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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 9 November 2015

HER MAJESTY'S GOVERNMENT

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(FORMED BY THE RT HON. DAVID CAMERON, MP, MAY 2015)

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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 602

SEVENTH VOLUME OF SESSION 2015-2016

House of Commons

Monday 9 November 2015

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Fire Station (Shipley)

1. **Philip Davies** (Shipley) (Con): What estimate he has made of the cost to the public purse of the planned reorganisation of fire station provision in Shipley constituency. [902047]

The Secretary of State for Communities and Local Government (Greg Clark): Decisions on the cost of reorganising fire stations are a matter for local fire and rescue authorities. Needless to say, I would expect any such reorganisations to save public money, rather than cost more.

Philip Davies: I am grateful to the Secretary of State for that answer. West Yorkshire fire authority has given up two fire station properties to hand over to a social housing provider in exchange for one less valuable piece of land to build a new fire station on. There is a lot of concern, not least from firefighters, that at a time of

budgetary pressures, the fire authority is tossing away literally tens of thousands of pounds. Does the Secretary of State have any powers to intervene to ensure the taxpayer gets good value for money, or at least to make sure we know what the valuation of these lands are so we can see for ourselves what the impact is on local taxpayers?

Greg Clark: Before answering my hon. Friend's question, may I pay tribute to all firefighters for their hard work on bonfire night last Thursday and over the weekend, and may I say how proud I was to meet firefighters and other members of the civilian services on parade at the Cenotaph yesterday? In the 75th anniversary of the battle of Britain we remember the 800 firefighters who were killed and the 7,000 injured defending us during the last war.

I am very concerned about what my hon. Friend says, and I will ask the chief fire and rescue adviser, who has the powers of an inspector, to meet him to understand his concerns and advise me on next steps.

Liz McInnes (Heywood and Middleton) (Lab): I thank the Secretary of State for his response and pay tribute to the wonderful work that our firefighters do keeping us all safe, particularly on occasions such as the recent bonfire night. The Fire Brigades Union is extremely concerned about the forthcoming round of cuts and my hon. Friend the Member for Shipley (Philip Davies) has highlighted a major concern. Is not the Secretary of State guilty of putting ideology before public safety in Shipley, in Yorkshire and beyond?

Greg Clark: I am glad that my hon. Friend the Member for Shipley (Philip Davies) is a friend of the hon. Lady's too; he is a very popular Member of this House. These proposals are locally given and his concern is that they may not be saving money. Any reorganisation has to save public money, not least because we do need to have value for public money, and fire and rescue authorities have had a good record in achieving that.

Alec Shelbrooke (Elmet and Rothwell) (Con): With regard to fire provision in west Yorkshire, in my constituency and in west Yorkshire at Wetherby it would make sense for the police station and fire service to go to a joint services site. What can my right hon. Friend do to encourage authorities to take joint sites?

Greg Clark: As my hon. Friend knows, a consultation is out at the moment looking at ways in which the blue-light services can co-ordinate with each other so that they can provide the best possible service to our residents.

Sheffield City Region: Elected Mayor

2. **Toby Perkins** (Chesterfield) (Lab): What steps he is taking to ensure that proposals for an elected mayor in Sheffield city region include provisions for democratic oversight by people in Chesterfield. [902048]

The Secretary of State for Communities and Local Government (Greg Clark): Sheffield city region's devolution deal with its elected mayor will enable the area to strengthen its position as a world-class centre for manufacturing and engineering. I am considering carefully the question of wider democratic oversight raised by the hon. Gentleman, as the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Stockton South (James Wharton), told the House during the recent Committee stage of the Cities and Local Government Devolution Bill.

Toby Perkins: I commend all those involved, including the Secretary of State, in attempting to achieve a political consensus, which has been difficult as this is a complicated situation. We are still left with the situation where people in Chesterfield will have a third tier of local government introduced, with a Sheffield city mayor that at the moment they would not be able to vote on and a Nottinghamshire-Derbyshire one that they probably would. Will the Secretary of State continue to work to achieve clarity on democratic accountability alongside the consensus he is rightly seeking?

Greg Clark: I certainly will, and I am grateful for the hon. Gentleman's attendance to this issue; it is very important. No two places are identical, which is the very insight we are having—we are having bespoke deals in each place—but it is important for his and other Members' constituents to feel they have enough say in the election of people who are going to provide leadership for them.

Nigel Mills (Amber Valley) (Con): Will the Secretary of State say how flexible he is prepared to be on redrawing the boundaries of certain cities to allow, perhaps, certain districts that may currently be in one area and that might prefer to be in a different area to choose to be in that new area?

Greg Clark: As my hon. Friend knows, the principle that runs throughout the devolution Bill that we have been debating is one of consensus, so the Bill gives me powers to give effect to what local people put forward but not to impose something against their will. It is an

enabling piece of legislation, and what it does mean is that Members such as my hon. Friend have the chance to shape the debate locally.

Mr Clive Betts (Sheffield South East) (Lab): I thank the Secretary of State for his helpful response. Does he agree that, if the Sheffield city region is to be economically successful, all the districts within it will need to have the right to join the combined authority? Also, if we are to have an elected mayor responsible for transport, should not everyone in that travel-to-work area have the right to participate in the vote for that mayor?

Greg Clark: The hon. Gentleman made similar cogent points in the Committee stage of the Cities and Local Government Devolution Bill, and the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Stockton South (James Wharton) has committed to reflect on those remarks. It has been my experience, when taking Bills through this House, that we should accept the good sense of Members on both sides, and if we can improve the Bill by listening to them, we will certainly do so.

Jon Trickett (Hemsworth) (Lab): The Secretary of State says that he wants devolution for Sheffield and democracy for the whole city region, but in order to secure that, he must first will the means. Unlike many other Secretaries of State, however, he has already capitulated, without a fight, to the Chancellor's ideological zeal for cutting local government to the bone in Sheffield, Chesterfield and elsewhere. This is compounded by a funding formula that is rigged against areas of high deprivation. Is it not therefore the case that, despite all his fine words, he would allow the Treasury to strangle full-blown devolution in Sheffield and elsewhere at birth?

Greg Clark: The Chief Secretary to the Treasury has joined me on the Front Bench, and I do not think he looks like a strangler. He looks pretty benign to me. Sadly for the hon. Member for Hemsworth (Jon Trickett), he has got this wrong. The agreement that I reached with the Chief Secretary to the Treasury today related to my Department's budget, not the budget for local authorities. In my view, it is right to lead from the front and to make significant savings in the running costs of my Department before I invite local councils to do the same.

