and they have the necessary troops and weapons to do more.

The Prime Minister: I certainly look carefully at what my hon. Friend says. I think that today we are talking about the humanitarian response; the issues he raises are perhaps for later.

Neil Gray (Airdrie and Shotts) (SNP): It is worth reminding the House that we are not talking about migrants; we are talking about refugees and, for that matter, human beings. Why did it take the tragic and gut-wrenching image of poor, wee Alan Kurdi to shame the Prime Minister into finally taking the action that he has announced today? It is very limited action and my constituents demand more.

The Prime Minister: I will tell the hon. Gentleman the action that this country and this Government have taken: meeting the 0.7% of GDP on our aid budget when no other major country in the world has done it. That has saved countless lives and this country can be proud of it. Before we listen to all these lectures about acting too late, we should recall that it was this Government who put the money into the refugee camps and sorted out the 0.7% of GDP, and it is this Government who are now saying we should take 20,000 Syrian refugees.

Chloe Smith (Norwich North) (Con): I welcome the Prime Minister's move today, and the generous spirit shown by my constituents and others around the country. I wonder whether he has considered the other part of our humanitarian recent history from this House, which

is the Modern Slavery Act 2015 and its measures against transport and trafficking. Does he think links can be made here?

The Prime Minister: My hon. Friend makes a very good point; that is a key part of our work against these criminal gangs, and an increasing number of countries are looking at the legislation passed here to see whether they can imitate it.

Andy Slaughter (Hammersmith) (Lab): It is exactly a month since I wrote to the right hon. Gentleman's Minister to ask why the vulnerable persons relocation scheme was failing for refugees from Syria and why it had not been extended to Iraq, but I have had no reply. I hope the Prime Minister's statement today will begin to answer the first part, but what about the second? Given his conflation of the military threat from Daesh in Iraq and in Syria, what difference is there between refugees fleeing from Daesh in Syria and in Iraq?

The Prime Minister: The difference is that, of course, in Iraq there is at least a Government who govern part of that country, and there are safe spaces to go in that country, whereas in Syria people are caught between the horrors of ISIL and the terrors of Assad.

Tom Pursglove (Corby) (Con): What assurances can my right hon. Friend give the British people that Islamic State terrorists posing as refugees will not be inadvertently permitted into our country? What assessment has been made of that risk?

The Prime Minister: Obviously, we will take great care over this issue and make sure there is proper security screening of people who are coming.

Christian Matheson (City of Chester) (Lab): Would the Prime Minister concede that perhaps the Government have been a little slow out of the traps in responding to this crisis, perhaps because Ministers are a bit befuddled by an artificial debate that conflates economic migrants with refugees, and indeed that conflates economic migrants with the European Union debate that Conservative Members are having? Would he also care to comment on the editorial policy of newspapers that deliberately include provocative articles by deliberately provocative writers saying it is absolutely fine to send gunboats to stop refugees, and change their position straightaway when there are pictures of dead little boys washed up on the beach?

The Prime Minister: The Government were right to reach 0.7% and right to be the leading aid donor in Europe to the Syrian refugee camps, and are now right to take 20,000 Syrian refugees.

Huw Merriman (Bexhill and Battle) (Con): I welcome the compassion and safe harbour afforded by this Government to Syrian refugees. I also welcome the Prime Minister's statement on the isolated military action taken by this Government. Does he agree that while the UK remains at risk from dissident terrorists, our constituents would not forgive us if we failed in our ultimate duty to keep them safe, no matter how difficult the circumstances?

The Prime Minister: My hon. Friend is absolutely right; keeping the country safe is the first duty of Government.

Melanie Onn (Great Grimsby) (Lab): The Prime Minister has made repeated reference to how much effort this country has put into dealing with the refugee crisis over the past months, but back in June my hon. Friend the Member for Bristol West (Thangam Debbonaire) tabled an early-day motion on Operation Mare Nostrum. That operation was estimated to have saved the lives of half a million refugees in the Mediterranean area, but the Government cancelled it, saying that it was a pull factor. Does the Prime Minister regret cancelling it? Is it time to reinstate it?

The Prime Minister: Twenty-eight member states made that decision about Mare Nostrum, but what we then did in response to the growing number of people who were still coming across the Mediterranean was deploy the flagship of the Royal Navy. Again, this was Britain acting rapidly and saving 6,700 lives.

Suella Fernandes (Fareham) (Con): May I commend the Prime Minister on his proportionate, humane and timely response to this crisis, which has escalated at a rapid pace? Before I came to this place, I defended the Home Secretary in asylum and immigration cases in court, and I saw at first hand how considerable progress was made in dealing with the asylum backlog. We inherited more than 100,000 asylum cases from the previous Labour Administration. What measures and resources have been put in place in the Home Office to deal with the additional burden, so that robust and legitimate decision-making is ensured?

The Prime Minister: I look forward to the House gaining the benefit of my hon. Friend's wisdom from pursuing all those cases. It means that when she speaks in these debates, she has real knowledge of what these cases are like. It is very important that the Syrian refugees are given humanitarian passports, so that they do not have to go through the lengthy asylum process, which is why we are taking that approach.

Hywel Williams (Arfon) (PC): In a reply to me last month, the Minister for Immigration said that the vulnerable persons relocation scheme was designed to focus on need, rather than meeting a quota. Is the Prime Minister now imposing a quota of 20,000 on that scheme? What will he say to the 20,001st person who has a provable and legitimate need?

The Prime Minister: The first thing to do is to get on and deliver the 20,000.

Gareth Johnson (Dartford) (Con): Does the Prime Minister agree that the downside of the Opposition's suggestion of taking refugees from mainland Europe is that it gives a green light to people smugglers and encourages exploitation? We have a good record in this country, thanks to this Government, of tackling modern slavery and human trafficking, and it would be wrong at this stage to turn our back on the genuine progress that we have made.

The Prime Minister: I thank my hon. Friend for what he has said. As we are not part of Schengen, we had a choice over how to design our programme. We have taken the decision that it is better to take people from the camps. That is a good and humane decision, it will help others to be able to use those camps, and it will not encourage people to make that perilous journey.

Toby Perkins (Chesterfield) (Lab): The Prime Minister's statement completely fails to realise either the scale or the urgency of the humanitarian crisis that faces us. It also fails to recognise the huge well of generosity in our country at the moment. People in every one of our constituencies are desperate to help. If the Prime Minister wants a moment for his big society, this is it. Will he come back to this House tomorrow with a statement that recognises not only the scale of the catastrophe that faces the Syrian people, but the huge desire in our constituencies to help them? Let us do more to help these people and have a statement of which to be proud.

The Prime Minister: I think people will respond very positively to the idea of giving a warm and thorough welcome to 20,000 people coming to our country. We should now get into the business of implementing the scheme rapidly. We need to get local councils and local groups on side, and make sure that everyone works together. Let us find a warm and really good welcome for these 20,000 people.

Helen Whately (Faversham and Mid Kent) (Con): As the Prime Minister has pointed out, the vast majority of refugees are in camps near Syria, and I welcome his long-term commitment to substantial aid for these people. Will he advise us on whether a share of that aid can be used to help refugees develop the skills that will be needed to rebuild Syria in due course, as everything possible needs to be done to bring about a durable peace when, eventually, military conflict ends?

The Prime Minister: Absolutely, that can happen. We can use aid money for building capacity in those countries. Once people are able to return to their homes, they can be used to do just that.

Tommy Sheppard (Edinburgh East) (SNP): Most fair-minded people in this country will not regard the Prime Minister's proposal as a proper response to the situation. Taking in and giving sanctuary to 4,000 people a year over the next five years when we are in the midst of the largest global refugee crisis since the second world war is woefully inadequate. We should be ashamed of not doing more. Furthermore, the distinction between people in the refugee camps and those already in Europe is quite spurious. There have been references to the little boy who was washed up on the shores of Turkey. What if that little boy had not drowned, and his parents had applied to this country for refuge and sanctuary? Would we have said that our doors were closed to them?

The Prime Minister: First, I do not agree with the hon. Gentleman. I think that 20,000 is the right response; it is a good response that everyone can now get behind and work with. Those people who have made it already

to Europe are in many cases in a far better and much safer situation than the people still stuck in Syria or stuck in the refugee camps, which is why it is those people whom our effort will be directed towards.

Rebecca Pow (Taunton Deane) (Con): I commend the Prime Minister for giving children, especially orphans, priority in today's statement. We have had heartrending pictures and stories of children, and I have been contacted by many of my constituents, all reiterating that we must be humanitarian, as children are our future. Will the Prime Minister please reiterate his assurances that we will do our very best for those orphans and children?

The Prime Minister: We certainly will. We will be looking specifically for orphans and vulnerable children among the people we take from the camps. They will require a particular amount of care and attention, as they are coming miles away to a strange country, as regards ensuring that they have all the care and love they need as they grow up.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I have also been inundated with offers of support from constituents in Oldham and Saddleworth. How will the Prime Minister speed up the asylum process? It can take many months, if not years, and many refugees have specific skills that are in short supply in the country; I have a family of engineers from Syria who want to work and have been in the country for a few years. Will the Prime Minister also confirm whether he will publish the Attorney General's guidance on the legal basis for the killing of a UK citizen, so that this House can scrutinise the decision making?

The Prime Minister: On the second issue, we do not publish the advice of the Attorney General. No Government have done that. What we did with Libya was describe the legal case, and I am happy to do that, and to describe the legal advice, which is based on self-defence, as I set out in my statement. On the asylum system, of course we want to speed it up; we have sped it up, and that is why we have dealt with so much of the backlog and have introduced measures such as the suspension of appeals, so that people can continue to appeal once they have been returned to the country they have come from. We will continue to do that, but let me stress that these 20,000 Syrians will not have to go through some lengthy asylum process. They will be helped from those camps to a life in Britain. Let us say today that we will give them a warm, friendly and joyous welcome.

Mr Speaker: Order. I thank the Prime Minister, the party leaders who questioned him and the 102 Back Benchers who have also done so.

Refugee Crisis in Europe

Application for emergency debate (Standing Order No. 24)

5.47 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): In the light of the Prime Minister's statement, I rise to propose that the House debate a specific and important matter that should have urgent consideration—namely the refugee crisis in Europe.

The number of people standing to ask questions has, I think, shown the strength of feeling and interest in the House. Most Members have welcomed the Government's decision to take more refugees directly from the camps near Syria and the Government's aid to the region, where they are ahead of every other country and are making an extremely important contribution. The Prime Minister is right, too, that the issues in the camps are serious, with a lack of schooling for thousands of people and a cut in rations meaning that the conditions are desperate and we should help.

The response in the Chamber today has raised two significant concerns about the Prime Minister's response. The first is about the scale of the response—the 20,000 people he will help over five years—and the second is about the lack of help for refugees who have already fled into Europe. Interior Ministers are meeting on the 14th and the crisis is still escalating. This is not just about the tragic scenes we have seen of Alan Kurdi and others who have drowned or the families who are ready to walk from Hungary to Austria to find a safe home. This is also about our chance to discuss the number of people the Prime Minister has offered to help: 20,000 over five years could mean 4,000 a year, whereas the Kindertransport took 10,000 children in the space of nine months. I would urge the Prime Minister to reconsider and to see what more we can do with councils and communities across the country that have come forward asking to help and to do more. He has rightly changed his mind already in response to public concern. I ask for the House to have the opportunity to persuade him to do so again, given the urgent need to provide help.

I ask the Prime Minister to consider again helping those refugees who are already in Europe and who need help. He says that he does not want to encourage people to travel. I say to him that they are travelling already. They are not waiting for a response from the British Government. The refugees in Greece need particular help and humanitarian aid. Many are already being helped through Hungary and Austria, but in Greece there are thousands who are desperate for help. We could do more. We have a chance to work with other European countries, putting pressure on them to do more.

The Prime Minister has responded in part to what is now the greatest humanitarian crisis since the second world war. I urge him to do so again. I ask that we have the chance to debate this tomorrow and then again on Wednesday.

Mr Speaker: I have listened carefully to the application from the right hon. Member and am satisfied that the matter she raises is proper to be discussed under Standing Order No. 24. Has the right hon. Member the leave of the House?

Application agreed to.

Mr Speaker: The right hon. Member has obtained the leave of the House. The debate will be held tomorrow, Tuesday 8 September, as the first item of public business. The debate will last for up to three hours and will arise on a motion that the House has considered the specified matter set out in the right hon. Member's application.

Points of Order

5.52 pm

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr Speaker.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): On a point of order, Mr Speaker.

Mr Speaker: I hope that the hon. Member for Perth and North Perthshire (Pete Wishart) will accept my prioritising age before—well, age before something. Let us hear a point of order from the Father of the House, the right hon. Sir Gerald Kaufman.

Sir Gerald Kaufman: Mr Speaker, I wish to raise a point of order on the contempt shown towards this House by the Home Office, as evidenced by its treatment of a case that I wrote to the Home Secretary about last month. It relates to a constituent who came to see me and told me that she had moved into my constituency. She gave me her old address and her new address. I immediately wrote to the Home Secretary, on 17 August. I did not expect a reply from her, because in five years she has sent me only one letter, but I thought that my letter might be passed to a junior Minister. Instead, I received an undated letter from UK Visas and Immigration. The email date on the letter was 25 August. It stated:

"According to our records, Ms Smith is currently residing at 25 Thruxton Close... Therefore Ms Smith is not residing in your constituency."

She is residing in my constituency. I wrote to the person who sent the email, J. Hughes, stating that if he did not reply to me by last week I would raise the matter in the House. He has still not replied to me. I will not be treated like dirt by the Home Office. More importantly, I will not allow my constituents to be treated like dirt. What can be done about it?

Mr Speaker: May I say to the Father of the House that I think he is almost always, including today, the means of his own salvation? There were occasions in the previous Parliament when the right hon. Gentleman had occasion to bring to my attention his dissatisfaction with not having received a reply from a Minister, and I think that on more than one occasion he received a reply from someone who did not exist—the name on the letter was that of someone who did not exist.

Look, these are not matters in which the Chair ordinarily becomes involved, but I have the highest regard for the courtesy that the Home Secretary has always shown to me, and which ordinarily she has always shown to the House. I think that it is much easier to respect the traditions and courtesies of the House and to err on the side of speed of response and, if I may say so, also on the side of acknowledging a very senior and long-serving Member who has made an approach.

I do not think that there will be a division of the House, or even any great objection from the right hon. Gentleman, if I say that he is not always the easiest colleague to please, but he has a right to represent his constituents and to be treated with the utmost courtesy. I am sorry if he feels that he has not been. I know that the Home Secretary will do her best with her ministerial team to accommodate his various requests and, periodically,

his demands. *[Interruption.]* She says from a sedentary position that she does. Let us leave it there for today. The right hon. Gentleman has not been in the House for 45 years for no reason.

Stephen Pound (Ealing North) (Lab): On a point of order, Mr Speaker. After those words, I must be very careful what I say. Earlier today you quite rightly amended the business for Wednesday to allow for special recognition of Her Majesty's becoming our longest-serving monarch. Unfortunately, one consequence of that is that questions to the Secretary of State for Wales moves to the following week and questions to the Secretary of State for Northern Ireland, which we would have considered on that day, sadly fall. As these are dark and desperate days in Northern Ireland, and as it is very important that the House debate these matters and question Ministers, is there any mechanism whereby the timetable can be further amended so that we can have Northern Ireland questions before the conference recess?

Mr Speaker: Not readily, no. However, there are various means by which Members can secure the presence of Ministers if important matters arise on which those Members wish to probe. The hon. Gentleman is an experienced denizen of this House and will be well familiar with those mechanisms. He might even, from time to time, abuse them.

Mr Nigel Dodds (Belfast North) (DUP): Further to that point of order, Mr Speaker.

Mr Speaker: I will come to the right hon. Gentleman in a moment, but I have been saving up the precious commodity of Mr Pete Wishart. Let us hear from the hon. Gentleman.

Pete Wishart: On a point of order, Mr Speaker. I think that we are all grateful that we will have an extra three hours to debate the refugee crisis, but the Labour party knew that the Scottish National party was giving our Opposition day to discuss the crisis, and it knew that because it requested us to make the whole day about the crisis. It is such an important issue that we must not play party politics with it. *[Interruption.]* It must not be a feature of the Labour leadership contest. The House deserves much better than that. *[Interruption.]* Will you make a ruling, Mr Speaker, that our debate will still stand—

Mr Speaker: Order. There is a lot of commotion and I cannot hear the hon. Gentleman. I need to hear what he is saying.

Pete Wishart: Mr Speaker, will you confirm that on Wednesday it will still be in order for the Scottish National party to table a cross-party motion to agree to debate the refugee crisis on a substantive issue, and that we should stop playing games with something so important, because it is more important than any feature of the Labour leadership contest?

Mr Speaker: I thank the hon. Gentleman for his point of order and appreciate his patience in waiting to be called. It will be entirely orderly for the hon. Gentleman or his party so to table. As Speaker, my responsibility is simply to hear an application and judge whether it has

merit, rather than to become embroiled in what might be considered to be competitions between parties. He has asked me a straight question—will it be orderly?—and the answer is yes. That seems to satisfy not only the hon. Gentleman, but, very importantly—and I mean this—the hon. Member for Shipley (Philip Davies) to boot.

Chris Bryant (Rhondda) (Lab): Can we boot the hon. Member for Shipley (Philip Davies)?

Mr Speaker: No.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Further to that point of order, Mr Speaker. I am saddened by the SNP's response, as I think it important that all of us who want to debate this subject should be able to do so tomorrow and on Wednesday as well. On Wednesday, we will have the opportunity to discuss a motion and an opportunity to vote; that will be immensely important. I would just urge SNP Members to pause for a second to remember the gravity of the issue that we are discussing, and to make sure that all of us in this House are able to unite around helping thousands of people, rather than debate the timing of the motions.

Mr Speaker: Notwithstanding what has just been said, one thing I can say which will command agreement, because it has the advantage of being factually true, is that there will be a debate under Standing Order No. 24 tomorrow, as a result of the successful application by the shadow Home Secretary, and there will be a debate on these matters in terms they choose led by the Scottish National party on Wednesday. That is the factual position, and I thank colleagues for what they said.

Now, the right hon. Member for Belfast North (Mr Dodds) has been waiting very patiently to make his point of order.

Mr Dodds: Further to the point of order raised by the hon. Member for Ealing North (Stephen Pound), Mr Speaker. I support entirely what the hon. Gentleman said. Given the grave events in Northern Ireland, it is the wrong time for Northern Ireland questions not to happen. Have you had any communication from a Minister indicating that Government time will be provided to allow some sort of debate on the situation in Northern Ireland in these two weeks when Parliament is sitting? It will be too late when we come back in October.

Mr Speaker: There may well be such an opportunity for a number of reasons, although I cannot guarantee it. First, it is possible that, having heard the right hon. Gentleman speaking with the authority of his office, and having heard what was said by the hon. Member for Ealing North, the Government may choose to provide such a debate. That is one possibility; another is a debate courtesy of the Backbench Business Committee; and a third—depending on the nature of the circumstances, and their urgency or otherwise—is a debate under Standing Order No. 24. So there are opportunities. The right hon. Gentleman is very experienced and I know he will keep an eye on the situation. I will be very sensitive to the legitimate claims that colleagues might have in these circumstances. I hope that that is fair. If a Minister wants to say anything, he is most welcome. No, not on this occasion.

European Union Referendum Bill (Programme) (No. 2)

Motion made, and Question proposed,

That the Order of 9 June 2015 (European Union Referendum Bill (Programme)) be varied as follows:

(1) Paragraphs (5) and (6) of the Order shall be omitted.

(2) Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.

(3) The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

<i>Table</i>	
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses, new Schedules and amendments relating to the application to the referendum of section 125 of the Political Parties, Elections and Referendums Act 2000 or to the subject matter of that section	Two and a half hours after the commencement of proceedings on Consideration
New Clauses and new Schedules relating to the subject matter of clause 2; amendments to clause 2; amendments to clause 2; remaining proceedings on Consideration	Five hours after the commencement of proceedings on Consideration

(4) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on Consideration.—(*Mr Lidington.*)

6.2 pm

Alex Salmond (Gordon) (SNP) *rose*—

Mr Speaker: Mr Salmond, are you seeking to catch my eye?

Alex Salmond: I am seeking to oppose the programme motion.

Mr Speaker: Does the right hon. Gentleman wish to make a speech, or simply to vote against?

Alex Salmond: Make a speech.

Mr Speaker: Funny that, turning up in the House of Commons to make a speech. [*Laughter.*] It will be a pleasure to hear the right hon. Gentleman.

Alex Salmond: Thank you very much, Mr Speaker. I always think that it is marginally to my advantage to speak when I am trying to persuade hon. Members to support my cause. Many people have argued to the contrary—that silence could be golden in the circumstances—but looking at the programme motion, I do not think the Government should succeed. Only six weeks have passed since we were here discussing the European Referendum Bill. Of course I understand the Government's anxiety to progress the business while the Labour party is concerned about other matters, but the motion on the Order Paper strikes me as hardly adequate for reasonable discussion.

Those of us who were present during the Committee stage will remember, among many other events, a last-minute starred amendment allowed relating to the timing of the referendum; the Government facing defeat on the issue of purdah; and the absolute confidence with which the Leader of the House and the Minister told us that the question to be put in the referendum was already more or less accepted by the Electoral Commission and we did not have to worry about that process.

Now we come to Report stage, and we find that we are to have two and a half hours to debate the issue of purdah. We also find that a Government amendment—new clause 10—was tabled so late that you, Mr Speaker, have allowed a manuscript amendment to that new clause. I have absolutely no idea what the Government were doing during the six weeks of recess that they were only able to table a new clause so late as to allow a manuscript amendment to it. That will cause considerable controversy, and I imagine that debating it will take up the full two and a half hours.

That brings us to the second two and a half hours allowed to us, in which we have to discuss the

“Entitlement to vote, impartiality of broadcasters, party spending limits, the referendum...campaigning...financial controls...further provisions about the referendum”

and, crucially,

“the question on the ballot paper”.

Mr Jacob Rees-Mogg (North East Somerset) (Con): If we do not pass this amendment to the timetable, we finish at 10 o'clock, so we would have less time than is currently proposed. If we support the right hon. Gentleman, we cut our nose off to spite our face.

Alex Salmond: The hon. Gentleman will be able to exercise his best judgment on whether to support the motion, but I think it is reasonable to state the inadequacy of the time allowed. There is little or no chance that all these matters will be adequately and properly discussed, and the hon. Member—the right hon. Member—knows it.

Mr Rees-Mogg *indicated dissent.*

Alex Salmond: I beg the hon. Gentleman's pardon. These things take time. A few years ago, if someone had said that I would be a right hon. Member, I would have shaken my head as well, but who knows what will happen to him.

It is perfectly proper and reasonable to state that this is an inadequate timetable and to appeal to the best judgment of the Foreign Secretary to tell us that he has been persuaded by this eloquent speech to allow a proper length of time for discussion of these hugely important matters.

To facilitate the House finishing before midnight, Mr Speaker, I shall leave matters there—[*Interruption.*] Well, I could move past my introduction to say a few things more, but I shall say only that this is not a proper way to discuss a matter of such import. The Government have lost control of the timing of the referendum, they have lost control of the conduct of the referendum and they have been overturned on the referendum question, all in the space of the last few weeks. Their attempt to rush the Bill through this House has not served them well, and even at this last ditch, I think they would do

well to consider coming back with a more adequate timetable. The Government might thereby serve the interests of the House, and probably their own interests, rather better than they have been doing.

Question put.

The House divided: Ayes 517, Noes 59.

Division No. 54]

[6.8 pm

AYES

Abbott, Ms Diane
Abrahams, Debbie
Adams, Nigel
Afriyie, Adam
Aldous, Peter
Alexander, Heidi
Ali, Rushanara
Allan, Lucy
Allen, Mr Graham
Allen, Heidi
Amess, Sir David
Anderson, Mr David
Andrew, Stuart
Argar, Edward
Ashworth, Jonathan
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Bailey, Mr Adrian
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Barron, rh Kevin
Barwell, Gavin
Bebb, Guto
Beckett, rh Margaret
Bellingham, Mr Henry
Benn, rh Hilary
Benyon, Richard
Beresford, Sir Paul
Berger, Luciana
Berry, Jake
Berry, James
Betts, Mr Clive
Bingham, Andrew
Blackman, Bob
Blackman-Woods, Dr Roberta
Blackwood, Nicola
Blenkinsop, Tom
Blomfield, Paul
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
Bottomley, Sir Peter
Bradley, Karen
Bradshaw, rh Mr Ben
Brady, Mr Graham
Brake, rh Tom
Brazier, Mr Julian
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Brown, Lyn
Brown, rh Mr Nicholas
Bruce, Fiona
Bryant, Chris
Buckland, Robert
Burden, Richard
Burgon, Richard
Burnham, rh Andy

Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cairns, Alun
Cameron, rh Mr David
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Carmichael, Neil
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Champion, Sarah
Chapman, Jenny
Chishty, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Geoffrey
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Costa, Alberto
Cox, Mr Geoffrey
Cox, Jo
Coyle, Neil
Crabb, rh Stephen
Crausby, Mr David
Creasy, Stella
Crouch, Tracey
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Byron
Davies, Chris
Davies, David T. C.
Davies, Geraint
Davies, Glyn
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
De Piero, Gloria

Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dowden, Oliver
Doyle-Price, Jackie
Dromey, Jack
Drummond, Mrs Flick
Dugher, Michael
Duncan, rh Sir Alan
Dunne, Mr Philip
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellman, Mrs Louise
Ellwood, Mr Tobias
Elphicke, Charlie
Esterson, Bill
Eustice, George
Evans, Chris
Evans, Graham
Evans, Mr Nigel
Evennett, rh Mr David
Fabricant, Michael
Fallon, rh Michael
Farrelly, Paul
Fernandes, Suella
Field, rh Mark
Fitzpatrick, Jim
Flelo, Robert
Fletcher, Colleen
Flint, rh Caroline
Foster, Kevin
Fovargue, Yvonne
Fox, rh Dr Liam
Foxcroft, Vicky
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gapes, Mike
Gardiner, Barry
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glass, Pat
Glen, John
Glendon, Mary
Goodman, Helen
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, Kate

Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Haigh, Louise
Halfon, rh Robert
Hall, Luke
Hamilton, Fabian
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Hanson, rh Mr David
Harman, rh Ms Harriet
Harper, rh Mr Mark
Harpham, Harry
Harris, Carolyn
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, Helen
Hayes, rh Mr John
Hayman, Sue
Heald, Sir Oliver
Healey, rh John
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hendrick, Mr Mark
Herbert, rh Nick
Hermon, Lady
Hillier, Meg
Hinds, Damian
Hoare, Simon
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hollinrake, Kevin
Hollobone, Mr Philip
Hopkins, Kelvin
Hopkins, Kris
Howarth, rh Mr George
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hunt, Tristram
Huq, Dr Rupa
Hurd, Mr Nick
Hussain, Imran
Irranca-Davies, Huw
Jackson, Mr Stewart
Jarvis, Dan
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyins, Andrea
Jenrick, Robert
Johnson, rh Alan
Johnson, Boris
Johnson, Diana
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Gerald
Jones, Graham
Jones, Helen

Jones, Mr Kevan
Jones, Mr Marcus
Jones, Susan Elan
Kane, Mike
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeley, Barbara
Kendall, Liz
Kennedy, Seema
Khan, rh Sadiq
Kinahan, Danny
Kinnock, Stephen
Kirby, Simon
Knight, rh Sir Greg
Knight, Julian
Kyle, Peter
Lammy, rh Mr David
Lancaster, Mark
Latham, Pauline
Leadsom, Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Leslie, Charlotte
Leslie, Chris
Letwin, rh Mr Oliver
Lewell-Buck, Mrs Emma
Lewis, Brandon
Lewis, Clive
Lewis, Mr Ivan
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Long Bailey, Rebecca
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lucas, Ian C.
Lumley, Karen
Lynch, Holly
Mackinlay, Craig
Mackintosh, David
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Main, Mrs Anne
Mak, Mr Alan
Malhotra, Seema
Malthouse, Kit
Mann, Scott
Marris, Rob
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCarthy, Kerry
McCartney, Jason
McCartney, Karl
McDonagh, Siobhain
McDonald, Andy
McDonnell, John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLoughlin, rh Mr Patrick
McPartland, Stephen

Meacher, rh Mr Michael
Mearns, Ian
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miliband, rh Edward
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moon, Mrs Madeleine
Mordaunt, Penny
Morden, Jessica
Morris, Anne Marie
Morris, David
Morris, rh Mr David
Morris, Grahame M.
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Ian
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Onn, Melanie
Onwurah, Chi
Opperman, Guy
Osamor, Kate
Osborne, rh Mr George
Owen, Albert
Paisley, Ian
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Pearce, Teresa
Penning, rh Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Toby
Perry, Claire
Phillips, Jess
Phillips, Stephen
Phillipson, Bridget
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pugh, John
Pursglove, Tom
Quin, Jeremy
Quince, Will
Qureshi, Yasmin
Rayner, Angela
Redwood, rh John
Reed, Mr Jamie
Reed, Mr Steve
Rees, Christina
Rees-Mogg, Mr Jacob
Reynolds, Emma
Reynolds, Jonathan

Rimmer, Marie
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Shelbrooke, Alec
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Chloe
Smith, Henry
Smith, Jeff
Smith, Julian
Smith, Nick
Smith, Owen
Smith, Royston
Smyth, Karin
Solloway, Amanda
Soubry, rh Anna
Spellar, rh Mr John
Spelman, rh Mrs Caroline
Spencer, Mark
Starmer, Keir
Stevens, Jo
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Streeting, Wes
Stride, Mel
Stringer, Graham
Stuart, Ms Gisela
Stuart, Graham
Sunak, Rishi
Swayne, rh Mr Desmond
Syms, Mr Robert
Tami, Mark
Thomas, Mr Gareth

Thomas-Symonds, Nick
Thornberry, Emily
Throup, Maggie
Timms, rh Stephen
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Trickett, Jon
Truss, rh Elizabeth
Tugendhat, Tom
Turley, Anna
Turner, Mr Andrew
Twigg, Derek
Twigg, Stephen
Tyrie, rh Mr Andrew
Umunna, Mr Chuka
Vaizey, Mr Edward
Vara, Mr Shailesh
Vaz, rh Keith
Vaz, Valerie
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
West, Catherine
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whitehead, Dr Alan
Whittaker, Craig
Williams, Craig
Williams, Mr Mark
Williamson, rh Gavin
Wilson, Phil
Wilson, Mr Rob
Wilson, Sammy
Winnick, Mr David
Winterton, rh Ms Rosie
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim
Zeichner, Daniel

Tellers for the Ayes:
George Hollingbery and
Margot James

NOES

Ahmed-Sheikh, Ms Tasmina
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Boswell, Philip
Brock, Deidre
Brown, Alan
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Docherty, Martin John
Donaldson, Stuart
Durkan, Mark
Edwards, Jonathan
Ferrier, Margaret
Flynn, Paul
Gethins, Stephen
Gibson, Patricia
Godsiff, Mr Roger
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Kerevan, George

Kerr, Calum
Law, Chris
Lucas, Caroline
MacNeil, Mr Angus Brendan
Mc Nally, John
McCaig, Callum
McDonald, Stewart
McDonald, Stuart C.
McDonnell, Dr Alasdair
McGarry, Natalie
McLaughlin, Anne
Monaghan, Carol
Monaghan, Dr Paul
Mullin, Roger
Newlands, Gavin
Nicolson, John
O'Hara, Brendan
Oswald, Kirsten

Paterson, Steven
Ritchie, Ms Margaret
Robertson, Angus
Salmond, rh Alex
Saville Roberts, Liz
Sheppard, Tommy
Skinner, Mr Dennis
Stephens, Chris
Thewliss, Alison
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Williams, Hywel
Wilson, Corri
Wishart, Pete

Tellers for the Noes:
Owen Thompson and
Marion Fellows

Question accordingly agreed to.

European Union Referendum Bill

[Relevant document: oral and written evidence to the Public Administration and Constitutional Affairs Committee, on EU Referendum Bill, part one: Purdah and impartiality, HC 319.]

Consideration of Bill, as amended in the Committee

New Clause 10

POWER TO MODIFY SECTION 125 OF THE 2000 ACT

‘(1) In this section—

- (a) “section 125” means section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc), as modified by paragraph 26 of Schedule 1, and
- (b) “section 125(2)” means subsection (2) of section 125 (which prevents material to which section 125 applies from being published by or on behalf of certain persons and bodies during the 28 days ending with the date of the poll).

(2) The Minister may by regulations make provision modifying section 125, for the purposes of the referendum, so as to exclude from section 125(2) cases where—

- (a) material is published—
 - (i) in a prescribed way, or
 - (ii) by a communication of a prescribed kind, and
- (b) such other conditions as may be prescribed are met.

(3) The communications that may be prescribed under subsection (2)(a)(ii) include, in particular, oral communications and communications with the media.

(4) Before making any regulations under this section, the Minister must consult the Electoral Commission.

(5) Consultation carried out before the commencement of this section is as effective for the purposes of subsection (4) as consultation carried out after that commencement.

(6) In this section—

- “prescribed” means prescribed by the regulations;
- “publish” has the same meaning as in section 125.

(7) This section does not affect the generality of section 4(1)(c).’
—(Mr Lidington.)

This new clause enables the Minister, by regulations, to modify section 125 of the 2000 Act to exclude material published in a way, or by a kind of communication, specified in the regulations, subject to any conditions in the regulations. Any regulations will be subject to the affirmative resolution procedure.

Brought up, and read the First time.

6.27 pm

The Minister for Europe (Mr David Lidington): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Manuscript amendment (a) to Government new clause 10, after subsection 5 insert—

‘(5A) Any regulations under subsection (2) must be made not less than four months before the date of the referendum.’

The purpose of the amendment is to ensure that the “purdah” arrangements that govern ministerial and official announcements, visits and publicity are made at least four months before the date of the referendum.

New clause 5—Restriction on publication etc. of promotional material by central and local government etc.—

‘(1) This section applies to any material which—

- (a) provides general information about the referendum;
- (b) deals with any of the issues raised by the question on which the referendum is being held;

[Mr Deputy Speaker]

- (c) puts any arguments for or against the proposition that the United Kingdom should remain a member of the European Union; or

- (d) is designed to encourage voting at the referendum.

(2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of—

- (a) any Minister of the Crown, government department or local authority; or
- (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.

(3) Subsection (2) does not apply to—

- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
- (b) anything done by or on behalf of the Electoral Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available) of the 2000 Act;
- (c) the publication of information relating to the holding of the poll; or
- (d) the issue of press notices;

and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.

(4) In this section—

- (a) “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
- (b) “the relevant period”, in relation to the referendum, means the period of 28 days ending with the date of the poll.’

This new Clause replicates section 125 of the Political Parties, Elections and Referendums Act 2000, and applies it directly to the EU Referendum. It is supplemented by New Clause 6 on Exemptions to prohibition on publication of promotional material by central and local government etc. (No.2). Amendment 4 removes from the Bill the disapplication of section 125 of the 2000 Act.

New clause 6—Exemptions to prohibition on publication of promotional material by central and local government etc. (No. 2)—

‘(1) For the purposes of the referendum the Secretary of State may, by regulations, specify materials that he or she intends or expects to publish in the relevant period to be exempted from the prohibitions on the publication of materials under section (Restriction on publication etc. of promotional material by central and local government etc.).

(2) Any materials listed in regulations made under this section will not be subject to the prohibitions on publication under section 125 of the 2000 Act.

(3) In this section “the relevant period”, in relation to the referendum, means the period of 28 days ending with the date of the poll.’

This gender-neutral new clause permits the Government to specify material that they intend or expect to publish in the “purdah” period for the referendum that would be exempted from the prohibition on publication of promotional material contained in section 125 of the Political Parties, Elections and Referendums Act 2000, which Amendment 4 would apply to the EU Referendum. The material would have to be specified in regulations exercisable by statutory instrument, which under clause 6 of this bill must be laid before and approved by a resolution of each House of Parliament.

Amendment (a) to new clause 6, at end add—

‘(4) Before laying any regulations under subsection (1) the Government shall seek the advice of the Electoral Commission on the subject of the proposed regulation.

(5) Any advice given by the Electoral Commission under this section shall be published by the time the regulation is laid.

(6) Any regulations under subsection (1) must be made not less than four months before the date of the referendum.’

The Electoral Commission gives advice to the Government about proposed referendums. The proposed subsections (4) and (5) would reinforce this role in respect of regulations made under this section. Subsection (6) sets a time limit to ensure stable “purdah” arrangements are in place in advance of the start of referendum campaign.

Amendment 11, in clause 10, page 5, line 28, at end insert—

‘(1A) (a) Section 1 will come into effect after a resolution has been passed by both Houses approving arrangements for a purdah period covering a period of five weeks before the referendum date.

(b) arrangements for a purdah period will include—

- (i) restrictions on material that can be published by the government, public bodies and the EU institutions; and
- (ii) measures to determine breaches of purdah and penalties for such a breach.’

The referendum provision of the Bill could only come into effect after arrangements for purdah had been approved by both Houses of Parliament.

Government amendment 53.

Amendment 78, in schedule 1, page 19, line 23, leave out paragraph 26 and insert—

‘26 (1) Section 125 of the 2000 Act (restriction of publication etc of promotional material by central and local government etc) applies in relation to the referendum during the referendum period with the following modification.

(2) Section 125 (2) (a) of the 2000 Act has effect for the purposes of the referendum as if, after “Crown”, there were inserted “including ministers in the Scottish Government, the Welsh Government, the Northern Ireland Executive and Her Majesty’s Government of Gibraltar”.’

The purpose of the amendment is to apply the “purdah” arrangements that govern ministerial and official announcements, visits and publicity during general elections to the campaign period before the referendum.

Amendment 4, page 19, line 23, leave out paragraph 26.

The purpose of the amendment is to apply the “purdah” arrangements that govern ministerial and official announcements, visits and publicity during general elections to the campaign period before the referendum. The amendment should be read in conjunction with New Clause 5 (Restriction on publication etc of promotional material by central and local government etc) and New Clause 6 (Exemptions to prohibition on publication of promotional material by central and local government etc (No.2)).

Mr Lidington: In Committee, I promised to reflect on the concerns that were raised about the Government’s proposal to disapply, for the purposes of the EU referendum, section 125 of the Political Parties, Elections and Referendums Act 2000. The Government accept completely the importance of the referendum being conducted in a way that is both fair and seen to be fair by the partisans on both sides of the debate. In particular, that means that the conduct of both Ministers and civil servants must be beyond reproach. We are therefore bringing to the House today proposals that we believe provide the rigorous safeguards wanted by hon. Members on both sides of the House.

I reiterate what the Foreign Secretary and I have both said before, namely that the Government will not undertake activities during the final 28 days of the campaign that would be seen as the province of the lead campaign organisations. In particular, there should be no question of the Government undertaking any paid

advertising or promotion, such as billboards, door drops, leafleting, or newspaper or digital advertising during that period.

Mr Bernard Jenkin (Harwich and North Essex) (Con): What is the exact meaning of what the Minister is saying? My letter to him on behalf of the Public Administration and Constitutional Affairs Committee in July made clear the Committee's view that section 125 should remain unimpaired and that

"the Government should not be allowed to use the machinery of Government (i.e. the resources of the Government) for campaigning purposes during the purdah period, as is already implied in the Civil Service Code."

Do the Government accept that position?

Mr Lidington: I was going to say that, having studied my hon. Friend's letter and listened to the views expressed by him and many other hon. Members, we are bringing forward amendments that have three effects. First, we are proposing to reinstate section 125 of the 2000 Act and remove the blanket disapplication that is currently in the Bill. Secondly, we propose a narrow and limited exemption to permit the Government to carry out EU business as usual during the final 28 days of the campaign. Thirdly, we propose a power for exemptions to be made to the general prohibition in section 125, subject to an affirmative resolution being passed by both Houses.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): Will my right hon. Friend give way?

Sir William Cash (Stone) (Con) *rose*—

Mr Lidington: If I may finish this point, I will then give way.

In addition, those areas of Government activity that are permitted by Parliament will be subject to guidance from the Prime Minister to Ministers and from the Cabinet Secretary to civil servants based on the purdah guidance issued before previous referendum campaigns. The Cabinet Secretary said in evidence to the Public Administration and Constitutional Affairs Committee that civil servants would not under any circumstances be permitted to support Ministers in doing things that Ministers were prohibited by statute from taking part in.

Mrs Gillan: Why is it necessary for the Government to make any amendment to section 125? The Electoral Commission has carried out statutory reviews of the referendums since 2004 and has not identified any significant concerns from the Government or any other party about the application of section 125. Why are the Government changing the playing field and insisting on modifications to something that has worked well and that they have used in the past?