Planning

3. **Mr Alan Mak** (Havant) (Con): What steps his Department is taking to speed up the planning process. [902049]

The Minister for Housing and Planning (Brandon Lewis): Significant progress has been made over the past few years on speeding up the planning system, to the extent that some 242,000 homes were given planning permission in the year to June 2015. The Housing and Planning Bill will further improve the performance of the planning system right across the country.

Mr Mak: House building is a key element of Havant Borough Council's economic growth plan, Prosperity Havant. Will the Minister join me in congratulating the council on increasing the number of new homes being built in recent years through working in partnership with local developers and communities?

Brandon Lewis: I am happy to thank my hon. Friend's local authority for taking such a pro-growth, pro-housing approach. It is good to see local councils and others in the local area coming together to work out their housing needs and doing their best to provide for their local residents.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): When will the Minister wake up to the fact that many people in this country are desperate for a home? When will he stop blaming planning and show some leadership? What has happened in Ebbsfleet? It was supposed to become a new town, but it has only a tiny number of Barratt-built homes. Why is it not thriving? Why are there not tens of thousands of new homes there?

Brandon Lewis: I thank the hon. Gentleman for giving his support to Ebbsfleet; it is a shame that nothing happened there in a decade and more of Labour rule. I am proud that this Government, and this Chancellor, have put the money into Ebbsfleet, and into the infrastructure there, to enable those homes to be built.

Huw Merriman (Bexhill and Battle) (Con): I support my district councils in their desire to deliver thousands of new homes. Would the Minister be willing to support ideas in planning that could up-front infrastructure delivery, such as requiring developers to pay community infrastructure levy moneys from the point at which planning permission is granted?

Brandon Lewis: I am always willing to look at new ideas, and I would be happy to meet my hon. Friend to look at that one. The one challenge for the community infrastructure levy is that the local authorities should pool it so that they can use it within their authority areas. His proposal might not lend itself to that in the way that a section 106 arrangement would, but we are committed to reviewing the levy and I look forward to liaising with him and to hearing his views.

John Pugh (Southport) (LD): As the Minister knows, there is a long-standing chronic shortage of good planners and an over-reliance on consultants. Has he found any real solution to that problem?

Brandon Lewis: The hon. Gentleman makes a good point. Local authorities should view their planning departments as the heartbeat of economic regeneration in their communities in terms of designing and building for businesses and homes. I would encourage local authorities to work together and to share services in the same way that some have shared chief executives and other parts of their management structure. They have not done that so much with planning yet, but that would be a good step towards building a strong resource.

Fiona Bruce (Congleton) (Con): Community and business leaders in my constituency are concerned that the lack of an agreed five-year housing supply in Cheshire East means that a presumption in favour of housing development is overriding the designation of much-needed land for employment. Given the Government's provision of £45 million for a Congleton link road to help promote jobs and growth, will Ministers meet me and community representatives urgently to discuss this matter?

Brandon Lewis: I encourage my hon. Friend's area to get their five-year land supply and their local plan in place as quickly as possible, to make sure that local residents have their voice and the protections that are right for them. When planning decisions are made, both by the local authority and by the inspectors, environmental and other policy constraints in that area will be looked at, but I am happy to meet her and her local council.

House Building

4. **Jonathan Reynolds** (Stalybridge and Hyde) (Lab/Co-op): What assessment he has made of recent trends in the level of house building. [902050]

The Minister for Housing and Planning (Brandon Lewis): Housing starts have almost doubled since 2009. More than 608,000 new homes have been built since 2010, which therefore makes almost 800,000 in England since 2009. Trends in house building are published in the quarterly house building release.

Jonathan Reynolds: I am keen to see further new housing built in my constituency but I want it built on derelict, former industrial sites, rather than on the green belt. Some of these sites are very contaminated but the Government offer funds to clean up land only for employment purposes, not for housing. Will the Minister re-examine that, because we could be enabling thousands more homes to be built?

Brandon Lewis: I hope that the hon. Gentleman will be joining us in the Lobby in due course when we consider the Housing and Planning Bill, which creates the new zones for the brownfield register and the brownfield fund, which the Government will be putting £1 billion into.

Jake Berry (Rossendale and Darwen) (Con): With the welcome increase in the number of planning applications granted for residential development, will the Minister say what assessment he has made of the number of developers who are getting the planning permission but then failing to develop out, in a practice known as "land banking"?

Brandon Lewis: My hon. Friend makes a good point; we do want to see planning permissions built out. I would also like to them to be built out more quickly. We can still go a long way towards speeding up the rate at which our traditional builders develop; it is still taking, on average, 20 weeks to build a home, even though modern technology can do it in just a couple of weeks. Clearly, local authorities have to look at the land they are giving permission for, to make sure that planning permission is viable and can be built out in good time, so that land agents out there do not give the development industry a bad name.

Alan Brown (Kilmarnock and Loudoun) (SNP): Last week, we heard the bluster from the Minister and Secretary of State about the Government meeting the one-for-one replacement of right to buy sales. Is the Minister aware that to stay on track as a result of the increase in the right to buy, 2,300 house building starts are required per quarter, but only 300 were achieved in the first quarter of this year? The Government are therefore going to be

woefully short. Does he agree that it is time for a rethink and that they should copy the Scottish Government, who are building record numbers of council houses?

Brandon Lewis: As I am sure the hon. Gentleman knows, here in England we built more council houses in the five years of the last Parliament than were built in the entire 13 years of Labour before that. We are very ambitious for our housing programme and we make no apologies for being very ambitious about having one extra home or more built for every home sold through right to buy. The reinvigorated scheme is on target and in London it is almost at two for one.

Ben Howlett (Bath) (Con): As a young person myself, I am acutely aware of the difficulties of getting on to the property ladder. I, too, have been struggling to get on to it for the past 10 years, because of the lack of housing that was built in 13 years of Labour. Will the Minister join me in celebrating the work that Bath and North East Somerset Council is doing in building 7,000 new homes in Bath, of which 2,300 will be affordable? He will, thus, explain how the Housing and Planning Bill will end up benefiting my local authority.

Brandon Lewis: My hon. Friend makes a good point, not least about his age. I do not think anyone in this House would argue with the fact that this country has built far too few homes for far too long. We are ambitious about ensuring that we correct that. On that Bill, I suggest that he looks at the starter homes programme, where we will be looking to build some 200,000 homes for first-time buyers, at a 20% discount.