Mr Lidington: We are bringing forward limited exemptions from section 125 because we believe—we have received firm legal advice on this—that if left completely unamended, it would pose genuine difficulties. I will go on to speak in some detail about this matter to respond to the concerns that my right hon. Friend and other colleagues have expressed. Before doing so, I give way to my hon. Friend the Member for Stone (Sir William Cash).

Sir William Cash: Of course my right hon. Friend has received legal advice, but legal advice can cut both ways. Indeed, Speaker's Counsel has made it clear that he does not think there is much of a problem in respect of the issues the Minister has just been describing. Not only have the Electoral Commission and Speaker's Counsel been clear on these points, but if regulations are introduced, they will come in by way of the affirmative procedure after the Bill has been enacted and there will be no opportunity to amend them, because regulations, being statutory instruments, can only be accepted or rejected in their entirety. Does my right hon. Friend not agree?

Mr Lidington: In answer to my hon. Friend's last point, if the House is dissatisfied with any regulation that the Government put before Parliament, it can reject the statutory instrument. In that case, the default position under the package that I am proposing to the House would be to revert to section 125 without the exemptions being made by regulation. There is, therefore, the safeguard that Parliament will have the final say.

I hope that my hon. Friend will listen when I address the concerns in more detail, but I say to him first that I have been present at a number of debates in the House when he has said that a legal opinion that he has received is of weight and importance. I think that the Government are entitled to take seriously the arguments that Treasury counsel have put to them.

Mr Kenneth Clarke (Rushcliffe) (Con): I realise that I should not be interrupting the flow of people to whom the Government are only too anxious to make any concession that is demanded and who are obviously quite clear about what result they want from the referendum—indeed, they are rather more concerned about the result than the process—but will the Minister confirm that, whatever further concessions he is now making, it will still be possible for Ministers to give a clear and authoritative opinion on whether, according to the constitutional Government of the country, it is in the best interests of the United Kingdom in respect of its political future in the world and its economic prospects to be in or out of the European Union, and that little things like being allowed to take advice on the factual accuracy of what they are saying on behalf—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. *[Interruption.]* Order! The right hon. and learned Gentleman knows that interventions have to be short. We cannot have speeches at this stage. *[Interruption.]* I will make the decision. I am sure that the Minister will want to reply. If the right hon. and learned Gentleman needs to intervene again, he may do so, but we cannot have speeches or long interventions.

Mr Clarke: I do apologise, Mr Deputy Speaker, but I sense, looking around, that I am grossly outnumbered in the Conservative party, given my views, by a certain section of my hon. and right hon. colleagues. They wish to silence Ministers. I do realise that I—

Mr Deputy Speaker: Order. *[Interruption.]* Order. The right hon. and learned Gentleman will have to sit down for a moment. He is well known as the big beast and I am certain that he has never worried about the number of people around him who may not be on the same side.

Mr Lidington: The answer to my right hon. and learned Friend's question is that the Government will, of course, express their view very clearly at the conclusion of the negotiations and make their recommendation to the country, giving their reasons for so doing. One aspect of the debate about which we have concerns is how the Government, who will have called the referendum and made a recommendation to the British people, should be able to express their view and answer questions in the final four weeks, as he described. The debate about so-called purdah and section 125 relates specifically to the final 28 days of the campaign.

Mrs Anne Main (St Albans) (Con): Will my right hon. Friend comment briefly on the comments that were sent out at just gone half-past 12 today by Michael Carpenter, the Speaker's Counsel, in which he said:

"I commented about all this in my earlier note to the Committee. Mr Lidington seems simply to repeat the unsound arguments advanced before."

For those of us who have concerns, that is a very worrying statement from such learned counsel.

Mr Lidington: If my hon. Friend had received the legal advice that I have had, she might take a rather different view.

Many hon. Members have said that the purdah rules that apply during elections have worked well and I agree. Of course, those rules are based entirely on guidance and convention. They allow for common sense and involve no legal risk. Section 125 of the 2000 Act is very different, since it is a statutory restriction. Given that the EU referendum debate will, I think we would all accept, involve people on both sides of the argument with deep personal pockets and passionate views on the subject, the risk of legal challenges during the campaign is real. The Government are seeking, through the amendments, to manage that legal risk.

Sir Edward Leigh (Gainsborough) (Con): With respect, I think that this is legalistic claptrap. I do not remember the Prime Minister being particularly constrained in arguing his case during the general election. What is important is that the process is considered to be fair. Why can we not just cut to the chase and accept amendment 4, which was tabled by the Opposition, under which we would have full purdah and do what we do in general elections, so that everybody thinks it is fair?

Mr Lidington: As I have just said to the House, what the Government can and cannot do in general elections is governed by guidance and convention, and not by statute, which brings the risk that a dispute could end up before the courts. The situation as regards the EU referendum is different, because there is law on the statute book, dating from 2000, so discretion and common sense cannot be applied in the way that is possible during elections, when we rely on guidance.

On amendment 53, we believe that section 125, as drafted in the 2000 Act, would create legal risk and uncertainty in what I might describe as ongoing normal EU business during the final weeks before the referendum. One of the problems with the original subsection 1(b) is the breadth of the wording that describes and defines the material that would be caught. It imposes a very wide-ranging prohibition on Government activity. It bans public bodies and persons

"whose expenses are defrayed wholly or mainly out of public funds"

from publishing material that

"deals with any of the issues raised by"

the referendum question.

Unlike the recent cases of the Scottish or alternative vote referendums, the subject matter of the EU referendum cannot simply be avoided in Government communications during the last 28 days. The subject of EU membership is broad. A Government statement in Brussels on an EU issue under negotiation could be said to be dealing with an issue raised by the question of our membership, and therefore be caught by the restrictions in section 125. Let me provide an example.

There are ongoing negotiations between the EU and the United States on the Transatlantic Trade and Investment Partnership. It is perfectly conceivable that, at some stage during the last month of our referendum campaign, those negotiations could reach a stage at which there would be a discussion between the institutions of the EU and member states of the EU. The British Government would have a view on the right outcome and might want to circulate papers to lobby, using the sort of materials that would be captured by the section 125 definition of publication. If the section remains unamended, my concern is that there is a risk that that will be challenged in court, because it could be said to be raised by the referendum campaign. It is certainly conceivable that one or other or both of the campaign organisations could pray in aid that particular issue as indicating why we should or should not remain a member of the EU. Once that happened, it would certainly be classed as raised by the referendum campaign.

Mr Peter Bone (Wellingborough) (Con): I am grateful to the Minister for giving way. He is, as usual, helpful in explaining his case. In reality, however, if that situation arose the discussions would not happen in the 28 days when this country was making up its mind whether it wants to be part of the European Union. That just would not happen. The EU is very good at putting things off and the idea that that is a reason for changing the law is fanciful.

Mr Lidington: My hon. Friend does not understand the extent to which we simply do not know. One member state can control the timing of items on the agenda. The timing depends on which particular illustration one is looking at, but the country holding the rotating presidency of the European Union will decide which items of business appear on the agenda of Council and COREPER meetings. The Commission will decide when to publish new proposals for, or amendments to, legislation. The European Parliament is a law unto itself. Its sessions will continue during our referendum campaign and the British Government are likely to want to circulate published material, under the terms of the 2000 Act, to try to influence decisions of MEPs in a way that favours our national interest.

Alex Salmond (Gordon) (SNP): Can I just get this right? The Minister's case is that some nefarious other Government will seize the opportunity of the 28-day period to rush something through the European Union. If so, that will be the fastest bout of decision-making in the EU's history!

6.45 pm

Mr Lidington: I am saying that the European Union is a constant process of negotiation on a whole range of issues involving Ministers and officials from many different Departments. In the course of that work to champion our national interests, Ministers and their officials have to produce materials that I believe could be classed, under section 125, as published material and material the content of which would deal with an issue raised by the referendum question. As well as covering a wide range of content, the 2000 Act gives a very broad definition of the term “publish”. It defines it as making it

“available to the public at large, or any section of the public, in whatever form and by whatever means”.

That would therefore cover printed material and electronic communications.

Philip Davies (Shipley) (Con): Will the Minister give way?

Mr Lidington: Yes, I will, but I am conscious that other Members want to speak.

Philip Davies: May I give the Minister an example of what I fear? What I envisage is if, two weeks before the date of the referendum, the leave campaign is 10 points ahead in the poll—I hope it will be further ahead, but for argument’s sake let us just say it will be 10 points ahead—I am not sure that the Minister’s amendment will deal with the prospect of the Government, the European Commission and the German Chancellor all in a mad panic, like the clumsy intervention in the Scottish vow, standing up and saying, “We hear what you are saying and if you vote to stay in we promise to address some of these issues.” Will the Minister give a commitment now that the Government will not engage in that kind of activity?

Mr Lidington: What my hon. Friend describes would not be permitted under the amendment.

Let me give some examples of the types of business I believe would be caught under section 125. We often table minute statements during Council meetings, for example to set out the UK position on the limits of powers conferred on the EU under the treaty. They are an important point of reference to have on the record, and we make them public and publish them. We circulate papers to other Governments and to the institutions to advocate particular policy outcomes. We did that with some success recently in relation to the digital single market. If appropriate, we would want to do that with other EU business if it happened to fall within the final 28 days of the campaign.

Sir Edward Leigh: As a Minister I sat on Telecommunication Councils and it is incredibly detailed stuff. Surely we could wait 28 days to publish such material? That would be perfectly possible. I do not know what hack in the Foreign Office is writing the Minister’s speech, but the reality is that it just does not add up.

Mr Lidington: If a decision to attempt to reach a consensus at Council happens to be timed to fall within those 28 days—I do not think we can assume that all EU business is going to stop for the last 28 days of our

campaign—then of course, in those circumstances, the Government would want to make representations, including circulating the type of paper I have described. European Court of Justice judgments are handed down and advocates-general opinions are presented in a timetable that is not within our gift or influence. Again, the Government not only often wish to comment on such matters but to guide British business and other interest groups on what those judgments or recommendations actually mean. For example, had the recent case on European Central Bank clearances gone against us, there would have been an extremely urgent need to write to notify City institutions on the implications of that judgment for them, to avoid a risk of instability in the markets.

Stephen Gethins (North East Fife) (SNP): To clarify a point the Minister made earlier, can he assure the House that under his proposals we will not, in the run-up to the referendum, see something like the vow that came out just before the Scottish independence referendum? Will he rule out that kind of thing?

Mr Lidington: From memory, I think the vow was a commitment by party leaders acting in a party political capacity, so that is a completely different issue.

Mr Steve Baker (Wycombe) (Con): My right hon. Friend’s amendment 53 changes the scope of the subjects within purdah. I have listened carefully to his remarks, and he has explained very articulately the functions that might need to be carried out, but instead of moving amendment 53, could he not accept amendment 4, go back to normal purdah and introduce in statutory instruments exemptions relating to functions rather than subjects?

Mr Lidington: I will come to the detail of our proposal, because in doing so I hope to answer my hon. Friend’s points.

Mr Kenneth Clarke *rose*—

Mr Lidington: I give way to my right hon. and learned Friend.

Mr Clarke: My right hon. Friend is so desperate to give way to everything put to him, I do not think I am his friend at all. In my opinion, he has already given away far too much. I quite understand why: the opportunism of the Opposition parties, which do not agree with the hard-line Eurosceptics in my party but which are determined to vote with our rebels to force this preposterous situation on us. Will he assure me that if, two weeks before the campaign ends, a decision is suddenly taken to finish health and safety or food safety regulations in some key area, because a judgment of the European Court has meant that hundreds will die or the horticulture industry will be wiped out, a Minister will be allowed, in these complex trade matters, on TTIP and so on, to consult officials and give some authoritative, clear description of what the decision or proposal actually means? I do not think that most of our right-wing newspapers would report what he would say based on factual advice, but could we leave open the possibility that he can at least consult experts on the negotiations before giving statements on behalf of the Government?

Mr Lidington: The straight answer to my right hon. and learned Friend is that amendment 53 does not address the particular dilemma he describes, because it does not grant such an exemption from the overall restrictions in section 125.

Lady Hermon (North Down) (Ind) *rose*—

Mr Lidington: I will give way to the hon. Lady, but then I am going to make some progress and not give way again for a time.

Lady Hermon: I want to make a suggestion and throw the Minister a lifeline he may wish to grasp. I think we all agree that both sides want to be sure that the referendum is fair, and I hope both sides agree that the Electoral Commission is independent, impartial and professional in organising referendums. New clause 10 is so drafted that the only duty on a Minister introducing regulations to make exemptions from purdah is that the commission is consulted. I suggest that we change “consult” to “seek the approval of” the commission.

Mr Lidington: I will come to new clause 10 in a few moments, after I have finished with amendment 53, because the arguments raised by the former are slightly different.

I want to deal with the point made by my hon. Friend the Member for Wycombe (Mr Baker). Amendment 53 reappplies section 125 for the purposes of the referendum, but with limited modifications to enable the Government to transact wider EU business without the legal risks I have described. The list of prohibitions in the amendment directly reproduces some of the things in section 125, such as the prohibition on the Government encouraging people to vote in the referendum—that is, I think, a word-for-word replication of what is in section 125. The key difference applies to section 125(1)(b), which we propose to rephrase by replacing the words that capture publications on any subject “raised by” the referendum campaign with words applying the prohibition to material that

“directly addresses the question of whether the United Kingdom should remain a member of the European Union”,

meaning, we believe, that ordinary, ongoing EU business would not be caught.

We have also proposed revisions to subsection (1)(c) that give additional safeguards to those worried about the Government or other public sector bodies misusing the exemption. If subsection (1)(c) were left in its current form, with the words

“puts any arguments for or against any particular answer”

to the question of our membership, it would create a lack of clarity over whether material would be prohibited if it did not argue explicitly for remaining or leaving but did set out a view of the consequences of remaining or leaving. We took the view that there should not be such a loophole. The amendment therefore provides that any material that either deals directly with the referendum question or sets out the consequences of remaining or leaving would be caught, but that a publication on normal EU business that did not touch on those issues or draw lessons about what it meant for the UK’s membership would be permitted.

My hon. Friend asked why we were proposing this alteration in an amendment to the Bill rather than in secondary legislation.

Mr Baker: That was not quite my point. It was: why change the scope of the subjects considered within purdah rather than dealing with the functions the Government might need to perform?

Mr Lidington: We wanted, if possible, to avoid language that relied on statements about the intention of a particular publication—to use the language in section 125—because once we get into questions about the intention of the publisher, we are almost inviting a legal challenge and wrangle over what was intended or not intended. I considered whether we ought to adopt the approach that I think lies behind my hon. Friend’s question and list exhaustively the types of publication that might be covered. The difficulty is that it is in the nature of EU business that it sometimes proceeds at a stately pace but sometimes rapidly and at short notice, and I felt that the Government needed the ability to respond and that a list purporting to be exhaustive would make it more difficult to manage the legal risks. To sum up, we thought that in managing the legal risks the most effective way to proceed was to balance them with a reinforced safeguard against the misuse of the limited exemption.

John Redwood (Wokingham) (Con): Does the Minister not recollect that since the late ’90s, when the legislation was first framed by the Labour Government, the Conservative party, first in opposition and then in government, has never once said that there was any problem with the legislation in all the referendums we have had? We accepted it in 2000 knowing that Labour wanted a referendum on the euro—it was really about the euro referendum we never had—and we never thought it was a problem.

Mr Lidington: The legislation is now 15 years old, and the more we have gone into its detail, the more I have come to the view that many of its provisions, including some we are not planning to amend, would benefit from a review simply to bring it up to date. For example, it was written in an age before the digital communications and social media that are now normal. We have considered this matter in detail and taken serious legal advice, and we believe that there are legal risks of the type I have described.

On new clause 10, on Second Reading, the Foreign Secretary and I argued that given that the referendum was being held on the basis of a clear Government commitment and that voters would be asked in effect whether they agreed or disagreed with a Government recommendation, following a Government-led renegotiation, it was reasonable for Ministers to be able, with restraint, to use ordinary Government communications channels and civil service support, including during the final 28 days of the campaign. However, it was clear from the debates at earlier stages and from my conversations with hon. Members on both sides of the House that there was widespread concern about the scope of any general exemption for Government communications.

7 pm

Instead, new clause 10 provides a power to make regulations to exempt particular categories of publication from section 125. Any such regulation would need to be approved by an affirmative resolution in both Houses. We have also adopted the recommendation of the Political and Constitutional Affairs Committee that the Government should consult the Electoral Commission before any such regulation is made.

While I understand the constructive intention behind the suggestion made by the hon. Member for North Down (Lady Hermon), I think that at the end of the day the Government must be free to go to Parliament and ask whether it accepts or rejects a particular proposal. The safeguard here is that if Government new clause 10 is accepted tonight, both Houses will have the right to veto anything that the Government might bring forward under this new provision.

Let me explain the kind of things I have in mind. They include, for example, modernising the press notice exemption, which is already in section 125, to take account of digital media, by making it clear that it is permissible to link to a press notice from a website or a social media site; allowing the publication of a document on government.uk; or clarifying that material passed on to the print or broadcasting media would be acceptable. None of those things is clear at the moment. Let me repeat that we have no intention of legislating to allow the Government to do things such as mailshots, paid advertising or leafleting.

I return to the point raised by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke). This power by regulation could be used to clarify a possible *de minimis* common-sense use of official resources; it might be permissible for Ministers or others caught by section 125 as it currently stands to apply it. Depending on the phrasing of a regulation—if Parliament accepts it—it might cover fact checking by officials so that a Minister could respond in a ministerial capacity to a particular statement that had been made about the Government's position. It would be for Parliament to say whether it was permitted or not; and on my reading of section 125, it is not currently permitted.

Mr Kenneth Clarke: My right hon. Friend seems very nervous about expressing an opinion on that, which would perhaps not be necessary if we had a more representative body listening to the debate than we happen to have in the Chamber at the moment with this selective group. The Government, who will be the Government at the start of the referendum and after it—[*Interruption.*]—and during it, as the Foreign Secretary rightly says, should not have a period of four weeks during which they cannot check the factual accuracy of anything the Minister says on a controversial European subject. The Government will be unable to use the resources of the civil service to put out statements, including factual statements, on what propositions are correct, and they will be unable to use any Government resources to explain the merits or otherwise of what will be the Government's position on a particular issue. We have not covered this problem; we have already gone—farcically—too far in neutralising the ability of the Government to give an authoritative opinion and explanation of the facts and the issues in the course of the campaign.

Mr Lidington: My right hon. and learned Friend puts his view forcefully. That was the case the Foreign Secretary and I put on Second Reading and in Committee, but widespread concern was expressed on both sides suggesting that we were asking for something that was too broad in scope. That is why we have come forward today with something that is, yes, a lot narrower than what was originally in the Bill.

Mr Christopher Chope (Christchurch) (Con) *rose*—

Mr Lidington: I want to touch on a further point about new clause 10, and then I want to try to bring my remarks to a close, touching briefly on some of the other amendments, because other Members wish to speak.

There has been some debate about whether individuals, including elected representatives, are caught under section 125. We have not proposed to alter the wording in this respect. It states that no material can be published in the final 28 days, and makes it clear that this applies not only to the Government and local authorities, but to “any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.”

Let me be straight about this. Both the Foreign Secretary and I were rather taken aback when we received advice saying that there was a risk that elected representatives or anybody else in the public sector might be caught by the provision. A literal reading of that part of section 125 suggests that that might be the case. It is also true that this does not seem to have been a significant issue in previous referendums. It has not been tested in the courts and there is room for legal argument. It would be possible under the automating power to put that beyond any doubt.

Dame Angela Watkinson (Hornchurch and Upminster) (Con): To ensure that the electorate are properly informed so that they can take a decision on our future relationship with Europe on that basis rather than on an emotional basis, we need a proper cost-benefit analysis of the whole issue. It should not be applied just to immigration, which is the issue of today, but to how much the EU costs, how much we get out of it, how the regulations impact on businesses and jobs and so forth, so that the electorate can make an informed choice.

Mr Lidington: I do not want to trespass on matters that will come up in the second group of amendments, which we will debate later, but I am very confident that when we come to the end of the negotiations, the Prime Minister will want not only to make a firm recommendation, but to explain his reasoning to the public in full.

Mr Jenkin: I am somewhat astonished that the Government are raising the question of hon. Members somehow being caught by *purdah* provisions. It is an established legal principle that titles of sections are not used to determine construction in legal interpretation. The word “person”—here I take the advice of Speaker's Counsel—is likely to mean “a legal person” and to be of a similar nature to “a body”. The Minister's suggestion that this might constitute “individuals” betrays, I think, the poor legal advice he has been given.

Mr Lidington: I am not arguing that there is legal certainty about this, but if my hon. Friend looks at the wording of the Act—this is not something invented by this Government—he will see that it refers to

“any other person or body”,

thus distinguishing between the two concepts. I am saying that this would need further discussion and legal analysis, but that if we came to the view that there was any sort of risk to individuals, there should be a power to make it possible to remedy the problem.

Mr Chope *rose*—

Mr Lidington: I shall give way to my hon. Friend, but then I am going to press on.

Mr Chope: Is my right hon. Friend prepared to accept manuscript amendment (a)? Why does he not bring before us a draft of the regulations that he proposes? That is common practice in the legislative context, and Committees are often allowed to look at the draft regulations, but we do not have them before us.

Mr Lidington: It would be premature to bring forward draft regulations before the Bill has completed its progress through this House and before it has even started in the House of Lords. The provisions in amendment 53 include a duty on the Government, following the Select Committee's advice, to consult the Electoral Commission about anything we might want to bring forward under this measure. Then, of course, those have to be laid before Parliament in the usual way, be debated and be approved or not approved in the same way as any secondary legislation.

John Redwood: Will the Minister give way?

Mr Lidington: I am going to make some progress. At the end of the day, it is for Parliament to decide whether or not it is satisfied.

I leave it to Opposition Members to speak to their own amendments. I thought that there was not a huge difference between what they had proposed in new clause 6 and what the Government are proposing, but there are some technical difficulties over issues such as what is meant by the term “materials”, and not least over the fact that the Opposition amendments would permit exemptions from section 125 only for material to be published by the Government. There would, for example, be no provision for any kind of exemption for the devolved Administrations.

Mr David Nuttall (Bury North) (Con): I may have missed this in his reply to my hon. Friend the Member for Christchurch (Mr Chope), but is the Minister minded to accept amendment (a)? Yes or no?

Mr Lidington: I hope that my hon. Friend will forgive me if I address that at the appropriate point in my speech.

The Opposition amendments also make no provision for Gibraltar, whereas the Government's amendment does.

John Redwood: Will my right hon. Friend give way?

Mr Lidington: I will, but I do want to respond to the amendment tabled by my hon. Friend the Member for Harwich and North Essex (Mr Jenkin).

John Redwood: I just wanted to finish off this interesting discussion about what MPs can do. It is complete nonsense that MPs could not join in a referendum. We all know that MPs join in referendum campaigns, and in local election and by-election campaigns, and that they do so as politicians. They are, quite rightly, not allowed any MP expenses—they must not abuse this place—but, as politicians, they can intervene, under the existing law.

Mr Lidington: During general election campaigns, we are not Members of Parliament. Parliament has been dissolved, and we act as individuals, putting ourselves forward as candidates. In the case of local or European parliamentary elections, Independent Parliamentary Standards Authority rules apply to how our expenses may be spent. However, there is no statutory prohibition of the kind that is embodied in section 125. Let me say again to my right hon. Friend that it is the words of section 125 that give rise to this concern.

Let me now address amendment (a), tabled by the Chairman of the Select Committee. It suggests that there should be a period of four months between Parliament's agreeing to any statutory instrument and the date of the referendum. I can see the case for that. It would provide an assurance that the Government would not try to rush through secondary legislation, and it would ensure that Parliament had ample time to consider the matter for it to be on the statute book before the referendum campaign, in its most ardent stages, got under way. However, I felt that the difficulty was that it would introduce a rigidity into the timing that was unwelcome—[*Interruption.*] Let me finish. We do not know exactly what might happen during the period that we are considering. If something were to come up and there was a consensus in Parliament that a change, a narrow exemption, was needed, we would be unable to introduce it at a later stage if we accepted the minimum period of four months that my hon. Friend has proposed.

Having thought long and hard about the matter and discussed it with colleagues, I have concluded that, largely in the interests of trying to secure as great a consensus as possible, we will accept amendment (a). As I have said, I think that a firm time limit of that type has drawbacks, but, in the interests of bridge-building—and paying due respect to the recommendation of a cross-party Select Committee—I am prepared to accept the amendment on the Government's behalf.

7.15 pm

Mr Pat McFadden (Wolverhampton South East) (Lab): I thank the Minister for outlining the Government's approach—at some length.

Since the Bill's publication, there has been a great deal of debate about the purdah provisions, and specifically about the proposal in paragraph 26 of schedule 1 to strike out the purdah regime set out in the Political Parties, Elections and Referendums Act 2000. There has been a great deal of comment about the Government's motivations. The accusation has been made that they want to load the dice, and to set up a regime for the

conduct of the referendum that would stack the odds in favour of one side, or would allow Ministers to abuse the power of their positions.

Having watched the debate unfold, not just this evening but since the Bill's publication, I suspect that, from the Government's point of view, this may be something of an accidental fight. This has the feel of a Bill that was drawn up quickly on the back of the election result, with some advice adopted about what *purdah* might or might not mean, but without that advice being explored and tested as intensely as it might have been in other circumstances. It looks as though the self-imposed imperative of moving immediately after the Queen's Speech may have taken over from the task of bottoming the Bill out.

I am not sure whether, when Ministers drew up the Bill, they expected the *purdah* provision to generate this amount of heat. I rather suspect that they did not, but having included the provision in the Bill, they have had to justify it. As we have heard from the Minister this evening, their justification has been twofold. The first justification is that section 125 of the 2000 Act is so widely drawn that it would paralyse much of the Government's work on the EU referendum, in a way that would not be the case with a referendum on another subject. The second is that the Government want to take a view, express that view, and, in some way, use Government resources—such as civil servants, special advisers or Government websites—to do so.

We listened carefully to the arguments advanced on Second Reading and in Committee. Our proposals are set out in new clauses 5 and 6, and in amendment 4. Taken collectively, those proposals would leave the *purdah* regime in place, but there would also be a mechanism for seeking exceptions to it through regulations that would have to be approved by Parliament. That would have several effects. It would put Parliament in the driving seat when it came to deciding whether the Government had a case for exceptions to *purdah*, and testing some of the arguments that the Minister has just set out; it would act as a safeguard against the suggestion that the referendum was being run in an unfair way, if Parliament were tasked with approving the regulations; and, as I have said, it would provide a mechanism for testing the proposition that “business as usual” Government announcements—for example, responses to urgent situations or important decisions made at the European Council—would inadvertently be caught by the *purdah* regime. We believe that this approach—reinstating *purdah*, but allowing a mechanism via regulations for exceptions to it—is a sensible way to proceed.

Alex Salmond: The Minister suggested that the Opposition had forgotten the devolved Administrations in their amendments and new clauses. Will the right hon. Gentleman answer that point?

Mr McFadden: Our intention in all these amendments was to reinstate *purdah* as set out in section 125, but to set out the mechanism in regulations. If those regulations need to cover the devolved Administrations, they can of course do that.

The Government's response to the issues raised is set out in new clause 10 and amendment 53, and I would like to spend a few minutes on those. Government new clause 10 accepts our argument about having an

exceptions-to-*purdah* mechanism through regulations approved by Parliament. Indeed, as the Minister set out, there is a great deal of overlap between Government new clause 10 and our new clause 6, but Government new clause 10 has the added dimension of the requirement to consult the Electoral Commission, something asked for by the Public Administration Committee in the correspondence from July. We believe this is a sensible addition and therefore have no objection to new clause 10; nor do we object to the amendment, which the Government have accepted, tabled by the hon. Member for Harwich and North Essex (Mr Jenkin) about the timescale for this.

However, as with much of this debate, amendments and new clauses need to be seen in conjunction with other amendments, in this case Government amendment 53, which makes alterations to the definition of *purdah*. We do not believe the Government have made a convincing case for those alterations. It is unclear whether the amendment is intended to deal with the business-as-usual issues that the Government have spoken of as being a particular problem, or whether it goes much further in the alteration of the *purdah* regime. Perhaps more importantly, given the wide redrawing of the *purdah* rules in this amendment, if it is passed it is not clear whether there will be any need at all for the kind of exceptions regime set out in new clauses 10 and 6. We feel that would give the Government too much scope to act without further parliamentary debate and approval, and we will therefore not support Government amendment 53. To complete the picture of our attitude on these amendments, I should say that we intend to press our amendment 4 to a vote. We will support Government new clause 10, we will oppose amendment 53, and we will support our amendment 4.

Mr Lidington: I went into quite some detail about how amendment 53 was intended to carve out business as usual and added a safeguard to make sure that the exemption could not be abused. What does the right hon. Gentleman fear in this regard?

Mr McFadden: Our concern is that, instead of reinstating *purdah* and then having an exceptions regime, the Government propose to both have an exceptions regime and change the definition of *purdah* in such a way that there might not even be a need for an exceptions regime.

In the end, the various amendments and new clauses tabled set out three possible ways to deal with this issue. The first is simply to reinstate the *purdah* regime with no exceptions or modifications—the route perhaps favoured by some in this House. The second way is to reinstate the *purdah* regime but have a mechanism for exceptions that are subject to the approval of the House through regulations. That is the approach we have set out, and that the Government have, we acknowledge, moved some considerable way towards with the tabling of new clause 10. The third option, which is the one the Government seem to want to pursue, is both to water down the definition of *purdah* and have an exceptions regime; that is the combined effect of new clause 10 and amendment 53. We believe that the second approach—to have *purdah*, with exceptions where there is the approval of this House—is the right one.

Sir William Cash: If the vote on amendment 53 is successful and it is knocked out, there will be a vote on amendment 4. Does the right hon. Gentleman

[*Sir William Cash*]

accept that the consequence of that would be to go back to the full purdah arrangements without any let or hindrance?

Mr McFadden: That would be the case if we did not have new clause 10; yes, amendment 4 would reinstate the full purdah regime, but new clause 10 allows the Government to come forward with regulations dealing with the points the Minister has made about the need for exceptions to this. In that regard, new clause 10 has a lot in common with Opposition new clause 6.

Lady Hermon: I am confused by the right hon. Gentleman's response to the former leader of the Scottish National party, the right hon. Member for Gordon (Alex Salmond)—for whom I have enormous regard on these parliamentary occasions—in relation to the devolved Administrations. Opposition new clause 6 states:

“For the purposes of the referendum the Secretary of State may, by regulations, specify materials that he or she intends or expects to publish in the relevant period”.

It clearly does not apply to the Northern Ireland Executive or the Scottish Parliament, and that could not be extended by regulations; it would have to be extended in this Bill, but that is not in this amendment, and I could not possibly vote for it.

Mr McFadden: As I have said, there is a great deal of overlap between new clause 6 and new clause 10. As I indicated, our voting position is that we will support using new clause 10 to deal with these issues because there is so much overlap between it and our new clause 6. We will oppose Government amendment 53, and we will support our amendment 4.

Sir William Cash: The right hon. Member for Gordon (Alex Salmond) made a very sensible point on the differences between my amendment 78 and amendment 4, because mine takes account of this issue, as the right hon. Gentleman conceded by saying it could be dealt with subsequently with regulations in relation to Scotland, Wales, Northern Ireland and Gibraltar. I cannot understand why the Opposition cannot take that on board.

Mr McFadden: The hon. Gentleman is entitled to speak to these issues later in the debate, if he decides to move his amendment 78.

Many other Members will also want to speak in this debate. However, for all the heat generated by this issue of purdah, we should not mistake it as being more important than the issues of substance that this referendum is about. The Bill before us by definition focuses on the rules of the referendum, and there has been a great deal of heat about that, but the arguments about our future place in the EU and the world are a lot more important, and when our debates here are done we should focus on those, rather than the process and the rules and regulations surrounding the poll.

It is important that the referendum be conducted fairly. The objections to the Government position have been made because people want to ensure that it is conducted fairly. While we want change in the purdah regime, we should not be drawn into one process argument after another, which always sets this up as being an

unfair referendum process. As I said at the beginning, the Government have probably got themselves into a fight that they did not entirely intend to get into. Some of the suggestions as to what is caught by section 125 make it look too widely drawn. The approach that we have set out is to reinstate the purdah regime, but allow the Government to bring forward regulations to deal with the problems that the Minister set out. That is a sensible way forward that would neither give too much latitude nor ignore the issues that have been raised in today's debate.

7.30 pm

Mr Jenkin: First, I thank my right hon. Friend the Minister for generously accepting amendment (a) to new clause 10. That will provide a significant safeguard and reassurance, and it will provide stability in the referendum campaign. It means that regulations changing the rules will not be made halfway through the campaign, perhaps to suit the convenience of Ministers at a time when the temptation to avail themselves of that convenience might be considerable, given the big issues at stake in the referendum. I am grateful to members of my Committee, the Public Administration and Constitutional Affairs Committee, for supporting that amendment.

I am bound to say, however, that new clause 10 has been described as an open barn door for whatever changes to purdah the Government want to make. Given that they started from the position that they did not want to have purdah in statutory form at all, we are entitled to be a little suspicious about what kind of regulations they might bring forward. I appreciate that there is a safeguard, in that regulations will have to be approved by both Houses of Parliament, and the Committee will be vigilant in looking at those regulations.

I am grateful to my right hon. Friend the Minister, and to my right hon. Friend the Foreign Secretary, who is also listening, for the fact that the Government have accepted the principle that the Electoral Commission should be consulted and give a view in advance of any such regulations. That moves the Electoral Commission into a slightly new role, but it is not uncommon in other countries. In Ireland, for example, the equivalent of the Electoral Commission has a strong role in policing the purdah regime. I will come to that in a minute.

I also thank my right hon. Friend the Minister for Europe for being so scrupulously polite and confirming to all of us once again that his integrity is unimpeachable. I commend him for having brought the Bill a long way from where it was in June, when the Committee wrote to him after taking evidence from Lord Owen, from Jack Straw, from Peter Riddell, the director of the Institute for Government, from Lord Bew, the chair of the Committee on Standards in Public Life, from the Electoral Commission, from Sir Jeremy Heywood and from Ministers. The Government were, and still are, putting forward the view that section 125 of the 2000 Act is too wide-ranging, but that failed to convince almost all our witnesses. As the Minister will recall, we made it clear in our letter that the Committee's unanimous view was that section 125 should be restored to the Bill, and that

“its intent should remain unimpaired by any amendment.”

I imagine that that remains the view of Committee members, particularly as I suspect most of them will support what is decided in the Division Lobbies later.

We have the Electoral Commission's advice on the Government's new proposals, which makes it clear that, like the rest of us, the commission has had very little time to consider them, although I thank my right hon. Friend the Minister for telephoning me while I was in Ireland last week and explaining what was intended. This is pretty complicated stuff, and to end up with 38 pages of amendments to debate in five or six hours is not the best advertisement for how we legislate in this House, but nevertheless there has been dialogue, and it has been good-natured. My colleagues and I do not relish disagreeing with our Government, so we very much appreciate the fact that the dialogue has been conducted in a good-natured way. I thank my right hon. Friend the Chief Whip for that.

The Electoral Commission's advice states that it has not had sufficient time to fully consider the detailed implications of the Government's proposals, but that the Government should explain in more detail

"how it would expect to use these powers"—

the powers under new clause 10. It states:

"Our view is that, if Parliament accepts this new clause, its use should be limited only to managing any potential restrictions on the conduct of 'day-to-day' EU business."

The Electoral Commission also makes clear its support for the amendment to new clause 10, which my right hon. Friend the Minister has accepted. It states that any changes should be made

"well before the start of the restricted period of 28 days before polling day."

I am grateful to him for accepting that.

Speaker's Counsel has been mentioned. My right hon. Friend said that the TTIP negotiations might suddenly intrude on the last 28 days of campaigning, but Speaker's Counsel has been clear on that point in emails today. He mentions provisions on EU business being conducted as normal, stating:

"I do not share the view that these are caught by s.125."

It could not be clearer. He goes on:

"Commenting on EU business is not providing information about a referendum"—

that addresses the question of TTIP negotiations—

"neither is it 'dealing with any of the issues raised by a referendum'...nor is it putting any arguments for and against any particular answer".

He points out:

"Even if they were doing any of these things, then s.125(3)(d) expressly allows the issue of press notices (without any restriction as to their content)."

What do the Government need to be able to do that they will not be able to do? That has been singularly unexplained in the whole process.

Mr Baker: Does my hon. Friend agree that the fundamental problem is not a lack of faith in the Government but a lack of faith based on past EU referendums in other countries, where the conduct of Governments, and the EU in particular, has led to trust in the process being undermined? Is that not the fundamental problem?

Mr Jenkin: And indeed in our own country—it was the conduct of the Welsh referendum in 1997 that led the Committee on Standards in Public Life to bring forward its proposals for purdah, which the then Labour

Government accepted and which the Labour party consistently supports today. Those arrangements were good enough for the north-east referendum, the alternative vote referendum and the most recent Welsh devolution referendum. Indeed, in the view of some Members, they were probably not strong enough in respect of the Scottish referendum last year.

As my right hon. Friend the Member for Wokingham (John Redwood) said, the purdah proposals were designed for a referendum on the euro, so the idea that the European Union was not considered when the arrangements were formulated is just not correct. Tony Blair's Government introduced the 2000 Act in order that there could be a fair referendum on the euro, which was his ambition. If these arrangements were good enough for Tony Blair, why are they not good enough for our own Conservative Government?

A referendum should be a solemn and carefully regulated constitutional procedure, not a ploy or device to get a particular outcome and fix a political problem. Abuse of the referendum by less scrupulous Governments in the last century famously led Clement Attlee to describe referendums as

"a device of demagogues and dictators".

Other countries, such as Sweden, Ireland and Switzerland, have much tougher purdah regimes. The Government's proposals take us backwards, as we have heard from those who have participated in referendums, such as Nigel Smith, a well known referendum expert who was chairman of the Scottish yes campaign. He has been appalled by the proposals, and he gave evidence to our Committee about them.

It has been suggested that the precedent for the forthcoming referendum should be 1975. I do not know whether Members have read the 1975 Cabinet minutes, but they show how the Government were set to run a parallel campaign to the yes campaign. That is not the precedent that we should follow in the last 28 days of campaigning. Indeed, the Foreign Secretary could bring forward a White Paper before the start of the 28-day period, just as the Scottish Executive brought forward a comprehensive White Paper about their proposals for Scottish independence, although it was lacking in detail and a little bit partisan—we had some comments to make about that. There is nothing to stop the Government bringing forward as much information as they want before the purdah period. Incidentally, the Electoral Commission thinks that 28 days is far too short for a purdah period and we are not debating that today. If the Government, with all the advantages that Governments have, cannot win the referendum just because they will be restricted for the last 28 days, what kind of referendum do we expect to have?

I listened to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and I really think he wants to go back to a 1975-style referendum where the Government is used as an instrument of campaigning in what should be a fair fight. What is the point of having spending limits on the yes and no campaigns if Ministers can use the machinery of Government in an unrestricted way, which is what the abolition of purdah would mean?

Mr Kenneth Clarke: I have never known a referendum of any major consequence in which the losing side has not followed up its defeat by saying it has been cheated

[Mr Kenneth Clarke]

and that the electorate has just been misled. That has been said ever since the 1975 referendum, and the Scottish nationalists have said the same thing ever since the Scottish referendum. The Government have no intention of putting out publicity, as they have said. The basic proposition should be that the Government of the day, when putting out a statement of their policy or an explanation of their position on a particular proposal—such as whether or not we as members of the European Union should be party to a TTIP with the United States—should be entitled to use the civil service and their press office as a source of advice and checking the factual accuracy of what Ministers are saying on behalf of the Government. The alternative is preposterous: under my hon. Friend's proposition, for three weeks there would be no Government.

Mr Jenkin: That is absolute nonsense. Even in a general election, Ministers can get advice from their Departments. Ministers also take advice during local government elections. If something happens that is unconnected with the referendum, Ministers will be able to take advice. I have heard it said that Ministers want to use their private offices to organise their speaking tours and to use their special advisers, who are paid for by the taxpayer, to campaign in the referendum. That is not an acceptable use of public money. What is the point of placing spending limits on the yes and no campaigns if the Government are going to avail themselves of all those advantages? My right hon. and learned Friend could persuade the Government to produce a White Paper to set out their case well in advance of the purdah period. That is an unimpeded advantage of which the Government can avail themselves. All we are saying is that there should be something of a level playing field in the last 28 days.