Sunday Trading

5. **Victoria Borwick (Kensington) (Con):** What assessment his Department has made of the potential effect of extending Sunday trading hours on high streets and market towns. [902051]

The Secretary of State for Communities and Local Government (Greg Clark): The Government believe that there is a strong case for local areas to be able to decide if and where extending Sunday trading should be permitted. It could help some high streets compete with online shopping, for which Sunday is regularly the most popular day.

Victoria Borwick: Is the Secretary of State aware that extending Sunday opening hours by just two hours in London will have a very positive effect on both employment and trade? Will he consider allowing the devolution of Sunday trading hours to the Mayor of London, the other metro mayors, or London councils following the success of such a move during the Olympics 2012?

Greg Clark: I am aware of the study to which my hon. Friend refers. Up to 50% of the visitors to the west end are from overseas; they are tourists who are keen to spend their money here, and it is sensible to have arrangements in place that enable them to do so. She is a central London MP, so her residents will also benefit from such a move.

Rob Marris (Wolverhampton South West) (Lab): Will the Minister look at the matter again? Extending Sunday trading will have a deleterious effect on family life, as it

already does, and will adversely affect many trade unionists who live in market towns and elsewhere, because the protections that are supposedly afforded to workers working on Sundays, or refusing to do so, are not succeeding very well? Will the Minister please look again and decide not to extend Sunday trading?

Greg Clark: There is a consultation out on this at the moment, but the proposal in the consultation is to allow local councils to make those decisions. Councils have a wide remit, social as well as economic, to look after the interests of their area. It could be that allowing some areas or particular stores such as garden centres to open on their busiest day—Sunday—is in the interests of everyone in the area.

Mr David Burrowes (Enfield, Southgate) (Con): The Secretary of State says that there is a good case for devolution and deregulation, but is he not jumping the gun when the consultation has yet to be published? It was 12 pages long, and it closed seven weeks ago. We have eight days before day two of the Committee stage when the plan is to amend Sunday trading laws. Are we not going ahead of that consideration of the consultation, and are we not running the risk of aggravating small businesses, shop workers, families, Churches and many others without great material gain?

Greg Clark: No, we have not published the response to the consultation yet, but we would not have had a consultation had there not been a proposal from the Government that having this power in the hands of local authorities would be consistent with the devolution that we have practised. We will of course respond to the consultation in due course. I do know that my hon. Friend has sincere and long-held views on this matter, on which of course we will reflect.

Alison Thewliss (Glasgow Central) (SNP): The Secretary of State will be aware of the concerns raised by the Union of Shop, Distributive and Allied Workers and other organisations that there may be implications on the pay and conditions of shop workers from devolving Sunday trading laws. Can he give those workers any reassurances, and has he met USDAW to discuss the matter?

Greg Clark: I am very surprised by the hon. Lady's question, because Sunday trading is completely deregulated in Scotland. As far as I know, it is operating without problem, but if it does give rise to problems, the hon. Lady's party is the party of Government in Scotland so has the ability to do something about it.

Alison Thewliss: On the contrary, in the Scotland Bill there are no provisions on pay and conditions or on employment law. Specifically on Scotland, will the Secretary of State assure us that there will be no impact on the pay and conditions of Scottish workers as a result of the decision of English local authorities?

Greg Clark: We risk jumping the gun in the way that my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) has just said. We have published a consultation proposal. It does not affect Scotland, because it is a devolved power. Of course we will want to ensure that workers have protections so that they are not

obliged to work either for the first time on Sundays if they do not wish to, or to be compelled to extend their hours. That would make complete sense in any response to the consultation.

Local Planning: Shared Services

6. **Sir Simon Burns** (Chelmsford) (Con): What support his Department provides to local authority planning departments to facilitate sharing of services. [902052]

The Minister for Housing and Planning (Brandon Lewis): Planning authorities that have introduced new ways of delivering planning services have shown that performance can be improved while reducing costs. I hope that more will follow their lead. We have put support in place through funding the Planning Advisory Service, and we are open to supporting planning authorities to deliver ambitious proposals through devolution deals.

Sir Simon Burns: Does my hon. Friend accept that shared services can lead to cost savings and greater efficiency. What can be done about those local authorities that consistently fail to meet their timetables for taking planning decisions, which holds up the development of new housing and economic growth?

Brandon Lewis: My right hon. Friend is right to highlight local authorities which do not play their part and thus create a problem. I hope local authorities will be keen to make sure they deliver the housing their communities need. He has the advantage of having a local authority, Chelmsford, which is one of the better performing planning authorities, as I know from my experience as a council leader nearby. It is clear that local authorities that share services can make sure that they protect and improve front-line services, such as planning services, and can see savings of as much as 20% on the work.

Derek Twigg (Halton) (Lab): Many local authorities, including my own, Halton, do a lot of good work through sharing and working in co-operation with other local authorities, but services such as planning have been cut to the bone and have great difficulty meeting requests. When does the Minister think planning and other departments in councils will reach a point where they struggle to deliver their service?

Brandon Lewis: Planning is one of the services that councils, particularly small district authorities, have not gone very far in sharing. In some of the shire areas and small district councils in particular, coming together with one strong planning service is not just cost-effective, but will produce a good quality service and interesting work for the planners to do as well.

Martin Vickers (Cleethorpes) (Con): Residents in north-east Lincolnshire have been without a local plan for many years, and it will take another 20 months on a revised timetable to produce one. They would welcome shared services. Will my hon. Friend use his good offices to have a word with the council to see whether it could co-operate more closely with its neighbours to produce a plan much more quickly?

Brandon Lewis: My hon. Friend makes a good point. As we have just heard, devolution provides opportunities. My hon. Friend is right to prod, encourage and cajole that local authority to make sure that a local plan is in place in the best interests of local communities, but as we have said and as we are outlining in the Housing and Planning Bill, the Government will make sure that these are done from 2017.

Community Buy-outs

8. **Stephen Gethins** (North East Fife) (SNP): What assessment he has made of the potential merits of further extending measures on community buy-outs of local assets. [902055]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): All over England communities have listed over 2,600 assets with local authorities. I am undertaking a review of the community right to bid, in line with our manifesto commitment. We are consulting a wide range of stakeholders and will report our findings soon.

Stephen Gethins: The Community Empowerment (Scotland) Act 2015 passed in June by the Scottish Parliament decentralises power, giving local authorities and public bodies a legal duty to consider transferring property to communities. Will the Minister consider following the lead of the Scottish Government on this issue and on further decentralisation?

Mr Jones: In many ways the hon. Gentleman's party is following the lead from our party and the Localism Act 2011. The hon. Gentleman needs to consider that community rights in England are not centrally driven or managed from the centre. We should recognise and balance the rights of the local community with the rights of property owners and individuals. We do not want red tape which affects businesses and creates additional burdens on local authorities and taxpayers. That is what the hon. Gentleman's proposal would create.

Mike Wood (Dudley South) (Con): What advice would the Minister give to planning authorities that do not treat the presence of community pubs on the register of assets of community value as a material consideration when planning applications are considered?

Mr Jones: Local authorities should certainly take into account community rights and the listing of pubs as assets of community value when they make planning decisions in their local area.

Devolution: Shared Services

9. **Neil Carmichael** (Stroud) (Con): What assessment he has made of the likely effect of devolving powers to, and encouraging co-operation between, local authorities on local economies. [902056]

The Parliamentary Under-Secretary of State for Communities and Local Government (James Wharton): Co-operation can power economic growth, and devolution is acting as a catalyst for co-operation right across the country. We are seeing local authorities and local authority leadership coming forward with proposals for new

combined authorities, working together to identify the powers that they want for their area. A long-lasting sensible devolution settlement can enable economic growth on the scale that we want to see, and deliver for the communities we are all here to represent.

Neil Carmichael: Does the Minister agree that we need strong, visible and courageous leadership at that level so that those authorities can provide the strategic plan necessary and harness all the aspects of economic plans and economic activity? That is the only way we will make the policy work. I hope we will have such leadership in Gloucestershire.

James Wharton: My hon. Friend is a passionate advocate for Gloucestershire and on this issue he is absolutely right. We need that sharp accountability. We need to ensure that local people can hold to account those who make the decisions that they are empowered to take under devolution. We need to ensure that somebody is in place who can drive forward the growth of the economy in areas that secure devolution deals, because that is how we will make this policy a success and ensure that it lasts for the long term.

Diana Johnson (Kingston upon Hull North) (Lab): Through no fault of our own, Hull runs the risk of being excluded from the back-room devolution deals that are being done for Yorkshire at the moment. If that is the case, will the Minister undertake to work with Hull and the Humber to make sure that we really can be part of the northern powerhouse that he wants to see in Yorkshire?

James Wharton: The hon. Lady raises a very important point. Many areas across the country recognise what devolution can do and want to be part of it. Discussions continue in Yorkshire and Humber. We want to find deals that work for local areas. They have to be reached by agreement, have to be bottom-up and bespoke, and have to match the economic geographies that exist. When we get those deals—we will continue to work with areas that want them to deliver them—I am sure we can ensure that they last for the long term and drive real difference in the improvements we want to see.

Andrew Bridgen (North West Leicestershire) (Con): In the east midlands we currently have a joint bid by Derbyshire and Nottinghamshire and a separate bid by Leicester and Leicestershire. Does my hon. Friend agree that it might make more sense to have a combined bid of the three counties, previously known as the golden triangle?

James Wharton: My hon. Friend puts forward an interesting and important idea. However, I am not going to tell any area what its devolution proposal geography should look like. It is for areas to come together and identify the opportunities and sensible economic areas that exist. I am sure that those who are engaged in the discussions with the Department will have heard his comments, and I am sure that we can ultimately find a solution that will work for everyone.

Tristram Hunt (Stoke-on-Trent Central) (Lab): One of the great drivers of local economies is education and skills. The Labour party's London challenge transformed

education in the capital. Why will the Secretary of State not show some leadership and push for his new set of combined authorities to gain responsibility for commissioning new schools and raising standards? Why the obsessive centralism in relation to education?

James Wharton: I remember standing in this place in the previous Parliament advocating free schools in my constituency and coming up against strong resistance from those on the Opposition Benches, including the hon. Gentleman. This is the ultimate freedom for communities to control the future of their education. We want to ensure that areas get the right devolution packages to deliver for their economies. We will continue to work with all areas on the asks that they have, but this is a bottom-up process that comes from the local leaderships, and we want to work with them to deliver this and ensure that what we deliver is fit to last for the long term.

Business Rates

10. **Mr Peter Bone** (Wellingborough) (Con): What recent discussions he has had with his ministerial colleagues on proposed changes to business rates. [902057]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): By the end of this Parliament, local government will keep 100% of the business rates it collects locally. This represents a major step in devolving powers and responsibilities to local government. In developing the scheme, I will discuss the details with ministerial colleagues, local government and business.

Mr Bone: Business rate policy is vital to the continued planned development of Wellingborough. A planning inspector recently said that Wellingborough did not have a five-year land supply and allowed a completely unsustainable development in the village of Isham. How can the council plan for business rates and council tax when its land supply figure is challenged? Is it possible for the Secretary of State to certify whether a council has a five-year land supply?

Mr Jones: My hon. Friend will know that under the national planning policy framework all planning authorities must be able to demonstrate a five-year land supply. At this point, I am not able to make a specific commitment in relation to Wellingborough, but I certainly undertake to write to my hon. Friend on this very important issue for his constituents.

Jo Cox (Batley and Spen) (Lab): My local authority, Kirklees, estimates that it would be £32 million short if the proposed business rate changes had been made this year. What plans does the Minister have to make sure that certain authorities, such as mine, are not penalised by the proposed changes?

Mr Jones: I thank the hon. Lady for that important question. We are going to work with local government in implementing this policy. I can assure her constituents that there will be some form of redistribution of resources

between councils under the new scheme so that areas do not lose out just because they start from a weaker position than others.

Mr Mark Prisk (Hertford and Stortford) (Con): The imposition of business rates on empty properties is increasingly holding back the regeneration of brownfield sites in town and cities. Before any devolution, may I strongly encourage Ministers to revisit and reform this part of the system so that we can build more homes and workplaces?

Mr Jones: My hon. Friend will know that a business rate review is currently under way. We will take into account all the factors in relation to business rates, empty property business rates and so forth in that review, which will be updated at the spending review and the autumn statement. Further information should be available by the end of this year.

Mr Steve Reed (Croydon North) (Lab): The Government's plans to localise business rates are very welcome, but without a clear plan to equalise funding it could simply widen the gap between the most and the least deprived communities. We need to hear what specific measures the Minister wants to put in place to address that question, and councils need to know when he intends to make such an announcement so that they can plan.