I regret that the Opposition accept new clause 10; nevertheless I am grateful that they support amendment (a) in order to create a framework for the creation of regulations. I am very unhappy with amendment 53. As the Opposition spokesman, the right hon. Member for Wolverhampton South East (Mr McFadden), made plain, to have amendment 53—which already adulterates section 125—without the scrutiny process of regulations and a specific debate about what Ministers actually want to exempt is a shot from a double-barrel shotgun against section 125 of the Political Parties, Elections and Referendums Act 2000. If the Government want to provide exemptions, they should introduce the amendments under regulations rather than under amendment 53.

The advantage of defeating amendment 53 is that we will be able to have amendment 4 instead. It was the unanimous view of the Public Administration and Constitutional Affairs Committee that section 125 and its effect on this referendum should be restored unimpeded. That would be the effect of amendment 4, but there may be some tidying up to do.

Sir William Cash: Does my hon. Friend accept that, while we may end up voting for amendment 4, amendment 78 is better, simply because it deals with the problems of the devolved territories? As I put it to the Opposition's Front-Bench spokesman, the right hon. Member for Wolverhampton South East (Mr McFadden), even if we end up with amendment 4, the consequence

will be that we will still be thrown back by new clause 10, which will leave it all to regulations. As far as I am concerned, that is highly unsatisfactory.

7.45 pm

Mr Jenkin: Most of my Committee would certainly agree that this is making the best of a bad job. We will, however, make some progress today if we succeed in restoring section 125 under amendment 4, which the Opposition have pledged to put to a vote should amendment 53 be defeated. I therefore advise my colleagues, very reluctantly, to vote against amendment 53, because while I think the Government have conceded the principle that there should be purdah, they have not accepted the fact of how it will apply. If they want to amend the Bill again in the other place, it would be worth while having that discussion, rather than accepting amendment 53.

Mrs Gillan: May I thank my hon. Friend for all the work he and the Committee have done? Although I am a member of the Committee, I was not able to participate, but he knows my views on the subject. Given that the Government have conceded that their original plans were not acceptable, does he agree that the elegant solution would be for them to withdraw amendment 53 and allow amendment 4 to go through? Purdah would then be reinstated and the Government would have the flexibility, through the solutions provided by the Committee, to produce the regulations for this House to scrutinise. Would not that restore the general public's confidence in the referendum process?

Mr Jenkin: I wholly agree with my right hon. Friend. In fact, I think that would reinforce the integrity with which the Government have approached the matter. They still have the option of amending the Bill again in the other place and bringing it back for discussion in this House, and of introducing regulations under new clause 10, so long as that happens at least four months before the date of the referendum. I am bound to say that there are plenty of options available to the Government. They do not need to divide the House on amendment 53.

Mr Baker: My hon. Friend may not be able to commit to this now, but does he think that the Committee he chairs would be prepared to scrutinise statutory instruments before they come to the House, so that the Government could have confidence that they enjoyed cross-party support before they came to the vote? We are well aware that they cannot be amended; they can only be voted down.

Mr Jenkin: I will certainly undertake to put that in front of my Committee. It depends on the Government: if they table amendments 35 minutes before the deadline and a recess period and are then determined to discuss them on the first day back, it makes it very difficult to scrutinise matters, as the Electoral Commission has attested. I invite my right hon. Friend the Minister for Europe to make sure that any regulations he introduces under new clause 10 are published in draft so that we can properly give them pre-legislative scrutiny, take proper advice on them and make objective recommendations to the House without being rushed or bounced into them.

One of the advantages of amendment (a), which my right hon. Friend has kindly accepted, is that the temptation to bounce the country into a referendum has been significantly reduced. If we are to have a sensible referendum debate, there has to be a proper period for discussion of the outcome of the Government's negotiations and the merits or otherwise of remaining in or leaving the European Union. I am sure that was the Government's ambition when they originally proposed the idea of a referendum. I look forward to hearing what the Minister has to say in winding up.

Alex Salmond: I wish to speak to amendment 11, tabled in my name and those of my hon. Friends.

The Chair of the Public Administration and Constitutional Affairs Committee, the hon. Member for Harwich and North Essex (Mr Jenkin), had my rapt attention and much of my agreement until he produced the remarkable argument that if *purdah* was good enough for Tony Blair, it should be good enough for the House now. I am afraid that the alliance of scepticism against the Government's motives was dissolved as a result of that one phrase, that one single disastrous rhetorical flourish.

The hon. Gentleman made another point with which I disagreed, and I want to put this on record before I come to the points on which I agreed with him. He wandered into a period outside the *purdah* and asked whether at that point the Government had the right to publish a White Paper giving their point of view, backed as a democratically elected Government by the civil service. Of course they have the right to do that, but the House should be concerned about whether the restrictions should apply during the 28-day *purdah* period, or perhaps for a week longer were the Electoral Commission to have its way. I think that they should, and I shall illustrate that view with a cautionary and moral tale from the Scottish referendum.

The Scottish referendum was regulated not by the Political Parties, Elections and Referendums Act 2000—PPERA—but by the Scottish Independence Referendum Act 2013. The Act made provision for a statutory *purdah* period in Scotland during the 28 days leading up to the referendum. According to the explanatory notes, part 4 of the Act provided that,

“for the 28 day period ending with the date of the referendum, the Scottish Ministers and certain public authorities in Scotland cannot publish any material providing general information about the referendum, dealing with issues raised by the question to be voted on in the referendum, putting any arguments for or against a particular answer to the question to be voted on, or which is designed to encourage voting in the referendum.”

In other words, acting in their capacity as Ministers, they were not allowed to use the Government machine during the *purdah* period to advance the yes cause to which they were all committed. I must point out to those on the Government Front Bench today that nobody interpreted that to mean that this First Minister or any other Scottish Minister should not take part in the referendum campaign. The explanatory notes to the Act went on to state:

“However, this rule does not apply to information made available following a specific request; specified material published by or under the auspices of the Scottish Parliament Corporate Body; any information from the Electoral Commission, a designated organisation or the Chief Counting Officer or any other counting officer; or to any published information about how the poll is to be held.”

In a situation that was every bit as disputatious in regard to the arguments for and against, those measures in the Act were passed with hardly any dissent, rancour or suspicion of motives. It was accepted that that was the right thing to do. Perhaps the Government should have suggested something similar for this referendum, instead of doing whatever they were doing during the recess, unless they are seriously arguing that the constitution of this country involves a much simpler process for a European referendum. Had they done that, they would not now find themselves in this embarrassing position.

Sir William Cash: Does the right hon. Gentleman recall that the EU dimension of the Scottish referendum was pretty hot? I seem to remember President Barroso and others making statements about the single currency, for example. I speak now as the Chairman of the European Scrutiny Committee. Does the right hon. Gentleman agree that the arguments about the EU business that have been put forward by the Government are rather specious, given that the EU dimension of the Scottish referendum was really very volatile?

Alex Salmond: Yes, indeed it was, but we are discussing the 28-day *purdah* period at the moment. It has been suggested to me by a knowledgeable European that President Barroso, as he then was, harboured ambitions to be the Secretary-General of NATO and was hoping for support from Ministers—perhaps not those in the Chamber tonight, but those who are none the less not too far from us. Who knows why President Barroso made those interventions, but they were not made during the 28-day *purdah* period.

The cautionary aspect of this tale is that that *purdah* period, enacted in legislation, bound the Scottish Government and their agencies and public bodies in Scotland but it did not bind the United Kingdom Government. The UK Government were bound not by statute but by the Edinburgh agreement of 15 October 2012. That was what we used to call a gentleman's agreement; it had no statutory basis. Paragraph 29 of that agreement stated:

“The Scottish Government will set out details of restricted behaviour for Scottish Ministers and devolved public bodies in the Referendum Bill to be introduced into the Scottish Parliament. These details will be based on the restrictions set out in PPERA. The UK Government has committed to act according to the same PPERA-based rules during the 28-day period.”

Now, I do not think that they did that. I do not think that most reasonable Members of this House believe that that is what was done. I will give two examples from among the many that I could use.

The first is, I admit, arguable, but it has already been raised on the Conservative Back Benches. It relates to the production of the vow when there were 10 days of campaigning left. The vow was described by the Chancellor of the Exchequer on “The Andrew Marr Show” on 7 September 2014 in this way:

“You will see in the next few days a plan of action to give more powers to Scotland, more tax powers, more spending powers, more powers over the welfare state.”

One of the arguments in favour of *purdah* is that the arguments should be laid out and set before the campaign period, and that during the campaign the politicians can debate them and the people can participate in the debate—as they did in huge numbers in Scotland—and

[Alex Salmond]

make up their minds. It is not meant to be a period during which politicians can say, “Here’s a fresh initiative that we forgot to mention earlier.”

A comparison could be made with the European referendum if, for example, what used to be called the no side were to take the lead, unexpectedly perhaps, with 10 days to go and the German Chancellor or the President of the Republic of France were to suspend Question Time in the Bundestag or the National Assembly, get on a plane and rush across to say that the Prime Minister’s renegotiations of our position had suddenly found more favour with them than had previously been the case.

I accept that this point is arguable. Others could argue that the vow was not really a Government announcement from the Chancellor of the Exchequer, and that he was just speaking off his own bat as a politician. I am not sure that that is a good argument, but it is certainly a cautionary tale.

Philip Davies: I always enjoy hearing what the right hon. Gentleman has to say, because he speaks so well and is very persuasive. I should like to put on record that I share his view that the vow made during the independence referendum was completely unacceptable. It was a panic measure that was clearly introduced by the Government, and I envisage exactly the same thing happening in an EU referendum, given the same circumstances.

Alex Salmond: I welcome the hon. Gentleman’s intervention. I would have welcomed it even more if he had made it exactly a year ago. I could then have publicised his scepticism about his Government’s motives.

The second example that I shall give the House is, in my view, beyond argument. The purdah period is meant to cover not only Government Ministers but civil servants. Their involvement is arguably defensible throughout the run-up to a referendum. I disagree with the Select Committee on this point; I believe that civil servants should be able to act on behalf of the elected Government of the day. However, during the purdah period, they are not meant to take a position on the matter that has been put in front of the people. I want to make a point about the referendum unit in Her Majesty’s Treasury, which was described by the permanent secretary to the Treasury earlier this year as a “Unionist institution”. The clue is in the name: Her Majesty’s Treasury. This ignores the fact that the monarchy in its present state was formed a century before the Treaty of Union, which was under debate. The referendum unit in the Treasury continued its activities throughout the referendum campaign.

I have an email here showing the briefing from Treasury sources that was going on a week before the referendum. The email was sent to the BBC by a civil servant in the referendum unit of Her Majesty’s Treasury—that Unionist institution—and it was designed to influence the conduct of the referendum, one week before the vote. That seems to be a glaring example of what would have been a breach of the purdah regulations, had they been placed in statute rather than simply in the terms of the Edinburgh agreement.

That is why I turn to our amendment 11. The Minister told us earlier that he did not want to be in a position where legal challenges were flying here, there and

everywhere, as that would be an impossible position for the Government to be in. The way to avoid that is not by dismissing the regulations, but by having a system for enforcing the regulations—one that does not rely on injunctions, interdicts or legal cases, but one within the regulations that is properly respected. The hon. Member for North Down (Lady Hermon) made the point in an earlier intervention about the Electoral Commission. The way to avoid a recurrence of what happened in the Scottish referendum and to dispel the notion that the Government over these past four months have been trying to pull a fast one on purdah, which is the overwhelming view across this Chamber at this moment, is by having an enforcement mechanism within the regulations on purdah. That could be done via the Electoral Commission, as the hon. Lady suggested, or via a committee of Privy Counsellors—ever since I became one I have become much friendlier to the idea of a committee of Privy Counsellors. There needs to be some respected body to which possible breaches of purdah can be reported, and these can be investigated and then enforced.

8 pm

Mr Jenkin: I think the right hon. Gentleman and I are in agreement about the role of civil servants—obeying the Government of the day but not carrying out instructions that would put their Ministers in breach of purdah. There should be something in the civil service code that makes it clear that the yes and no campaigns of a referendum are the equivalent of political parties in an election, but the code contains nothing about referendums. I have great sympathy with the point he is making about the enforcement of purdah, because the north-east referendum had exactly the same problem as he is describing; John Prescott announced new proposals in the last few days before the referendum and we could not get anybody in government interested—they said it was a matter for Ministers.

Alex Salmond: The Chair of the Select Committee cited Tony Blair approvingly, presumably to encourage Labour Members’ support, but attacked John Prescott to move them away. None the less, the hon. Gentleman makes a reasonable point.

Michael Ellis (Northampton North) (Con): Does the right hon. Gentleman consider that the bar is so low for a breach, as he puts it, of purdah that even talking on “The Andrew Marr Show” about proposals amounts to such a breach? Is that not a contraindication to the other aspect of his argument and other arguments that have been heard in this Chamber today, in that Ministers and MPs can talk about matters without things being a breach of purdah?

Alex Salmond: That question was some time in the gestation, and I had moved on from what I described as the “arguable” case of the vow. The vow was not a single appearance on “The Andrew Marr Show”, and I used the quote from that show just to demonstrate to the House that the vow was presented as a new initiative, something different, a last-minute offer. The argument about whether the vow breached purdah has been made well by the hon. Member for Shipley (Philip Davies) and the analogy in a European referendum would be a

re-presentation. Presumably, the idea in the European referendum is meant to be that the Prime Minister renegotiates this country's relationships with the EU and then presents that to the people for consideration of whether they want to be in or out on that basis. The equivalent idea here, therefore, would be that he finishes that renegotiation but things are going badly in the campaign and so there is a further renegotiation and re-presentation. I certainly do not believe that is within the spirit of a purdah regulation, although people might argue that it meets the letter of it.

I accept that that point is debatable—I am pretty clear which side I am on—but there is no debate whatsoever about the behaviour of officials in Her Majesty's Treasury in the referendum unit who were actively briefing and intervening during the campaign. The reason that was allowed to happen is that, as the Chair of the Select Committee said, the civil service code does not specify referendums in the way that it does elections and there was no statutory basis for the enforcement of purdah in the UK Government as there was for the Scottish Government.

Sir William Cash: In the light of the interesting argument and the factual information that the right hon. Gentleman is giving the House, I wondered whether he had had an opportunity to discuss these matters with the Opposition and what the outcome of those discussions might be as to whether they would support the kind of enforcement arrangements he has in mind.

Alex Salmond: I have had some chats through informal channels, but I was hoping that the hon. Gentleman's warm reception to my point might convince those in all parts of the House that there was something sensible in not just talking about purdah but actually having an organised enforcement mechanism and putting in place my amendment's suggestion of

"measures to determine breaches of purdah and penalties for such a breach".

As I say, I am open to the suggestion from the hon. Member for North Down about involving the Electoral Commission or about its involving a committee of Privy Counsellors—just so long as there is an enforcement mechanism. The evidence from last year, when there was no statutory basis or enforcement mechanism, was that there are people who will drive a coach and horses through a purdah period.

I am pro-European to my fingertips. I am more pro-European than I suspect most Conservative Members will ever be and certainly more than the Prime Minister will ever be, but I want to see this referendum conducted on a fair and proper basis. That includes a purdah period and, when it has been agreed, everybody sticking by the rules and there being an enforcement mechanism to make sure that they do so.

Sir William Cash: I would just like to take up the point that the right hon. Gentleman ended on. For all the reasons that I gave in Committee, when I put the case for going back to section 125 in its complete integrity, in order to have fairness it is essential that we have something by which people abide. A lot of this debate tends, from time to time, to move between what the Conservative party says or what Labour, the Liberal Democrats or the Scottish National party say. First, it

was decided that we were going to have a European Union referendum Bill, and now the Electoral Commission has changed the nature of the question, with the consent of the Government. The question now is, "Do you, the voters of this country, want to remain in or do you want to leave?" This has cut completely across all political parties. Therefore, although this debate is taking place in this Chamber, the nature of this debate involving the Conservatives, Labour and the SNP must not be allowed to distort the fact that this is a vote about the real future of the individual people of this country. It is about the voters deciding for the first time since 1975 whether they are going to stay in what I regard now as a dysfunctional European Union—the immigration issue has recently made that even more obvious—or whether we are going to continue to argue that we should leave, because we can make that case. That is to come and the bottom line is that this Bill is not about "Conservative versus Labour"; it should be about the positions adopted across the Floor of the House. I know for a fact that many Labour Back Benchers agree with those who share my view on the Conservative Back Benches—and there are some on the Front Benches, too. It may well turn out that we will need to address the question later of whether or not Ministers should be allowed to participate on either side of the debate in the national interest.

I was particularly taken by and interested in the recent article the Minister wrote on "ConservativeHome", in which he rather gave the game away. He and I have been discussing this since 1990, when he was special adviser to no less than the Foreign Secretary and other people in No. 10 were desk officers for the Government position at that time under John Major. Let me read what he said right at the end of his article, because I want to concentrate on the reasons for purdah. We have heard so many arguments in relation to the process. I have made my position quite clear, which is that amendment 78 is more comprehensive than amendment 4. Let me bypass that argument for the moment in the interests of trying to achieve the best result, but without prejudice to coming back to the matter at a later date.

In the final paragraph, the Europe Minister said:

"Ultimately, this is about the EU's effectiveness as a whole. We want"—

whoever we may be—

"a dynamic, competitive, outwardly focused Europe, delivering prosperity and security for all of the people in the EU, not just for those in Britain."

Actually, that is not what this debate on the referendum will be about. Elements of the argument will demonstrate that there are certain advantages in having a degree of alliance and co-operation in Europe, which I am in favour of, but not on the basis of the status quo of the treaties, or of the tweaking of negotiations that do not make any substantial difference to the basis on which those treaties are conducted. That is why I have firmly concluded that we must leave the European Union. I have just come back from Luxembourg—[*Interruption.*] The Foreign Secretary can ask me any question from the Dispatch Box. I have just come back from Luxembourg where the national chairmen of a whole raft of EU committees were debating questions relating to migration. I can only say that the trend of the arguments was not at all in line with many of the things that we in this House would have expected had those arguments been put forward by our own Ministers.

[Sir William Cash]

Basically, I am cynical, to say the least, about the outcome of this debate. The trouble is that we are being invited to cut across the fact, as my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) has said, that there have been four referendums without any legal problems. Furthermore, the Electoral Commission has backed amendment 78—it did not mention amendment 4 because it knows that my amendment deals with the devolved territories as well—and we have Speaker's Counsel on our side. We are told by the Minister that, as far as he is concerned, there are a number of legal opinions, including from two leading counsels, that have indicated that there could be legal problems. Well, that is not what the Speaker's Counsel says. His advice relating to the Political and Constitutional Reform Committee is on the website for anyone to see. He has reinforced his view in the light of the remarks made by the Europe Minister on "ConservativeHome". I expressly sent the Speaker's Counsel a copy of that article and asked him whether he would revise his legal view. He is very distinguished and was the legal adviser to the European Scrutiny Committee for many years. He has also been involved in the legal service of the European Commission. He knows what he is talking about, and I take these other legal opinions that we are being offered with a pinch of salt.

Finally, I say to the Foreign Secretary, who is chuntering quite a lot—I say that with great respect because I rather like him—that if those opinions are so important, let us see them. Let us see the basis on which the advice was given, and we will hear the same old arguments that we heard about the Iraq opinion. At the end of the day, however, we did get the Iraq opinion. This issue may not be quite so momentous, but none the less falling back on the old canard that we should not publish opinions is not actually an answer to the questions that we are asking. We want to know the basis on which the advice was given.

I just do not believe that the Government's arguments add up. A lack of trust has been generated, which goes deep into the past—right the way back to the White Paper of 1971 when we were promised that we would have a veto, which has now been overridden. We have not been given a referendum since 1975, and it is essential that we have a fair referendum that people can trust. I fear that the outcome of the vote this evening will be that new clause 10 goes through, perhaps with an amendment that might make a marginal difference. A vote against amendment 53 will simply allow a vote on amendment 4, which takes us back to a kind of *purdah*, but not the complete *purdah* that I and I think the British people want under amendment 78. We are the representatives of the people, which is why I wish to speak so candidly on this matter.

8.15 pm

At the end of this debate, we will be left with a concession on section 125, but we will not have real *purdah*. I have already spelled out the reasons why real *purdah* is necessary. The right hon. Member for Gordon (Alex Salmond) also indicated that the *purdah* in the Scottish referendum had been vitiated by the activities of the Government. That makes the point in its entirety. He has called for an enforcement arrangement, but we

do not know what the Labour party will do about that. Will it go through the Lobby with the right hon. Gentleman? I do not know. Perhaps he does not know either.

I have argued consistently and as hard as I can for real *purdah* because I want the people of this country to have a fair referendum. I want them to know that when they have made their decision, it has not been unfairly or unduly influenced by statements made through the civil service or its agencies, or through the European Union or by the provision of its money, which we will come on to later. As I have set out in amendment 78, I want complete *purdah*. I may find that, because of circumstances, I have to vote for amendment 4, but I want *purdah* with no ifs and no buts. Ultimately, when the regulations come out after the Bill is enacted, we will come to regret the arrangements that come from new clause 10, amended slightly, and amendment 4. We will face a kind of qualified *purdah*, which will not satisfy the test of fairness that I really believe this country deserves.

Kelvin Hopkins (Luton North) (Lab): It is a pleasure to follow the hon. Member for Stone (Sir William Cash) and to be a member of the European Scrutiny Committee. Basically, I agree with him that it would have been a lot better to have had no tampering with section 125, and that we should have left it as it was and abided by the legislation that was enacted all those years ago.

I want to speak strongly in support of what the hon. Member for Harwich and North Essex (Mr Jenkin) said. He chose his words carefully and wisely. I was pleased to be a member of his Select Committee, to participate in the discussions and to listen to the advice that we were given. I have signed his amendment (a), and I am pleased that the Government have accepted it. I am also pleased that our Front-Bench team is going along with the attempts to modify the Government's position. As I have said, it would have been much better to have had none of this debate and to have accepted the legislation as it was. I had a slight qualm about one thing that the hon. Member for Harwich and North Essex said, and that is that my enthusiasm for Tony Blair is rather more muted than his. I will say no more than that.

It is important that somebody from the Labour Back Benches says a few words in support of the shift that has taken place in the Government. It seems to be supported by all sides even though it does not go as far as I would like. That is very important, because, whichever way this referendum goes, if there is a sense that it is not fair, it will devalue the whole result. I am of a certain age and I remember well the 1975 referendum, in which I participated strongly, as I have mentioned before. I was the chair of the "Vote no" committee in Luton and the agent for the "Vote no" position in Bedfordshire at the time, so I know what happened very well. It was unfair, and the resources piled into the yes side compared with the puny resources on the no side were unbelievable. That was a travesty of democracy. When we are voting on fundamental constitutional positions, it is important that referendums are regarded as fair on all sides.

The right hon. and learned Member for Rushcliffe (Mr Clarke), who is no longer in his place, implied that no one takes referendums seriously and that after the result whoever loses always thinks that they have been treated unfairly. I do not think that is true. Some years

ago, referendums on the European constitution took place abroad. The political establishments in France and Holland put massive resources into ensuring that there was a yes vote, but on both occasions there was a no vote. I do not think that they thought that the result was unfair, even though the big resources were on the losing side. They had to come up with another way of dealing with the matter and, of course, they introduced very similar constitutional changes into the European Union.

It is important that we ensure that the purdah period is seen to be fair, that no cheating takes place and that the Government cannot use their resources to pour in propaganda on their own side, whatever that might be. One assumes that the Government will come back and say that they have a wonderful deal in the European Union and that we should all vote in favour of it. If that is the case, we want to have a fair debate that is seen to be fair on all sides.

Like the hon. Member for Stone, I have deep reservations about the European Union. We have constant talk about Europe, and I have to say over and over again that this is about not Europe but the European Union, which is a political structure imposed on some of the countries of Europe. Europe is a wonderful place that I love dearly. I am very Eurocentric: I go there for my holidays, I drink European wine, and I love European culture, history, language—everything. But it is Europe I love, not the European Union.

Graham Stringer (Blackley and Broughton) (Lab): I agree with my hon. Friend's line of argument. It would have been better had section 125 been left in its entirety. I take a more optimistic view than some Members. The benefit of this debate is that it has exposed the Government trying to do something underhand. That debate has been had and now, during the referendum, they will have not only to follow the rules but to be seen to be following the rules of purdah. This debate has almost certainly ensured a much fairer referendum campaign.

Kelvin Hopkins: I broadly agree with my hon. Friend. The debate has largely cleared the air and I look forward to a much fairer referendum than might have taken place if we had not had it or these changes.

Before I conclude, I should apologise for not being in the Chamber for the beginning of the Minister's speech. I heard the meat of it and the important points that he made, however.

Mr Owen Paterson (North Shropshire) (Con): It is a great pleasure to follow the hon. Member for Luton North (Kelvin Hopkins) and I agree with pretty much every word he said.

I find it extraordinary that we are having this debate. We are discussing something that is part of our national politics. We have had a long-standing convention that Ministers can act and speak as Ministers and then move into a different mode and act as politicians. The most graphic example I can give is for Members go to the Government website and look at the transcript of the Bloomberg speech and then go to the *New Statesman's* website. On the Government website, certain political phrases are excised. That is absolutely normal in our political discourse, certainly in general elections.

The Cabinet Secretary himself, referring to the last general election, wrote on the civil service blog:

"For this election, purdah begins today. Of course, the country—and the public services that we deliver—can't just stop for the election. The UK Government retains the responsibility to govern and Ministers remain in charge of their departments. Civil servants will keep delivering government business, and if any crisis needed urgent action then we would tackle it in the normal way."

We know that that works perfectly well in general elections. I remember going to help one of our Ministers. She had been to a ministerial event with her red box in the morning and she came back and was acting as a politician. It works fine and we have a long-standing tradition of doing that during general elections.

We did not have purdah in referendums, as was shown spectacularly in the first Welsh referendum. I was involved, as there was a complete cleanout of Tory MPs in Wales. I was the nearest thing, because my bottom gate is 50 yards from the Welsh border. The Tory party was flat on its back at the time and the Labour party behaved in the most amazing manner. There was even an aeroplane that flew along the south coast of Wales with a large banner fluttering along behind it reading "Vote yes, support Blair". That was where we were with referendums, so it was quite right that the Neil committee was established.

It is worth remembering the comment made by Professor Vernon Bogdanor, which I mentioned earlier. He taught the Prime Minister a little something. He said that

"one purpose of a referendum... is to secure legitimacy for decisions where Parliament alone can not secure that legitimacy. For that legitimacy to be secured, the losers have to feel that the fight was fairly conducted."

That point has not been made tonight, apart from by my hon. Friend the Member for Stone (Sir William Cash). Everything we say tonight is for the birds if the public detect a rat. If the public detect that the referendum has been rigged to help one side, they will not feel that it is legitimate or that the debates are straight. Whatever the result, many of them will not accept it.

There is an incredibly important point here. Purdah was not set up lightly. It was set up after long debates and I remember clearly that Labour's interpretation of the Neil committee's recommendations was that it should be 28 days. Those of us in the Conservative Opposition at the time were very unhappy with that. We had wild, radical Jacobins who are now in the Lords, such as Lord Fowler, Lord MacGregor and Lord Mackay of Ardbrecknish—not crazies, or crazy radicals—who argued consistently and steadily for more than 28 days, and we pushed that. I remind the House of those debates, in which those of us in the Conservative party reluctantly accepted 28 days.

I find it strange that those on the Labour Front Bench are not proud, as they should be, of introducing purdah. After the horrors of the first Welsh referendum, they took note, listened to the Neil committee and came forward with these purdah rules, which have worked extremely well. Labour should be proud of how they have worked. We have had several referendums. I am sitting next to my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), who was Secretary of State during the most recent Welsh referendum. I am totally unaware of any problem relating to purdah in any of those referendums so I am afraid that I doubt the Government on this.

Mrs Gillan: My right hon. Friend is absolutely right. The referendum was conducted on 3 March 2011. As Secretary of State at the time, I remained neutral, because I wanted the Welsh people to have confidence in the outcome, and that is what happened. There was a good result in favour of the Welsh Assembly Government having primary legislative powers, and there was no problem whatsoever with the period of purdah, either at UK Government level or at Welsh Government level.

Mr Paterson: I am grateful to my right hon. Friend for that helpful intervention. I would like the Minister to try to cite a single example of purdah rules infringing the ability of the Minister with responsibilities in the areas affected by those referendums to act effectively.

I do not have much time, but I want to mention one interesting organisation, the European Commission for Democracy through Law, which is better known as the Venice Commission. It is the Council of Europe's advisory body on constitutional matters. My interpretation of its guidelines on referendums is that they seem to be breached by the current UK Government's stance on purdah. I would be very interested to hear my right hon. Friend the Minister's comments on that. To help his team, the guidelines to which I am referring are the "Guidelines for Constitutional Referendums at National Level", which state that

"public authorities (national, regional and local) must not influence the outcome of the vote by excessive, one-sided campaigning."

In 2005 the commission published "Referendums in Europe: An Analysis of the Legal Rules in European States", which noted approvingly that countries such as Ireland, Portugal and Latvia have strict provisions for electoral neutrality. Even the Russian Federation has neutrality rules. It would be interesting to know where we feature on that regard. Also, have the Government looked at the most recent code of practice on referendums from 2007, which makes it very clear that respect for equality of opportunity is crucial for referendums and elections.

The most recent endorsements of the proposals are in amendment 4 and in amendment 78, which was tabled by my hon. Friend the Member for Stone, and which I have signed. It is worth noting that the Electoral Commission has stated:

"We have not identified problems with the workability of section 125 of PPERA applying to governments at previous referendums, and so we think that it should be workable in relation to this referendum."

I am afraid that everything I see this evening will be a mess. The only really clean solution is to go back to purdah, as outlined in the debates when we reluctantly agreed 28 days, and we can do that with amendment 78. I would like to hear what the Minister's legal advice is. The Speaker's Counsel—this has been mentioned twice, but I will mention it a third time—has said clearly that making statements on European Councils and putting them in press releases is allowed because they do not infringe section 125. Let me just put that on the record. Section 125 refers to material that

"(a) provides general information about a referendum...

(b) deals with any of the issues raised by any question on which such a referendum is being held;

(c) puts any arguments for or against any particular answer to any such question".

As a layman, I just do not see how a Minister going to a Council, putting that into a statement and then repeating it in a press release can infringe section 125. I would really like the Minister to put the legal advice he has received in the Library.

I will bring my remarks to a swift conclusion. I do not like new clause 10. We will have to trust the Government to produce a list of exemptions. It is entirely black and white; we either accept or we reject. It would have been much better if the Government had put those exemptions in an amendment, as they have done with amendment 53. Why not consider the other exemptions in a full debate such as this, rather than a take-it-or-leave-it statutory instrument? I am convinced that the only real solution is to go back to the proper purdah that we thrashed out previously, which worked in previous referendums.

Sir William Cash: Does my right hon. Friend have some sympathy with the amendment tabled by the right hon. Member for Gordon (Alex Salmond) on the enforcement of purdah, because we are getting into a bit of a mess on this, as my right hon. Friend has said? If there was some means of enforcing the purdah that is left, we might have at least some leverage over what happens later.

8.30 pm

Mr Paterson: That is certainly worth looking at, but what we really need is a return to proper purdah and we want section 125, so we would like the House to support amendment 78, which covers the devolved parts of the United Kingdom. That is the best solution. I think that what we are looking at is a botch. I think that it will end up looking like new clause 10, and possibly like amendment 4, but that is better than where we were last time.

I thank the Minister for the respectful way in which he has listened to the debate, but I would be grateful if he answered the points I have made. I repeat them again. What are the instances in previous referendums when purdah stopped normal Government functioning? Where are we with clarity regarding the Venice Commission? Please can these horrific legal statements, which have put such a spook under the Government, be placed in the Library? For myself, I will seek a return to pure purdah.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The rules relating to purdah in elections ensure a fair and proper process during elections and referendums. In fact, the Cabinet Office's general election guidance, issued just before this year's general election, states that elections

"have a number of implications for the work of Departments and civil servants. These arise from the special character of Government business during an Election campaign, and from the need to maintain, and be seen to maintain, the impartiality of the Civil Service, and to avoid any criticism of an inappropriate use of official resources."

The Scottish National party believes that the referendum on the UK's membership of the European Union—arguably our most vital and strategic international relationship—should set the gold standard for fairness and impartiality. The Government's original proposals fall far short of that standard—indeed, they will undermine public and parliamentary confidence in the process. That is why they are now—eventually—opposed by Members on both sides of the House.

The Government's latest back-peddalling exercise, otherwise known as new clause 10, still fails to live up to the highest standard of impartial conduct, and specifically fails to introduce any mechanism properly to enforce the purdah regulations it proposes. Amendment 11, standing in my name and those of my colleagues, fills that gap. The Minister's own former Government colleague, the right hon. Member for North Shropshire (Mr Paterson), from whom we have just heard, is quoted in *The Times* today saying:

"All we're asking is that this debate is open and fair, and we adhere to the current rules on purdah".

He continues:

"You cannot have sneaky little tricks to try and rattle the thing through... It is just going to dirty the whole process and the losers may well consider it to be illegitimate if it has not been done fairly."

Many voters in Scotland remember the sophistry deployed by the previous Government during the referendum campaign on Scottish independence. Despite the Conservatives and Liberal Democrats signing up to the Edinburgh agreement, the agreement was blatantly ignored following the no campaign's last-gasp panic in the face of judgment by voters in Scotland. My right hon. Friend the Member for Gordon (Alex Salmond) mentioned the vow, and we will continue to mention the vow until it is implemented in full, but eleventh-hour initiatives such as the vow, and using the referendum unit in the Treasury to orchestrate a scaremongering campaign by pressurising banks and other companies, were clear breaches of the agreement on the part of the UK Government. Understandably, MPs on both sides of the argument do not want to see a repeat in the Euro-poll. If only they had spoken up last year. That is why I call on the House to support the SNP amendment, which will introduce an enforcement mechanism against breaches of purdah covering both Ministers and civil servants.

As on so many issues, rather than provide strong leadership, the Prime Minister has botched this business at every possible step. That may lead some of us to believe that his heart is not in it and he was somehow bounced into making the commitment against his own free will. First, he backed down on asserting collective Cabinet responsibility on a vital national issue. Then, he caved in on the timing of the poll, after his attempt to hold it on the same day as the Scottish elections faced parliamentary defeat before the summer recess. Last week, he was overturned by the Electoral Commission on the referendum question itself. And in the past few days, we have seen the Government retreat on their original attempt to influence the campaign by using Ministers and civil servants during what should be a strict purdah period. Our amendment will keep the campaign fair and honest and provide the means to enforce good intentions, and I recommend it to the House.

Craig Mackinlay (South Thanet) (Con): I congratulate the Minister on using the summer recess very well in bringing back this legislation in a different form. The fact that legislation was put together in haste before the recess can only be put down to the manifesto commitment to the referendum. We now have back, at least so far, section 125 of PPERA in some form.

This afternoon, I am not going to speak about the good or ills of the European Union; that is for a future debate. I can appreciate the concerns that led the Minister to try to alter the usual section 125 terms, given the

nature of the tentacles of the EU's involvement in vast tracts of just about every aspect of UK Government, although he is probably over-concerned about this.

My right hon. Friend the Member for North Shropshire (Mr Paterson) put it very well when he said that legitimacy is the most important thing, in that whatever the outcome of the referendum, the losers, no matter which side they are on, must be able to say to themselves and to the world at large, "We did our best; we lost—but it was fair." That is the position we need to be in with this European referendum, because it may not happen again for the next 40 years. I was interested to hear my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) talk about the problems of the 1975 referendum. I was obviously too young to take part in that, but it was, by all accounts, something of a shambles. For the Welsh referendum in 1997, the Neill Committee came up with the precursor ideas to what became the PPERA that we know today.

In all legislation, simplicity is best. While PPERA is far from simple, the purdah rules in section 125 are rules that we know. They are tried and tested, and they have served us in quite a number of referendums. We do not live just by legislation in this country, but by convention, a degree of case law, decent behaviour and knowing what is right. We have an enlarged Electoral Commission. Some might say that it is a somewhat bloated bureaucracy, but it has earned a high degree of respect. We have the ministerial and civil service codes. Also, the media have changed. It was said earlier that "The Andrew Marr Show" breaks various stories. We now accept that all these are just the new ways of doing things. Purdah has not been broken; we know how things are and know that normal business continues throughout elections and referendums. We know fairness when we see it, hear it and feel it.

As was described earlier, the PPERA legislation was put together in anticipation of a euro referendum, when the same concerns that have been aired by the Minister would have been known by the then Labour Government. Legislation does not always do all that it should, but PPERA served us well through the alternative vote referendum. Had there not been local elections in 2011, many people would not even have known that that referendum was on. No aspect of that was important to the day-to-day basis of normal government, unlike the Scotland referendum. PPERA has served for new forms of election as well, including the police and crime commissioner elections. We have all appreciated that government continues. The EU will continue to go through its machinations whether there is a UK referendum or not.

Conservative Members may not always be in government; I doubt it, much as I hope that we will. Changing now legislation—PPERA—that has served us well for some 15 years would be a dangerous step for the future. I urge the Government to accept that amendment 53 merely muddies the waters of that legislation. I would prefer amendment 4 or, even better, amendment 78 as a far more elegant means of having a free and fair referendum that has legitimacy, and after which the losers will be able to say, "We lost, but it was free and it was fair."

Mr Baker: It might be helpful to return to the origin of this problem: some people, including many Conservative Members, are concerned about tipping the scales using

[Mr Baker]

taxpayers' funds. If this place is for anything, it is about Members choosing to restrain power through the law, and that is what we are seeking to do tonight. Ministers might be tempted to take steps at the last moment to help influence the result, so we want to ensure that they are appropriately restrained in the usual way through normal purdah rules, or as close to them as we can get.

8.45 pm

The matter may seem very technical, but the crucial point is that the European Union is positively anti-democratic. That can be seen in the Lisbon treaty, and some Opposition Members have complained about it in relation to Greece. One can see why the European Union is like that, because it was forged in one of the western world's greatest failures of democracy, but this is not the moment to digress on such points.

The problem is not this Government. The problem is that an establishment right across Europe believes that the way to peace in Europe is through a federation that this country, even on the Government's policy position, does not want to be part of. Yet that is the direction of travel in the Lisbon treaty, and that is what politicians on the other side of the English channel are quite clear is the direction of travel for Europe. We are not in the euro, thank goodness; that is possibly one saving grace that has brought us to this point.

I accept the Minister for Europe's good faith, and have listened carefully to what he said. Crucially, however, I do not accept that the establishment—the great panoply of institutions and individuals—will necessarily share his views. I do not accept that the Government should redefine the scope of purdah. We have a little problem to resolve tonight through normal parliamentary channels, and a solution has heaved into view. There is cross-party agreement that the Government should have an exemption regime through statutory instruments, under which they can, with four months' notice, bring forward the specific exemptions necessary to conduct their business. I have great faith that if the Public Administration and Constitutional Affairs Committee, chaired by my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), were given the opportunity to scrutinise such statutory instruments, everyone could be confident that the Government's individual and specific exemptions were appropriate to the campaign.

Contra to the right hon. Member for Gordon (Alex Salmond), I want to be able to say at the end of the referendum that it was free and fair. If I find myself on the wrong side, I would like to be able to say that I accepted the result, and then take appropriate steps. I do not want to be left in a position where I am able legitimately to complain about the referendum's fairness.

I therefore urge the Government not to move amendment 53, but instead to accept amendment 4 and then bring forward the statutory instruments necessary in relation to European institutions, and to allow my hon. Friend's Committee the opportunity to scrutinise each of those instruments. We could all have confidence and faith in such a system. Narrowing the scope of the subjects considered to be within purdah would leave us, in the context of the long history of the EU, concerned that there is too much wriggle room. That is what we need to shut down. I hope that the Government will not move amendment 53 and will accept amendment 4.

Michael Ellis: It is a privilege to follow my hon. Friend the Member for Wycombe (Mr Baker). I want to use the two or three minutes available to me to discuss the crux of the matter, to which several colleagues have referred. It boils down to the fact that the Government are honouring a commitment to hold a referendum on our membership of the European Union, which has been the cause célèbre, requirement and demand of many for generations. I am sure that Government Members will agree that the Government should be commended for including that as a manifesto commitment, and for undertaking to have the referendum. That is the crux of the matter.

I support the Government on this issue this evening because not only are we giving a generation of British voters, who have been denied previously, the chance to have a say in such a referendum, but we are actually putting historical injustices right and are allowing a referendum to take place. To hear the Scottish National party preaching about fairness earlier was a bit galling, when no voters in the referendum on Scottish independence last year felt quite intimidated at times.

In lifting the purdah provisions, we must bear it in mind that section 125 would stop the Government publishing material on any issue raised by the referendum question. The restriction would be unworkable because it is so broad that it would prevent publication in relation to any issue raised by the referendum. It could therefore prevent Ministers from conducting the ordinary day-to-day business of the United Kingdom's dealings with the European Union. We have to bear in mind the broad scope of the section.