Mr Jones: The hon. Gentleman will know from my answer to the hon. Member for Batley and Spen (Jo Cox) that we are considering this matter very carefully with local government. We will discuss the new scheme coming forward with local government, and, as he knows, there will be a redistribution of resources. Just to reassure him, under the current business rate scheme brought in by the Government several years ago, areas such as Leeds, for example, will benefit from £15 million in additional income from the current scheme this year. That is as a result of the scheme that we have put in place, and I do not think it is disadvantaging the type of areas to which the hon. Gentleman refers.

Brownfield Development

11. **Chris Green** (Bolton West) (Con): What support his Department provides to local authorities to encourage development of brownfield land; and if he will he make a statement. [902058]

The Parliamentary Under-Secretary of State for Communities and Local Government (James Wharton): If we are to deliver this Government's economic plan to achieve and unlock the growth potential that exists in this country, brownfield land must have a part to play in delivering the houses and commercial properties that we need to see built. That is why this Government are establishing a £1 billion brownfield fund and why we are establishing the brownfield register. We want to deliver development in the right places and in the right way, and that is what we are doing.

Chris Green: I welcome the Government's plans to utilise brownfield sites and to require local planning authorities to compile a register of land. Can the Minister assure me and my constituents that the infrastructure needed will be included in the plans and will be introduced in tandem with such developments?

James Wharton: My hon. Friend makes an important point. We want to ensure that planning on brownfield sites is as straightforward as it can practically be, but it must go hand in hand with the existing needs in some locations for infrastructure to support those developments. That is exactly what we will do: those requirements will continue to exist, local authorities will still have such powers and controls, and the Government will of course work with them to ensure that we are developing for the long term and sustainably, which of course includes infrastructure as well.

Robert Neill (Bromley and Chislehurst) (Con): The brownfield register of course builds on the welcome work of the Mayor of London's London land commission, as well as the proposed changes to business rate relief suggested by my hon. Friend the Member for Hertford and Stortford (Mr Prisk). Will the Minister also look at particular changes to the planning regime for brownfield land? For example, the accelerated introduction of in-principle permission would enable developers to go to the market, borrow up front against that permission and therefore accelerate bringing sites forward.

James Wharton: My hon. Friend makes a very important point. This is one of the issues that my hon. Friend the Minister for Housing and Planning will cover in the Housing and Planning Bill. We want to ensure that where brownfield sites are identified as suitable for development, the planning system works with local authorities and people who want to invest to unlock the sites and ensure that they are developed in the right way, speedily and at the right time. London is currently under great leadership. We can learn a lot from some of the things that have been done by the Mayor of London. We want to take the best things that he has done and apply them elsewhere.

Private Rented Sector

12. **Dr Alan Whitehead** (Southampton, Test) (Lab): What plans he has to improve conditions for tenants in the private rented sector. [902059]

The Minister for Housing and Planning (Brandon Lewis): The Housing and Planning Bill contains measures to tackle rogue landlords who rent out substandard accommodation. The proposals include the introduction of a database of rogue landlords and letting agents, banning orders for serious or repeat offenders, a tougher fit and proper person test, and the extension of rent repayment orders as well as the introduction of civil penalties.

Dr Whitehead: I am sure the Minister will be aware that the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 could have made a great difference to the improvement of tenant conditions by requiring landlords to uprate their properties. I am sure the Minister will also be aware that the regulations were heavily dependent on the operation of the green deal, which was abolished shortly after the regulations were laid. Does the Minister now intend to intervene to get the regulations rewritten so that they actually work when they are introduced and tenants can benefit from landlords uprating their properties?

Brandon Lewis: We have no intention of imposing any new regulatory burdens on the private rented sector because that simply pushes up costs, which reduces choice and is bad for tenants, and because we want supply to increase. In the Housing and Planning Bill, we will target criminal landlords who are ignoring their existing legal obligations.

18. [902066] **Judith Cummins** (Bradford South) (Lab): Private renters face up-front letting fees of up to £500 when they move house and charges when they renew their tenancies. Will the Minister tell the House why the Government's Housing and Planning Bill does nothing to get to grips with the scandal of sky-high letting fees?

Brandon Lewis: The measures that we are taking to deal with bad and rogue landlords, whom I am sure we all want driven out of the system, as do the many good landlords out there, have been welcomed by people across the sector, including Shelter, which thinks they provide a good focus to ensure that tenants get the right protection. The changes that we have brought in to bring transparency to letting agent fees have just come into play and we will review them in due course. Being aware of what people are paying is absolutely key.

Teresa Pearce (Erith and Thamesmead) (Lab): Research released today shows that since 2005, more than 1.5 million properties have gone from being owner-occupied to privately rented—a sector that is notoriously insecure. Longer tenancies could stabilise the sector, yet most mortgage lenders insist that tenancies are restricted to a year, and freeholders of leasehold properties, many of which are local councils because the properties have been bought through right to buy, often restrict tenancies for a year. What conversations has the Minister held or does he intend to hold with the Treasury and his DCLG colleagues about lifting those artificial barriers to longer tenancies?

Brandon Lewis: One of the biggest things that we can do to increase tenancy security is to ensure that we have growing and stronger institutional investment in the private or professional rented sector, so that there is more supply from institutional investors, like elsewhere in the world, where there are one-year tenancies but there is security because the properties stay in the sector. That is why we have the £1 billion build to rent fund, which will see 10,000 homes coming through. There are already 15 schemes under that fund, which are worth more than £450 million and will supply thousands more homes. That is the answer to ensure that more homes are available.

Rough Sleeping

13. **Clive Lewis** (Norwich South) (Lab): What assessment he has made of recent trends in the level of rough sleeping. [902060]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): The Government are committed to protecting the most vulnerable in society. One person without a home is one too many. That is why, since 2010, we have invested more than £500 million to prevent and tackle homelessness in England.

Clive Lewis: Across the UK, homelessness has increased by more than a third in the past five years. In my home city of Norwich, it has doubled in the past year alone, with devastating consequences for one rough sleeper, known locally as Sergio, who was found dead on the streets of the city a couple of months ago. Will the Minister tell us why there is nothing in the Housing and Planning Bill to tackle this disgrace?