Mention has been made in the debate of different lawyers giving different legal opinions. If I may say so as a barrister, it is quite easy to find lawyers who disagree with each other in good faith. It does not necessarily mean that they are right or wrong. The Government expect to have a view.

Stephen Gethins: Will the hon. Gentleman give way?

Michael Ellis: Sorry, I am running out of time, so I will not give way.

The Government should have a view, and it should not be expected that the Government of the day will be silent on these issues. The Government should expect to take a position and will want to make a recommendation. Under section 125, purdah would be unnecessarily restrictive.

I am conscious of the time and want to give my right hon. Friend the Minister the opportunity to sum up, but I want to make one more point. The European Commission and foreign Governments cannot be permissible donors under our law, so they would not be entitled to contribute. The fear that has been expressed by some hon. Members is therefore misguided, because the rules are already such that their fear will not be realised. I support the Government's measures and thank the House for its attention.

Mr Lidington: Everybody who has spoken has agreed that there should not be untrammelled freedom for the Government or other public bodies to campaign during the final 28 days before the referendum. Nobody has argued for that; rather, the argument has been about how best to define the scope of restrictions on such

activity and the precise form that they should take. It has been about the extent to which the rules should be set by Act, secondary legislation or guidance. I emphasise again that so far as the Government are permitted to act by whatever Parliament eventually decides, those permitted actions will be subject to guidance.

I am grateful to my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) for the courtesy with which he put his arguments. As he was open enough to say in his letter to me of 21 July, a number of witnesses to his inquiry suggested

“that Section 125 could be amended to provide clarification to reduce the perceived risk of legal challenge”.

It is therefore not as if the Government have been completely on their own in saying that there are serious questions that ought to be addressed by a limited and carefully defined exemption from the section 125 arrangements.

We could have chosen to make the changes that we are offering in Government amendment 53 by way of secondary legislation, using the regulation-making power that we propose in new clause 10. We chose to table an amendment to the Bill because it offers greater clarity and certainty to Ministers and their officials, who will have to go off to Brussels and Strasbourg and argue the case for this country's interests and circulate documents—to publish things in the terms defined by section 125—and who do not want to be looking over their shoulder trying to second-guess whether they might end up with a legal challenge. Primary legislation is just a stronger guarantee than secondary legislation.

We also felt that that greater certainty and clarity should apply to the assurance given in the same Government amendment that any such exemption could not be misused by the Government to pray in aid a piece of ongoing routine EU business to suggest that a particular outcome to the referendum—a case for leaving or remaining—was somehow validated by that publication on the ongoing business. Yes, that could have been done by statutory instrument, but we came to the House with this proposal precisely because we felt that not only the exemption but, critically, the safeguard would be better assured by means of primary legislation.

My right hon. Friend the Member for North Shropshire (Mr Paterson) asked me about the Venice Commission. The commission's code of good practice in respect of referendums states that, contrary to the case of elections, it is not necessary to prohibit completely intervention by the authorities in support of, or against, the proposal submitted to a referendum. The Venice Commission goes on to say that public authorities must not influence the outcome of the vote by excessive, one-sided campaigning. That is exactly the sort of balance that the Government have sought to embody in the proposed legislation and in the amendments we are presenting today.

I believe that the package is balanced and fair. It will ensure a referendum that is fair, and seen by all sides to be fair, and in which the whole country can have confidence.

8.57 pm

Two and a half hours having elapsed since the commencement of proceedings on consideration, the debate was interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

Question agreed to.

New clause 10 accordingly read a Second time.

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

Manuscript amendment made to new clause 10: (a), after subsection 5 insert—

“(5A) Any regulations under subsection (2) must be made not less than four months before the date of the referendum.”— (Mr Jenkin.)

The purpose of the amendment is to ensure that the “purdah” arrangements that govern ministerial and official announcements, visits and publicity are made at least four months before the date of the referendum.

New Clause 10, as amended, added to the Bill.

Amendment proposed: 11, page 5, line 28, at end insert—

“(1A) (a) Section 1 will come into effect after a resolution has been passed by both Houses approving arrangements for a purdah period covering a period of five weeks before the referendum date.

(b) arrangements for a purdah period will include—

(i) restrictions on material that can be published by the government, public bodies and the EU institutions; and

(ii) measures to determine breaches of purdah and penalties for such a breach.”—(Alex Salmond.)

The referendum provision of the Bill could only come into effect after arrangements for purdah had been approved by both Houses of Parliament.

Question put, That the amendment be made.

The House divided: Ayes 80, Noes 516.

Division No. 55]

[8.57 pm

AYES

Ahmed-Sheikh, Ms Tasmina	Grant, Peter
Arkless, Richard	Gray, Neil
Bardell, Hannah	Hendry, Drew
Beckett, rh Margaret	Hopkins, Kelvin
Black, Mhairi	Hosie, Stewart
Blackford, Ian	Jackson, Mr Stewart
Blackman, Kirsty	Jenkin, Mr Bernard
Boswell, Philip	Kerevan, George
Brock, Deidre	Kerr, Calum
Brown, Alan	Law, Chris
Cameron, Dr Lisa	Lucas, Caroline
Campbell, Mr Ronnie	MacNeil, Mr Angus Brendan
Carswell, Mr Douglas	Mc Nally, John
Cash, Sir William	McCaig, Callum
Chapman, Douglas	McDonald, Stewart
Cherry, Joanna	McDonald, Stuart C.
Cowan, Ronnie	McDonnell, Dr Alasdair
Crawley, Angela	McGarry, Natalie
Davies, Philip	McLaughlin, Anne
Docherty, Martin John	McPartland, Stephen
Dodds, rh Mr Nigel	Monaghan, Carol
Donaldson, rh Mr Jeffrey M.	Monaghan, Dr Paul
Donaldson, Stuart	Mullin, Roger
Durkan, Mark	Newlands, Gavin
Edwards, Jonathan	Nicolson, John
Ferrier, Margaret	Nuttall, Mr David
Gethins, Stephen	O'Hara, Brendan
Gibson, Patricia	Oswald, Kirsten
Grady, Patrick	Paisley, Ian

Paterson, rh Mr Owen
 Paterson, Steven
 Ritchie, Ms Margaret
 Robertson, Angus
 Robinson, Gavin
 Salmond, rh Alex
 Saville Roberts, Liz
 Sheppard, Tommy
 Simpson, David
 Skinner, Mr Dennis
 Stephens, Chris
 Thewliss, Alison
 Thomson, Michelle

Turner, Mr Andrew
 Vaz, rh Keith
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wilson, Sammy
 Wishart, Pete

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Abbott, Ms Diane
 Abrahams, Debbie
 Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Alexander, Heidi
 Ali, Rushanara
 Allan, Lucy
 Allen, Mr Graham
 Allen, Heidi
 Amess, Sir David
 Anderson, Mr David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Ashworth, Jonathan
 Atkins, Victoria
 Austin, Ian
 Bacon, Mr Richard
 Bailey, Mr Adrian
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barron, rh Kevin
 Barwell, Gavin
 Bebb, Guto
 Beckett, rh Margaret
 Bellingham, Mr Henry
 Benn, rh Hilary
 Benyon, Richard
 Beresford, Sir Paul
 Berger, Luciana
 Berry, Jake
 Berry, James
 Betts, Mr Clive
 Bingham, Andrew
 Blackman, Bob
 Blackman-Woods, Dr Roberta
 Blackwood, Nicola
 Blenkinsop, Tom
 Blomfield, Paul
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Bradshaw, rh Mr Ben
 Brady, Mr Graham
 Brazier, Mr Julian
 Brennan, Kevin
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Brown, Lyn
 Brown, rh Mr Nicholas

Bruce, Fiona
 Bryant, Chris
 Buckland, Robert
 Burden, Richard
 Burgon, Richard
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cairns, Alun
 Cameron, rh Mr David
 Campbell, rh Mr Alan
 Carmichael, Neil
 Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Champion, Sarah
 Chapman, Jenny
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Clifton-Brown, Geoffrey
 Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, Jeremy
 Costa, Alberto
 Cox, Mr Geoffrey
 Cox, Jo
 Coyle, Neil
 Crabb, rh Stephen
 Crausby, Mr David
 Creasy, Stella
 Crouch, Tracey
 Cruddas, Jon
 Cryer, John
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Danczuk, Simon
 David, Wayne
 Davies, Byron
 Davies, Chris
 Davies, David T. C.

Davies, Geraint
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davis, rh Mr David
 De Piero, Gloria
 Dineneage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dowden, Oliver
 Doyle-Price, Jackie
 Dromey, Jack
 Drummond, Mrs Flick
 Dugher, Michael
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Eagle, Maria
 Elliott, Julie
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellman, Mrs Louise
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Esterson, Bill
 Eustice, George
 Evans, Chris
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Farrelly, Paul
 Fernandes, Suella
 Field, rh Mark
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Foster, Kevin
 Fovargue, Yvonne
 Fox, rh Dr Liam
 Foxcroft, Vicky
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gapes, Mike
 Gardiner, Barry
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glass, Pat
 Glen, John
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen

Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Green, Kate
 Greening, rh Justine
 Greenwood, Lilian
 Greenwood, Margaret
 Grieve, rh Mr Dominic
 Griffith, Nia
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Haigh, Louise
 Halfon, rh Robert
 Hall, Luke
 Hamilton, Fabian
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harper, rh Mr Mark
 Harpham, Harry
 Harrington, Richard
 Harris, Carolyn
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, Helen
 Hayes, rh Mr John
 Hayman, Sue
 Heald, Sir Oliver
 Healey, rh John
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hendrick, Mr Mark
 Herbert, rh Nick
 Hermon, Lady
 Hillier, Meg
 Hinds, Damian
 Hoare, Simon
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kelvin
 Hopkins, Kris
 Howarth, rh Mr George
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hunt, Tristram
 Huq, Dr Rupa
 Hurd, Mr Nick
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Alan
 Johnson, Boris
 Johnson, Diana
 Johnson, Gareth

Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Mr Marcus
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Kawczynski, Daniel
 Kendall, Liz
 Kennedy, Seema
 Khan, rh Sadiq
 Kinahan, Danny
 Kinnock, Stephen
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Kyle, Peter
 Lammy, rh Mr David
 Lancaster, Mark
 Latham, Pauline
 Lavery, Ian
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Leslie, Chris
 Letwin, rh Mr Oliver
 Lewell-Buck, Mrs Emma
 Lewis, Brandon
 Lewis, Clive
 Lewis, Mr Ivan
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Long Bailey, Rebecca
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lucas, Ian C.
 Lumley, Karen
 Lynch, Holly
 Mackinlay, Craig
 Mackintosh, David
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Main, Mrs Anne
 Mak, Mr Alan
 Malhotra, Seema
 Malthouse, Kit
 Mann, John
 Mann, Scott
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCarthy, Kerry
 McCartney, Jason
 McCartney, Karl
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, John

McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLoughlin, rh Mr Patrick
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miliband, rh Edward
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moon, Mrs Madeleine
 Mordaunt, Penny
 Morden, Jessica
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, Grahame M.
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, rh David
 Murray, Ian
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Offord, Dr Matthew
 Onn, Melanie
 Onwurah, Chi
 Opperman, Guy
 Osamor, Kate
 Osborne, rh Mr George
 Owen, Albert
 Parish, Neil
 Patel, rh Priti
 Pawsey, Mark
 Pearce, Teresa
 Penning, rh Mike
 Pennycook, Matthew
 Penrose, John
 Percy, Andrew
 Perkins, Toby
 Perry, Claire
 Phillips, Jess
 Phillips, Stephen
 Phillipson, Bridget
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pound, Stephen
 Pow, Rebecca
 Powell, Lucy
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pugh, John
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Qureshi, Yasmin
 Rayner, Angela

Redwood, rh John
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Rees-Mogg, Mr Jacob
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Robertson, Mr Laurence
 Robinson, Mr Geoffrey
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Shelbrooke, Alec
 Shuker, Mr Gavin
 Siddiq, Tulip
 Simpson, rh Mr Keith
 Skidmore, Chris
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Chloe
 Smith, Henry
 Smith, Jeff
 Smith, Julian
 Smith, Nick
 Smith, Owen
 Smith, Royston
 Smyth, Karin
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spellar, rh Mr John
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Starmer, Keir
 Stevens, Jo
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Streeter, Wes
 Stride, Mel
 Stringer, Graham
 Stuart, Ms Gisela
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond

Syms, Mr Robert
 Tami, Mark
 Thomas, Derek
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thornberry, Emily
 Throup, Maggie
 Timms, rh Stephen
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Trickett, Jon
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Tyrie, rh Mr Andrew
 Umunna, Mr Chuka
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vaz, Valerie
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Watson, Mr Tom
 West, Catherine
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whitehead, Dr Alan
 Whittaker, Craig
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Phil
 Wilson, Mr Rob
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, Mr Iain
 Wright, rh Jeremy
 Zahawi, Nadhim
 Zeichner, Daniel

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

Schedule 1

CAMPAIGNING AND FINANCIAL CONTROLS

Amendment proposed: 53, page 19, line 23, leave out paragraph 26 and insert—

“26 (1) Section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc) has effect for the purposes of the referendum with the following

modifications (which clarify the effect of certain provisions of that section and apply it to public bodies in Gibraltar).

(2) Subsection (1) has effect for the purposes of the referendum as if for paragraphs (a) to (d) there were substituted—

- “(a) provides general information about the referendum,
- (b) directly addresses the question of whether the United Kingdom should remain a member of the European Union or leave the European Union (however that question is worded in the material),
- (c) contains any statement or claim that—
 - (i) a particular outcome in the referendum, or
 - (ii) the United Kingdom’s remaining a member of the European Union or leaving the European Union, would have particular consequences or might have such consequences, or
- (d) is designed to encourage voting in the referendum.”

(3) Subsection (2) has effect for those purposes as if after paragraph (a) there were inserted—

“(aa) the Government of Gibraltar or any Gibraltar government department; or”.

(4) Subsection (3) has effect for those purposes as if—

(a) for paragraph (b) there were substituted—

“(b) anything done by or on behalf of the Electoral Commission or a permitted participant designated under section 108 (designation of permitted participants to whom assistance is available);”, and

(b) after “Sianel Pedwar Cymru” there were inserted “or the Gibraltar Broadcasting Corporation”.

(5) Subsection (4) has effect for those purposes as if after paragraph (a) there were inserted—

“(aa) “the referendum” means the referendum under section 1 of the European Union Referendum Act 2015;”.

(6) For the purposes of the referendum the following subsection is to be treated as inserted after subsection (4)—

(5) A reference in this section to expenses being defrayed wholly or mainly out of public funds includes those expenses being defrayed wholly or mainly by means of—

- (a) payments out of—
 - (i) the Gibraltar consolidated fund; or
 - (ii) monies voted by the Gibraltar Parliament; or
- (b) payments by the Government of Gibraltar or any Gibraltar government department.”—
(*Mr Lidington.*)

This amendment applies section 125 of the 2000 Act with modifications which: clarify that the prohibition relates to material which is directly relevant to the referendum; apply section 125 to Gibraltar; and add an express reference to the Electoral Commission as a body to which the section does not apply.

The House divided: Ayes 285, Noes 312.

Division No. 56]

[9.18 pm

AYES

Adams, Nigel	Beresford, Sir Paul
Aldous, Peter	Berry, Jake
Allan, Lucy	Berry, James
Allen, Heidi	Bingham, Andrew
Amess, Sir David	Blackman, Bob
Andrew, Stuart	Blackwood, Nicola
Ansell, Caroline	Blunt, Crispin
Argar, Edward	Boles, Nick
Atkins, Victoria	Borwick, Victoria
Baldwin, Harriett	Bottomley, Sir Peter
Barclay, Stephen	Bradley, Karen
Barwell, Gavin	Brake, rh Tom
Bellingham, Mr Henry	Brazier, Mr Julian
Benyon, Richard	Brine, Steve

Brokenshire, rh James	Green, Chris
Bruce, Fiona	Green, rh Damian
Buckland, Robert	Greening, rh Justine
Burns, Conor	Grieve, rh Mr Dominic
Burns, rh Sir Simon	Griffiths, Andrew
Burrowes, Mr David	Gummer, Ben
Burt, rh Alistair	Gyimah, Mr Sam
Cairns, Alun	Halfon, rh Robert
Cameron, rh Mr David	Hall, Luke
Carmichael, rh Mr Alistair	Hammond, rh Mr Philip
Carmichael, Neil	Hammond, Stephen
Cartledge, James	Hancock, rh Matthew
Caulfield, Maria	Hands, rh Greg
Chalk, Alex	Harper, rh Mr Mark
Chishti, Rehman	Harrington, Richard
Churchill, Jo	Harris, Rebecca
Clark, rh Greg	Hart, Simon
Clarke, rh Mr Kenneth	Haselhurst, rh Sir Alan
Cleverly, James	Hayes, rh Mr John
Clifton-Brown, Geoffrey	Heald, Sir Oliver
Coffey, Dr Thérèse	Heapey, James
Collins, Damian	Heaton-Harris, Chris
Colville, Oliver	Heaton-Jones, Peter
Costa, Alberto	Henderson, Gordon
Crabb, rh Stephen	Herbert, rh Nick
Crouch, Tracey	Hermon, Lady
Davies, Byron	Hinds, Damian
Davies, Chris	Hoare, Simon
Davies, David T. C.	Hollinrake, Kevin
Davies, Glyn	Hopkins, Kris
Davies, Dr James	Howell, John
Davies, Mims	Howlett, Ben
Dinenage, Caroline	Huddleston, Nigel
Djanogly, Mr Jonathan	Hunt, rh Mr Jeremy
Donelan, Michelle	Hurd, Mr Nick
Double, Steve	Javid, rh Sajid
Dowden, Oliver	Jayawardena, Mr Ranil
Doyle-Price, Jackie	Jenkyins, Andrea
Drummond, Mrs Flick	Jenrick, Robert
Duncan, rh Sir Alan	Johnson, Boris
Duncan Smith, rh Mr Iain	Johnson, Gareth
Dunne, Mr Philip	Johnson, Joseph
Elliott, Tom	Jones, Andrew
Ellis, Michael	Jones, Mr Marcus
Ellison, Jane	Kennedy, Seema
Ellwood, Mr Tobias	Kinahan, Danny
Elphicke, Charlie	Kirby, Simon
Eustice, George	Knight, Julian
Evans, Graham	Kwarteng, Kwasi
Evennett, rh Mr David	Lamb, rh Norman
Fabricant, Michael	Lancaster, Mark
Fallon, rh Michael	Latham, Pauline
Fernandes, Suella	Leadsom, Andrea
Field, rh Mark	Lee, Dr Phillip
Foster, Kevin	Lefroy, Jeremy
Francois, rh Mr Mark	Leslie, Charlotte
Frazer, Lucy	Letwin, rh Mr Oliver
Freeman, George	Lewis, Brandon
Freer, Mike	Liddell-Grainger, Mr Ian
Fuller, Richard	Lidington, rh Mr David
Fysh, Marcus	Lilley, rh Mr Peter
Garnier, rh Sir Edward	Lopresti, Jack
Garnier, Mark	Lord, Jonathan
Gauke, Mr David	Lumley, Karen
Ghani, Nusrat	Mackintosh, David
Gibb, Mr Nick	Mak, Mr Alan
Glen, John	Malthouse, Kit
Goodwill, Mr Robert	Mann, Scott
Gove, rh Michael	Mathias, Dr Tania
Graham, Richard	May, rh Mrs Theresa
Grant, Mrs Helen	Maynard, Paul
Grayling, rh Chris	McCartney, Jason

McLoughlin, rh Mr Patrick
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mulholland, Greg
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Offord, Dr Matthew
 Opperman, Guy
 Osborne, rh Mr George
 Parish, Neil
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pugh, John
 Quin, Jeremy
 Quince, Will
 Rees-Mogg, Mr Jacob
 Robinson, Mary
 Rudd, rh Amber
 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
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 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
 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
 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 Ayes:
George Hollingbery and
Margot James

NOES

Abbott, Ms Diane
 Abrahams, Debbie
 Afriyie, Adam
 Ahmed-Sheikh, Ms Tasmina
 Alexander, Heidi
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Arkless, Richard
 Ashworth, Jonathan

Austin, Ian
 Bacon, Mr Richard
 Bailey, Mr Adrian
 Baker, Mr Steve
 Bardell, Hannah
 Barron, rh Kevin
 Bebb, Guto
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana

Betts, Mr Clive
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Bone, Mr Peter
 Boswell, Philip
 Bradshaw, rh Mr Ben
 Brady, Mr Graham
 Brennan, Kevin
 Bridgen, Andrew
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Gregory
 Carswell, Mr Douglas
 Cash, Sir William
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Chope, Mr Christopher
 Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Cowan, Ronnie
 Cox, Mr Geoffrey
 Cox, Jo
 Coyle, Neil
 Crausby, Mr David
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Danczuk, Simon
 David, Wayne
 Davies, Geraint
 Davies, Philip
 Davis, rh Mr David
 De Piero, Gloria
 Docherty, Martin John
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donaldson, Stuart
 Dorries, Nadine
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Durkan, Mark
 Eagle, Maria
 Edwards, Jonathan
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill

Evans, Chris
 Farrelly, Paul
 Fellows, Marion
 Ferrier, Margaret
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Fox, rh Dr Liam
 Foxcroft, Vicky
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Gillan, rh Mrs Cheryl
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Mr James
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harpham, Harry
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hillier, Meg
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Howarth, Sir Gerald
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jackson, Mr Stewart
 Jarvis, Dan
 Jenkin, Mr Bernard
 Johnson, rh Alan
 Johnson, Diana
 Jones, rh Mr David
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David

Lavery, Ian
 Law, Chris
 Leigh, Sir Edward
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Lewis, rh Dr Julian
 Long Bailey, Rebecca
 Loughton, Tim
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 Mackinlay, Craig
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Main, Mrs Anne
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCaig, Callum
 McCarthy, Kerry
 McCartney, Karl
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 McPartland, Stephen
 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
 Nuttall, Mr David
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paisley, Ian
 Paterson, rh Mr Owen
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Percy, Andrew
 Perkins, Toby
 Phillips, Jess

Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Pursglove, Tom
 Qureshi, Yasmin
 Rayner, Angela
 Redwood, rh John
 Reed, Mr Jamie
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, Angus
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Rosindell, Andrew
 Salmond, rh Alex
 Saville Roberts, Liz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Simpson, David
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Mr Andrew
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wilson, Phil
 Wilson, Sammy
 Winnick, Mr David

Winterton, rh Ms Rosie
 Wishart, Pete
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Noes:
Tom Blenkinsop and
Nic Dakin

Question accordingly negated.

Amendment made: 4, page 19, line 23, leave out paragraph 26.—(Mr McFadden.)

The purpose of the amendment is to apply the “purdah” arrangements that govern ministerial and official announcements, visits and publicity during general elections to the campaign period before the referendum. The amendment should be read in conjunction with New Clause 5 (Restriction on publication etc of promotional material by central and local government etc) and New Clause 6 (Exemptions to prohibition on publication of promotional material by central and local government etc (No.2)).

Clause 2

ENTITLEMENT TO VOTE IN THE REFERENDUM

Mike Gapes (Ilford South) (Lab/Co-op): I beg to move amendment 20, page 2, line 2, leave out “parliamentary” and insert “local government”.

This amendment is intended to allow citizens of any EU country who are resident in the UK to vote in the referendum.

Mr Speaker: With this it will be convenient to discuss the following:

Amendment 17, page 2, line 2, at end insert—

“and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held.”

This amendment would entitle British citizens, qualifying Commonwealth citizens and citizens of the Republic of Ireland aged 16 and 17 to vote in the referendum.

Government amendment 24.

Amendment 18, page 2, line 13, after “Commonwealth citizens”, insert—

“or citizens of the Republic of Ireland”.

Amendment 19, page 2, line 16, at end insert—

“and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held.”

This amendment would entitle Commonwealth citizens aged 16 and 17 who would be entitled to vote in Gibraltar for elections to the European Parliament to vote in the referendum.

Amendment 7, page 2, line 16, at end insert—

“(d) the persons who on the date of the referendum would be entitled to vote in a European parliamentary election by virtue of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).”

This amendment would extend the franchise to EU nationals who would be entitled to vote in EU parliamentary elections in the UK.

Amendment 8, page 2, line 16, at end insert—

“(1A) In subsection 1(a), “persons” include individuals who are aged 16 or 17 and would otherwise meet the conditions to be entitled to vote as electors in a parliamentary election.”

This amendment would extend the franchise to 16 and 17-year-olds.

Amendment 9, page 2, line 20, at end insert—

(a) In subsection 1(a) “a parliamentary election” includes elections to the Scottish Parliament,

- (b) a person resident in England, Wales, Northern Ireland or Gibraltar who, if resident in Scotland, met the conditions for inclusion in the electoral register for Scottish elections, will be entitled to vote in the referendum.”

This amendment would extend the vote to 16 and 17-years-olds and EU nationals.

Amendment 10, page 2, line 20, at end insert—

“(3) In subsection 1(a) “a parliamentary election” includes elections to the Scottish Parliament.”

This amendment would extend the vote to 16 and 17 years olds and EU nationals in Scotland.

Amendment 21, page 2, line 20, at end add—

“(3) Notwithstanding the provisions of the Representation of the People Act 1983, as amended, or of any other statute, a British citizen resident overseas in a country within the European Union will be eligible—

- (a) to register to vote, and
- (b) to vote in the referendum,

irrespective of the length of time that the citizen has been resident overseas.”

This amendment is intended to allow British citizens resident in other EU countries to vote in the referendum.

New clause 1—*Impartiality of broadcasters—*

“(1) Notwithstanding any enactment or legal instrument, before the start of the referendum period the Secretary of State shall by regulations make provision to ensure the impartiality of broadcasters during the referendum period.

(2) Regulations made under this section must include provision for the appointment by the Secretary of State of a referendum broadcasting adjudicator.

(3) Regulations made under this section must require the referendum broadcasting adjudicator

- (a) to draw up and publish guidance applicable to the referendum to ensure the impartiality of broadcasters during the referendum period, notwithstanding any relevant guidance currently in force or in draft; and
- (b) to make arrangements by which any allegations of breach of the guidance on impartiality can be referred to and determined by the adjudicator and where an allegation, in the adjudicator’s view, is vexatious or frivolous to dismiss the allegation.

(4) Guidance published under subsection (3)(a) shall apply to—

- (a) the holder of a licence under the Broadcasting Act 1990 or 1996 and
- (b) the British Broadcasting Corporation.

(5) Regulations made under this section shall require the referendum broadcasting adjudicator within one day of receipt of an allegation that a broadcaster has breached the guidance on impartiality to determine whether the guidance has been breached and publish its determination and, where a breach has taken place, to require the broadcaster to remedy the breach within one day.

(6) Regulations made under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.”

The intention of this amendment is to ensure impartiality of television and radio broadcasters during the referendum campaign and to allow for swift adjudication where an allegation of bias is made.

New clause 11—*Limit of the expenditure of registered political parties—*

“(1) Notwithstanding Schedule 14 of the 2000 Act and any other enactment, for the purposes of the referendum there will be a cumulative limit on the expenditure which political parties registered under Part II of the 2000 Act can spend cumulatively on campaigning during the referendum.

(2) For the purpose of subsection (1) the cumulative limit is £14,000,000.

(3) Each political party’s share of the cumulative limit shall be determined in proportion to its share of the total votes cast at the general election that took place on 7 May 2015.

(4) On the basis set out at subsection (3) the Electoral Commission shall calculate and notify each political party of its share of the cumulative limit.

(5) No registered political party shall spend any money in respect of the referendum campaign until the notification required at subsection (4) has been issued.

(6) Each political party is responsible for its own expenditure and must not breach the limit notified by the Electoral Commission in respect of its own expenditure.”

The purpose of this amendment is to impose an expenditure limit on the cumulative total amount that political parties can spend during the referendum campaign.

Amendment 5, in clause 1, page 1, line 9, at end insert—

“or a date within three months before or after May 5.”

This would ensure the referendum vote could not be held on a day three months before or after the date of the Scottish, Welsh and Northern Irish elections.

Government amendment 12.

Amendment 6, page 1, line 9, at end insert—

“(c) must not be the same day as local government elections in England, Scotland, Wales or Northern Ireland.”

This amendment would ensure the referendum vote could not be held on the same day as local government elections.

Amendment 15, page 1, line 9, at end insert—

“(c) must not coincide with local or mayoral elections planned for 4 May 2017.”

This amendment would rule out holding the referendum on the same day as the 2017 local elections.

Government amendment 23.

Amendment 13, page 1, line 11, at end insert—

“or leave the European Union?”

Amendment 14, page 1, leave out line 14 and insert—

“A ddylai’r Deyrnas Unedig bara i fod yn aelod o’r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?”

Amendment 16, page 1, line 14, at end insert—

“(6) At least 10 weeks before the date on which the referendum is to be held the Government shall publish a White Paper outlining the terms of any renegotiation between the United Kingdom and the European Union and the consequences for the United Kingdom of leaving the European Union.”

This amendment requires the Government to produce a white paper on the results of the Government’s renegotiation with the EU and the consequences for Britain of leaving the EU.

Government amendments 25 to 28.

Amendment 3, in clause 6, page 3, line 40, at end insert—

“(5) Regulations made under this Act or the 2000 Act in respect of the referendum must be made and come into force not less than six months before the start of the referendum period.”

The purpose of the amendment is to ensure the legislative framework for the referendum is clear at least six months before it is required to be implemented or complied with.

Government amendments 29 and 30.

Amendment 1, in schedule 1, page 6, line 6, after second “period”, insert—

“of not less than 16 weeks”

The purpose of the amendment is to ensure that the referendum period lasts for at least 16 weeks.

Government amendments 31 to 43.

Amendment 22, page 12, line 23, at end insert—

“(3) Notwithstanding the European Communities Act 1972, an EU institution (within the meaning of article 13(1) of the Treaty on European Union) may not incur referendum expenses during the referendum period.”

This amendment would prevent the EU institutions, including the Commission, from direct campaigning in the referendum, whether under the guise of EU law or otherwise.

Government amendments 44 to 46.

Amendment 2, page 13, line 11, at end add—

“(6) For the purposes of paragraph 6 of Schedule 15 of the 2000 Act a permitted participant must not accept a relevant donation, irrespective of whether or not it meets the requirements of the 2000 Act and this Act, if the donation is funded directly or indirectly in whole or part from moneys, resources or support disbursed or allocated by or at the direction of the European Commission, its agencies or any related European institution to the donor or via other parties to the donor.”

The purpose of the amendment is to ensure that no funds or support bearing directly or indirectly by European Union bodies have a bearing on the outcome of the referendum.

Amendment (a) to amendment 2, after “(6)” insert

“Notwithstanding the European Communities Act 1972,”.

This amendment would ensure that amendment 2 takes effect as intended. It would make clear a permitted participant could not accept donations paid by EU institutions under the authority of EU law.

Government amendments 47 to 52 and 54 to 77.

Mike Gapes: I will speak not only to amendment 20 but to amendment 21, which is also in my name. These amendments are, in a sense, a package. Just as we in the Labour party have widened—*[Interruption.]*

Mr Speaker: Order. There is a great deal of noise in the Chamber. It is only right and courteous that there should be a mood of hushed attention as the hon. Gentleman addresses the House.

Mike Gapes: Just as we in the Labour party have, for better or worse, widened our franchise, so the widest possible franchise should be involved in the referendum, which is likely to be held next year. The Government have proposed that the referendum should not have the same franchise as there was for the Scottish referendum, which was the local government franchise, but should simply have the parliamentary franchise. They propose restricting the franchise to those who vote in parliamentary elections and not including some people who vote in local government elections and in European Parliament elections, some people who can vote in the London mayoral election next year and some who were eligible to vote in the Scottish referendum in 2014.

Emily Thornberry (Islington South and Finsbury) (Lab): Is it not the case that in many constituencies across the country, including mine, a large number of people will not be allowed to vote in the European referendum simply because they are Europeans, even though they pay their taxes, their children go to school in the area and they see themselves as Londoners?

Mike Gapes: That is exactly the point addressed in amendment 20. People can vote in a European Parliament election if they are a citizen of any of the 27 other European Union countries and are resident in the UK. If the Government get their way, people who are paying taxes in this country and living in this country, perhaps having done so for decades, with children who were born in this country, and who are perhaps married to British citizens but who happen to retain the nationality they had when they came here from Italy, Germany, France or one of many other countries, will not be able to vote in the referendum which will affect their status and that of their family in the UK.

Stephen Gethins: Is the hon. Gentleman aware of Christian Allard, a fantastic Member of the Scottish Parliament who will not be able to vote in the referendum because of his French nationality?

Mike Gapes: I am grateful to the hon. Gentleman for reminding me of that. We discussed this issue in Committee on 18 June, when exactly that point was made. Two million EU citizens are living in this country and many of them will not be able to vote in the referendum which will directly affect their future, although if they are from the Republic of Ireland, Cyprus or Malta, they will be able to vote. A Greek Cypriot will be able to vote in the referendum but a Greek person from one of the many islands in the archipelago around Athens will not be able to. We face the absurd situation of a discrimination that affects the livelihoods and future prosperity of those people.

I do not want to delay the House much longer, but let me briefly refer to my other proposal, amendment 21.

Tom Brake (Carshalton and Wallington) (LD) *rose*—

Mike Gapes: Before I do so, I give way to the right hon. Gentleman.

Tom Brake: Does the hon. Gentleman agree that the two groups of people he has identified in his amendment are those who will potentially be the most affected, particularly if the UK votes to come out of the European Union?

Mike Gapes: That is absolutely right. Just as there are more than 2 million EU citizens living in the UK, more than 2 million British citizens are living in other EU countries. Some of them will have registered to vote as overseas voters under the existing law, which allows people who have been abroad for up to 15 years to vote in parliamentary elections. Some thousands of people do that, but the bulk of them do not. British people who have been living in Portugal, Spain, Germany, Cyprus, Greece or France for more than 15 years are not going to be eligible to vote in a referendum that could seriously damage their prospects of being allowed to stay in those countries and have rights there, should the British people vote in the referendum that we leave the EU. Many overseas voters are incensed about that. There is an organisation called Labour International with which I am associated, and a similar organisation for the Conservatives. I know that those voters have been sending communications for months saying that

this is a democratic outrage, that the Government will damage their future and that they will have no say on their position.

Ironically, the Conservative party said in its election manifesto that it was going to get rid of the 15-year rule, yet the Conservative Government—they cannot even blame the Liberal Democrats for this—are introducing legislation in effect to disfranchise many British people who will no longer have a say in their future within the European Union. That is undemocratic. It is outrageous that British people's futures will be affected. As the right hon. Member for Carshalton and Wallington (Tom Brake) said, if we leave the European Union, there will be two groups of people who will be particularly badly affected. I am talking about EU citizens living in the UK who may have British-born children, and British citizens living in other European Union countries.

Given the shortage of time, I shall not say any more on this. I will be supporting my Front-Bench team on widening the franchise to 16 and 17-year-olds. Although I have raised these issues, I know that neither the Government nor, unfortunately, those on my own Benches will support my position. In order to save time, I shall not press my amendment to a vote.

Stephen Gethins: I rise to speak to amendments 5, 6, 7, 8, 9 and 10 in my name and that of my hon. Friends. We want to see the gold standard of the independence referendum applied to the European referendum. I hope that Members of the Official Opposition will vote with us tonight. Earlier we voted together and defeated the Government. That is what can be achieved when we stretch across and vote together. I hope that we shall be doing that later tonight.

One area that might help us to achieve that gold standard is votes for 16 and 17-year-olds, which is proposed in amendment 8. I know that we have discussed this matter before and I am glad that we will be able to vote on it tonight. There are benefits to involving young people at an early stage in the political process. Let us not forget that when we have a European Union referendum, those aged 16 and 17 will have to live with the consequences of that decision for a whole lot longer than many Members of this House. Let us consider some of the comments made by Members about the positive aspects of including 16 and 17-year-olds in the vote.

We will also consider amendment 7. I was grateful to the hon. Member for Ilford South (Mike Gapes) for his excellent contribution on votes for EU nationals. He talked about how Cypriots and Maltese can vote but not those of other nationalities. I mentioned the position of Christian Allard, the Member of the Scottish Parliament, who will not be able to vote. We should also consider the big contributions that EU nationals have made to all our constituencies. I am talking about the people from Poland, Ireland, Italy and from elsewhere in Europe.

The independence referendum had a significant impact, and I pay tribute to the people who campaigned for a yes vote, as well as to those who campaigned for a no vote. The turnout of 85% was extraordinary, as was the democratic journey that we made. I hope that Members from across the Chamber will learn the lessons from the independence referendum when it comes to voting this evening.

I also wish to touch briefly on the issue of double majority. We have been told that we are in a partnership of equals in the United Kingdom. If we are, why should it be the case that Scotland—or indeed England, Wales or Northern Ireland—can be dragged out of the European Union against its will?

Patrick Grady (Glasgow North) (SNP): Does my hon. Friend agree that it is regrettable that our new clause 3 has not been selected, as there is a certain irony in a Government that want to introduce a double majority in this House on English votes for English laws but do not want that principle to apply to the much more fundamental question of our membership of the European Union?

9.45 pm

Stephen Gethins: My hon. Friend makes an excellent point about the double majority and why we brought it up.

Let me make a point about amendment 5. I am glad that the Government have acceded to some of our demands, so that we will not see a vote on the first Thursday of 2016 or the first Thursday of 2017. We welcome those concessions, which have been among a few so far. If we are going to have the referendum, however, we want a proper political debate. We do not want it to be rushed just before the crucial elections to the Scottish Parliament, the Welsh Assembly or local government. That is why we propose in amendment 5 to have a three-month period on either side of them to protect the referendum debate.

To sum up, let me touch on the debate to come. It is disappointing as we reach the final stages of debating the Bill that we still do not have more details about the Government's proposed renegotiation. I am not sure when we will see those details, as we have a Government who have for the past five and a bit years been adept at losing friends and influence throughout the European Union. I do not see that changing any time soon.

There is no one on the SNP Benches who does not think that the European Union could do with a bit of reform, but that reform should be a two-way process. That was set out by First Minister Nicola Sturgeon to the European Policy Centre on 2 June. I encourage all Members to read that speech. As well as considering areas for reform in which powers can be returned to the member states or, indeed, to the devolved Administrations, let us consider areas in which we could work more closely together, such as energy or climate change.

I want to finish on a serious point. We talked today about the refugee crisis, and that is certainly an area in which we could be working more closely with our European partners, as was well debated today. I sense that when the Government moved forward today they were moving a little behind other European partners, not least those in the Vatican. It was in July 2013 that Pope Francis said:

"We have lost a sense of brotherly responsibility...we have forgotten how to cry."

We are now seeing action, almost two years on. We are late to this, and sometimes we need to learn from our European partners and to work more closely with them. I hope that even those on the Government Benches will accept that that is something we have to do.

[Stephen Gethins]

Our amendments strengthen the Bill and strengthen the debate we could have during the referendum period.

John Redwood: I rise to speak on the issues of the independence of broadcasting and campaign funding covered by two of the new clauses. It is most important that we should have a fair referendum and I think that the House has made a wise decision this evening to further that aim. I hope that the nation's leading broadcaster, the BBC, will enter into the spirit of wanting that fair campaign and will study and understand where those who wish to stay in and those who wish to leave are coming from. It needs to learn that in the run-up to the referendum campaign proper as well as in the campaign itself. My hon. Friend the Member for Stone (Sir William Cash) has tabled a suitable new clause to try to ensure that that happens and I hope that the Minister will share our wishes and might have something to say on this point.

I notice that in recent months it has been absolutely statutory for practically every business person being interviewed on business subjects and subjects of great interest to consumers and taxpayers to be asked for their view of whether their business would be ruined if we left the European Union. The question is always a leading question and they are treated as somewhat guilty or suspect if they do not immediately say yes, of course, their business would be ruined if we were to leave the European Union.

Sir William Cash: Does my right hon. Friend sometimes wonder how these people come to be asked to go on the programme?

John Redwood: It would be far too dangerous for me to speculate on that without more factual information at my disposal. My hon. Friend is being slightly mischievous. I could not possibly agree with him and call into question how people are invited to BBC interviews. However, it is interesting that the one argument that the campaign to stay in the EU seems to have—that leaving the EU would be bad for business and jobs would be lost—has become a constant refrain in all BBC interviews.

The BBC seems devastatingly disappointed when a lot of businesses take the opposite view. It was fascinating to hear the wonderful interview with Nissan last week. The whole House will welcome the great news that Nissan has a very big investment programme for the United Kingdom's biggest car plant, which will carry it through the next five years and beyond with a new model. When the BBC tried to threaten that investment by asking, "Wouldn't you cancel it if the British people voted to come out of the EU?", Nissan said, "No, of course we wouldn't." It is about the excellence of the workforce, the excellence of the product and access to an extremely good market here. It is in no way conditional upon how people exercise their democratic rights in Britain.

It is that spirit—the spirit of Nissan—that I hope the BBC will wish to adopt when contemplating such interviews in future. I hope that it will understand that most business interviews over the next few months should not be about the politics of the EU; they should be about whether the company is doing well—creating

jobs, making profits and investing them wisely. If the business is misbehaving, then by all means the interview should be about the allegations.

Mr David Winnick (Walsall North) (Lab): Who does the right hon. Gentleman think is behind this sinister conspiracy at the BBC? Is it the director general or some other individual in a senior position, or are other forces directing the BBC in such a way that he believes there is a conspiracy to keep Britain in the European Union?

John Redwood: I never said that there is a conspiracy, and I have not suggested that there is one figure in the BBC who holds that view; I think that most people in the BBC hold that view, and I think that it is quite spontaneous. I think that in some cases they are not even aware that they are doing it. I note that many Members, including on the Opposition Benches, are nodding their heads wisely. They, too, have heard such interviews. It now seems almost a statutory requirement in what should be interviews on general business subjects to regard those people as having some unique insight into our future in the European Union, ascribing to them supernatural powers that apparently the millions of other voters in the country do not share, asking them to dictate the future. I think that the referendum is a democratic process and that everyone's vote is of equal weight and value. It is a conversation for the whole country. I am not against business people joining in, because I am a democrat, and they have voices; I just think that it is a bit odd that our leading broadcaster wants to turn every business interview into a political interview.

Philip Davies: I am charitable to the BBC and do not think that it sets out to be biased in its coverage. The problem—I am not entirely sure how my right hon. Friend will tackle this point—is that it sets out to talk only to people from the same metropolitan set, and they all have the same opinions. The people in the BBC need to get out more and discover that across the country there are opinions different from those of their narrow band of people. How does he think they can address that? It is not conscious bias; they just need to get out more.

John Redwood: My hon. Friend make his comments in his own inimitable way. That is not quite what I was trying to say, or how I was going to say it, but this is a free country and it is wonderful to hear him contribute to the debate.

I am just trying, in the brief few moments that you have kindly allowed me, Mr Speaker, to extend the conversation from this great Chamber to the BBC and to say to it, "We all want you to be part of this big family conversation in the run-up to the referendum, but you have a unique responsibility, because you are charged with independence, fairness and balance. We trust that you will be especially careful, because many people have very passionate views on both sides of the argument, and that always creates more tensions and difficulties for broadcasters."

John Nicolson (East Dunbartonshire) (SNP): I am curious to know whether the right hon. Gentleman was as acutely aware of that bias among business leaders

during the Scottish referendum campaign, when they were wheeled out repeatedly as part of “Project Fear” to hone their skills, which we will doubtless see much of in the coming months. I just cannot remember him being so outraged at the time. Perhaps he could confirm that.

John Redwood: If the hon. Gentleman cares to check johnredwoodsdiary.com, my blog, he will see that I wrote on that very subject during the Scottish campaign ahead of the referendum and made very similar points to the ones I am making now about the role of business, where it can help and where it cannot. He will be disappointed to learn that I believe in being consistent. It has been one of my problems in politics, trying to be consistent, and if one seeks to combine consistency with being right, it can be absolutely devastating. I must now teach myself humility and realise that no one can always be right; we just have to carry on the conversation as best we can.

Tom Brake: Are there any circumstances in which it would be legitimate for a BBC reporter to ask a UK business that trades with Europe whether there would be an impact on that business were the UK to come out of the European Union?

John Redwood: That would be appropriate if they were doing a package on attitudes towards Europe, for example; or it would be appropriate during the referendum campaign to have business voices as well as political voices and others—but not in every interview that is meant to be about a business subject. BBC reporters do not choose to do that every time a social worker is on to talk about a social work case, or some local government worker is on. They do not immediately ask, “What would happen to your job if we left the EU?” There is something quite odd about it. Very often, the business matters that are being discussed have nothing to do with foreign trade. Nor do I understand why the right hon. Gentleman and some others wish to mislead and threaten the British people into thinking that our trade would be at risk, because clearly it would not be at risk. All of us wish to trade with Europe and be friends with Europe, but some of us wish to have a relationship with the European Union that allows their euro to evolve into the political union that they want without dragging Britain in and losing our democracy in the process.

Tom Brake: I am getting more confused, because now the right hon. Gentleman is drawing a parallel between the impact that coming out of the EU would have on a business and the impact on a social worker. Perhaps he would like to explain in what way the UK coming out of the EU would have an impact on a social worker.

John Redwood: Of course coming out of the EU will have an impact on the conduct of the public sector in Britain, as well as on the private sector. It will change who makes the laws and how the budgets are run, for example. If we did not have to send £11 billion a year to the EU to be spent elsewhere, we would have more scope to have better social work and tax cuts in the United Kingdom. I think that would be extremely good news. Why are public service workers not asked whether they would rather see some of that money spent on their preferred public service than sent to be spent

elsewhere in the European Union? That line of questioning would be just as interesting as the one trotted out each time for business people: “Will your business come to an end if the British people dare to vote for democracy?”

Philip Davies: Is not the point that the BBC tries to show that every business wants to remain in the European Union, when the fact is that many businesses want to leave the EU? The BBC always seems to be able to find businesses that want to stay in, but never seems to be able to look at the website of Business for Britain, which has more than 1,000 businesses that are quite happy to be outside the European Union.

John Redwood: That is a good point. The other constitutional point I would make about businesses is that in an entrepreneurial business where the entrepreneur-owner-manager owns 51% or more of the shares, of course they speak for business, so if they say, “I want to stay in,” or, “I want us to pull out,” that is not only their view but the view of the whole business. I can understand that and it is very interesting, but quite often the people being interviewed are executives with very few shares in very large companies, who have not cleared their view through a shareholder meeting or some other constitutional process. The BBC wishes to give the impression that that is the view of all the members of the company, whereas in fact it is just the opinion of an executive. It is interesting, and the executive may be quite powerful, but he does not necessarily speak for the company, and that is never stressed in the exchanges.

Sir William Cash: Does my right hon. Friend accept that, quite often, what is interesting is which questions are not asked, as well as those that are asked and the people who are put on? For example, some of us have for a long time been making the argument, based on House of Commons Library statistics, that we run a deficit with the other 27 member states of about £62 billion, whereas the Germans run a surplus with the other 27 member states of about the same amount or more. Why does that sort of argument never get aired or heard?

John Redwood: I am being tempted into byways on the substance of the debate in the forthcoming referendum, but my hon. Friend is absolutely right. We would like to hear more questioning of our deficit and a reminder that we are the customers more than the producers; it is the other way round for the Germans. It is unusual for the customers to be in a weak position and the producers in a strong position.

10 pm

We should remember that we are the customer country in the European Union and that the customer used always to be right. Perhaps we should have rather more care taken over our attitudes because we are the customer, as a heavy net contributor to the European Union, and we would like to hear more questions about what are the other possibilities. What could we do with the money if we were not paying it in? What would happen to our trade deficit were we no longer inside the Union? The answer is that we would still have a big trade deficit with the European Union because trade would continue on exactly the same basis as it has so far throughout our

partial membership. Of course, we are not in Schengen and not in the euro, so we are already in a different position.

I and many others want us to have a good relationship with the European Union, but to recognise that it is now driven by the euro. Britain is not about to join the euro, and therefore does not want or need the political union. I am very pleased that our Prime Minister is trying to sort out a new relationship. That had to be done. Any sensible person, wherever they are on the spectrum of European-ness or pro-EU-ness, should see that this is a crucial moment in the future of the European Union where we need to sort out our relationships, so that we do not impede the EU but it does not make too many decisions on our behalf that the British people do not welcome or want.

On funding, to make sure that we have a campaign that is fair and perceived to be fair, we need to avoid the European Union itself spending any money or putting forward any propaganda during the campaign period. We also need to make sure that the spending limits on the political parties and the two main campaign teams are fair. I have no problem if one side raises more money than the other within the limits and is able to use it—that is the advantage of being more popular and that is the system we use. However, it is also fair to have some overall limit, as the Government are proposing. We need to be careful that the cumulative limits between different political parties and actors on one side do not become disproportionate, with the other side limited in the amount it can raise so that the thing is out of balance.

I would like my hon. Friend the Minister to say a little more about how the two sides might line up. I would not want to find that the “leave” campaign, for example, did not have lots of political parties adding to its funding, and obviously did not have the European Union adding to it, and was then limited too much as a formal campaign. It would not be perceived as fair if one side was spending three times as much as the other under legal rules, and the other side was constrained. I hope that he will consider that and realise that we need a fair system so that people think it is a good result.

Mr McFadden: This is a very broad debate, covering a number of issues. I want to set out our views on the amendments that we have tabled.

Amendment 17 and associated amendments 18 and 19 deal with the ability of 16 and 17-year-olds to vote in the referendum. I do not propose to go over all the territory covered in Committee about 16 and 17-year-olds having the vote, but I want to make one or two specific points about why it is important for this referendum.

The referendum will be a major constitutional decision that will have a bearing on Britain’s future for decades to come. None of us expects it to be a regular event like local elections, elections to Assemblies, or elections to this House. It has been 40 years since the last such referendum and such a vote on our constitutional future is a once-in-a-generation decision. The result will affect every young person in the UK for decades to come. At the moment, British citizens have the right to live, work and study in any EU member state. One of the main motivations—if not the main motivation—for those seeking to leave the European Union is to end the principle of free movement of people and to impose

stricter controls on immigration. In the context of our leaving and restrictions coming into play, it is hard to see how such a move would not be reciprocated towards our own citizens and their ability to live, work and study in the remaining European Union. The rights, opportunities and freedoms of young people for decades to come are very much on the ballot paper in this referendum.

Philip Davies: The right hon. Gentleman seems to be arguing that 16 and 17-year-olds should have a vote because the referendum will impact on young people for decades to come. It will presumably also have a massive impact on my 12 and 10-year-old sons. By the same logic, he will be arguing that they should have a vote, too. Why should the vote be extended just to 16 and 17-year-olds? He seems to be arguing for a complete nonsense.

Mr McFadden: The argument has the benefit of not only principle, but recent experience. While I do not share the view of every member of the Scottish National party about all the virtues of last year’s referendum, extending the vote to 16 and 17-year-olds worked well. No one on either side of the debate in that referendum would argue that 16 and 17-year-olds did not understand the issues, engage in the debate and carry out their vote, whether for yes or for no, in a responsible manner. For those reasons, we believe that the vote in this referendum should be extended to 16 and 17-year-olds, and that there are specific reasons for doing so on such a long-term constitutional decision such as this which go above and beyond the general debate about the voting age.

Stephen Gethins: Does the right hon. Gentleman agree with me and the leader of his party in Scotland that we also benefited from EU nationals having the vote in the independence referendum? It was a benefit then and could be a great benefit in this referendum as well.

Mr McFadden: I want to deal with that issue and the comments of the hon. Gentleman and my hon. Friend the Member for Ilford South (Mike Gapes). The contribution made to this country by EU citizens is not disputed by me or any Opposition Front Bencher. What my hon. Friend said about that positive contribution and people paying taxes is absolutely true. It is also true of the many British people living and working in other EU member states. I completely agree with him that the argument is not about contribution, value, rewinding the clock or any of the other general points. The issue is about precedents in other referendums concerning such matters in other countries. We looked at the precedents and every referendum we found regarding accession to the European Union, joining the single currency or European treaty change was restricted to citizens of the relevant member state. That does not mean that they think that citizens of other countries living in that state do not make a contribution or pay taxes and are not valuable citizens, but that precedent has been set time after time when countries make significant decisions about their own future.

Mr Stewart Jackson (Peterborough) (Con): The hon. Member for Ilford South (Mike Gapes) failed to enunciate any specific undertakings, responsibilities or rights for voters elsewhere in the European Union who are British

citizens. Can the shadow Minister share with the House any specific rights that would be circumscribed or removed as a result of a decision by the United Kingdom to leave the European Union?

Mr McFadden: I do not think that is clear at all. It is very uncertain what the rights of British people living in other member states would be in the event of the UK leaving the European Union. The hon. Gentleman raises an important question, which is one of many. I do not want to get sidetracked into the arguments for in and out tonight because I want to concentrate on the amendments, but I do not think that anyone can say with confidence that there would be no effects on those citizens in the event of Britain leaving the European Union.

Mike Gapes: My right hon. Friend referred to precedents. Is it not the fact that in our elections and presumably in the referendum that took place in 1975, citizens of other countries who are not British citizens have participated, because we allow Commonwealth citizens, such as the citizens of Malta and Cyprus, and citizens of the Republic of Ireland to participate? There are problems with a definition that relates only to citizens of this country. I accept that there is a parliamentary franchise, which is the position that the Government have taken and something that my right hon. Friend will no doubt remind me of, but the position is messy and not straightforward.

Mr McFadden: My good and hon. Friend anticipates my reply. He is right that history comes into play here, and not always in a linear manner. The thing that unites citizens of the Republic of Ireland and the other examples he mentioned is that they are part of the parliamentary franchise. He is right to say that it is not strictly about citizenship, but about who can vote to elect a national Parliament.

It remains the case that throughout the European Union when countries have had referendums of this type they have not extended the vote to citizens of other countries. It is important to state that, because too often the debate becomes about the value of the contribution of those citizens to the UK. That is not in dispute at all. The issue is having consistency in how we take decisions on our nation's future.

The exchanges that took place on broadcasting impartiality showed the dangers of those proposals. We should allow broadcasters to do their job. The Opposition do not favour the appointment of a broadcasting referee. I do not think that the finest moment in the Scottish referendum was the mass demonstration outside the headquarters of the BBC in Glasgow, calling for the head of the political editor. I hope that we do not see that in this referendum. I am therefore not in favour of proposals that seek to set up some kind of referee to go through BBC news bulletins and second-guess who should and should not be interviewed. We should allow our broadcasters to do their job.

Sir William Cash: The right hon. Gentleman is clearly referring to my new clause. He ought to take into account the fact that the Secretary of State, in correspondence with the chairman of the BBC Trust and Ofcom—the hon. Gentleman may or may not have

seen it—has quite a lot to say about the necessity of improving the manner and process of adjudication. I will deal with that in a moment.

Mr McFadden: I look forward to the hon. Gentleman's speech, but it will take more than a letter from the Secretary of State to the BBC to convince us that some kind of broadcasting referee is needed to adjudicate in this process.

Philip Davies: I am slightly confused by what the right hon. Gentleman is saying. He seems to be saying that there should be no adjudicator of the BBC's impartiality. There already is one: it is called the BBC Trust. Is he saying that the BBC Trust should be abolished and that nobody should oversee the BBC's output? He said that there should be no referee, but there is a referee. Is he saying that that should no longer be the case and that there should be a free-for-all at the BBC?

Mr McFadden: The fact that there are processes in place proves, rather than negates, my point. We have trusted broadcasters in this country and I do not agree with trying to intimidate them in any of these referendums. They should be allowed to do their job.

10.15 pm

John Nicolson: Since the right hon. Gentleman has raised the issue of intimidation twice, is he aware that the father of the chapel at BBC Scotland said that far from being intimidated by the protesters, the main intimidation broadcasters felt was in fact from the Better Together campaign? The father of the chapel has no dog in the fight, as I am sure the right hon. Gentleman knows.

Mr McFadden: I will just say that if the hon. Gentleman takes a sense of pride from the demonstration that took place in Glasgow, he is entitled to his view, but that is certainly not something I would feel. I do not think it was the finest moment in that referendum campaign.

On the date of the referendum, we have said all along that it should not be held when other important elections are taking place. In Committee, the House accepted a Government amendment ruling out the date of the elections due in May 2016. Our amendment 15 would also rule out holding it on the date of the elections due on 4 May 2017. I am glad to see that the Foreign Secretary has added his name to amendment 12, which would have the same effect.

Government amendment 23 deals with the new question wording put forward last week by the Electoral Commission. The Opposition respect the work of the Electoral Commission. Its job is to examine referendum questions and to comment on them. We therefore accept the change it suggests, but may I ask the Minister a couple of questions? Has he asked the Electoral Commission why it was appropriate to approve the question "Should Scotland be an independent country?" on a yes/no basis without an alternative statement about remaining part of the United Kingdom being deemed as necessary? Has he asked why a yes/no question was approved for the referendum on the alternative vote a few years ago, but is not deemed appropriate this time? Does he know if this decision should be considered a one-off for this referendum, or whether we should

[Mr McFadden]

expect all future referendums to be a choice between two alternative statements, rather than yes/no in answer to a proposition, as has often been the case in the past? As I said, we accept the new wording, but would like to know more about the reasons behind it and the contrast in the approach taken with other recent referendums.

Amendment 16 calls for a White Paper to be published outlining the terms of any renegotiation settlement the Prime Minister has reached and the consequences for the UK of leaving the European Union. We believe this is important because the referendum needs to examine not only our current relationship with the EU but what leaving might mean for the UK. This, too, was touched on in Committee. The Minister for Europe indicated at that point that the Government may produce a White Paper. May I press him on this tonight? Has further thought gone into that, and can he tell the House definitively that that will be the case? This is important, because voters deserve as much information as possible about what the decision on Britain's future means. This will in the end be a choice between two futures and there should be information about both of them. Our amendment states that such a White Paper should be published at least 10 weeks before the poll, well away from any of the discussions about purdah, which applies to the final 28 days of the referendum period. We are not calling for Government information to be sent to every household, or for this to be a last-minute intervention. We are saying that at least 10 weeks from the poll it will be important to have a proper view on remaining and leaving. What does anyone advocating leaving have to fear from the consequences of doing so being set out in a White Paper?

This section of the amendment paper contains many other amendments, a lot of them dealing with technical points about registration, reporting and other issues, but the amendments on 16 and 17-year-olds, the White Paper and my other comments touch on the issues that we believe we should focus on in the period available to us.

Sir William Cash: I begin by referring particularly to my amendment on the impartiality of broadcasters. It will be observed that I have not confined my remarks exclusively to the BBC. I am aware, having been on the Broadcasting Bill in the 1990s, that the broadcasters have different regimes: the BBC has a royal charter and the other broadcasters are regulated by statute. I introduced an amendment to the second of the two Broadcasting Bills to ensure impartiality that was accepted by the now Baroness Bottomley when she was Secretary of State. Impartiality is a fundamental necessity in relation to the function of broadcasters. Given that £3.7 billion—I think—of the BBC's total annual income of over £5 billion comes from the taxpayer, I think the taxpayer has an absolute right to be certain that there is no manoeuvring and completely unbiased reporting and comment.

I was deeply disturbed, as Chairman of the European Scrutiny Committee, when I set up an inquiry into the BBC's handling of European issues, against a background that I will explain in a moment, when the right hon. Lord Patten, then BBC Chairman, refused three times to appear before the Committee. I had effectively to

require him to do so through the aegis of the Liaison Committee, which unanimously supported my proposal. I had exactly the same experience with Lord Hall, who also refused three times. I again had to use the aegis of the Liaison Committee to ensure he appeared, which eventually he did. On the other hand, Rona Fairhead, who is now the Chairman of the BBC Trust and who did not have the protection of being a Member of the House of Lords, did appear. The correspondence, which is set out in our report, is interesting to read. Whatever the excuses given, both Lord Hall and Lord Patten, as Members of the House of Lords, were in a position to refuse a summons from a Select Committee. This seemed completely extraordinary, and eventually, through the good offices of the then Chairman of the Liaison Committee and others, both of them did eventually acquiesce, although Lord Patten subsequently resigned because of ill health. The bottom line is that it was a very serious situation.

It has been claimed in evidence to us, which I am now slightly paraphrasing, that the BBC is effectively completely independent. This is simply not the case. First, it has to report to Parliament. Secondly, its representatives ought to appear in front of Select Committees. I have to say that they do appear before the Public Accounts Committee and the Culture, Media and Sport Committee, but I am talking about the European dimension, which is my main concern and which is relevant to the conduct of the Bill, and to how the taxpayer will be affected if there is not complete impartiality.

The late Hugo Young, whom I knew extremely well, wrote a book called "This Blessed Plot". I have known him since we were about 10 years old. We both lived in Sheffield and more or less grew up together in our respective ways. We were not very close friends, but knew one another well enough. He went to Oxford as I did: he went to Balliol, I went to Lincoln. We used to speak to each other. He went on to become one of the most celebrated journalists in our time.

Mr Speaker: Order. I hope that the hon. Gentleman will not be too modest or self-effacing to inform the House that there is a chapter in that book named after him and devoted to a study of his activities.

Sir William Cash: I do not know what to say. That is true. I did not know it was going to be written. In a discussion over lunch during the Maastricht period, I heard Hugo Young, one of the greatest journalists of his generation, say "Bill, you've got *The Daily Telegraph*, *The Times*, the *Daily Express* and the *Daily Mail*; we've got the BBC." I thought that was pretty revealing. The bottom line is that there is a serious concern here, although I believe it is now potentially capable of being remedied.

The BBC remains the most important source of news for the country. An Ofcom survey in 2013 noted that 34% of those who consume news named BBC 1 as the most important news source to them. According to Ofcom's calculations, the BBC has the highest share of each of the platforms on which it has a presence—56% on television, 64% on radio and 27% on the internet. As reflected in the conclusions of the European Scrutiny Committee report, after evidence was taken from wide sources, 58% of the public look to the BBC for the news they trust. This is very important, and we

need to be certain about the degrees of impartiality maintained during the referendum campaign—not only for taxpayers and licence payers, but for voters, 58% of whom, as I say, look to the BBC for the news they trust. It is a hugely important issue.

Correspondence published recently by the Secretary of State for Culture, Media and Sport, following the report of the European Scrutiny Committee, is also important. I sent a copy to him as well as to the Prime Minister and others. The Secretary of State wrote to the chairman of the BBC Trust, which has the responsibility for enforcing BBC standards. He said that the corporation's coverage of Europe had not been "faultless" in the past. A committee had been set up—in 2005, I believe—called the Wilson committee, which was extremely critical of the manner in which the BBC covered European issues. I was not surprised when I discovered from another source—I hope I am right in quoting it—that when it comes to newspapers, people in the BBC tend to come from what might be called *The Guardian* stable. The figures on that were interesting.

10.30 pm

The Secretary of State went on to say that

"complaints about the BBC's referendum coverage should be adjudicated on within 24 hours"

—which is what my amendment says—

"amid fears 'partial' treatment",

as he put it,

"could mislead voters."

We know that the Department for Culture, Media and Sport has looked at the European Scrutiny Committee's report, in which we were very critical. It was a unanimous, all-party report, which did not present just one side of the equation; many Committee members who were on the left of the party agreed with our conclusions.

I am quoting from a report that was published only a few days ago in *The Daily Telegraph*, but I have the full correspondence, which has been made available through the Secretary of State and is, I believe, on the DCMS website. The Secretary of State said to the trust that, although he was not going to accept my amendment as such,

"I am sure that you will agree that the coverage of this referendum by our broadcasters must be beyond reproach."

That is absolutely axiomatic. As I said during an earlier debate this afternoon, this is not a debate about Conservatives versus Labour, SNP, Liberal Democrats and others. It is about the question "Do you want to remain in the European Union, or do you want to leave?" That is a national issue. The BBC's charter must guarantee that it will conduct a proper and fair analysis, ask the right questions, and carry out the research properly. It must also guarantee that the BBC will ask the right people on to the programmes, and ensure that they are given an opportunity to answer the questions properly.

Philip Davies: My hon. Friend rather glossed over the Wilson report, but it is important for us to remind people what Lord Wilson said. He said:

"While we have found no evidence of deliberate bias in BBC coverage of EU matters, we have found that there is a widespread perception that it suffers from certain forms of cultural and

unintentional bias...The problem is complex. In essence it seems to be the result of a combination of factors including an institutional mindset"

and a lack of knowledge about the European Union. He also said:

"The BBC needs to take more care in the selection of interviewees."

Does my hon. Friend agree that all the problems that Lord Wilson identified about the BBC coverage, whose existence the BBC itself accepted, are still there today?

Sir William Cash: There is a case, which my right hon. Friend the Member for Wokingham (John Redwood) touched on earlier, relating to the business news. In its report, our Committee referred to the business section which comes on at about six o'clock in the morning, and to what I hope will not continue to be a stream of people putting forward the pro-EU case. Given that the charter itself is under review and a consultation period is in operation, we look to the Secretary of State to ensure that the opportunity is taken to address this question as part of the review, and that includes addressing the question of public purposes.

The basis on which a chartered body operates is reference to the objects of the charter, and those public purposes do not specifically include the impartial delivery of commentaries and news. The question of the charter is linked to the guidelines, and the guidelines are rather like a statutory instrument: they must have regard to what the charter says. On the other hand, the charter itself should specifically ensure that in its wording, impartiality is an absolute.

John Redwood: Has my hon. Friend ever heard a BBC journalist ask someone how they would like to spend all the extra money we would have if we did not make a contribution to the EU, or is it just my bad luck that I have never been around when they asked that?

Sir William Cash: There have been suggestions, of course, that the BBC has been in receipt of money from the EU. My hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who is not in his seat at the moment—he usually is—put that question to Mr Harding, and we were hoping we would get further information on the matter. We have, however, invited Lord Hall to return and he will be coming back to see the Committee quite soon. He has accepted the invitation this time—he has not been required to appear—and we are looking forward to getting an answer to that question, and many others.

Mr Nuttall: Perhaps when Lord Hall does appear, we might put a point to him about choosing interviewees, which is just as relevant in respect of businesses. We might suggest that when the BBC is seeking an anti-European Union viewpoint, it should not always go to members of UKIP, because there are members and supporters of all parties—not just the Conservative party, but the Labour party, too—whose views it could, and should, be seeking.

Sir William Cash: The hon. Member for Luton North (Kelvin Hopkins) and other Labour Members on my Committee put that very question to the witnesses—Lord Hall and Mr Harding in particular, as well as Rona Fairhead—because it is essential that all sides of the

[Sir William Cash]

arguments are heard. As I have said repeatedly in this debate, this is not a party political issue in the sense that it is not Conservative versus Labour. The very fact that the referendum has been set up and the question is “Do you want to remain in or leave?” means that it is a national issue and therefore all the broadcasting authorities, including the BBC, must have regard to the fact that we are passing over in this Bill the entire conduct of the referendum. That means it must be conducted not on a party political basis, but on yes versus no and on the question: “Do you want to remain in or do you want to leave?” Therefore there must be impartiality. We do not just want a Eurosceptic view. Some might think, “I would want that, wouldn’t I?” but actually, no; it must be done on an impartial basis.

It is rather strange that the BBC was somewhat dismissive of News-watch, an organisation that runs a comprehensive analysis of all news programmes—who goes on, what questions are asked and the whole conduct of the BBC output. I am afraid that it seems to me that the BBC was somewhat dismissive of that, to say the least. I believe from what I have heard that the BBC does not in fact have its own monitoring system. If it does not have its own monitoring system, how is anybody to know whether or not it has been impartial, because that is like looking for a needle in a haystack? We do not have the facilities to be able to conduct the analysis for ourselves, but the BBC has £5 billion and I would have thought that was the least it could do.

John Nicolson: May I ask the hon. Gentleman the same question I asked earlier—although I might of course have overlooked his comments on this on billcash.com? Does he now regret the fact that the Conservative party acted as a cheerleader for bias during the Scottish independence referendum, and does he accept that that set something of a precedent for one-sided BBC coverage in referendums?

Sir William Cash: I do not blog so I am not in a position to answer the hon. Gentleman’s question. All I can say is that I would deplore any bias whether in the Scottish referendum or the European referendum, or indeed in just normal current affairs.

To return to my point, there is the facility for this if the BBC steps up to the mark and does in full what the Wilson committee report recommended and, more than that, what is in line with what the Secretary of State is now proposing. This is a hugely important question given that according to the BBC 53% of the British people depend on it for the news they trust.

John Nicolson: Would the hon. Gentleman accept, however, that apparently with the sole exception of the right hon. Member for Wokingham (John Redwood), there was broadcast silence from Conservative Members when there were dramatic examples of corporation bias during the Scottish referendum coverage? With all due respect, I never heard the hon. Member for Stone (Sir William Cash) utter a cheep in complaint about that, which makes us feel a trifle cynical about his motivation. One feels that it might just be about Europe rather than bias.

Sir William Cash: I do not want in any way to sound as though I am drawing on the fact that I have been in the House for 30 years, but with great respect, the hon. Gentleman ought to know that I am not known for dodging issues or not taking a serious point seriously. If I did not say anything at the time, I do not regard that as a fault on my part, but if he is right about how the BBC dealt with the issue, I deplore it. I think that is all I can say on that subject for the moment.

The BBC recently published an annual report that was rather critical of the fact that Select Committees ask questions about the BBC’s performance on so-called editorial independence. I am not denying that it is important that the BBC should have a degree of independence in order to be impartial, but I think I have made the case that there has not been the complete impartiality that we believe the BBC should deliver to the British public. That is perhaps for lack of a monitoring system, or perhaps because of a certain cultural bias of the kind that my hon. Friend the Member for Shipley (Philip Davies) mentioned, and we can see it in the evidence that we have accumulated in the European Scrutiny Committee and in the reports of News-watch.

What I read in a recent article by Rona Fairhead, the chairman of the BBC Trust, was peculiarly unsatisfactory. She stated in that article, published in the past week or two, that

“the BBC needs to be driven by evidence and fact, not by prejudice”.

However, in addition to what the annual report had said, she effectively stated that the BBC should not be subjected to Committee questions in the way that it is. I can only assume that she meant the European Scrutiny Committee, but perhaps she meant the Culture, Media and Sport Committee as well—my hon. Friend the Member for Shipley asks some tough questions when people from the BBC appear in front of that Committee. Rona Fairhead stated:

“Research carried out for the trust”—
on what basis I do not know—

“shows clearly that the public see a need for independent scrutiny and regulation, but they want this done by a separate body representing licence fee payers, not by politicians.”

However, we have overarching responsibility for the accountability of Ministers, and of the BBC, which has to appear in front of the Public Accounts Committee and so on. Rona Fairhead’s article continued:

“That independence has needed defending over decades, not just from governments but also from parliament, with a growing tendency in recent years for select committees to question BBC executives about detailed editorial decisions.”

That is quite an extraordinary statement.

We took evidence and legal advice, and the bottom line is that the BBC does not have complete, unfettered independence, editorial or otherwise. It has to comply with the charter. We make it clear in our report that we expect the impartiality requirements that are embedded in the framework agreement and other documents to be complied with in the light of what the charter states. The first port of call is what the charter says and unfortunately we felt, very strongly and unanimously, that the BBC had fallen short. We look to it to remedy that. I have referred to the correspondence on 15 and 18 June between the BBC Trust, Ofcom and the Secretary of State. I do not have the time to go into its recommendations in detail, but there seems to be recognition that something has to be improved.

10.45 pm

Philip Davies: Does my hon. Friend agree that the BBC Trust is not good enough to regulate and monitor the BBC's coverage, because not only does it regulate the BBC, but it is a cheerleader for it as well? That means that it is not in the best position to be an independent monitor of the BBC's output, and the BBC Trust chairman's rather snooty view of politicians having any say in what goes on is undermined by the fact that she herself is appointed by the Secretary of State for Culture, Media and Sport.

Sir William Cash: From what I have observed from press reports and elsewhere, she appears to have accepted that the BBC Trust is in need of significant reform. The general thrust is that the BBC Trust is bust. Basically, there will have to be a new system, and that is what the correspondence to which I have referred indicates.

Former BBC commentator and employee Robin Aitken's book, "Can We Trust the BBC?", covers many matters related to the European Union. I also recommend Peter Shore's book, "Separate Ways", the introduction of which contains some extremely pertinent views of the BBC as being deeply biased on EU matters, going back to meetings in the Connaught, alleged connections with the CIA and other similar issues.

News-watch has demonstrated the truth that

"in crucial respects, the BBC has not provided the Committee clear evidence that its EU-related output is properly balanced, informative and wide-ranging across all its platforms—or that the Corporation has raised its game in the ways urged by the Wilson report."

I have given many of the reasons for that, and more will have to come out in our next inquiry.

John Nicolson: What would the adjudicator's role be vis-à-vis the BBC Trust? Would the adjudicator have primacy over it? Would the trust's power to make a ruling on the issue of bias be removed, or would the two compete with each other, giving perhaps contradictory rulings?

Sir William Cash: New clause 1 states:

"Notwithstanding any enactment or legal instrument",

so that would affect the Broadcasting Acts and the charter. Under my proposals, the Secretary of State would make provision by regulations

"to ensure the impartiality of broadcasters during the referendum period."

There would also be a requirement for

"the appointment by the Secretary of State of a referendum broadcasting adjudicator",

who would be completely separate. In effect, during the referendum period, the adjudicator's arrangements would take the place of those of existing broadcasting authorities and the BBC. I do not dispute the fact that the Government do not want to go down that route, but it has emerged from the correspondence between the Secretary of State, Ofcom and the BBC Trust that serious discussions are taking place to make sure that the BBC and broadcasting authorities generally are properly impartial during the referendum campaign. There are those who do not think that there is a problem, but there are many who think there is, and that it needs to be rectified.

Even if the Government do not accept my amendment, the elements that I have described will need to be addressed in the charter review. The problem is that it is highly possible, if not probable, that the conclusions of the charter review will emerge after the referendum. It is therefore a matter of urgency that we sort this matter out in the run-up to the referendum, and before the charter review is completed. We shall look into this in the European Scrutiny Committee proceedings, to which we have invited Lord Hall, and we will continue to look into it because we believe that it could have a significant bearing on the outcome of the referendum if the situation is not remedied. If, on the other hand, the matter is taken seriously by the BBC and the broadcasting authorities, we will be able to find a solution in the framework of the existing legislation. This is a really serious matter.

I will not spend too much time on the other amendments, except to say that I think I will get an interesting response from the Minister to my amendment 1, which proposes a referendum period of not less than 16 weeks. I shall therefore not dwell on that one. We have to have a proper length of time for the referendum, so that the arguments can be properly put and understood on all sides.

New clause 11 deals with the limit on the expenditure of registered political parties. We have taken advice on this, because it is a matter of grave concern that the political parties, three of which are known to be pro-EU in the broadest sense, might find that they had too much money at their disposal, or at any rate have what we think is too much money if we look at this from the point of view of those who wish to leave. We have proposed a cumulative limit of £14 million. We have also proposed:

"Each political party's share of the cumulative limit shall be determined in proportion to its share of the total votes cast at the general election that took place on 7 May 2015."

The new clause also proposes that

"the Electoral Commission shall calculate and notify each political party of its share of the cumulative limit."

For practical purposes, I look to the Minister to give me his view on that one.

In addition, I have tabled amendment 3, which states:

"Regulations made under this Act or the 2000 Act in respect of the referendum must be made and come into force not less than six months before the start of the referendum period."

We discussed some aspects of that in the debate on the previous group of amendments. A further amendment relates to the question of permitted participants and the European Union. I should add that quite a lot of my amendments have been endorsed by the Electoral Commission. The Minister can no doubt refer to that body as he goes through the amendments. This is not just a matter of Back Benchers coming forward with proposals; I have been in discussion with the Electoral Commission on many matters, including my amendment 78, which we covered in the previous debate. The commission endorsed that amendment, but unfortunately it was not accepted by the Labour party.

A significant number of Members have signed my amendment 2, which proposes that

"a permitted participant must not accept a relevant donation, irrespective of whether or not it meets the requirements of the 2000 Act and this Act, if the donation is funded directly or indirectly in whole or part from moneys, resources or support disbursed or allocated by or at the direction of the European Commission, its agencies or any related European institution to the donor or via other parties to the donor."

[*Sir William Cash*]

The object is to ensure that no funds come from the European Union for the purposes of promoting pro-European arguments, including, obviously, the yes vote. It is an important amendment, and my hon. Friend the Member for Wycombe (Mr Baker) has sensibly suggested that we add the words

“Notwithstanding the European Communities Act 1972”,

just to make sure we do not slip up by finding that there is some law in the European Union that would contradict our proposals.

Mr Baker *rose*—

Sir William Cash: Before my hon. Friend intervenes, I ought finally to add that the Electoral Commission does not agree with this.

Mr Baker: My hon. Friend has taught me many things, one of which is the importance of brevity.

Sir William Cash: I entirely agree with that, which is why I will now sit down.

Mr Speaker: The hon. Gentleman has concluded his speech. We are grateful to him.

Patrick Grady: I shall speak relatively briefly to the SNP amendments put forward by my hon. Friend the Member for North East Fife (Stephen Gethins). As he said, the rules, regulations and conduct of the Scottish independence referendum represent a gold standard for referendums and political engagement more generally.

When the EU referendum does reach the streets and town halls of the UK, Members in this Chamber might be in for a bit of a surprise about people's willingness to engage in that debate. Key to that political engagement is the right of 16 and 17-year-olds not only to vote but to participate in the debate. They galvanised and energised the debate on the independence referendum. Their generation will have to live with the consequences of this vote for longer than any of us, so it is only right that they should be included. The Scottish Parliament has just enfranchised 16 and 17-year-olds with the vote. As a result, a 16-year-old in my constituency faces being able to vote in the Scottish Parliament elections in 2016 and in the local government elections in 2017 but being denied the right to vote in the EU referendum, which will fall at some point between or shortly after those elections.

That leads us to the question of timing, where the Government seem to have been scrambling to keep up with the demand for clarity. At the last stage they had to confirm that the referendum would not clash with the Scottish Parliament or Welsh Assembly elections, and now they are introducing amendments to say that it will not clash with local elections specifically planned for 4 May 2017. The SNP amendment asks for a clear three months on either side. There are good reasons for that, not least the amendment that has just been passed on *purdah*, because of course a *purdah* period will also apply to the Scottish Parliament elections. Perhaps the Minister can advise us on what will apply in advance of local government and London mayoral elections, but either way we are looking at having two *purdah* periods

in a relatively short time, depending on the date the Government choose. That can be avoided by accepting the SNP amendment and giving ourselves those three months clear on either side before another election takes place.

There are additional benefits to having that clear run-up to the date of the referendum. I saw major benefits in holding the Scottish independence referendum in September, not least because it gave us a good long period of campaigning during the glorious summer for which Scotland is renowned and which it experiences every year but experienced particularly last year during the Commonwealth games. That led literally to engagement on the streets, with stalls, petitions and conversations that would not have happened if the referendum had come in May. But the precise month is less relevant to this than the length of time available; no matter the exact date, what was crucial was the good period of time available for a free and full debate.

Allowing three months on either side of the referendum gives it the respect and the place that it is due in our national discourse. I think some Members on the Labour Benches have been surprised to see so many people filling out town halls because of an election. Such a thing is no surprise to us in Scotland who have seen a democratic reawakening and an engagement with the political process that was brought about by our independence referendum. We have the opportunity now to do the same thing. It does not matter what we believe in or how we vote in the referendum. Like my right hon. Friend the Member for Gordon (Alex Salmond), I am pro-European to my fingertips, and I look forward to shedding light on the positive case for remaining in the European Union. No matter what side we support in the EU referendum, we should allow that space and time to be made available.

11 pm

We do not want the referendum to be conflated with any other vote that may be taking place. The Government may want to cast their mind back to the alternative vote referendum, which was completely lost in Scotland—perhaps rightly so—in the debate on the Scottish elections. Elsewhere in the UK, the vote effectively became a referendum on the popularity of the Con-Dem coalition, and it went decidedly against the result that the Deputy Prime Minister wanted. Perhaps in 2017, or whatever date is picked, the Prime Minister should consider whether he wants this vote to turn into a referendum on the popularity of the Government rather than on the question of the UK's membership of the European union.

Finally, in an earlier intervention, I mentioned new clause 3, which has not been selected but which makes a very important point. It called for a double majority across the United Kingdom before we leave the European Union. A majority of votes in favour of leaving should be cast in each constituent part of the UK before withdrawal can take place.

Mr Nigel Dodds (Belfast North) (DUP): I am interested in this idea of double majorities. Obviously, giving a veto to each of the constituent countries of the United Kingdom would be very useful in certain contexts, but does the hon. Gentleman think that it should be something that applies to all national referendums in future, including one on changing the voting system?

Patrick Grady: That is quite an interesting proposition and it is certainly worth considering. We were told that Scotland should be leading, not leaving, the UK. If we are to have a respect agenda and a family of nations, perhaps that is the kind of thing that we should be considering. As I said earlier, it is precisely the principle that this Government want to introduce in their proposals for English votes for English laws. Therefore, legislation, which can always be revisited and amended in different ways, will be subject to a double majority in this House, but a fundamental, decisive and long-term principled decision on our membership of the European Union will be denied that opportunity of a double majority when we are trying to decide the future of the United Kingdom and its role in the modern world.