Mr Jones: The hon. Gentleman mentions a significant incident in his constituency. I reassure him that the Government are committed to helping rough sleepers off the streets. The "No Second Night Out" scheme that we have supported is delivering that. We are also funding the world's first homelessness social impact bond, which is reaching 830 entrenched rough sleepers in London who have been sleeping rough for a considerable time, and getting them off the streets and into accommodation.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I am assisting a young woman from Syria who on Thursday will be made homeless from her Serco accommodation. She has no prospect of alternative housing because she is not deemed to be a priority housing need. How many single people, including young female refugees like Samia, are at risk of having to sleep rough? What is the estimate for the increase in those numbers if the Welfare Reform and Work Bill is enacted?

Mr Jones: As I said in response to the previous question, my Department is working extremely hard to prevent single homelessness. I am committed to doing more to improve services to help people who have complex needs. We are supporting some of the most vulnerable people in society. I am holding a series of round tables with the homelessness sector to support people like the hon. Lady's constituent.

Fire and Rescue Services

14. **Ian Lavery** (Wansbeck) (Lab): What steps he plans to take to ensure adequate funding of fire and rescue services. [902061]

The Secretary of State for Communities and Local Government (Greg Clark): The spending review will set out the resources that are available to local government as a whole, and the allocations for each authority will be published in the provisional local government financial settlement later this year.

Ian Lavery: Northumberland fire and rescue service made proposals last week further to cut front-line services, which will undoubtedly compromise public safety and the safety of people in the brigade. Can the Secretary of State explain how it is in the best interests of the general public for fire and rescue service budgets to be slashed and slashed to the bone?

Greg Clark: The hon. Gentleman gets it wrong. The National Audit Office recently published a report stating that, financially, fire and rescue authorities have coped well with the reductions. We know that there has been a 42% decrease in incidents over the past 10 years, and it is right that all parts of the public sector make savings. As it happens, the fire and rescue authorities have made savings of less than the rest of local government.

Amanda Milling (Cannock Chase) (Con): I welcome the consultation on proposals for greater integration and collaboration between police and fire and rescue services. Will the Minister confirm that that will not mean the end of the distinction between firefighters and police officers?

Greg Clark: My hon. Friend is absolutely right, and I read the transcript of the debate that she secured in Westminster Hall. It is right to consider where collaboration can improve safety, which was one of the points that she raised in the debate, but there is absolutely no requirement to eradicate the separate services that our communities so value.

Domestic Violence

15. **Michelle Donelan** (Chippenham) (Con): What support his Department provides to people affected by domestic violence who are seeking refuge. [902062]

The Secretary of State for Communities and Local Government (Greg Clark): Protecting women and girls from violence and supporting victims of sexual violence is a priority for the Government. Our manifesto committed us to ensuring a secure future for refugees. In the summer Budget we committed a further £3.2 million for refuges, and we will consider the matter further in the spending review.

Michelle Donelan: As a trustee of a fantastic Chippenham charity, Helping Victims of Domestic Violence, I welcome the Government funding committed in the July Budget. Will the Minister update the House not only on what work the Government are doing to improve victims' access to refuges, but on what support they are giving local independent charities that play a vital role in constituencies such as mine?

Greg Clark: My hon. Friend makes an excellent point. She supports the charity in her constituency, and I have had the privilege of seeing the fantastic work done by a charity in my constituency. Part of the point of the additional funding that has been made available is for local authorities to work with such voluntary groups to ensure that a service is available to all women who need it at the time when they need it.

Fiona Mactaggart (Slough) (Lab): Every Member will know that depending on charities for that type of service means depending on groups that are working hand to mouth and have no future security. Will the Secretary of State insist that local authorities give them a secure funding future and invest in specialist services, rather than expecting housing associations that are open only between 9 o'clock and 5 o'clock to make refuge provision?

Greg Clark: The right hon. Lady is right that voluntary organisations need to work with local authorities. There needs to be a network of provision across the country, because the victims of domestic violence often have to go to a different local authority area to flee the people who have persecuted them and engaged in violence against them. She is right that there needs to be a dependable national system.

Topical Questions

T1. [902037] **Peter Heaton-Jones** (North Devon) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Communities and Local Government (Greg Clark): May I start by wishing a happy Diwali to everyone who will be celebrating the festival of lights later this week?

Since our last oral questions, we have agreed with the housing associations the extension of the right to buy to more than 1 million tenants; we have agreed devolution deals with Sheffield, the Tees Valley and the north-east; the Chancellor has announced that councils will keep 100% of business rates; and we have had Second Reading of the Housing and Planning Bill and the Cities and Local Government Devolution Bill. We will continue to develop new devolution deals with local communities in order to devolve more powers throughout the country, at the same time creating more homes and homeowners.

Peter Heaton-Jones: North Devon District Council has just started a final period of public consultation on its local plan. That has been some years in the making, and its absence has caused some difficulties, as the Secretary of State will know, as he kindly attended a meeting with me and a delegation from the council a few weeks ago. Does he agree that it is important for the council to get a local plan, and therefore a five-year land supply, in place, and will the Department give it every assistance in doing so?

Greg Clark: We will indeed. My hon. Friend will know that local places have until 2017 to come up with their plans. If they have not done so by then, we will work with local communities to ensure that they have a plan.

John Healey (Wentworth and Dearne) (Lab): In his autumn statement two years ago the Chancellor said that

“we must confront this simple truth: if we want more people to own a home, we have to build more homes.”—[*Official Report*, 5 December 2013; Vol. 571, c. 1108.]

Will the Secretary of State confirm that the number of new homes built in the best year of the previous Parliament's five years was still lower than in the worst year out of 13 years of the last Labour Government?

Greg Clark: The right hon. Gentleman is having a characteristic bout of amnesia, because the worst year for housing starts was when he was a Minister in the Department for Communities and Local Government. That was the worst year for housing starts in peacetime since the 1920s, and 88,000 new homes were started. He has form on this.

John Healey: Never mind the bluster about starts—as the Chancellor said, new homes built are what count. Figures from the Secretary of State's Department state that 124,980 homes were built in 2009 in the depths of the recession. Five years later in 2014—the Secretary of State's best year—with a much-trumpeted growing economy, 117,720 houses were built. The answer to that failure was set out in his manifesto proposal, which mentioned

275,000 more affordable homes and 200,000 new starter homes in this Parliament. Will he guarantee that he will not double-count those numbers, and that new starter homes will be additional to affordable homes?

Greg Clark: The right hon. Gentleman's record has gone down in history—he presided over the lowest number of housing starts since the 1920s. This is not just about a collapse in the total number of houses being built, but about affordable housing. During his time in the previous Government, the stock of affordable homes fell by 420,000. I have been doing my research about the right hon. Gentleman because he has form on this issue, and it is a cheek for him to talk about affordable housing. As he might remember, when he was Financial Secretary he published a report that stated that the Government's No. 1 objective was:

“Freeing up or avoiding social tenancies.”