Like much of what we have tried to do in this House since being elected, the SNP has tabled amendments on the basis of what we were told during the independence referendum. We heard that Scotland was a valued member of the family of nations and that we should be leading the UK, not leaving the UK. But we now face the prospect of Scotland's 16 and 17-year-olds and European Union citizens being denied a vote on this matter of vital importance. The date of the referendum is being chosen on a whim to suit the political expediencies of the Government rather than to allow a free and fair debate. Worst of all, Scotland's citizens are being forced to leave the European Union even if they vote to stay in. That does not suggest a respect agenda. It might be that some of us see that as the kind of material change that requires a fresh evaluation of Scotland's place in the United Kingdom.

The SNP has tabled clear and sensible amendments that are consistent with the points that we have made throughout the passage of this Bill. If the EU referendum is to be seen as free and fair, the rules must be clear and based on consensus. We do not have to look far to see what the gold standard of a referendum process should be. I hope that the Government will listen, but I fear that, as on so many issues, they will not.

Sir Edward Leigh: I wish to support my hon. Friend the Member for Stone (Sir William Cash) and his new clause 11, but the House will be relieved to hear that I shall do so rather more briefly. There is a quote by Sir Winston Churchill in the No Lobby, which says that he wants to spend the first million years in heaven painting. As much as I love my hon. Friend, I fear that I might spend the first million years in purgatory listening to his speeches.

Sir William Cash: Shame. You might learn something.

Sir Edward Leigh: My hon. Friend has identified an important point. The Minister will remember that I made precisely this point in my amendment 53 in Committee, before our summer break.

Although there has been a lot of fire and emotion and a vote tonight about purdah, the question of spending by both sides is probably more important. Lord Lamont, the former Chancellor, has written a number of articles about it. It is incredibly important when we have the referendum that we get a sense of closure. At the end of this, whatever the result, people should feel that it has been broadly fair. Otherwise, we might reap the whirlwind. We should remember what happened after

the Scottish referendum. If the yes campaign should win, we do not want to create a sense of unfairness for the other side.

I know that my hon. Friend the Minister has taken seriously the points I have put to him. In our earlier debates, the way he put it was that there should be a "broad equality" of forces, but we fear that that simply will not happen. Although there are sensible, firm and clear limits on how much public money will be available to the no and yes campaigns—say, £600,000 or something on each side—and that is completely fair, the party establishment of the main political parties, the Conservative party, the Labour party, the Liberal party, and the SNP, will almost certainly campaign to stay in Europe. Their ability to spend will be based on the votes that they got, with the Conservative party allowed to spend £5 million, the Labour party £4 million, the UK Independence party only £3 million—they will be the only people on the other side—and the Liberal Democrats £2 million. We could reach a situation in which the yes campaign is spending up to £17 million and the no campaign only £8 million.

That has already happened once before. In 1975, the no side was outspent 10:1, which simply cannot be fair. When I put those points to my hon. Friend the Minister in the past, he said that although he accepted that morally and logically there was force in my arguments, that was not in our tradition, as we do not have limits for general elections. I am sure that he will make the same argument again tonight. However, a general election is somewhat different. Separate political parties all have their own position that they are putting forward, rather than ganging up, in a sense, on one side of the argument. There is no sense of unfairness at the end of the process, or a sense that one important political point of view has been massively outspent by the other side.

Although I accept that the Minister will make those arguments, I hope he will feel that there is some sort of moral force in what we have said. For instance, the official yes side in the AV referendum spent £3.436 million and the official no side spent £2.995 million. There was a broad equality in what the yes campaign and no campaign were spending on the AV referendum, was there not? I think we all felt it was a fair referendum. The arguments were put, there was a clear decision and people accepted it. Surely we do not want to be in the situation that has arisen with so many other referendums in Europe, in which there is a sense that the political establishment—the European establishment—has a massive imbalance of resources on its side when it comes to spending. That creates a sense after the referendum that it has somehow been unfair.

Our sole UKIP Member is not present for this important debate, but we do not want to create a situation like the one that existed after the Scottish referendum, do we? There was suddenly a great surge in support for the SNP, and we would not want to recreate that position. [HON. MEMBERS: "Why not?"] There will not be a surge in support for the SNP after this referendum; there might be a surge in support for somebody else, which SNP Members might not welcome.

I hope that when the Minister replies to the debate he will try to convince us that the Government do want a broad equality of resources during the campaign, so that we can feel that the yes and no campaigns have put their points of view fairly, that the public have listened to their arguments and that a fair decision has been made.

Tom Brake: May I say what a pleasure it is to take part in this debate? Certainly, for some Members on the Government Benches it is as though two Christmases have come at once—the BBC and the European Union. Had we also been able to debate political correctness, traffic wardens and road humps, their ecstasy would have been complete.

Philip Davies: And wiping out the Lib Dems.

Tom Brake: And wiping out the Lib Dems would be the final segment.

I want to make a few points about amendments 8, 19, 17, 20, 21 and 23. With regard to votes at 16 and 17, I will not repeat the arguments that have already been set out on Second Reading and in this debate, but clearly it is something we support. One of the fundamental reasons why we support votes at 16 and 17 in the EU referendum is that young people could be deprived of the benefits of our EU membership, such as the ability to live and work abroad. That would be extremely regrettable, because it would close down their options.

Amendments 20 and 21 were tabled by the hon. Member for Ilford South (Mike Gapes), who is no longer in his place. I assume that he did so—I support him in this—to try to initiate some sort of debate, because one thing that is sorely lacking in debates on our membership of the EU is the impact that pulling out would have on UK citizens who live elsewhere in the EU and on other EU citizens who live in UK. I think that he was trying to trigger that debate, because those who support leaving the European Union have to start talking about that. It is only fair that they set out what they think the impact would be on the millions of EU citizens who live in the UK, and on the millions of UK citizens who live elsewhere in the European Union.

When the right hon. Member for Wolverhampton South East (Mr McFadden) referred to precedent, I hope that he was not saying that the Labour party could not move on the issue of votes for EU citizens in the UK simply because there was no precedent for that anywhere else in the EU. If we always waited for a precedent to be set, we would never do anything. I hope that there are other reasons why the Labour party cannot support that, although it was not entirely clear what they were. All he referred to was the fact that precedents elsewhere in the EU were against that happening.

Government amendment 23 relates to the wording of the referendum question. Like the official Opposition, we accept the wording put forward by the Electoral Commission, but we are disappointed that it is more complicated than the original question. Indeed, the Electoral Commission has suggested in its own findings that the change was not necessary because there was no evidence to suggest that the original question resulted in participants changing their voting preferences. I am slightly confused about why the Electoral Commission then felt that it was necessary to put forward an alternative and more complicated question, but that is where we are and that is what it has set out.

Mr Nuttall: I am a little confused about why the right hon. Gentleman thinks that the words “remain” and “leave” could possibly be confusing to anyone. Surely it is perfectly obvious that “remain” means stay in, and “leave” means get out.

11.15 pm

Tom Brake: To us as we debate it, potentially it is quite clear what the two mean, but I think that the hon. Gentleman might accept that, outside this Chamber, the original question was simpler. There is the risk that people will be more challenged by the alternative question proposed by the Electoral Commission.

Mr Nuttall *indicated dissent.*

Tom Brake: I see the hon. Gentleman shake his head. I am sure he has attended counts, looked at people's ballot papers and tried to work out the reasoning behind the decisions taken in for example, crossing two boxes rather than one during a general election, or in the more confused voting that takes place in elections where there are multiple choices. The question and the way in which people participate in the referendum does present challenges and lead to difficulties, which is why a simpler question is always the better choice. However, the Electoral Commission has recommended this question, the Government are implementing its recommendations and, with some misgivings, we will support that.

Mr Baker: A great many fascinating and important points have been made about impartiality of the media and spending by political parties. I will speak briefly about amendment 22 and my amendment (a) to amendment 2, tabled by my hon. Friend the Member for Stone (Sir William Cash), which deals with the EU institutions and their spending.

It has been put to me that if the EU institutions spent heavily in the referendum campaign, it would greatly assist the campaign to leave, particularly if some of the Commissioners came over on speaking tours and explained their plans for a federal Europe. Notwithstanding that, it is a matter of concern that the EU institutions might end up being the only unregulated parties in the course of the campaign. I am therefore keen to hear the Minister's thoughts on spending by the EU institutions, but I know we all want to hear him cover the wide range of points made during the debate, so I shall sit down.

The Parliamentary Secretary, Cabinet Office (John Penrose): This is a very large group of amendments, covering almost the entirety of the Bill, it is late and I have less than 10 minutes, so I shall skip lightly over anything covered during Committee stage with the Leader of the House and focus on the new points and the new areas raised this evening. I commend all the Government amendments in the group and will try to summarise the most important ones briefly, before moving on to some of the others in the group.

First, there are amendments dealing with changes to the campaign rules. They broadly have the support of the Electoral Commission and will ensure that the Bill and PPERA operate together and that campaigning is fair and transparent. They include changes to allow the lead campaigns to be designated quickly if needed, so that they do not cut into the short 10-week campaign period, and to allow the Electoral Commission to reject applications from campaigners with offensive or obscene names. Second are the amendments dealing with changes to the administration rules. They are all technical and deal primarily with the interaction between UK law and Gibraltar law. Third are amendments

responding to concerns raised by Members in previous debates to rule out holding the referendum on 4 May 2017 and to add Irish citizens resident in Gibraltar to the franchise.

I will deal first with clause 2 and the referendum franchise. Quite a lot of this was dealt with in Committee, and given the limited time, I will have to skip very lightly over it. I will, however, mention Government amendment 24, which makes a small change to permit Irish citizens resident in Gibraltar to vote in the referendum to bring equality to who can vote in the UK and Gibraltar. The Government of Gibraltar support the change, and I am pleased to see consensus across the House with an Opposition amendment for the same purpose, amendment 18, having been tabled. I am grateful to my hon. and learned Friend the Member for Sleaford and North Hykeham (Stephen Phillips) for raising the matter in Committee.

Given the limited time I have, I do not propose to spend a great deal of time—in fact, any—on votes at 16, because we covered it in Committee. I will come back to the issue of EU citizens at the end, if time allows, but there is an awful lot of other ground to cover.

As I said, the Government amendments on campaigning broadly have the support of the Electoral Commission and will ensure that the Bill and PPERA operate together and that campaigning is fair and transparent. On designation and the time allowed for the campaign, we have proposed changes which I hope will please my hon. Friend the Member for Stone (Sir William Cash), as they address concerns he raised with me in Committee and again this evening. He was worried that we should have a full 16-week campaign and that designation should not eat into the final 10-week short campaign period. I promised him that we would find an answer to make sure that it did not. These changes mean that the required statutory instrument to fix the date for the referendum should, as is usual for an affirmative resolution, take six weeks to go through the House. Only once that process is complete does the 10-week short campaign period start. Obviously, six plus 10 equals 16. I hope that my hon. Friend and others will be reassured that we will have adequate time to debate during that entire 16-week period.

Equally, it is important that the designation process means that the decision on who are the lead campaign groups for the “in” and the “out” campaigns is properly arrived at that and those groups are clearly designated before the start of the 10-week campaign, since that will allow them to access the money that designation as lead campaign groups allows and also to spend that money correctly to put their points as strongly as possible during the last 10 weeks of the campaign. We have therefore decided to table an amendment that will allow the designation process to be done via a negative resolution and, if necessary, for that resolution to take effect immediately on the day, at the latest, that the SI setting the date for the referendum is tabled. That will mean that while the SI setting the date is going through Parliament, the work by the Electoral Commission to designate lead campaign groups can be going on in parallel and will be complete on or before the start of the 10-week period so that designation will be complete in time for the full 10 weeks to be carried out properly. I hope that that answers, very briefly, the major concerns that were raised in Committee and again here today.

I should also mention that the negative resolution I have described would need to take effect very promptly on the day that it was tabled. That is unusual; we usually wait for two to three weeks after tabling something before it takes effect. I have already spoken to the Chairman of the Joint Committee on Statutory Instruments to discuss the importance and exceptionality of getting the provision to take effect immediately rather than after three weeks. I look forward to working with him on this wherever possible.

I now move on to some of the non-Government amendments. Amendment 1, in the name of my hon. Friend the Member for Stone, would require that the referendum period be no shorter than 16 weeks. I hope we have already dealt with that and therefore do not propose to dwell on it any more strongly.

Amendment 3, also in the name of my hon. Friend, would require that the legislation be clear at least six months before it is required to be implemented or complied with. I think that his rationale is based on the Electoral Commission recommendation that the rules be clear six months before they are enforced. We can satisfy that recommendation in a slightly brisker and less onerous fashion, because we have already published the detailed draft regulations on how the vote should be held. They have been available in the Commons Library since July, and the Electoral Commission has been assessing them carefully too. The rules will already have been extremely clear for six months by spring next year, and I hope that that will give everybody plenty of chance to consider and absorb the details and subtleties as needed. I hope that my hon. Friend will therefore be able to withdraw his amendment.

New clause 11 deals with spending caps, which were mentioned by a number of colleagues. The new clause would mean that all political parties seeking to campaign in the referendum would not be able to spend, in total, more than £14 million. This would replace the individual spending limit set for political parties that register as permitted participants under the Political Parties, Elections and Referendums Act 2000. I think that my hon. Friend the Member for Stone is seeking to reduce the impact that political parties—presumably the major ones—can have in campaigning in the referendum, but I am afraid that the new clause would not necessarily achieve what he may intend. For example, assuming that the 11 parties had secured between them 99% of the general election vote, the Lib Dems and the UK Independence party would find that their spending limit fell by between 55% and 60% compared with the levels currently set in PPERA, and the Greens, Plaid Cymru and the Democratic Unionist party would find their allocations falling by over 90%. Instead of £700,000 each, Plaid Cymru, for example, would be stuck with a limit of £84,000.

If political parties wanted to get round my hon. Friend's proposal they could simply register several other permitted participants and funnel any extra money that they might have into them. Their total spending would be well above the limit that he suggests, and the new clause would not be able to stop it. It also opens up the option for political game playing, whereby parties may not want to campaign but simply register to impact on and reduce the limits of other political rivals. That would not reflect well on the quality of rules underpinning the referendum. I therefore hope that he will be able to withdraw the new clause.

[John Penrose]

I hope that I can reassure my hon. Friends in relation to the various amendments on the European Commission's role. For a start, neither EU institutions nor foreign Governments are legally permitted donors under UK election law, so any campaign group that took money from them would be committing an offence. I note that the Electoral Commission announced on Friday that it does not support the amendments for that reason. There are well tested rules, modelled on election rules, to prevent anyone from circumventing that by using middlemen. Equally, to take an example entirely at random, if my hon. Friends are considering supporting the out campaign, I gently suggest that any attempt by the EU to interfere in the campaign would be a huge boost to my hon. Friends' side, and although the EU is many things, it is not stupid, so I suspect that it already understands that point.

Time is very tight, but I propose to speak very briefly about the changes proposed to broadcasters' impartiality. I simply say that the existing regulators already have many of the required powers; the question is about turning principle into practice and getting them to use those powers. I am delighted to confirm that my right hon. Friend the Secretary of State for Culture, Media and Sport has urged them to do so. I therefore hope that we will not need to add any further regulators to the panoply that already exists.

I will sit down to leave the hon. Member for Ilford South (Mike Gapes), who moved the lead amendment, a few moments to round off the debate.

Mike Gapes: It is important to say that this has been a useful and interesting debate. The real debate is of course yet to come for the country. I will withdraw amendment 20, but the issues that I raised are pertinent to our country's democracy and are certainly of great concern to the millions of British people living in other EU countries, who feel that they are being disfranchised on a vital decision that could affect their wellbeing and future. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

11.27 pm

Five hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Amendment proposed: 17, page 2, line 2, at end insert "and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held." —(*Mr McFadden.*)

This amendment would entitle British citizens, qualifying Commonwealth citizens and citizens of the Republic of Ireland aged 16 and 17 to vote in the referendum.

Question put, That the amendment be made.

The House divided: Ayes 249, Noes 319.

Division No. 57]

[11.27 pm

AYES

Abrahams, Debbie	Anderson, Mr David
Ahmed-Sheikh, Ms Tasmina	Arkless, Richard
Alexander, Heidi	Austin, Ian
Ali, Rushanara	Bailey, Mr Adrian
Allen, Mr Graham	Bardell, Hannah

Barron, rh Kevin	Foxcroft, Vicky
Beckett, rh Margaret	Gapes, Mike
Benn, rh Hilary	Gethins, Stephen
Berger, Luciana	Gibson, Patricia
Betts, Mr Clive	Glindon, Mary
Black, Mhairi	Godsiff, Mr Roger
Blackford, Ian	Goodman, Helen
Blackman, Kirsty	Grady, Patrick
Blackman-Woods, Dr Roberta	Grant, Peter
Blomfield, Paul	Gray, Neil
Boswell, Philip	Green, Kate
Bradshaw, rh Mr Ben	Greenwood, Lilian
Brake, rh Tom	Griffith, Nia
Brennan, Kevin	Haigh, Louise
Brock, Deidre	Hamilton, Fabian
Brown, Alan	Hanson, rh Mr David
Brown, Lyn	Harpham, Harry
Brown, rh Mr Nicholas	Harris, Carolyn
Bryant, Chris	Hayes, Helen
Burden, Richard	Hayman, Sue
Burgon, Richard	Healey, rh John
Butler, Dawn	Hendrick, Mr Mark
Byrne, rh Liam	Hendry, Drew
Cadbury, Ruth	Hermon, Lady
Cameron, Dr Lisa	Hillier, Meg
Campbell, rh Mr Alan	Hodgson, Mrs Sharon
Campbell, Mr Ronnie	Hollern, Kate
Carmichael, rh Mr Alistair	Hosie, Stewart
Champion, Sarah	Howarth, rh Mr George
Chapman, Douglas	Hunt, Tristram
Chapman, Jenny	Huq, Dr Rupa
Cherry, Joanna	Hussain, Imran
Coaker, Vernon	Irranca-Davies, Huw
Cooper, Julie	Jarvis, Dan
Cooper, Rosie	Johnson, rh Alan
Cowan, Ronnie	Johnson, Diana
Cox, Jo	Jones, Gerald
Coyle, Neil	Jones, Graham
Crausby, Mr David	Jones, Mr Kevan
Crawley, Angela	Jones, Susan Elan
Creasy, Stella	Kane, Mike
Cruddas, Jon	Kerevan, George
Cryer, John	Kerr, Calum
Cummins, Judith	Kinnock, Stephen
Cunningham, Alex	Kyle, Peter
Cunningham, Mr Jim	Lamb, rh Norman
Danczuk, Simon	Lavery, Ian
David, Wayne	Law, Chris
Davies, Geraint	Leslie, Chris
De Piero, Gloria	Lewell-Buck, Mrs Emma
Docherty, Martin John	Lewis, Clive
Donaldson, Stuart	Long Bailey, Rebecca
Doughty, Stephen	Lucas, Caroline
Dowd, Jim	Lucas, Ian C.
Dowd, Peter	Lynch, Holly
Dugher, Michael	MacNeil, Mr Angus Brendan
Durkan, Mark	Mactaggart, rh Fiona
Eagle, Maria	Madders, Justin
Edwards, Jonathan	Mahmood, Mr Khalid
Efford, Clive	Mahmood, Shabana
Elliott, Julie	Malhotra, Seema
Ellman, Mrs Louise	Mann, John
Esterson, Bill	Marsden, Mr Gordon
Evans, Chris	Maskell, Rachael
Farrelly, Paul	Matheson, Christian
Fellows, Marion	Mc Nally, John
Ferrier, Margaret	McCaig, Callum
Fitzpatrick, Jim	McCarthy, Kerry
Fletcher, Colleen	McCartney, Jason
Flint, rh Caroline	McDonagh, Siobhain
Flynn, Paul	McDonald, Andy
Fovargue, Yvonne	McDonald, Stewart

McDonald, Stuart C.
McDonnell, Dr Alasdair
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
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
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, Angus
Robinson, Mr Geoffrey
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
Smith, Owen
Smyth, Karin
Spellar, rh Mr John
Starmer, Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stuart, Ms Gisela
Tami, Mark
Thewliss, Alison
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thompson, Owen
Thomson, Michelle
Thornberry, Emily
Turley, Anna
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Hywel
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Wishart, Pete
Wollaston, Dr Sarah
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Ayes:

**Tom Blenkinsop and
Nic Dakin**

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
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
Bottomley, Sir Peter
Bradley, Karen
Brady, Mr Graham
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
Campbell, Mr Gregory
Carmichael, Neil
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
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, Dr James
Davies, Mims
Davies, Philip
Dinenage, Caroline
Djanogly, Mr Jonathan
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donelan, Michelle
Dorries, Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drummond, Mrs Flick
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh Mr David
Fabricant, Michael
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
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
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
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
Howarth, Sir Gerald
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
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, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 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
 Mordaunt, Penny
 Morgan, rh Nicky
 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
 Osborne, rh Mr George
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette

Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 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
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 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
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 George Hollingbery and
 Margot James

Question accordingly negated.

Amendment made: 24, page 2, line 13, leave out paragraph (c) and insert—

“(c) the persons who, on the date of the referendum—

(i) would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised, and

(ii) fall within subsection (1A).

“(1A) A person falls within this subsection if the person is either—

(a) a Commonwealth citizen, or

(b) a citizen of the Republic of Ireland.”—(*John Penrose.*)

This amendment includes within the category of persons entitled to vote in the referendum citizens of the Republic of Ireland who would be entitled to vote in Gibraltar at a European Parliamentary election.

Amendment proposed: 7, page 2, line 16, at end insert—

“(d) the persons who on the date of the referendum would be entitled to vote in a European parliamentary election by virtue of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).”—(*Stephen Gethins.*)

This amendment would extend the franchise to EU nationals who would be entitled to vote in EU parliamentary elections in the UK.

Question put, That the amendment be made.

The House divided: Ayes 64, Noes 494.

Division No. 58]

[11.40 pm

AYES

Ahmed-Sheikh, Ms Tasmina
 Arkless, Richard
 Bardell, Hannah
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Boswell, Philip
 Brake, rh Tom
 Brock, Deidre
 Brown, Alan
 Cameron, Dr Lisa
 Carmichael, rh Mr Alistair
 Chapman, Douglas
 Cherry, Joanna
 Cowan, Ronnie
 Crawley, Angela
 Docherty, Martin John
 Donaldson, Stuart
 Durkan, Mark
 Edwards, Jonathan
 Ferrier, Margaret
 Gapes, Mike
 Gethins, Stephen
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Hendry, Drew
 Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Lamb, rh Norman
 Law, Chris
 Lucas, Caroline

MacNeil, Mr Angus Brendan
 Mc Nally, John
 McCaig, Callum
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Monaghan, Dr Paul
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Ritchie, Ms Margaret
 Robertson, Angus
 Salmond, rh Alex
 Saville Roberts, Liz
 Sheppard, Tommy
 Stephens, Chris
 Thewliss, Alison
 Thomson, Michelle
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wishart, Pete

Tellers for the Ayes:
 Marion Fellows and
 Owen Thompson

NOES

Abrahams, Debbie
 Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Alexander, Heidi
 Ali, Rushanara
 Allan, Lucy
 Allen, Mr Graham
 Allen, Heidi
 Amess, Sir David
 Anderson, Mr David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Austin, Ian
 Bacon, Mr Richard
 Bailey, Mr Adrian
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Barron, rh Kevin
 Barwell, Gavin
 Bebb, Guto
 Beckett, rh Margaret
 Bellingham, Mr Henry
 Benn, rh Hilary
 Benyon, Richard
 Beresford, Sir Paul
 Berger, Luciana
 Berry, Jake
 Berry, James
 Betts, Mr Clive
 Bingham, Andrew
 Blackman, Bob
 Blackman-Woods, Dr Roberta
 Blackwood, Nicola
 Blenkinsop, Tom
 Blomfield, Paul
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Bradshaw, rh Mr Ben
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Brown, Lyn
 Bruce, Fiona
 Bryant, Chris
 Buckland, Robert
 Burden, Richard
 Burgon, Richard
 Burns, Conon
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cairns, Alun
 Campbell, rh Mr Alan
 Campbell, Mr Gregory
 Carmichael, Neil
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria

Chalk, Alex
 Champion, Sarah
 Chapman, Jenny
 Chishtii, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coaker, Vernon
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Cooper, Julie
 Cooper, Rosie
 Costa, Alberto
 Cox, Mr Geoffrey
 Cox, Jo
 Coyle, Neil
 Crabb, rh Stephen
 Crausby, Mr David
 Creasy, Stella
 Crouch, Tracey
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Danczuk, Simon
 David, Wayne
 Davies, Byron
 Davies, Chris
 Davies, David T. C.
 Davies, Geraint
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Dugher, Michael
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Eagle, Maria
 Efford, Clive
 Elliott, Julie
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellman, Mrs Louise
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Esterson, Bill
 Eustice, George
 Evans, Chris
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael

Fallon, rh Michael
 Farrelly, Paul
 Fernandes, Suella
 Field, rh Mark
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Foster, Kevin
 Fovargue, Yvonne
 Fox, rh Dr Liam
 Foxcroft, Vicky
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Glindon, Mary
 Goodman, Helen
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Green, Kate
 Greening, rh Justine
 Greenwood, Lilian
 Grieve, rh Mr Dominic
 Griffith, Nia
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Haigh, Louise
 Halfon, rh Robert
 Hall, Luke
 Hamilton, Fabian
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Hanson, rh Mr David
 Harper, rh Mr Mark
 Harpham, Harry
 Harrington, Richard
 Harris, Carolyn
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, Helen
 Hayes, rh Mr John
 Hayman, Sue
 Heald, Sir Oliver
 Healey, rh John
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hendrick, Mr Mark
 Herbert, rh Nick
 Hermon, Lady
 Hillier, Meg
 Hinds, Damian

Hoare, Simon
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Huq, Dr Rupa
 Hurd, Mr Nick
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Alan
 Johnson, Boris
 Johnson, Diana
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Gerald
 Jones, Graham
 Jones, Mr Kevan
 Jones, Mr Marcus
 Jones, Susan Elan
 Kane, Mike
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kinnock, Stephen
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Kyle, Peter
 Lancaster, Mark
 Latham, Pauline
 Lavery, Ian
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Leslie, Chris
 Letwin, rh Mr Oliver
 Lewell-Buck, Mrs Emma
 Lewis, Brandon
 Lewis, Clive
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Long Bailey, Rebecca
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lucas, Ian C.
 Lumley, Karen
 Lynch, Holly
 Mackinlay, Craig
 Mackintosh, David
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid

Mahmood, Shabana
Main, Mrs Anne
Mak, Mr Alan
Malhotra, Seema
Malthouse, Kit
Mann, Scott
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
McCarthy, Kerry
McCartney, Jason
McCartney, Karl
McDonagh, Siobhain
McDonald, Andy
McDonnell, John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McLoughlin, rh Mr Patrick
McPartland, Stephen
Meacher, rh Mr Michael
Meale, Sir Alan
Mearns, Ian
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moon, Mrs Madeleine
Mordaunt, Penny
Morden, Jessica
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, Grahame M.
Morris, James
Morton, Wendy
Mowat, David
Mundell, rh David
Murray, Ian
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Onn, Melanie
Onwurah, Chi
Opperman, Guy
Osamor, Kate
Osborne, rh Mr George
Owen, Albert
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Pearce, Teresa
Penning, rh Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Toby

Perry, Claire
Phillips, Jess
Phillips, Stephen
Phillipson, Bridget
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pound, Stephen
Pow, Rebecca
Powell, Lucy
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Rayner, Angela
Redwood, rh John
Reed, Mr Steve
Rees, Christina
Rees-Mogg, Mr Jacob
Reynolds, Jonathan
Rimmer, Marie
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Sharma, Mr Virendra
Shelbrooke, Alec
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Chloe
Smith, Henry
Smith, Jeff
Smith, Julian
Smith, Nick
Smith, Owen
Smith, Royston
Smyth, Karin
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spellar, rh Mr John
Spelman, rh Mrs Caroline
Spencer, Mark
Starmer, Keir
Stevens, Jo
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary

Streeting, Wes
Stride, Mel
Stringer, Graham
Stuart, Ms Gisela
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Mr Desmond
Syms, Mr Robert
Tami, Mark
Thomas, Derek
Thomas, Mr Gareth
Thomas-Symonds, Nick
Thornberry, Emily
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turley, Anna
Turner, Mr Andrew
Twigg, Derek
Twigg, Stephen
Tyrie, rh Mr Andrew
Umunna, Mr Chuka
Vaizey, Mr Edward
Vara, Mr Shailesh
Vaz, Valerie
Vickers, Martin

Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Watson, Mr Tom
West, Catherine
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whitehead, Dr Alan
Whittaker, Craig
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Phil
Wilson, Mr Rob
Wilson, Sammy
Winnick, Mr David
Winterton, rh Ms Rosie
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, Mr Iain
Wright, rh Jeremy
Zahawi, Nadhim
Zeichner, Daniel

Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negated.

Clause 1

THE REFERENDUM

*Amendment proposed: 5, page 1, line 9, at end insert
“or a date within three months before or after May 5.”—
(Stephen Gethins.)*

*This would ensure the referendum vote could not be held on a day
three months before or after the date of the Scottish, Welsh and
Northern Irish elections.*

Question put, That the amendment be made.

The House divided: Ayes 64, Noes 314.

Division No. 59]

[12 midnight

AYES

Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Arkless, Richard
Bardell, Hannah
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Boswell, Philip
Brock, Deidre
Brown, Alan
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Docherty, Martin John
Donaldson, Stuart
Durkan, Mark
Edwards, Jonathan

Ferrier, Margaret
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Hosie, Stewart
Kerevan, George
Kerr, Calum
Law, Chris
Lucas, Caroline
Lucas, Ian C.
MacNeil, Mr Angus Brendan
Mc Nally, John
McCaig, Callum
McDonald, Stewart
McDonald, Stuart C.
McDonnell, Dr Alasdair

McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Monaghan, Dr Paul
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Powell, Lucy
 Ritchie, Ms Margaret
 Robertson, Angus
 Salmond, rh Alex
 Saville Roberts, Liz

Sheppard, Tommy
 Stephens, Chris
 Thewliss, Alison
 Thomson, Michelle
 Watson, Mr Tom
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wishart, Pete

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

NOES

Abrahams, Debbie
 Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 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
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burgon, Richard
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Campbell, Mr Gregory
 Carmichael, Neil
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg

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, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Farrelly, Paul
 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
 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
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 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
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Hussain, Imran
 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
 Lucas, Ian C.
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Marsden, Mr Gordon
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Meale, Sir Alan
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Mordaunt, Penny
 Morgan, rh Nicky
 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
 Onwurah, Chi
 Opperman, Guy
 Osborne, rh Mr George
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Powell, Lucy
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom

Quin, Jeremy
 Quince, Will
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spellar, rh Mr John
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 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
 Watson, Mr Tom
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negated.

Amendments made: 12, page 1, line 9, at end insert—
 “and

(c) must not be 4 May 2017.”

Amendment 23, page 1, line 10, leave out subsections (4) and (5) and insert—

‘(4) The question that is to appear on the ballot papers is—

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

(5) The alternative answers to that question that are to appear on the ballot papers are—

“Remain a member of the European Union
 Leave the European Union”.

(6) In Wales, there must also appear on the ballot papers—

(a) the following Welsh version of the question—

“A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?”
 and

(b) the following Welsh versions of the alternative answers—

“Aros yn aelod o'r Undeb Ewropeaidd
 Gadael yr Undeb Ewropeaidd”.”—(*Mr Lidington.*)

This amendment changes the English and Welsh versions of the referendum question in line with the advice of the Electoral Commission. It also puts the alternative answers to the question recommended by the Electoral Commission onto the face of the Bill.

Amendment proposed: 16, page 1, line 14, at end insert—

‘(6) At least 10 weeks before the date on which the referendum is to be held the Government shall publish a White Paper outlining the terms of any renegotiation between the United Kingdom and the European Union and the consequences for the United Kingdom of leaving the European Union.’—(*Mr McFadden.*)

This amendment requires the Government to produce a white paper on the results of the Government's renegotiation with the EU and the consequences for Britain of leaving the EU.

The House divided: Ayes 237, Noes 308.

Division No. 60]

[12.14 am

AYES

Abrahams, Debbie	Dodds, rh Mr Nigel
Ahmed-Sheikh, Ms Tasmina	Donaldson, rh Mr Jeffrey M.
Alexander, Heidi	Donaldson, Stuart
Ali, Rushanara	Doughty, Stephen
Anderson, Mr David	Dowd, Jim
Arkless, Richard	Dowd, Peter
Austin, Ian	Dugher, Michael
Bailey, Mr Adrian	Durkan, Mark
Bardell, Hannah	Eagle, Maria
Barron, rh Kevin	Edwards, Jonathan
Beckett, rh Margaret	Efford, Clive
Benn, rh Hilary	Elliott, Julie
Berger, Luciana	Ellman, Mrs Louise
Betts, Mr Clive	Esterson, Bill
Black, Mhairi	Evans, Chris
Blackford, Ian	Farrelly, Paul
Blackman, Kirsty	Fellows, Marion
Blackman-Woods, Dr Roberta	Ferrier, Margaret
Blomfield, Paul	Fitzpatrick, Jim
Boswell, Philip	Fletcher, Colleen
Bradshaw, rh Mr Ben	Flint, rh Caroline
Brennan, Kevin	Flynn, Paul
Brock, Deidre	Fovargue, Yvonne
Brown, Alan	Foxcroft, Vicky
Brown, Lyn	Gapes, Mike
Brown, rh Mr Nicholas	Gethins, Stephen
Bryant, Chris	Gibson, Patricia
Burden, Richard	Glindon, Mary
Burgon, Richard	Goodman, Helen
Butler, Dawn	Grady, Patrick
Cadbury, Ruth	Grant, Peter
Cameron, Dr Lisa	Gray, Neil
Campbell, rh Mr Alan	Green, Kate
Campbell, Mr Gregory	Greenwood, Lilian
Champion, Sarah	Griffith, Nia
Chapman, Douglas	Hamilton, Fabian
Chapman, Jenny	Hanson, rh Mr David
Cherry, Joanna	Harpham, Harry
Coaker, Vernon	Harris, Carolyn
Cooper, Julie	Hayes, Helen
Cooper, Rosie	Hayman, Sue
Cowan, Ronnie	Healey, rh John
Cox, Jo	Hendry, Drew
Coyle, Neil	Hermon, Lady
Crausby, Mr David	Hillier, Meg
Crawley, Angela	Hodgson, Mrs Sharon
Creasy, Stella	Hollern, Kate
Cruddas, Jon	Hosie, Stewart
Cryer, John	Howarth, rh Mr George
Cummins, Judith	Huq, Dr Rupa
Cunningham, Alex	Hussain, Imran
Cunningham, Mr Jim	Irranca-Davies, Huw
Danczuk, Simon	Jarvis, Dan
David, Wayne	Johnson, rh Alan
Davies, Geraint	Johnson, Diana
Docherty, Martin John	Jones, Gerald

Jones, Graham
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kerevan, George
 Kerr, Calum
 Kinnock, Stephen
 Kyle, Peter
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Shabana
 Malhotra, Seema
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 Meacher, rh Mr Michael
 Meale, Sir Alan
 Mearns, Ian
 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
 Paisley, Ian
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Powell, Lucy

Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, Angus
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Salmond, rh Alex
 Saville Roberts, Liz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Simpson, David
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wilson, Phil
 Wilson, Sammy
 Winterton, rh Ms Rosie
 Wishart, Pete
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Tom Blenkinsop and
Nic Dakin

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy

Allen, Heidi
 Amess, Sir David
 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
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 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
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 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, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias

Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 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
 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
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 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
 Hopkins, Kris
 Howarth, Sir Gerald
 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
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 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
 Mordaunt, Penny
 Morgan, rh Nicky
 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
 Osborne, rh Mr George
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John

Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 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
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 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
 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

GIBRALTAR

Amendments made: 25, page 3, line 23, leave out from “existence” to end of line 24 and insert—

‘of

(a) section 4, or

(b) anything in any other provision of this Act which enables particular provision to be made under section 4,

and in this Act “Gibraltar conduct law” means any provision of law made in and for Gibraltar which corresponds to any provision that has been or could be made for any part of the United Kingdom by regulations under section 4.’

This amendment clarifies that the existence of the Minister’s powers to make regulations governing the conduct of the referendum does not affect the capacity of the Gibraltar legislature to make law governing the conduct of the referendum in Gibraltar.

Amendment 26, page 3, line 26, leave out “regulations made under such a power” and insert “Gibraltar conduct law”.—(*Mr Lidington.*)

This amendment confirms that the relationship between the Bill (and any regulations made under the Bill that extend to Gibraltar) and any Gibraltar law about the conduct of the referendum will be governed by the usual rules about laws extending to Gibraltar.

Clause 6

REGULATIONS

Amendments made: 27, page 3, line 35, leave out subsection (3) and insert—

‘(3) Subsection (2) does not apply to a statutory instrument containing only regulations within subsection (3A).

(3A) Regulations within this subsection are any of the following—

(a) regulations under section 10;

(b) regulations under paragraph 6C of Schedule 1;

(c) regulations made by the Minister under paragraph 12 of Schedule 3.

(3B) A statutory instrument containing only regulations under paragraph 6C of Schedule 1 (or only such regulations and other regulations within subsection (3A)) is subject to annulment in pursuance of a resolution of either House of Parliament.’

This amendment ensures that regulations that only prescribe the start of the period for applications under the 2000 Act for designation as a lead campaigner are subject to the negative resolution procedure.

Amendment 28, page 3, line 40, at end insert—

‘() Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh forms) applies in relation to regulations under this Act as it applies in relation to Acts of Parliament.’—(*Mr Lidington.*)

The effect of this amendment is that if a statutory instrument is made prescribing Welsh forms for use in the referendum under the powers in the Welsh Language Act 1993, the instrument will only need to be laid before Parliament after being made.

Clause 8

DEFINITIONS

Amendments made: 29, page 4, line 32, at end insert—
“Gibraltar conduct law” has the meaning given by section 5(2);

This amendment inserts a definition of “Gibraltar conduct law” into the list of defined terms for the Bill.

Amendment 30, page 4, line 45, at end insert—

“registered party” and “minor party” have the same meaning as in the 2000 Act (see section 160(1) of that Act);—(*Mr Lidington.*)

This amendment adds definitions of “registered party” and “minor party” to the Bill. The definitions are the same as those used in the 2000 Act.

Schedule 1

CAMPAIGNING AND FINANCIAL CONTROLS

Amendments made: 31, page 6, line 21, leave out “(b) to (g)” insert “(b) and (d) to (g)”

This amendment ensures that registered Gibraltar political parties are not covered by more than one provision of section 105 of the 2000 Act (which sets out who are permitted participants for the purposes of the referendum).

Amendment 32, page 8, line 36, leave out sub-paragraph (6) and insert—

“(6) In this paragraph “treasurer” has the same meaning as in the 2000 Act (see 160(1) of that Act), and section 25(6) of that Act (references to the treasurer to be read in certain cases as references to the campaigns officer) applies for the purposes of this paragraph as it applies for the purposes of Part 7 of that Act.”

This amendment ensures that campaign officers for registered political parties cannot be responsible for compliance for two or more permitted participants.

Amendment 33, page 8, line 37, at end insert—

‘Unincorporated associations with offensive etc names

6A (1) This paragraph applies to a notification which, in relation to the referendum, is given to the Electoral Commission under section 106(3) of the 2000 Act by an unincorporated association falling within section 54(2)(h) or 54(2A)(g) of that Act.

(2) A notification to which this paragraph applies is not to be treated for the purposes of section 105 or 107 of the 2000 Act as having been given unless the Electoral Commission have accepted the notification.

(3) As soon as reasonably practicable after receiving a notification to which this paragraph applies the Electoral Commission must decide whether or not to accept the notification, and they must accept it unless in their opinion the name of the association—

- (a) is obscene or offensive, or
- (b) includes words the publication of which would be likely to amount to the commission of an offence.

(4) As soon as reasonably practicable after deciding whether to accept the notification the Electoral Commission must give written notice to the association—

- (a) stating whether they accept the notification, and
- (b) if their decision is not to accept the notification, giving the reasons for that decision.

6B (1) Where—

- (a) a permitted participant is an unincorporated association falling within section 54(2)(h) or 54(2A)(g) of the 2000 Act,
- (b) the Electoral Commission is notified under section 106(5) of that Act of a change of name of the association, and

- (c) in the opinion of the Electoral Commission the new name is obscene or offensive or includes words the publication of which would be likely to amount to the commission of an offence,

the Electoral Commission does not have to enter the new name in the register under section 107 of that Act.