No wonder there was a collapse in the stock of affordable housing—he wanted to avoid those tenancies.

T3. [902039] **Stephen Hammond** (Wimbledon) (Con): Will my right hon. Friend confirm whether starter homes will be built only on exemption sites, or will new legislation allow them to be built more widely?

Greg Clark: As my hon. Friend will know, the Housing and Planning Bill will oblige local authorities building on all significant sites to include a contribution to starter homes, recognising that there are young people across the country who want to get a foot on the housing ladder.

T2. [902038] **Tom Brake** (Carshalton and Wallington) (LD): The planning policies of Sutton borough and the Mayor of London prioritise development on brownfield sites over greenfield sites and metropolitan open land. Is the Minister as surprised as I am that in a debate on Wednesday, an Education Minister described a site on metropolitan open land as the “preferred” site for a new secondary school, despite a brownfield site having been identified and purchased by the local authority? Will the Minister talk to the Education Minister about the basics of planning, and explain to him why it was perfectly in order for a local authority to prioritise development on brownfield land?

The Minister for Housing and Planning (Brandon Lewis): As the right hon. Gentleman will know, we prioritise brownfield planning permission. He will also know—I am sure I do not need to “educate” him, to use his phrase—that I cannot comment on a particular planning application due to the quasi-judicial role. I am happy to look at some of the details he has outlined.

T10. [902046] **Mark Menzies** (Fylde) (Con): As the Minister will be aware, I am a great supporter of enterprise zones. Will he assure me that before further consideration is given to yet more enterprise zones in Lancashire, we will make every effort to ensure that the two existing zones—one of which is in my constituency—and a further one that may be announced in coming days, are successful?

The Parliamentary Under-Secretary of State for Communities and Local Government (James Wharton): I am happy to give my hon. Friend that assurance. Enterprise zones can be drivers for growth, and the Government

have invited bids for a new round of them. We look forward eagerly to seeing which areas will be successful, based on the strength of their economic case, and looking at the potential that areas have to drive that growth. We must ensure that we create new zones where they can bring real benefit, and that existing zones are successful. That is what we intend to do, and I am always happy to discuss any specific concerns with my hon. Friend.

T4. [902040] **Melanie Onn** (Great Grimsby) (Lab): According to the Government's figures, the homelessness prevention grant has helped councils keep 1 million people from becoming homeless since 2010. Last month, I wrote to the Minister to ask that his Department protect that grant from the forthcoming spending review. In his reply, he failed to give any assurance, so my question now is if the grant is removed, what effect will it have on homelessness in coming years?

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): As the hon. Lady has identified, the £400 million that the Government have put into the homelessness prevention grant over the last five years has been part of a significant package to keep 935,000 families from becoming homeless. As she knows, a spending review is coming up, and that is one of the areas that we are considering very carefully: she will learn more about it and other policies on homelessness after the 25th of this month.

Jo Churchill (Bury St Edmunds) (Con): In my Bury St Edmunds constituency, both the district council and the county council have an appetite for building houses. They would like to know what support the Minister will give them for looking at funding arrangements in order to facilitate that growth.

Brandon Lewis: Having visited my hon. Friend's constituency and local authorities over the summer, I know what appetite they and other district and county councils have to build more homes. That is good to see. I am fully aware that they want to move forward and, through the devolution deals—I know that Suffolk County Council and Norfolk County Councils are engaged with them—we are looking at what we can do to support more economic development and housing growth to satisfy their ambitions.

T5. [902041] **Andy Slaughter** (Hammersmith) (Lab): Over the three years to 2014, the Mayor of London fell short of his target for building affordable homes by 40%. He was not helped by councils such as Hammersmith and Fulham—then Tory-controlled—which actually managed to reduce the number of social and affordable rented properties by sale or demolition. Those policies are now enshrined in the Housing and Planning Bill: what are they but crude pieces of social engineering?

Brandon Lewis: If the hon. Gentleman looks at the extended and reinvigorated right to buy since 2012, he will find that in London roughly two extra homes have been built for every home that has been sold. We have made it clear that we want to see the Housing and Planning Bill increase not only home ownership, but housing supply. I encourage local authorities, including his own, to make sure that they deliver more home development permissions than before.

Richard Graham (Gloucester) (Con): The draft joint core strategy for Gloucester, Cheltenham and Tewkesbury was submitted almost exactly a year ago to the Planning Inspectorate, since when no substantive reply has been received. Without agreement on the JCS, the Gloucester city local plan cannot be finalised. Will the Minister give vigorous encouragement to the relevant inspector to respond to the Gloucester JCS as soon as possible so that local government can then make real progress on both documents?

Brandon Lewis: I know that the examination of the plan is ongoing. I also understand that in September the inspector was in touch with the local authority and agreed an extension of time to allow the authority to undertake some further work. I further understand that it has been agreed that a hearing will be scheduled for January 2016 so that consultation can take place on the additional work. I will look into the detail of the case because it is critical that inspectors approach examination from the perspective of working pragmatically with local authorities to achieve a sound local plan.

T6. [902042] **Daniel Zeichner** (Cambridge) (Lab): The Minister wants to punish council tenants who do well by raising their rents. In a high-cost city such as Cambridge, £30,000 is now the Government's cap on aspiration. He has been vague about what household income means: will he give us a proper definition today?

Brandon Lewis: Obviously we will be taking this issue through in the Housing and Planning Bill over the next few weeks, and it will no doubt be discussed. We are clear, as has been welcomed by the housing associations and local authorities, that it is right that high earners pay their way.

Chloe Smith (Norwich North) (Con): Can the Secretary of State give any update on his discussions with local government about the resettlement of Syrian refugees?

Greg Clark: I can indeed. The Under-Secretary of State for Refugees, my hon. Friend the Member for Watford (Richard Harrington) has had a close and co-operative dialogue with local authorities to settle, in particular, the refugees who will arrive on planes in the next few weeks. We are in a good place in being able to find good homes for them.

T7. [902043] **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): The north-east is desperate for a meaningful devolution of powers. I am sure the Secretary of State would agree that they must include powers over transport, at least those London has. Despite the recent ruling of the Quality Contract Scheme board, can we have our buses back?