(2) If the Electoral Commission decide under this paragraph not to enter the new name of an unincorporated association in that register, the Electoral Commission—

- (a) must as soon as reasonably practicable give written notice to the association of that decision and the reasons for it, and
- (b) in any case where they are required to make available for public inspection a document that uses the association’s new name, may replace that name in the document with the name that appears on the register in respect of the association.

(3) The fact that the association’s new name is not entered in the register does not cause the association to cease to be a permitted participant.’

This amendment enables the Electoral Commission to reject a permitted participant notification given by an unincorporated association with an obscene, offensive or criminal name or a change of name notification given by an unincorporated association that is a permitted participant if the new name is obscene, offensive or criminal.

Amendment 34, page 8, line 37, at end insert—

‘Applying to become a designated organisation: period for making application

6C Subsections (2), (3) and (6) of section 109 of the 2000 Act (application by organisation for designation) have effect for the purposes of the referendum as if the reference in subsection (2)(b) of that section to the first day of the referendum period were a reference to the day prescribed under this paragraph by regulations made by the Minister.’

This amendment enables the start of the period for applications under section 109 of the 2000 Act for designation as a lead campaigner under section 108 of that Act to be prescribed in regulations made by the Minister.

Amendment 35, page 9, line 11, after first “of” insert “Gibraltar”

This amendment inserts a reference to “Gibraltar public funds” into a provision that allows designated organisations to hold public referendum meetings in schools wholly or partly funded out of Gibraltar public funds.

Amendment 36, page 9, line 12, at end insert—

“() Paragraph 2 has effect for those purposes as if after sub-paragraph (7) there were inserted—

(7A) A reference in this paragraph to an expense being payable out of “Gibraltar public funds” is to the expense being payable by means of—

- (a) payments out of—
 - (i) the Gibraltar consolidated fund, or
 - (ii) monies voted by the Gibraltar Parliament, or
- (b) payments by the Government of Gibraltar or any Gibraltar government department.’

This amendment sets out the meaning of references to expenses being payable out of “Gibraltar public funds” for the purposes of paragraph 2 of Schedule 12 to the 2000 Act.

Amendment 37, page 9, line 20, leave out sub-paragraph (5)

This amendment omits a provision that is no longer necessary as a consequence of Gibraltar public funds being defined.

Amendment 38, page 9, line 27, leave out sub-paragraphs (2) and (3) and insert—

‘(2) Regulations under section 4 may—

- (a) confer functions on a referendum agent appointed under this paragraph;

- (b) make further provision (additional to the provision in paragraphs 10 and 11) in connection with referendum agents.’

This amendment removes the limitation that referendum agents have only the functions conferred on them by regulations under section 4 and so enables functions to be conferred on referendum agents by Gibraltar conduct law.

Amendment 39, page 10, line 32, at end insert—

‘12A (1) In section 117(5) of the 2000 Act (certain expenditure incurred before the referendum period treated as incurred during that period), the reference to any time before the beginning of the referendum period is to be read for the purposes of the referendum as including any time before the commencement of this Schedule.

(2) This paragraph has effect in relation to section 117(5) of the 2000 Act as it applies for the purposes of section 117 of that Act and as applied by any provision of that Act or of this Schedule.’

This amendment ensures that referendum expenses incurred before the commencement of Schedule 1 to the Bill are, for the purposes of the 2000 Act, treated in the same way as other expenses incurred before the beginning of the referendum period.

Amendment 40, page 11, line 16, leave out sub-paragraphs (2) and (3) and insert—

‘(2) The expenses mentioned in sub-paragraph (1)(a) are to be treated for the purposes of—

- (a) section 117 of the 2000 Act, and
- (b) section 118 of and Schedule 14 to that Act,

as having also been incurred during the referendum period by or on behalf of the other individual or body (or, as the case may be, each of the other individuals or bodies) mentioned in sub-paragraph (1)(b)(ii); but this is subject to sub-paragraph (5).’

This amendment has the effect that, where referendum expenses are incurred by two or more persons acting in concert, for the purposes of the provisions of the 2000 Act that impose restrictions on expenses, the expenses of each person are generally to be treated as also incurred by the others.

Amendment 41, page 11, line 28, leave out sub-paragraph (5) and insert—

‘(5) But if any of the individuals or bodies in question (“the persons involved”) is or becomes a designated organisation, the following referendum expenses are to be treated for the purposes of sections 117 and 118 of and Schedule 14 to the 2000 Act as having been incurred during the referendum period by or on behalf of the designated body only—

- (a) any referendum expenses incurred during the referendum period by or on behalf of the designated organisation;
- (b) where any of the other persons involved is a permitted participant, any referendum expenses incurred during the referendum period by or on behalf of that permitted participant;
- (c) where any of the other persons involved is an individual or body which is not a permitted participant but is below the expenses threshold, any referendum expenses incurred during the referendum period by or on behalf of that individual or body.

(5A) For the purposes of this paragraph an individual or body is “below the expenses threshold” if the total of the referendum expenses incurred during the referendum period by or on behalf of the individual or body does not exceed £10,000.’

This amendment ensures that where a person incurs referendum expenses while acting in concert with a designated organisation those expenses are treated as incurred by the designated organisation only. This does not apply if the person is not a permitted participant but exceeds the expenses threshold above which registration as a permitted participant is required.

Amendment 42, page 11, line 31, leave out sub-paragraphs (6) to (8) and insert—

‘(6) For the purposes of this paragraph—

- (a) section 112 of the 2000 Act (notional referendum expenses) applies as it applies for the purposes of Part 7 of that Act,
- (b) section 113(3) of the 2000 Act (expenses incurred in contravention of section 113(1)) applies as it applies for the purposes of sections 117 to 123 of that Act, and
- (c) subsections (5) and (6) of section 117 of the 2000 Act (certain expenditure incurred before the referendum period) apply as they apply for the purposes of that section.

(7) In this paragraph any reference to referendum expenses incurred by or on behalf of a designated organisation, or a permitted participant, during the referendum period includes referendum expenses incurred during that period before the person by or on whose behalf the expenses were incurred became a designated organisation or, as the case may be, permitted participant.’

This amendment ensures that, for the purposes of the provisions of the Bill about parties acting in concert, references to referendum expenses have the same meaning as in provisions of the 2000 Act relating to referendum expenses.

Amendment 43, page 11, line 39, at end insert—

‘14A (1) Section 120 of the 2000 Act (returns in respect of referendum expenses and donations) has effect for the purposes of the referendum with the following modifications (as well as with the modification in paragraph 2(1) of Schedule 2 to this Act).

(2) Subsection (2) has effect for the purposes of the referendum as if the “and” after paragraph (c) were omitted and as if after paragraph (c) there were inserted—

- “(ca) a declaration under subsection (4A);
- (cb) a declaration under subsection (4B); and”.

(3) Subsection (4) has effect for those purposes as if for “(2)” there were substituted “(2)(a) to (c)”.

(4) For the purposes of the referendum the following subsections are to be treated as inserted after subsection (4)—

(4A) For the purposes of subsection (2)(ca), a declaration under this subsection is a declaration of—

- (a) whether there are any referendum expenses, incurred by or on behalf of an individual or body other than the permitted participant to which the return under this section relates, that must under paragraph 14 of Schedule 1 to the European Union Referendum Act 2015 be treated as having been incurred during the referendum period by or on behalf of the permitted participant; and
- (b) if so, in the case of each individual or body concerned, its name and the amount of referendum expenses incurred by or on its behalf that must be treated as mentioned in paragraph (a).

(4B) For the purposes of subsection (2)(cb), a declaration under this subsection is a declaration of—

- (a) whether there are any referendum expenses incurred by or on behalf of the permitted participant that must under paragraph 14 of Schedule 1 to the European Union Referendum Act 2015 be treated as having been incurred during the referendum period by or on behalf of another individual or body; and
- (b) if so, in the case of each such individual or body, its name and the amount of referendum expenses incurred by or on behalf of the permitted participant that must be treated as having been incurred during the referendum period by or on behalf of that individual or body.

(4C) The reference in subsection (4B) to referendum expenses incurred by or on behalf of the permitted participant includes referendum expenses incurred before the person by or on whose behalf the expenses were incurred became a permitted participant.

(4D) Any reference in subsection (4A) or (4B) to referendum expenses that must be treated under paragraph 14 of Schedule 1 to the European Union Referendum Act 2015 as having been incurred during the referendum period by or on behalf of a particular person includes—

- (a) referendum expenses that under that paragraph must be treated as having been incurred by or on behalf of that person only; and
- (b) referendum expenses that, under that paragraph, must be treated as having also been incurred by or on behalf of that person.

(4E) Any reference in subsection (4A)(b) or (4B)(b) to the name of an individual or body is to be read, where the individual or body is a permitted participant, as a reference to the name under which that permitted participant is registered in the register under section 107.”

This amendment requires a permitted participant to include in its referendum expenses return declarations as to expenses treated under the Bill as having been incurred by the permitted participant or as having been incurred by another individual or body.

Amendment 44, page 12, line 23, at end insert—

‘Permissible donors: donations to registered parties other than minor parties

16A (1) This paragraph applies in relation to a donation received by a permitted participant if—

- (a) the permitted participant is a registered party that is not a minor party,
- (b) the donation is received from a person (“the donor”) who in relation to that donation is not a permissible donor for the purposes of Part 4 of the 2000 Act by virtue of section 54 of that Act,
- (c) the donor is a person within sub-paragraph (3), and
- (d) the donation is received by the party within the referendum period.

(2) In relation to that donation, the donor is to be regarded for the purposes of Part 4 of the 2000 Act as a permissible donor.

(3) The persons within this sub-paragraph are—

- (a) a Gibraltar elector;
- (b) a body falling within any of paragraphs (b) to (g) of section 54(2A) of the 2000 Act;
- (c) a body incorporated by Royal Charter which does not fall within section 54(2) of that Act;
- (d) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008;
- (e) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
- (f) a partnership constituted under the law of Scotland which carries on business in the United Kingdom.

(4) In this paragraph—

- (a) “donation” has the same meaning as in section 54 of the 2000 Act (see section 50 of that Act);
- (b) “Gibraltar elector” has the same meaning as in the 2000 Act (see section 160(1) of that Act).

16B Where paragraph 16A applies in relation to a donation received by a permitted participant, paragraph 2 of Schedule 6 to the 2000 Act (details to be given in donation reports) has effect as if—

- (a) in sub-paragraph (1)(a) for “(10)” there were substituted “(10C)”, and
- (b) the following sub-paragraphs were inserted after sub-paragraph (10)—

“(10A) In the case of a body within paragraph 16A(3)(c) of Schedule 1 to the European Union Referendum Act 2015 (body incorporated by Royal Charter) the report must give—

- (a) the name of the body; and
- (b) the address of its main office in the United Kingdom.

(10B) In the case of a body within paragraph 16A(3)(d) or (e) of that Schedule (charitable incorporated organisation) the report must give—

- (a) the name of the body; and
- (b) the address of its principal office.

(10C) In the case of a body within paragraph 16A(3)(f) of that Schedule (Scottish partnership) the report must give—

- (a) the name of the body; and
- (b) the address of its main office in the United Kingdom.”

This amendment ensures that registered political parties (other than minor parties) that are permitted participants are able to receive donations from Gibraltar electors and bodies, Royal Charter bodies, charitable incorporated organisations and Scottish partnerships. This brings the rules for such parties into line with other permitted participants.

Amendment 45, page 12, line 24, at end insert—

‘16C (1) Paragraph 1 of Schedule 15 to the 2000 Act (control of donations to permitted participants: operation and interpretation of Schedule) has effect for the purposes of the referendum as if the following sub-paragraphs were substituted for sub-paragraph (6)—

(6) In relation to donations received by a permitted participant other than a designated organisation—

- (a) references to a permissible donor falling within section 54(2), and
- (b) references to a person within paragraph 6(1A) of this Schedule,

do not include a registered party and do not include a political party which is not a registered party but is established in Gibraltar.

In this sub-paragraph “designated organisation” has the meaning given by section 110(5).

(7) Sub-paragraph (6) applies also to references to a permissible donor, and references to a person within paragraph 6(1A) of this Schedule, in sections 56 and 61 as applied by paragraphs 7 and 8 of this Schedule.”

This amendment ensures that Gibraltar political parties that are not registered under Part 2 of the 2000 Act may not make donations to permitted participants, except designated organisations. This brings the position of unregistered Gibraltar parties into line with registered parties.

Amendment 46, page 13, line 11, at end insert—

‘() For the purposes of the referendum the following sub-paragraph is to be treated as inserted after sub-paragraph (8)—

(9) In relation to a relevant donation in the form of a bequest sub-paragraph (1A)(a) is to be read as referring to an individual who was, at any time within the period of five years ending with the date of the individual’s death, a Gibraltar elector.”

This amendment ensures that donations to permitted participants in the form of bequests from individuals who were, at any time in the five years preceding their death, registered in the Gibraltar register are treated as donations from permissible donors. This matches the position as regards bequests from individuals who were registered in a UK electoral register.

Amendment 47, page 13, line 18, at end insert—

‘Evasion of restrictions on donations

18A Paragraph 8 of Schedule 15 to the 2000 Act (application of section 61 of the 2000 Act) has effect for the purposes of the referendum as if for paragraph (c) (and the “and” preceding it) there were substituted—

- “(c) any reference to a permissible donor included a person within paragraph 6(1A) above; and
- (d) any reference to the treasurer of a registered party were, in relation to a permitted participant, a reference to the responsible person.’

This amendment has the effect that arrangements for facilitating the making of donations to permitted participants by persons who are permitted to make the donations are not unlawful.

Amendment 48, page 16, line 26, at end insert—

‘(11) In—

- (a) section 113(3) (treatment of expenses incurred in contravention of section 113(1)), and
- (b) section 118(4) and (5) (treatment of certain expenses incurred before referendum period or before becoming permitted participant),

the references to, respectively, sections 117 to 123 and sections 120 to 123 include references to this section.’

This amendment ensures that in the new section 124A treated as inserted in the 2000 Act by the Bill, references to referendum expenses incurred by a permitted participant during the referendum period will be construed consistently with references in section 120 of that Act.

Amendment 49, page 16, line 26, at end insert—

‘(2) Nothing in subsection (10) of the section treated as inserted by this paragraph (read with section 9 of this Act) is to be taken to mean that Schedule 19C to the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.’

This amendment makes clear that Schedule 19C to the 2000 Act does not extend or apply to Gibraltar (despite that Schedule being referred to in a provision that extends to Gibraltar).

Amendment 50, page 16, line 27, at end insert—

‘() In this paragraph references to a permitted participant are to a permitted participant which either is not a registered party or is a minor party.’

This amendment ensures that the requirement that permitted participants report donations during the referendum period does not apply to registered parties (other than minor parties). Registered parties (other than minor parties) are subject to separate donation reporting requirements under the 2000 Act.

Amendment 51, page 18, line 16, leave out sub-paragraph (14) and insert—

‘(14) Section 161 of the 2000 Act (interpretation: donations) applies for the purposes of this paragraph as it applies for the purposes of the provisions of that Act relating to donations.’

This amendment ensures that the provisions of the Bill relating to the reporting of donations during the referendum period will be construed in accordance with all of the relevant provisions in the 2000 Act about the interpretation of references to donations.

Amendment 52, page 19, line 21, at end insert—

‘25A Section 149(2) to (5) and (7) of the 2000 Act (inspection of Commission’s documents) apply in relation to reports and documents which the Electoral Commission are required to make available for public inspection under paragraph 25 as they apply to the documents which the Electoral Commission are required to make available for public inspection by virtue of the provisions of the 2000 Act mentioned in section 149(6) of that Act.’

This amendment ensures that provisions in the 2000 Act about inspection of registers and documents kept by the Electoral Commission apply to permitted participants’ donations reports delivered to the Commission, and available for public inspection, under Schedule 1 to the Bill.

Amendment 54, page 20, line 5, at end insert—

‘() In section 148 of the 2000 Act (general offences), the references in each of subsections (1) to (3) to any of the provisions of that Act include any of the provisions of this Schedule.’

This amendment ensures that the offences in section 148 of the 2000 Act, which include failure to supply information required for the purposes of that Act, apply also where information is required for the purposes of Schedule 1 to the Bill.

Amendment 55, page 20, line 10, leave out sub-paragraphs (3) and (4) and insert—

‘(3) In paragraphs 3 to 5 of Schedule 19B to the 2000 Act (powers of Electoral Commission in relation to suspected offences or contraventions)—

- (a) the references to an offence under that Act include an offence under this Schedule, and
- (b) the references to a restriction or other requirement imposed by or by virtue of that Act include a requirement or restriction imposed by or by virtue of this Schedule.

(4) Schedule 19C to the 2000 Act (civil sanctions), and any order under Part 5 of that Schedule, have effect as if any reference in that Schedule to an offence under the 2000 Act, or to a prescribed offence under that Act, included a reference to an offence under paragraph 23(9) of this Schedule.

(5) Nothing in sub-paragraph (3) or (4) (read with section 9) is to be taken to mean that Schedule 19B or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.’—(Mr Lidington.)

This amendment ensures that the Electoral Commission’s investigatory powers apply to contraventions under Schedule 1, that the Electoral Commission may impose civil penalties for an offence of failing to report donations, and that Schedules 19B and 19C to the 2000 Act do not extend or apply to Gibraltar.

Schedule 2

CONTROL OF LOANS ETC TO PERMITTED PARTICIPANTS

Amendments made: 56, page 23, line 21, leave out from “organisation,” to end of line 23 and insert—

‘references in this Schedule to a qualifying person do not include—

- (a) a registered party, or
- (b) a political party which is not a registered party but is established in Gibraltar,

and sub-paragraph (2)(a) and (c) have effect subject to this sub-paragraph.’

This amendment ensures that Gibraltar political parties that are not registered under Part 2 of the 2000 Act may not enter into loans or other regulated transactions with permitted participants, except designated organisations. This brings the position of unregistered Gibraltar parties into line with registered parties.

Amendment 57, page 28, line 36, at end insert—

‘(2) A reference in paragraph 8 or 9 to entering into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party includes receiving an amount of money under a regulated transaction of a description mentioned in paragraph 2(1) or (2) at a time when a person who is also a party to the transaction (and who was a qualifying person when the transaction was entered into) has ceased to be a qualifying person.

(3) It is a defence for a person charged with an offence under paragraph 8 by virtue of sub-paragraph (2) to prove that the person took all reasonable steps, as soon as practicable, to repay the money received as mentioned in sub-paragraph (2).

(4) Where a person is charged with an offence under paragraph 8(3) by virtue of sub-paragraph (2), paragraph 8(4) does not apply.

(5) In relation to a case where paragraph 9(1)(a) to (c), (2)(a) to (c) or (3)(a) to (c) apply by reason of sub-paragraph (2), the reference in paragraph 9(1)(d), (2)(d) or (3)(d) to any money received by virtue of the transaction is to be read as a reference to any money so received after the party in question ceased to be a qualifying person.’

This amendment ensures that it is an offence for a permitted participant knowingly to receive money under a loan or other regulated transaction from a person who has ceased to be a qualifying person, or to fail to repay money received under a loan or other regulated transaction from a person who has ceased to be a qualifying person after becoming aware that person has so ceased.

Amendment 58, page 30, line 33, leave out “any” and insert—

‘the modifications mentioned in sub-paragraph (1A) and any other’.

This amendment introduces a modification of a provision of the 2000 Act specifying information that must be included in statements of regulated transactions submitted to the Electoral Commission by permitted participants.

Amendment 59, page 30, line 34, at end insert—

‘(1A) In relation to the statement—

- (a) paragraph 5(4) of Schedule 6A has effect as if the reference to the relevant date for the transaction determined in accordance with paragraph 8 of that Schedule were a reference to the relevant date for the transaction determined in accordance with paragraph 8(1) of that Schedule, and
- (b) paragraph 8(1) of that Schedule has effect as if—
 - (i) the reference to a quarterly report were a reference to the statement,
 - (ii) the reference to section 71M(4)(a) or (7)(a) were a reference to paragraph 15(3)(a) of this Schedule, and
 - (iii) the reference to section 71M(4)(b) or (7)(b) were a reference to paragraph 15(3)(b) of this Schedule.’

This amendment modifies a provision of the 2000 Act requiring the relevant date of transactions to be included in statements of regulated transactions submitted by permitted participants to ensure that the provision applies as intended to transactions regulated by new Schedule 15A to the 2000 Act inserted by Schedule 2 to the Bill.

Amendment 60, page 33, line 39, at end insert—

‘(5A) Paragraph 1 of Schedule 19A to the 2000 Act (requirement to notify Commission of certain political contributions) has effect in relation to the referendum as if—

- (a) in sub-paragraph (2) after paragraph (f) there were inserted—
- (fa) it makes a loan of money to a permitted participant, or discharges (to any extent) a liability of a permitted participant, in pursuance of a regulated transaction (within the meaning of Schedule 15A);” and
- (b) in sub-paragraph (5)(e) for “sub-paragraph (2)(b) or (d)” there were substituted “sub-paragraph (2)(b), (d) or (fa)”.’

This amendment ensures that loans to, or discharges of liability of, permitted participants by unincorporated associations are treated as political contributions for the purposes of the provisions of the 2000 Act that require unincorporated associations to report to the Electoral Commission certain political contributions they make and, where they make such contributions, certain gifts they receive.

Amendment 61, page 33, line 43, at end insert—

‘() Nothing in sub-paragraph (5A) or (6) (read with section 9) is to be taken to mean that Schedule 19A or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.’

This amendment makes clear that Schedules 19A and 19C to the 2000 Act do not extend or apply to Gibraltar (despite those Schedules being referred to in a provision that extends to Gibraltar).

Amendment 62, page 33, line 45, leave out paragraph 3 and insert—

‘3 (1) In this paragraph and paragraph 3A “Schedule 15A” means the Schedule treated as inserted by paragraph 1.

(2) The following provisions of Schedule 15A—

- (a) paragraphs 1 and 3, and
- (b) Parts 4 and 5, except paragraph 17(b),

apply to a relevant varied transaction as they apply to a regulated transaction within the meaning of Schedule 15A.

(3) Accordingly, any reference to a regulated transaction in a provision of the 2000 Act modified by paragraph 2 of this Schedule includes a relevant varied transaction.

(4) For the purposes of this paragraph and paragraph 3A a transaction is a “relevant varied transaction” if—

- (a) the transaction was entered into, before or after the commencement of this Schedule, by a person who after entering into the transaction became a permitted participant,
- (b) the transaction would have been a regulated transaction within the meaning given by paragraph 2 of Schedule 15A if at the time when that person entered into the transaction—
 - (i) that person had been a permitted participant, and
 - (ii) the use condition mentioned in paragraph 2(5) of Schedule 15A had been satisfied (if it was not in fact satisfied at the time the transaction was entered into),
- (c) at a time after the commencement of this Schedule, and after that person became a permitted participant, the terms of that transaction were varied so as to increase the amount of money or benefit to which the permitted participant is entitled in consequence of the transaction, and
- (d) at the time of that variation, the permitted participant intends to use any money or benefit obtained in consequence of the transaction for meeting referendum expenses incurred by or on behalf of the permitted participant.

(5) For the purposes of sub-paragraph (4)(d) it is immaterial whether only part of the money or benefit is intended to be used as mentioned there.

(6) In this paragraph “permitted participant” has the same meaning as it has in Schedule 15A (see paragraph 1(2) of that Schedule).

(7) In sub-paragraph (4)—

- (a) the reference in paragraph (a) to a person who after entering into the transaction became a permitted participant includes an officer, member, trustee or agent of any such person, and
- (b) in relation to a case where such an officer, member, trustee or agent entered into the transaction, the references in paragraphs (b)(i) and (c) to “that person” are to be read as references to the person for whom the person who entered into the agreement is an officer, member, trustee or agent.

3A Paragraphs 4 to 7 and Part 3 of Schedule 15A do not apply to a relevant varied transaction (or to any other transaction which was entered into before the commencement of this Schedule or before a party to the transaction became a permitted participant).’

This amendment provides for the reporting requirements of new Schedule 15A to the 2000 Act to apply to certain transactions entered into before a person becomes a permitted participant that are varied after they become a permitted participant to increase the amount of money under the transaction.

Amendment 63, page 34, line 8, at end insert—

‘() In this paragraph references to a permitted participant are to a permitted participant which either is not a registered party or is a minor party.’

This amendment ensures that the requirement that permitted participants report loans and other regulated transactions during the referendum period does not apply to registered parties (other than minor parties). Registered parties (other than minor parties) are subject to separate requirements to report loans and other regulated transactions? under the 2000 Act.

Amendment 64, page 37, line 7, at end insert—

‘6A Section 149(2) to (5) and (7) of the 2000 Act (inspection of Commission’s documents) apply in relation to reports and documents which the Electoral Commission are required to make available for public inspection under paragraph 6 as they

apply to the documents which the Electoral Commission are required to make available for public inspection by virtue of the provisions of the 2000 Act mentioned in section 149(6) of that Act.’

This amendment ensures that provisions in the 2000 Act about inspection of registers and documents kept by the Electoral Commission apply to permitted participants’ regulated transaction reports delivered to the Commission, and available for public inspection, under Schedule 2 to the Bill.

Amendment 65, page 37, line 12, at end insert—

‘() In section 148 of the 2000 Act (general offences), the references in each of subsections (1) to (3) to any of the provisions of that Act include any of the provisions of this Schedule.’

This amendment ensures that the offences in section 148 of the 2000 Act, which include failure to supply information required for the purposes of that Act, apply also where information is required for the purposes of Schedule 2 to the Bill.

Amendment 66, page 37, line 17, leave out sub-paragraphs (3) and (4) and insert—

‘(3) In paragraphs 3 to 5 of Schedule 19B to the 2000 Act (powers of Electoral Commission in relation to suspected offences or contraventions)—

- (a) the references to an offence under that Act include an offence under this Schedule, and
- (b) the references to a restriction or other requirement imposed by or by virtue of that Act include a requirement or restriction imposed by or by virtue of this Schedule.

(4) Schedule 19C to the 2000 Act (civil sanctions), and any order under Part 5 of that Schedule, have effect as if any reference in that Schedule to an offence under the 2000 Act, or to a prescribed offence under that Act, included a reference to an offence under paragraph 4(9) of this Schedule.

(5) Nothing in sub-paragraph (3) or (4) (read with section 9) is to be taken to mean that Schedule 19B or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.’—(Mr Lidington.)

This amendment ensures that the Electoral Commission’s investigatory powers apply to contraventions under Schedule 2, that the Electoral Commission may impose civil penalties for an offence of failing to report certain transactions and that Schedules 19B and 19C to the 2000 Act do not extend or apply to Gibraltar.

Schedule 3

FURTHER PROVISION ABOUT THE REFERENDUM

Amendments made: 67, page 37, line 24, at end insert—

‘Interpretation

A1 In this Schedule a reference to functions includes functions conferred by any provision of law made in and for Gibraltar.’

This amendment makes it clear that a reference to a function in Schedule 3 includes functions under Gibraltar law (as well as functions under the law of the United Kingdom).

Amendment 68, page 39, line 1, at end insert “and Gibraltar”

This amendment renames (for the purposes of the referendum) the South West region as the South West and Gibraltar region.

Amendment 69, page 39, line 6, leave out sub-paragraph (2) and insert—

‘(2) Where—

- (a) a region mentioned in sub-paragraph (1) (a “listed region”), and
- (b) a region mentioned in the Table in Schedule 1 to the European Parliamentary Elections Act 2002 (an “electoral region”),

have the same name, the listed region comprises the areas specified in relation to that electoral region in that Table as they are for the time being.

(3) The South West and Gibraltar region mentioned in sub-paragraph (1) comprises the areas specified in relation to the South West region in that Table as they are for the time being.

(4) In determining for the purposes of sub-paragraph (2) or (3) what the areas are that are specified in that Table, paragraph 2(2) of Schedule 1 to the European Parliamentary Elections Act 2002 is to be ignored.’

This amendment renames (for the purposes of the referendum) the South West region as the South West and Gibraltar region.

Amendment 70, page 39, line 34, at end insert “and Gibraltar”

This amendment renames (for the purposes of the referendum) the South West region as the South West and Gibraltar region.

Amendment 71, page 39, line 37, at end insert—

‘as counting officer or as Regional Counting Officer (as the case may be)’.

This amendment makes it clear that the duty of the Government of Gibraltar under this paragraph to provide officers to assist the Clerk to the Gibraltar Parliament is limited to assistance in carrying out his functions as counting officer (and not in carrying out his wider functions).

Amendment 72, page 39, line 44, leave out “provided by and under this Act” and insert—

‘provided—

- (a) by and under this Act, and
- (b) in the case of the Chief Counting Officer, the Regional Counting Officer (if any) appointed for the South West and Gibraltar region and the counting officer for the Gibraltar voting area, by Gibraltar conduct law.’

This amendment ensures that the Chief Counting Officer, Regional Counting Officer for the South West and Gibraltar Region and counting officer for the Gibraltar voting area must do whatever is necessary to conduct the referendum in accordance with Gibraltar conduct law (as well as in accordance with the Act and regulations made under the Act).

Amendment 73, page 40, line 8, after “regulations” insert—

‘or Gibraltar conduct law (as the case may be)’.

This amendment ensures that the counting officer for the Gibraltar voting area is responsible for any matters specified in Gibraltar conduct law (as well as any matters specified in conduct regulations made by a UK Minister that extend to Gibraltar).

Amendment 74, page 41, leave out lines 19 to 36 and insert—

‘(b) is not in accordance with any requirements applicable to the referendum imposed as described in sub-paragraph (4) or otherwise.

(2) A re-count of votes in reliance on sub-paragraph (1) may only be conducted in the circumstances (if any) specified in conduct regulations or Gibraltar conduct law (as the case may be).

(3) For the purposes of this paragraph each of the following is a “relevant person”—

- (a) a registration officer;
- (b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
- (c) a clerk of, or a person providing goods or services to, the Regional Counting Officer or the counting officer;
- (d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
- (e) a deputy or assistant of—
 - (i) the Regional Counting Officer or the counting officer, or
 - (ii) a person mentioned in paragraph (a), (b), (c) or (d).

(4) For the purposes of sub-paragraph (1)(b) requirements are imposed as described in this sub-paragraph if they are imposed—

- (a) by or under this Act, or
- (b) in the case of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region, the counting officer for the Gibraltar voting area or a Gibraltar relevant person, by any provision of law made in and for Gibraltar.

(5) For the purposes of sub-paragraph (4)(b) each of the following relevant persons is a “Gibraltar relevant person”—

- (a) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
- (b) a clerk of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region;
- (c) a person providing goods or services to the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or to the counting officer for the Gibraltar voting area;
- (d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
- (e) a deputy or assistant of—
 - (i) the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or the counting officer for the Gibraltar voting area, or
 - (ii) a person mentioned in paragraph (a), (b), (c) or (d).

(6) For the purposes of sub-paragraph (3)(e) and (5)(e) a person (“A”) is an assistant of another person (“P”) if—

- (a) A is appointed to assist P, or
- (b) in the course of employment A is assisting P, in connection with any function in relation to the referendum.’

This amendment ensures that paragraph 8 of Schedule 3 to the Bill (correction of procedural errors by Regional Counting Officers and counting officers) works as intended in Gibraltar.

Amendment 75, page 41, line 38, after “Act” insert “or Gibraltar conduct law”.

This amendment ensures that the requirements which are set out about how public notices must be given also apply to public notices which are required by Gibraltar conduct law.

Amendment 76, page 42, line 12, leave out sub-paragraph (4) and insert—

‘(4) The reference in sub-paragraph (3) to those entitled to vote in the referendum who did so includes any persons entitled to vote who conduct regulations or Gibraltar conduct law provides are to be treated for the purposes of sub-paragraph (3) as having voted.’

This amendment recognises that Gibraltar conduct law (as well as conduct regulations made by a UK Minister) may specify who is to be treated as having voted in the referendum (for the purposes of the Electoral Commission publishing estimates of turnout for the referendum in England, Wales, Scotland, Northern Ireland and Gibraltar).

Amendment 77, page 42, line 32, at end insert—

‘() A reference in this paragraph to “a registration officer” includes the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003).’ —(Mr Lidington.)

This amendment ensures that the Gibraltar registration officer (like other registration officers) is required to take appropriate steps to encourage participation in the referendum.

12.28 am

More than six hours having elapsed since the commencement of proceedings on consideration, the Deputy Speaker put forthwith the Question necessary to bring proceedings to a conclusion (Programme Order, this day).

Question put, That the Bill be now read the Third time.

The House divided: Ayes 316, Noes 53.

Division No. 61]

[12.28 am

AYES

Adams, Nigel	Davies, Byron
Afriyie, Adam	Davies, Chris
Aldous, Peter	Davies, David T. C.
Alexander, Heidi	Davies, Glyn
Allen, Heidi	Davies, Dr James
Amess, Sir David	Davies, Mims
Anderson, Mr David	Dinenage, Caroline
Andrew, Stuart	Djanogly, Mr Jonathan
Ansell, Caroline	Dodds, rh Mr Nigel
Argar, Edward	Donaldson, rh Mr Jeffrey M.
Atkins, Victoria	Donelan, Michelle
Bacon, Mr Richard	Double, Steve
Baker, Mr Steve	Dowden, Oliver
Baldwin, Harriett	Doyle-Price, Jackie
Barclay, Stephen	Drummond, Mrs Flick
Bebb, Guto	Duncan, rh Sir Alan
Bellingham, Mr Henry	Duncan Smith, rh Mr Iain
Benn, rh Hilary	Dunne, Mr Philip
Benyon, Richard	Elliott, Tom
Beresford, Sir Paul	Ellis, Michael
Berry, Jake	Ellison, Jane
Berry, James	Ellwood, Mr Tobias
Bingham, Andrew	Elphicke, Charlie
Blackman, Bob	Eustice, George
Blackwood, Nicola	Evans, Graham
Blenkinsop, Tom	Evans, Mr Nigel
Blomfield, Paul	Evennett, rh Mr David
Boles, Nick	Fallon, rh Michael
Bone, Mr Peter	Fernandes, Suella
Borwick, Victoria	Field, rh Mark
Bottomley, Sir Pester	Foster, Kevin
Bradley, Karen	Fox, rh Dr Liam
Brady, Mr Graham	Francois, rh Mr Mark
Brazier, Mr Julian	Frazer, Lucy
Bridgen, Andrew	Freeman, George
Brine, Steve	Freer, Mike
Brokenshire, rh James	Fuller, Richard
Bruce, Fiona	Fysh, Marcus
Buckland, Robert	Garnier, rh Sir Edward
Burgon, Richard	Garnier, Mark
Burns, Conor	Gauke, Mr David
Burns, rh Sir Simon	Ghani, Nusrat
Burrowes, Mr David	Gibb, Mr Nick
Burt, rh Alistair	Glen, John
Cadbury, Ruth	Goodwill, Mr Robert
Cairns, Alun	Gove, rh Michael
Campbell, rh Mr Alan	Graham, Richard
Campbell, Mr Gregory	Grant, Mrs Helen
Carmichael, Neil	Grayling, rh Chris
Cartledge, James	Green, Chris
Cash, Sir William	Green, rh Damian
Caulfield, Maria	Greening, rh Justine
Chalk, Alex	Grieve, rh Mr Dominic
Chishti, Rehman	Griffiths, Andrew
Chope, Mr Christopher	Gummer, Ben
Churchill, Jo	Gyimah, Mr Sam
Clark, rh Greg	Halfon, rh Robert
Cleverly, James	Hall, Luke
Clifton-Brown, Geoffrey	Hammond, rh Mr Philip
Coffey, Dr Thérèse	Hammond, Stephen
Colville, Oliver	Hancock, rh Matthew
Costa, Alberto	Hands, rh Greg
Cox, Mr Geoffrey	Harper, rh Mr Mark
Crouch, Tracey	Hart, Simon
Dakin, Nic	Haselhurst, rh Sir Alan

Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hurd, Mr Nick
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Kevan
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Kirby, Simon
 Knight, rh Sir Greg
 Knight, Julian
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lucas, Caroline
 Mackinlay, Craig
 Mackintosh, David
 Mahmood, Shabana
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Mearns, Ian
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen

Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, Grahame M.
 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
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Cat
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Smyth, Karin
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spencer, Mark

Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Syms, Mr Robert
 Thomas, Derek
 Thornberry, Emily
 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
 Watson, Mr Tom
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Phil
 Wilson, Mr Rob
 Wilson, Sammy
 Winterton, rh Ms Rosie
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zeichner, Daniel

Tellers for the Ayes:
 George Hollingbery and
 Margot James

NOES

Ahmed-Sheikh, Ms Tasmina
 Arkless, Richard
 Bardell, Hannah
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Boswell, Philip
 Brock, Deidre
 Brown, Alan
 Cameron, Dr Lisa
 Chapman, Douglas
 Cherry, Joanna
 Cowan, Ronnie
 Crawley, Angela
 Docherty, Martin John
 Donaldson, Stuart
 Ferrier, Margaret
 Gethins, Stephen
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Hendry, Drew
 Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Law, Chris
 MacNeil, Mr Angus Brendan
 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
 O'Hara, Brendan
 Oswald, Kirsten
 Paterson, Steven
 Robertson, Angus
 Salmond, rh Alex
 Sheppard, Tommy
 Skinner, Mr Dennis
 Stephens, Chris
 Thewliss, Alison
 Thomson, Michelle
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri

Tellers for the Noes:
 Owen Thompson and
 Marion Fellows

Question accordingly agreed to.

Bill read the Third time and passed.

Summer-born Children (Education Guidelines)

Motion made, and Question proposed, That this House do now adjourn.—(Sarah Newton.)

12.39 am

Stephen Hammond (Wimbledon) (Con): I want to extend my thanks to the Speaker for selecting me for this Adjournment debate, for even at this late hour the issue I intend to raise is highly important. I can tell the Minister that even at this late hour, although the Gallery may not be packed, a lot of people are watching this debate with real interest and have been waiting for his performance, and mine, for some hours now.

As with most Adjournment debates, the reason for applying for it started with issues raised by constituents. Their cases alone would have been enough for me to want hold the debate, but, as so often, when one starts to do one's research one realises that something is not just a problem in one constituency but is a national issue. I recognise that others are pursuing similar campaigns. At the outset, I wish to recognise the excellent work of Bliss, the Too Much, Too Soon campaign, and the Summer Born campaign, as well as thousands of parents and colleagues, for I recognise that in raising this matter I follow in the footsteps of angels. I also want to praise the Department for Education and the Minister for the work they have already undertaken on this matter. The Minister will understand, however, that tonight I am going to try to persuade him to go a little further.

The definition of a summer-born child is one born between 1 April and 31 August. The issue, in essence, is that children must enter education by the September after their fifth birthday. So in a reception class starting on 1 September this year, there could be a child born on 2 September 2010 and a child born 11 months later at the end of August the following year. One might therefore expect a huge gulf to be seen in development—a fact that is consistently borne out by studies. It is well documented that summer-born children can suffer from long-term development issues and a lag in educational standards. A DFE study from last year showed that at the end of their first year children defined as summer-born were at a significant disadvantage in comparison with older children. The study shows that two thirds of those born between May and August fail to meet minimum expected standards in reading, writing, speaking, maths and other development skills, compared with slightly less than a third for those born between September and December.

That is understandably worrying for a parent of any child born in these months, but equally worrying is that, while intuitively one might expect this gap to decline as the child progresses through the education system, many studies show that children who are young for their year are typically still seeking to catch up at GCSE level and are less likely to go to university. In June this year, an article published in the *Journal of Child Psychology and Psychiatry* confirmed the DFE study's findings that younger children were twice as likely to have language and behavioural problems relative to their elder peers. Interestingly, since I spoke about this on the radio at lunchtime, a number of people have contacted my office.

It is noticeable also that Sutton Trust research shows that this issue affects not only the poorest areas in our society but some of the richest—it spreads across our

society. As I am sure the Minister knows, it is not unknown for some summer-born children to be told that they have special needs. Moreover, the experience of being persistently outperformed by more developed or older children can lead to serious confidence and inferiority perceptions and bullying. Of course, all these risks are also faced by premature children who are encouraged to start school before they are ready.

This whole catalogue of issues and problems was personified for me in two constituency cases. In the first, a summer-born child entered into reception without any deferral, despite requests to our local council to repeat their nursery years. It became clear that the child needed longer to develop. Therefore, the parents, with the head teacher's support, using the guidelines in place, applied for the child to repeat reception rather than move to year 1. The admissions manager repeatedly stressed that the guidelines were not statutory, but after pressure the request was eventually granted. However, the council has said that the guidelines are not statutory, and it is now telling the family that it may have to go through the whole deferral process again in year 5. The possible consequence is that the child may miss year 7 and go straight into a secondary school in year 8, rejoining their original age cohort.

The second constituency case was raised by Louise and Ian Hunter in relation to their son Hugh. Hugh was born extraordinarily premature, and has been the beneficiary of the neo-natal unit at St George's hospital and all its excellent staff. Hugh would not have been ready to enter reception at age 4, so his parents sought to defer it to age 5. One might have thought from knowing the medical history that a letter from the parents would have formed the substantial part of an application to defer his education and that very little else would be required. However, yet again, the local council told the parents that the guidelines were non-statutory, and that there might be issues with other authorities if they chose to move house at some stage. Indeed, the local authority appeared to say that "non-statutory" means voluntary or optional. The local council tried to claim that it needed a precedent to be able to follow the guidelines or clear evidence that Hugh had special educational needs before it could authorise a deferral. Finally, after a lot of persuasion, notice was taken of the guidelines, but there was still confusion over the process. Hugh was lucky to benefit from having dedicated and conscientious parents, and 18 months after their original application to defer, the council agreed to their request.

For many years before the guidelines were published, the whole process was mired in even more difficulty and uncertainty, so the way that the DFE and Ministers have grasped this matter is entirely to their credit and is much welcomed. However, it is clear that this matter remains far too much of a lottery for many. The volume of emails I have received from people from around the country this afternoon, following my performance on "You and Yours" on Radio 4, shows that this concern is not confined to those two constituency cases.

Jim Shannon (Strangford) (DUP): I sought the hon. Gentleman's permission to intervene and thank him for giving way. As he will know, education is a devolved matter in Northern Ireland, but the issues in the cases that he outlines are also apparent in Northern Ireland. My concern regarding my constituents is that summer-born

[Jim Shannon]

children are sometimes expected to be smarter than their younger counterparts. Has the hon. Gentleman experienced that on the mainland as well?

Stephen Hammond: I am unsure that I necessarily followed that exactly, but the hon. Gentleman, as ever, makes a clear point. I am sure that parents in Northern Ireland will be listening carefully.

Going back to my performance on “You and Yours” today, several people have emailed me since and I was particularly struck by a lady who contacted me to say that she had triplets born prematurely at 25 weeks. They should have been born on 1 November, but she was told by her local authority that if she delays their start to school, they will have to go into year 1 rather than reception. That is despite the fact that her children have been diagnosed by paediatricians as having additional needs and developmental delay. Another lady got in touch to tell me about her granddaughter who was born in August 2005 in Dublin. In Ireland, as the Minister will know, parents can choose when a child with an August birthday starts school, so the parents decided to delay her entry into reception. A few years later, it was necessary for the family to move to the UK, where the local authority has insisted that the child starts school with her chronological age group in year 5, thereby skipping year 4. That has caused huge distress and anxiety for the child. Practice differs across the country, but the guidelines are being followed inconsistently and it has become far too much of a lottery.

Steve Brine (Winchester) (Con): I spoke to my hon. Friend before the debate to say that I would intervene, and I thank him for giving way. My youngest son, William, started school today. He was born in November and my wife and I just know that he is ready to start school. Does my hon. Friend agree that the reason for such a response to his stellar performance on Radio 4 this lunchtime is that this is ultimately about parental choice? Parents know what is best for their children and want greater control over when their children enter the education system.

Stephen Hammond: I wholeheartedly concur. I am pleased to see from some comments that the Minister has made already that he, too, understands and accepts that point fully.

We must look at the practice in other countries. In the Netherlands, parents have the right to choose whether a child has one or two years at kindergarten. In the USA, study at kindergarten can be delayed to allow social, emotional, intellectual or physical growth. In some German states, all children are required to be assessed by a paediatrician or educational psychologist to check that they are ready for school. I am not suggesting that we implement all those practices, but it is clear that there is a recognition of these issues across a number of countries.

I have referred a number of times to the guidelines entitled “Advice on the admission of summer born children”, in which the Minister is well versed. I find it difficult to disagree with a statement that came from his Department earlier in the year, which stated:

“Our reforms are raising the quality of early years education”.

It stated that there was

“a greater focus on the key skills children need for a good start in life.”

That is what the guidelines entail.

Paragraph 2.17 of the school admissions code states:

“Parents may seek a place for their child outside of their normal age group... In addition, the parents of a summer born child...may request that they are admitted out of their normal age group—to reception rather than year 1.”

It states that authorities must

“make decisions on the basis of the circumstances of each case and in the best interests of the child concerned”;

that they must

“take into account the views of the head teacher”;

and that they must inform the parent of their decision and

“set out clearly the reasons for their decision.”

Finally, it sets out that any application must be taken into account as part of the normal process and not be given a lower priority.

Those guidelines are a real step forward, but there is always a but. In this case, the but is not about the guidelines; there are issues with how the process is being operated in practice, there are concerns about the attitudes of a number of councils and there is a feeling among many parents that they are not getting a fair hearing or that the system is operating as postcode lottery.

Let me briefly set out the issues with current practice. First, although there is no statutory barrier to a child being admitted outside their normal age cohort, there is no right to insist or to appeal. Although the guidelines state that the rationale must be set out, they do not confer any extra rights. Secondly, some authorities allow delayed entry into education but then insist that the child begins in year 1, rather than in reception, thus removing all the hoped for benefit of starting a year later. Thirdly, some authorities, as I pointed out when describing the case in my constituency, allow a child to defer entry at primary level but give no guarantee that the child will remain in that cohort post-primary school. Finally, there are any number of similar problems for the parents of premature and pre-term babies. Some local authorities take no account of prematurity or the due date.

The Education Committee noted in a report earlier this year that the number of cases where children were being delayed and then admitted into year 1 rather than into reception had increased and that there was an increase in the number of contentious cases.

Tonight, I ask the Minister for minor tweaks that I think would have a substantial impact on the lives of many children. I hope that those tweaks will address the issues that I have described. I know that the Minister has agreed to a review, so I ask him to look at revising the guidelines in three ways. First, I ask that the due date, rather than the birth date, of premature children be used in the definition or interpretation of compulsory school age. Secondly, I ask him to consider giving the parents of summer-born children an automatic right to defer, given that parents have the best feeling for when their children should enter education, with a similar provision for the parents of premature children. Finally,

I ask him to ensure that once a deferral has been agreed, the child stays in the same educational cohort throughout their educational career.

If the Minister feels that that is a “perfect world”, that he cannot necessarily agree to all those suggestions, and that perhaps one would be a step too far—although I do not think they are—then surely the default position must be that the onus is placed on the council to prove why a request should not be granted. I hope the Minister will consider the three tweaks, which I regard as relatively minor. Like supporters of the “Summer Born” and “Too Much, Too Soon” campaigns, I have been hugely encouraged by the Minister’s interest in this issue. Tonight—or this morning—we have the chance, through those tweaks, to change many children’s lives for the better. I hope the Minister will agree, in his comments this morning, to look at those tweaks and to revise the guidelines accordingly. We have the chance to make a change that will be of benefit to so many children.

12.55 am

The Minister for Schools (Mr Nick Gibb): I congratulate my hon. Friend the Member for Wimbledon (Stephen Hammond) on securing the debate, and on choosing such an apposite time of the day in which to have it. I also congratulate him on his very effective campaigning on this issue, both for his constituents—Hugh Hunter and his parents—and the other families he referred to. I congratulate him on the fight he has put up on their behalf, and on his campaign nationally on this very important issue. It is timely, as it allows me the opportunity to set out the Government’s position on summer-born children, and our intention to amend the school admissions code to ensure that summer-born children do not miss out on an important year of their education and schooling.

The statutory school admissions code currently requires admission authorities to provide for the admission to school of all children in the September following their fourth birthday. A child does not reach compulsory school age until on or after their fifth birthday. No parent, therefore, is obliged to send their child to school before that age is reached. Most parents are happy for their child to begin school at the age of four, but as we know, children develop at different rates, particularly in the early years. Some parents will therefore feel that their child is simply not ready to start school before compulsory school age. To allow for this, the admissions code makes it clear that parents can request that their child attend part time, or that their entry be delayed, until they reach compulsory school age.

Where parents of a summer-born child want that child to start school at the age of five, as the law allows them to, they will start school at the point when their peers are moving up from the reception class to year 1. If they want their child to be admitted to the reception class at this point, they must currently request that they be admitted outside of their normal age group. The admissions code requires the admission authority to then make a decision on the age group the child should be admitted to, based on the circumstances of the case and their best interests. In making that decision, the admission authority is required to take into account the views of the headteacher of the school—as my hon. Friend explained—as they are best placed to advise on the age group at their school in which the child’s needs can best be met. The code also makes clear that admission

authorities must take into account the wishes of parents, alongside other information relating to the child’s academic, social and emotional development.

This, however, is where problems seem to arise at a local level. The decision on what age group the child should be admitted to often seems to be problematic, with the parents and admission authority failing to agree on what is in the best interests of the child. I am concerned about the number of cases in which it appears that the wishes of parents are not being respected and children are being admitted to year 1, rather than the reception class, and are therefore missing out on the essential teaching of reading and arithmetic which takes place in the reception class.

We have always made it clear that there are no statutory barriers to admitting summer-born children to reception class at the age of five. In July 2013, we published non-statutory advice to help admission authorities and parents understand the statutory framework within which decisions must be made, and to remove the misunderstandings that appeared to get in the way of admission authorities agreeing to parental requests. For example, it clarified that a school’s funding would not be affected if they admitted a child out of their normal age group, and this advice seemed to be successful at dispelling such misunderstandings, but unfortunately it did not result in a reduction in the number of problematic cases, or the number of parents whose wishes were overruled.

That is why last year we amended the admissions code to provide greater clarity about how such decisions should be made, and to improve transparency for parents. The code now makes it clear that the decision must be made in the best interests of the child. It also requires the admission authority to take account of the views of the headteacher of the school concerned, as they are best placed to advise on the age group at their school. The code requires the admission authority to publish the process for requesting admission out of the normal age group, and to set out the reasons for its decision in each case for the parents concerned. It also makes it clear that admission authorities should take into account the wishes of parents, alongside other information relating to the child’s development.

In spite of these changes and the additional non-statutory advice we published alongside them, I am concerned about the number of cases in which it appears that children are still being admitted to year 1 against their parents’ wishes and are, as a consequence, missing out on that important reception year at school. I am also concerned that some children who are admitted outside of their normal year group are later expected to miss a year and move up against their wishes to join the other children of the same age range—a point referred to by my hon. Friend.

We have therefore decided it is necessary to amend the admissions code further to ensure that summer-born children can be admitted to reception at the age of five, if this is what their parents wish, and to ensure that those children are able to remain with that cohort as they progress through school. We have already begun the work necessary to implement the change. We will conduct a full public consultation in due course and, subject to parliamentary approval, we will introduce these further changes to ensure that no child is forced to start school before they are ready.

[Mr Nick Gibb]

Admission authorities may have been reluctant to agree to parental requests because they felt it would open the floodgates—that large numbers of parents of summer-born children would want them to be admitted outside their normal age group—and that, as a consequence, the admission system would become impossible to manage. I do not believe this to be true. The reception year of school is the final part of the early years foundation stage, and we know that most parents are happy for their child to go to school at this point, confident that they are ready for the challenge. We believe that only a small proportion of parents of summer-born children wish them to be admitted to reception at the age of five—for example, children born in the late summer

months or born prematurely. On that point—the first of the three my hon. Friend made—I will further consider whether we can make changes in relation to the due date versus the birth date of prematurely born children.

I am grateful to my hon. Friend for raising this important issue. I hope he is happy to learn that we are taking action to address his concerns on the admission of summer-born children.

Question put and agreed to.

1.3 am

House adjourned.

Written Statements

Monday 7 September 2015

DEFENCE

Royal Navy Operations

The Minister for the Armed Forces (Penny Mordaunt): On 15 April 2015, while in the Irish Sea, the fishing vessel Karen sustained damage to her nets and deck equipment and, following repairs, resumed fishing shortly after.

On the information available at the time, the Royal Navy (RN) was confident that no UK submarine was involved in the incident, and I also informed the House in response to questions from the hon. Member for South Down (Ms Margaret Ritchie) on 10 June 2015 (question 1312) and during Defence oral questions on 13 July 2015, *Official Report*, column 579.

I now wish to inform the House that, on the basis of new information that has become available, the RN has now confirmed that a UK submarine was, in fact, responsible for snagging the Karen's nets. The incident, the delay in identifying and addressing the events on that day, and their consequences, are deeply regretted.

It is standing Ministry of Defence policy not to comment in detail on submarine operations but, exceptionally, I can say that this incident occurred because the submarine did not correctly identify the Karen as a fishing vessel with nets in the water, and thus did not give her the berth she would otherwise have had. Moreover, had the submarine been aware of the incident at the time, which it was not, then the protocols in place under the Code Of Practice For Submarine Operations In The Vicinity Of Fishing Vessels would have required the submarine to surface and remain on scene while the matter was investigated.

Notwithstanding the enduring requirement to operate RN submarines in busy coastal waters to guarantee our national security, this is the first incident between an RN submarine and a fishing vessel since the code was introduced in 1993. Having identified the specific circumstances, the RN has already taken steps to further reduce the risk of such circumstances happening again: the instructions issued to submarine Commanding Officers (COs) have been updated to reflect the lessons learned, which will also inform the training given to future COs. The RN's reporting procedures have been reviewed to enable it to confirm more quickly whether or not a UK submarine was involved. These new arrangements will enable the Ministry of Defence's established claims procedures to be invoked with minimal delay and the matter fully investigated.

MOD officials have contacted the Karen's owners and insurers to discuss appropriate compensation.

I can assure the House that we take the safety of fishing vessels, and of life at sea, very seriously. The RN is co-operating with the Marine Accident Investigation Board's independent inquiry, and will continue to engage with the UK's fishing communities to explain our position

and how we are responding. We will continue to work closely with the Fishing Industry Safety Group and Trade Associations to ensure the continuing safety of fishing vessels and our ships and submarines.

[HCWS177]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Thames Tideway Tunnel

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rory Stewart): I wish to update the House on progress on the Thames Tideway Tunnel since the written ministerial statement—5 June 2014, *Official Report*, column 11WS—made by my right hon. Friend the Member for North Shropshire (Owen Paterson).

The Thames Tideway Tunnel is an example of world leading British engineering at its best. It will boost economic growth across the capital, generate thousands of jobs and bring significant benefits to the natural environment by protecting the Thames from sewage. In the 21st century, the most dynamic city in the world should not have a river that is polluted by sewage every time there is heavy rainfall.

In the previous statement the Government confirmed they had required Thames Water to put the project out to tender by running a competitive procurement for an infrastructure provider that would be separate from Thames Water and would be responsible for delivering the project, including its financing.

The procurement was carried out under the Utilities Contracts Regulations 2006. The Government and Ofwat were consulted throughout this process. On 14 July 2015 Thames Water announced that the consortium forming Bazalgette Tunnel Ltd was its preferred bidder for the project's infrastructure provider. The shareholders are a consortium of pension funds and long-term investors represented by Allianz, Amber Infrastructure (representing International Public Partnerships and Swiss Life), Dalmore Capital and DIF.

On 12 August the European Commission announced that it was content that the state aid contained in the Government support package was compatible with the European Union's internal market. The adopted decision is expected to be published in the *Official Journal of the European Union* in due course.

On 14 August Ofwat announced that it had designated Bazalgette Tunnel Ltd as the infrastructure provider under the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013.

On 24 August Ofwat awarded Bazalgette Tunnel Ltd a Project Licence and commercial close was reached on the project. The Project Licence award followed two public consultations carried out by Ofwat in October 2014 and August 2015. Bazalgette Tunnel Ltd also signed the project documentation and the three main construction contracts with three consortia who will construct the tunnel.

In addition, Bazalgette Tunnel Ltd and the Secretary of State for Environment, Food and Rural Affairs, with other project parties, have entered into contracts constituting the Government's contingent financial support for the project the "Government support package" and other

associated documents. The Government support package has enabled the project to attract private sector finance at an acceptable cost for customers and will only be called upon if certain low-probability but high-impact risks arise during construction. If they do not materialise there will be no exposure for the taxpayer.

The Secretary of State, Bazalgette Tunnel Ltd and Thames Water also signed the liaison agreement. This enables Government to monitor progress on the project and will assist with managing any likely calls on the Government support package.

I am placing the core contracts today in the Library of both Houses, subject to some commercial redactions. I understand that other contracts relating to the project will be made available in due course by the parties involved.

The competitions for both the infrastructure provider and the construction contracts were highly competitive. The winning bid for the infrastructure provider offered a weighted average cost of capital (WACC) of 2.497%, which is fixed, subject to the terms of the project licence, until the first price review following construction. The construction procurements delivered a target build cost which is unchanged from that estimated in 2011. As a result, Thames Water now estimates the project will lead to an average household customer bill impact which will peak at £20 to £25 by the mid-2020s (in 2015 prices), of which £7 is already included within customer bills. They also expect that their current average household bill for water and wastewater services will remain at the same level, before inflation, until at least 2020. This impact is considerably lower than the maximum estimate of £70 to £80 given in the written ministerial statement—3 November 2011, *Official Report*, column 41WS—made by my hon. Friend the Member for Newbury (Richard Benyon). This is a significant and welcome reduction in the estimated bill impacts of the project.

From the first periodic price review following construction of the tunnel prices will be regulated by Ofwat as they are for the remainder of the industry.

Construction on the main drive sites is anticipated to start in late summer 2016 with physical completion scheduled for 2023.

Many parties have invested a great deal of time and effort to reach this significant milestone. Government look forward to continuing to work closely with Bazalgette Tunnel Ltd, Thames Water and Ofwat so that it can manage the taxpayer risks that arise from the Government support package during the construction period and help ensure a successful outcome for customers, taxpayers and the environment.

[HCWS175]

JUSTICE

HM Courts & Tribunal Service

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): My noble Friend the Minister of State for Civil Justice (Lord Faulks QC) made the following written statement on 22 July 2015.

“I am today announcing the Government’s response to the consultation on proposals for increases to court fees, which was published on 16 January 2015, and also launching a new consultation on further proposals.

The courts fulfil a vital role in an effective and functioning democracy. They provide access to justice for those who need it, upholding the principle of the rule of law. That is why we need to make sure that the courts and tribunals are properly funded.

The Secretary of State and the Courts Minister have set out separately plans for reform to the courts and tribunals where we will be investing in reforms that will deliver a modernised, leaner, and more efficient system.

To deliver this vision, we need a strong, secure and effective economy. This Government were elected to continue our work to fix the economy, by reducing public spending, eliminating the deficit and reducing the national debt. The courts and tribunals must continue to play their part in this national effort as much as any other public service.

There is, however, only so much that can be delivered through efficiency measures alone. If we are to secure sustainable funding of the courts and tribunals, we must also look to those who use the system to contribute more where they can afford to do so.

That is why we have to look again at court fees. Despite the fees already introduced, HMCTS still costs £1 billion a year more to run than it receives in income. In considering the changes outlined below, we have been determined to:

- deliver faster and fairer justice for all;
- protect the weak and vulnerable;
- promote equality of all before the law.

Following a consultation launched by the coalition Government in January 2015, today’s Government response confirms that we will:

- increase the fees for issuing a possession claim in the county court by £75, from £280 to £355. Our analysis of the available evidence suggests that this increase will not deter anyone who would otherwise have taken their claim to court;
- increase the fees for general applications in civil proceedings by £50, from £50 to £100, for an application by consent and by £100, from £155 to £255, for a contested application. In order to ensure the most vulnerable are not affected, we are excluding from this fee rise applications such as those to vary or extend an injunction for protection from harassment or violence.

In December 2013, the coalition Government also consulted on increasing the fee payable to issue divorce proceedings from £410 to £750. Today we are announcing that we will: increase the fees for issuing divorce proceedings to £550. We have carefully considered the concerns raised during the consultation and decided not to increase fees by 80% as originally proposed. Instead we will press ahead with a more affordable increase of about a third. We are also protecting the most vulnerable by ensuring that fee remission is available for those who need it, such as women in low wage households.

These three measures are estimated to deliver over £60 million in additional income each year but the drive to reduce costs is ongoing. We are therefore also announcing today a consultation on further proposals:

- an increase in the maximum fee for money claims from £10,000 to at least £20,000. Fees are currently payable on 5% of the value of a claim up to a maximum fee of £10,000. This change will only affect the highest value claims, worth £200,000 or more. There are 1.2 million money claims each year, of which 5,000 will be affected. That is just 0.4% of the total, or one in every 240 money claims. Many of the claims brought for higher values will involve large multi-national organisations or wealthy individuals, and we believe it is right to ask them to contribute more. In order to protect the most vulnerable, personal injury and clinical negligence claims will be excluded from this higher cap and fee remissions for those of limited means will continue to apply;
- introducing or increasing fees for certain tribunals. We are proposing to double fees in the immigration and asylum chamber, while applying exemptions to protect the most

vulnerable. We will not be applying any fees to the social entitlement chamber of the First-tier Tribunal, where most applicants do not have the means to pay, or to the Mental Health Tribunal, which deals with especially vulnerable individuals. We will, however, introduce fees to the property, tax and general regulatory chambers. In the property tribunal, we are proposing fees at low levels for the majority of applications, while setting higher fees for leasehold enfranchisement cases where there are often large sums of money at stake. In each of the tribunals being consulted on, we aim to recover 25% of the total cost of the service through fees with taxpayers footing the rest of the bill;

a general uplift of 10% to a wide range of fees in civil proceedings. These are small increases and only apply to fees which are not already above full cost.

These further proposals are estimated to generate around £48 million a year in additional income.

We are committed to protecting access to justice for all and so we will: make the remissions scheme more generous. We will increase the amount of disposable capital those who need to pay a larger court fee are allowed to have in order to qualify for remission. We are also considering whether other forms of payment or benefit should be excluded from the disposable capital test. The HMCTS remission scheme will apply across all the courts and tribunals on which we are consulting, with the exception of the immigration and asylum chamber where separate arrangements are in place.

Full details are set out in the consultation paper which is available on the MoJ website. The consultation will close on 15 September."

We recognise that fee increases are not popular but they are necessary if we are to deliver our promises to fix the economy and bring the nation into surplus. At every stage we have sought to protect the most vulnerable by ensuring they will not have to pay new and higher fees and by making the remissions scheme more generous. We have also sought to ensure that those who can afford to—such as wealthy individuals or large corporations making very high money claims—will make a bigger contribution. Every pound we collect from these fee increases will be spent on providing an efficient and effective system of courts and tribunals.

[HCWS176]

TRANSPORT

Advanced Biofuels Demonstration Competition

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): The Department for Transport launched the £25 million advanced biofuels demonstration competition to support the development of a domestic advanced biofuel industry in December 2014. Following a strong competition, I am pleased to announce that three projects have been selected for investment totalling £25 million over three years.

Grants are to be awarded to three winning projects:

Celtic Renewables Limited £10,925,000

Advanced Plasma Power Limited £10,958,194

Nova Pangaea Limited £ 3,000,000

The projects will use the capital grants awarded, supported by significant private sector investment, to construct three demonstration-scale advanced biofuel plants in Swindon, Tees Valley and Grangemouth.

Relative to first-generation biofuels—those made from traditional crops, starch, sugars or vegetable oil—advanced fuels have the potential to deliver greater carbon savings without the same concerns around food security and land use change. The advanced fuel technologies, the winning projects will demonstrate, could reduce our reliance on imported energy, by turning unwanted waste products into valuable transport fuel, adding value to the UK economy and creating jobs. According to an independent feasibility study, gains from the domestic supply as a result of converting low value waste to high value transport fuel could be worth up to £130 million Gross Value Added (GVA) to the UK by 2030, and potentially up to £500 million per year including exports.

This is a major step forward for the UK and supports the work the Department for Transport is doing to set the UK's long term strategy for biofuels in order to meet EU targets, which includes considering a sub target for advanced biofuels.

[HCWS174]

Petitions

Monday 7 September 2015

PRESENTED PETITION

Petition presented to the House but not read on the Floor

HS2 Proposed Golborne Connection

The petition of residents of Lymm, Warburton, Rixton-with-Glazebrook, Culcheth, Lowton and the surrounding areas,

Declares that the proposed HS2 Golborne Link from Hoo Green to Bamfurlong will cause severe and permanent damage to the communities it passes through; further that the link will destroy farms and farm businesses in designated green belt areas; further that it will lead to the loss of over 700 jobs and will endanger environmental sites and amenities; further that it will necessitate building a railway viaduct more than 30 metres high over the Manchester Ship Canal, destroying the villages and communities in its path; further that it will bring no benefits to the area it passes through; and further that it could be replaced with cheaper localised upgrades to the West Coast Main Line and via the recently proposed hub station at Crewe.

The petitioners therefore request that the House of Commons urges the Government to remove the Golborne Link from the proposed HS2 route

And the Petitioners remain, etc.

[P001541]

OBSERVATIONS

COMMUNITIES AND LOCAL GOVERNMENT

Gypsy and Traveller sites in South Staffordshire

The Petition of residents of the South Staffordshire constituency and others,

Declares that the Petitioners note that South Staffordshire District Council intends to increase the allowance of pitches for Gypsies and Travellers by 33 pitches over the next 15 years; further that the Petitioners believe that there are already sufficient pitches available for Gypsies and Travellers in the constituency; and further that the Petitioners believe that no more pitches should be allocated.

The Petitioners therefore request that the House of Commons urges the Government to take all possible steps to ensure that no further pitches for Gypsies and Travellers are allocated in South Staffordshire.

And the Petitioners remain, etc.—[Presented by Gavin Williamson, *Official Report*, 13 January 2015; Vol. 590, c. 838.]

[P001419]

Observations from the Secretary of State for Communities and Local Government:

The Secretary of State has a quasi-judicial role in the planning system, and cannot comment on specific cases or local plans.

The previous Conservative-led coalition Government did away with the Labour Governments unelected regional planning bodies and their top-down targets, which did nothing but fuel opposition to development and increase community tensions.

Our planning policy for Traveller sites ensures that it is down to democratically elected local authorities to determine what level of provision is needed and suitable in their areas, mindful of the protections the National Planning Policy Framework accords to our sensitive areas. Our policy is clear that traveller sites, whether temporary or permanent, are inappropriate development in the Green Belt and should be approved only in very special circumstances and that local authorities should strictly limit the development of new traveller sites in the open countryside.

When developing a local plan, local authorities set out the evidence of the needs they are planning for, including for Gypsies and Travellers, which is consulted upon and examined publicly by an independent examiner. We do not centrally monitor site provision as local authorities are responsible for enabling sites, for planning for these locally, and for reporting on progress to their local communities.

Since the introduction of the planning policy for Traveller sites policy, Ministers have been concerned that not enough protection is being given to the green belt and countryside. The previous Government consulted on proposals to ensure fairness in the planning system with everyone treated equally and decisions on development and enforcement action taken at the local level wherever possible and continue to take this work forward.

DEFENCE

Protection of the wrecks of HMS Cressy, HMS Hogue and HMS Aboukir

The Petition of residents of Gillingham and Rainham,

Declares that the Petitioners believe that the sites of three ships, HMS Cressy, HMS Hogue and HMS Aboukir, lost during the First World War should be protected.

The Petitioners therefore request that the House of Commons urges the Government to designate these three wrecks under the Protection of Military Remains Act.

And the Petitioners remain, etc.—[Presented by Rehman Chishti, *Official Report*, 25 March 2015; Vol. 594, c. 24P.]

[P001525]

Observations from the Minister for Defence (Earl Howe):

Ministry of Defence officials are considering which ships should be included in the next tranche of wrecks designated protected status under the Protection of Military Remains Act (PMRA) 1986. We can confirm that HMS Cressy, HMS Hogue and HMS Aboukir are part of that consideration.

EDUCATION

Use of body image altering software programs

The Humble Petition of the organising group of the pupils of Dame Allan's School, namely Diane Rasul, Ria Barber, Virginia Barbour and Amarah Latif.

Sheweth that the Petitioners are campaigning to abolish the use of Photoshop and other image altering software programs from use on images of people.

Wherefore your Petitioners pray that your Honourable House will urge the Government to actively encourage regulators to put an end to the use of these programs which enable the spread of an unrealistic body image.

And your Petitioners, as in duty bound, will ever pray, &c.—[Presented by Chi Onwurah, *Official Report*, 20 March 2015; Vol. 594, c. 1088.]

[P001464]

Observations from the Secretary of State for Education:

The Government work to support positive and diverse representations of people. The Government ran the Body Confidence Campaign from 2010-2015, which aimed to raise awareness and understanding of body image and challenge the cultural norms and gender stereotypes that so often undermine people's confidence and abilities. The Government Equalities Office continues to promote and support positive and diverse representations of all people, to celebrate good practice in industry where it is demonstrated, and works closely with the advertising and education sectors to produce resources that improve media literacy so that young people can become more informed and resilient consumers of media content.

This Government uphold the core principle of freedom of expression, recognising the invaluable role a free press plays in our cultural and democratic life. The Government do not interfere with what the press does and does not publish, as long as the press abides by the law of the land. However, this does not mean that newspapers can publish anything with impunity. We have introduced a new system of independent press self-regulation that protects press freedom while offering real redress when mistakes are made. Both the industry and the Government agree that independent self-regulation of the press is the way forward.

Photoshop and image altering software is used widely across advertising, marketing and other industries. While this can sometimes distort reality and promote unrealistic and unattainable ideals of beauty and perfection there are many legitimate creative reasons for altering images of people. Abolishing image altering software infringes on the freedom of the press and limits creative and artistic freedoms. Such acute action does not take into account the many circumstances where images of people are altered in any number of ways to promote diverse ideas or points of view and to create art and artistic representations that include images of people. It is not possible to monitor image manipulation carried out by individuals who create art, web pages or publications across many media, both digital and print.

We believe the most effective action to challenge limited, sexist or stereotyped portrayals of people in media is led by consumer pressure rather than banning editorial content. We have seen evidence that the best way to encourage effective and lasting change is to encourage industry to change from within, not only because it is the right thing to do, but also because listening to what the public wants and engaging with consumers is good for business.

TRANSPORT

Heavy Goods Vehicles on the A519 (Staffordshire)

Declares that residents of Eccleshall and Woodseaves object to the use of the A519 (running through Eccleshall and Woodseaves) by HGVs; further that the Petitioners object to the application for a new access road to serve

the Raleigh Hall Industrial Estate, which would increase HGV use of the A519; further that the new access point would be more dangerous because large HGVs would be turning to join a 60mph road; further that the number of these vehicles using the A519 route has become completely unacceptable, with hundreds passing through a day; further that the increased HGV traffic poses a serious danger to pedestrians; further that the risk of a crash is high, and could cause considerable damage to property and loss of life; further that the subsequent volume of HGVs using Stafford Street and Castle Street in Eccleshall means they are damaging the road surface; further that this situation has led to problems in Eccleshall because HGVs have difficulty passing each other on the Stafford Road outside the Claremont Garage, putting pedestrians at risk; further that the pavements in Woodseaves are very narrow, and HGVs are mounting them to pass one another; further that the A519 is not a primary route and there is no intention of it becoming a primary route and that Satellite Navigation companies should be advised of this matter; further that planning permission has been provided for haulage companies to set up in the Eccleshall area with a focus on the A519; further that Woodseaves residents in particular have been forced to abandon their front gardens because of noise and pollution, they are unable to sleep at night because of the noise, and their homes are being damaged by the weight of HGV traffic on the road; and further that approximately 3 HGVs pass through Woodseaves per minute.

The Petitioners therefore request that the House of Commons urges the Department of Transport to impose a speed restriction and weight limit on HGVs using the A519, to object to the proposed application for a new access road off the A519 that will serve the Raleigh Hall Industrial Estate and to advise Satellite Navigation companies that the A519 is not a primary route.

And the Petitioners remain, etc.—[Presented by Sir William Cash, *Official Report*, 25 March 2015; Vol. 594, c. 1543.]

[P001482]

Observations from the Secretary of State for Transport:

Local highway authorities are responsible for managing the highway network in their areas. They have a responsibility to provide appropriate traffic management schemes for their roads. Local authorities have powers under sections 1 and 2 of the Road Traffic Regulation Act 1984, to make Traffic Regulation Orders (TROs) designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic for a wide range of safety and environmental reasons.

For the A519, the local highway authority is Staffordshire County Council. It is for them to decide whether to implement a Traffic Regulation Order for vehicles using the A519. In respect of speed limits the Department for Transport (DfT) sets national speed limits and publishes guidelines for local highway authorities on the use of local speed limits. This guidance can be found on the gov.uk site at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf.

A local highway authority is not required to follow the guidance set out by DfT and can apply its own criteria in determining whether local speed or weight limits are appropriate.

The planning application for a new access road for the Raleigh Hall Industrial Estate is before Stafford Borough Council. They are the local planning authority who will decide whether to approve or reject the application. It is for the local highway authority, Staffordshire County Council, to object to the application if there are what is considers unacceptable implications on the A519, or work with the applicants and the planning authority where the proposed development is not suitable.

The A519 is a non-primary route. This information is reflected in mapping and signage of the road. Satnav manufacturers produce special devices for heavy goods vehicles to provide them with routing information appropriate to their vehicle, including warning them about low bridges and narrow lanes, saving time, fuel and money as well as reducing the impact on local communities.

Neither the Department nor individual local authorities have any direct power over the routing guidance offered by satnav devices. Routing guidance provided by satnavs should only ever be considered advisory; it is for motorists to determine the best route for their journey.

Installation of bus stop on Henry Cort Way in Gosport

The Petition of residents of Gosport,

Declares that there should be another bus stop near the Bridgemary Road walk through to Vian Close and further declares that a local petition on this matter was signed by 94 individuals.

The Petitioners therefore request that the House of Commons urges the Government to install a new bus stop near the Bridgemary Road walk through to Vian Close in Gosport.

And the Petitioners remain, etc.—[Presented by Suella Fernandes, *Official Report*, 20 July 2015; Vol. 598, c. 1340.]

[P001534]

Observations from the Secretary of State for Transport:

I recognise the importance of public transport for both the sustainability and independence of communities, and its valuable role in preventing isolation.

Bus services in particular are vital for connecting people to services and jobs, and for connecting communities.

Responsibility for the siting of bus stops rests with the local traffic or transport authority. The provision of bus stops and shelters is a matter for the authority to consider, either within the council, or with the bus operators in the area. Approval is required before a bus stop sign may be used but planning permission is not, though the authority may consult with the police or other affected traffic authority before carrying out the necessary siting works.

The legal framework for bus shelters is set out in the Local Government (Miscellaneous Provisions) Act 1953 as subsequently amended. Local authorities and parish councils can provide and maintain bus shelters with the consent of the highway authority. For local roads, where most bus shelters will be erected, the highway authority will be the county council or unitary authority, in this case, Hampshire County Council.

While my Department has no direct responsibility over the design or positioning of bus stops and shelters, I strongly encourage authorities, bus operators and local communities to work together to decide how best to provide access to services for residents.

I would like to thank you for bringing the issue to my attention, and thanks especially to all your constituents who signed the petition.

Road Safety on Spencefield Lane (Leicester)

The Petition of residents of Leicester East,

Declares that road safety has become a serious concern on Spencefield Lane, opposite St Paul's Catholic School and Krishna Avanti Primary School; further that parents, teachers and local residents fear that inadequate pedestrian crossings and road safety measures risk the safety of school children and vulnerable adults who cross the road each day; and further that a local petition on this issue was signed by 362 individuals.

The Petitioners therefore request that the House of Commons urges Leicester City Council to implement measures to improve road safety on Spencefield Lane, including a pedestrian crossing, without delay.

And the Petitioners remain, etc.—[Presented by Keith Vaz, *Official Report*, 17 June 2015; Vol. 597, c. 434.]

[P001529]

Observations from the Secretary of State for Transport:

Local highway authorities are responsible for managing the highway network in their area. They have a statutory responsibility to provide appropriate traffic management schemes for their roads. They have powers (under section 122 of the Road Traffic Regulation Act 1984) to take whatever measures they see as appropriate to manage traffic flow, reduce congestion and improve road safety.

The Department for Transport (DfT) is responsible for setting strategy and policy context, and establishing and managing relationships with organisations that are responsible for delivery.

The provision of pedestrian crossings is a matter for the local highway authority, in this case Leicester City Council. It is for them to decide where and what type of crossing to provide. In doing so, they may use various criteria to help them prioritise the needs of different sites, including accident records, but these criteria are not set centrally by the Department for Transport.

The Department's advice to local authorities on this, LTN 1/95: The Assessment of Pedestrian Crossings, sets out a suggested framework for assessing potential sites, and deciding which, if any, crossing type is appropriate. This publication and others which provide guidance on a variety of traffic management measures such as traffic calming are available on the Department's website at: www.gov.uk/government/publications/local-transport-notes.

Following this guidance is not a regulatory requirement, and local authorities are free to set their own criteria for assessing and prioritising crossing sites if they wish. The authority could also consider other ways of making it easier to cross the road - for example, by installing other traffic calming measures.

The DfT's THINK! campaigns and road safety education resources focus on teaching children how to cross the road safely. In particular, our Tales of the Road Highway Code booklet for young road users is a useful guide on road safety with emphasis on the Green Cross Code which teaches children how to cross the road safely. The materials are available free online at: <http://think.direct.gov.uk/resource-centre>.

**Speed limit and traffic calming on Monmouth Road
in Walsall**

The petition of residents of the UK,

Declares that there is currently a 30mph speed limit on Monmouth Road, Bentley, Walsall, where there is a primary school and the entrance to a playing field. The playing field entrance is in constant use by dog walkers, families and the football clubs. Many vehicles travel at excessive speeds. There is a risk of serious incident if measures are not put in place to reduce the speed of vehicles using Monmouth Road.

The petitioners therefore request the House of Commons to urge Walsall Metropolitan Borough Council to implement a 20mph speed limit and traffic calming measures on Monmouth Road, Bentley, Walsall.

And the Petitioners remain, etc.—[Presented by Valerie Vaz, *Official Report*, 21 July 2015; Vol. 598, c. 1461.]

[P001537]

Observations from the Secretary of State for Transport:

The Department for Transport (DfT) is responsible for setting legislation and for guidance to traffic authorities on how to provide various traffic management measures. Local authorities have a statutory responsibility to provide appropriate traffic management schemes for their roads (under section 122 of the Road Traffic Regulation Act 1984) therefore they are free to make their own decisions about the streets under their care, provided they take account of the relevant legislation. They are also responsible

for ensuring that their actions are within the law, and are accountable to local people for their decisions and their performance.

Local highway authorities can introduce 20 mph speed restrictions through 20 mph zones, which need to have specified types of traffic calming features at specific minimum frequencies or they can introduce 20 mph speed limits. The Government's Strategic Road Safety Framework recognises that these speed restrictions can be useful in the right locations but that these are local decisions which should be made in consultation with local communities.

The DfT provides guidance for local authorities in Speed Limit Circular 01/2013 – 'Setting Local Speed Limits' which is at:

www.gov.uk/government/publications/setting-local-speed-limits

With regard to traffic calming, this is also a matter for local authorities. The DfT has published guidance on the design of traffic calming measures in Local Transport Note (LTN) 1/07 'Traffic Calming' which is available on the DfT website at:

www.gov.uk/government/publications/local-transport-notes

Any concerns should be taken up with the local authority. Ministers and officials have no remit to intervene in the day-to-day affairs of local authorities except where specific provision has been made in legislation.

Ministerial Correction

Monday 7 September 2015

COMMUNITIES AND LOCAL GOVERNMENT

Housing Supply (London)

The following is an extract from the response by the Minister for Housing and Planning, the hon. Member for Great Yarmouth (Brandon Lewis) to the debate in Westminster Hall on Housing Supply in London on 15 July 2015.

Brandon Lewis: A Help to Buy ISA will help those saving for a deposit to have a better chance of owning their own home. The Help to Buy schemes have already supported a total of 210,000 households since 2010 with the measures we have taken. We intend to go further. We will do more to help people reach that

aspiration of owning their own home. We will work to deliver that for 1.3 million housing association tenants, supporting their desire to own their own home and making sure that at the same time we are boosting the housing supply in this country.

[Official Report, 15 July 2015, Vol. 598, c. 315WH.]

Letter of correction from Brandon Lewis:

An error has been identified in the response I gave to the Westminster Hall debate on housing supply in London on 15 July 2015.

The correct response should have been:

Brandon Lewis: A Help to Buy ISA will help those saving for a deposit to have a better chance of owning their own home. **A total of 210,000 households have been helped to become homeowners since 2010 with the various measures we have taken.** We intend to go further. We will do more to help people reach that aspiration of owning their own home. We will work to deliver that for 1.3 million housing association tenants, supporting their desire to own their own home and making sure that at the same time we are boosting the housing supply in this country.

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MINISTERIAL CORRECTION

Monday 7 September 2015

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