James Wharton: The hon. Lady takes a keen interest in devolution in the north-east. It is no small step that both the north-east and Tees Valley have recently entered into devolution deals with the Government. We want to continue to look at all areas of devolution that local leadership wants to put forward. We will continue to have discussions with them about that. The agreements signed only a few weeks ago are a significant and welcome step in that direction for our shared regions.

Jason McCartney (Colne Valley) (Con): My local Kirklees Council has today begun a long-overdue consultation on its local plan. Does the Minister agree that the council must listen to local communities as well as developers, and must take into account the Government's £1 billion brownfield first campaign?

Brandon Lewis: My hon. Friend makes a very good point. Another area entering into consultation is welcome news. It is vital that local area plans represent and take into account the views of the local community. I encourage the local authority to listen very carefully to residents in his area.

T8. [902044] **Dr Alan Whitehead** (Southampton, Test) (Lab): After the Energy and Climate Change Committee wrote to the Government deploring their lamentable failure to get anywhere near targets on low carbon heat reduction and saying specifically that they had to go beyond part L of the building regulations to get new homes back on track, is the Minister reconsidering his decision to abolish the code for sustainable homes?

James Wharton: Significant steps have been taken in recent years in strengthening building regulations to lower the carbon footprint of the homes we build. We have to ensure we work with industry and interested parties and we look at the implications of all decisions taken. We are, of course, always looking at the process by which that can be done and the options available to us. We have to see the effect that changes already made will have in reducing significantly the carbon footprint, and in setting us further on the path to the ultimate goal that I think many in this place share.

Mr Philip Hollobone (Kettering) (Con): I welcome the Government's recent policy announcement on new planning applications from Gypsies and Travellers in the countryside. Has the Planning Inspectorate been fully briefed on the Government's programme, and will particular importance be attached to combating the overconcentration of sites in the countryside?

Brandon Lewis: My hon. Friend makes a very good point. The short answer with regard to the Planning Inspectorate is yes. We are very keen to ensure that the planning system treats everybody equally and fairly, and that everybody abides by the same rules in a fair and proportionate way.

T9. [902045] **Kelvin Hopkins** (Luton North) (Lab): Will the Government legislate to provide for a substantial programme of municipalisation of private sector housing, especially empty homes, to help to rebuild the local authority housing sector to provide more decent homes at affordable rents for thousands of families languishing on housing waiting lists? If they will not do that, will they explain why?

Brandon Lewis: I am very proud of the fact that we have pretty much one of the lowest levels of empty homes on record thanks to the work done and the substantial investment made in the past few years, and to the fact that the new homes bonus applies to empty homes. I encourage local authorities to look at those kinds of properties and think about what they can do with them, and to deliver housing—whether affordable, private rented sector, or, for example through the new starter

homes programme, homes for sale to people who want to be able to afford to buy their own home—for their local area.

Tom Pursglove (Corby) (Con): I once again commend the excellent enterprise zone in Corby bid, which is supported by both Corby Borough Council and East Northamptonshire Council. Will the Minister provide us with an update and let us know when we are likely to hear the outcome?

James Wharton: My hon. Friend is a passionate advocate for Corby. I have had a number of discussions with him on a whole range of issues relating to his constituency. He is proving himself to be a most diligent Member of Parliament. A large number of enterprise zone bids have been received and are being considered. We will assess the economic case and look at a range of factors that inform those decisions, and an announcement will be made in due course.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): What advice should I give to my constituent, who is currently in a homeless shelter? He came from Jamaica in the early '60s with his family. He never went abroad, and so has never had to prove his immigration status. He cannot afford to apply for British citizenship right now, but says he cannot be rehoused because there is a requirement for him to prove his immigration status.

Mr Jones: I thank the right hon. Lady for bringing that case to the House. If she writes to me with the details, I will certainly look into it.

Several hon. Members *rose*—

Mr Speaker: I am sorry to cut off questions at this point, but demand has exceeded supply, as is ordinarily the case.

Speaker's Statement

3.34 pm

Mr Speaker: Before we move to the next business, I would like to make a short statement. I remind the House that Wednesday is 11 November, Armistice Day. Although the House is not sitting, many of us might well be on the estate, performing our parliamentary duties. I regard it as appropriate that at 11 o'clock on Wednesday, we and staff working for us should join the nation in observing the two-minute silence, so that we might remember those who gave their lives for their country to help to preserve our democratic freedoms. Instructions will be issued to the heads of House departments, so that members of staff who wish to observe the two-minute silence, may do so.

Police Funding Formula

3.35 pm

Keith Vaz (Leicester East) (Lab) (*Urgent Question*): To ask the Secretary of State for the Home Department if she will make a statement on the police funding formula calculation errors.

The Minister for Policing, Crime and Criminal Justice (Mike Penning): It is with regret that the Home Secretary cannot be with us today, as she is attending the extraordinary meeting of the Justice and Home Affairs Council in Brussels.

The Government believe that police funding must be allocated on the basis of a modern, transparent and fair funding formula that matches the funding demands faced by the police, but I think we all agree that the current arrangements are unclear, out of date and unfair. In recent years, many chief constables have called for a new formula. The National Police Chiefs Council, the Association of Police and Crime Commissioners and Her Majesty's inspectorate of constabulary have all called for a revised model. The issues with the current formula are well known. In 2009, the former Policing Minister, the right hon. Member for Delyn (Mr Hanson), agreed to review the police funding formula—[*Interruption.*] Sorry, in 2009, he called for it to be reviewed, but sadly it was not. The Home Affairs Committee, the National Audit Office and the Public Accounts Committee have all argued for a new formula as well.

In the previous Parliament my predecessor announced that the Government would review the formula, and in July we went into consultation. That closed in September, having received 1,700 responses. Since then, we have been working with forces around the country on the principle of how their budgets could go forward. I am sad to say that during this process a statistical error was made in the data used. The data do not change the principles consulted on and the allocation provided to the forces was never indicative, but we recognise that this has caused great concern to police forces around the country. I and the Government regret the mistake, and I apologise to the House and to the 43 authorities I wrote to during the extended consultation period as part of the funding formula review.

For that and other reasons, the Government are minded to delay the funding formula changes for 2016-17 that we had previously intended to make, and we will seek the views of the police and crime commissioners and the National Police Chiefs Council before going any further. It is essential that we come to a funding formula that is not only fair, transparent and matched by demand, but supported by the police. I have listened throughout the consultation, and the Government will continue to do so in considering the next steps, in conjunction with police leaders. I will update the House in due course. We should all support the reform of the police funding formula. Police forces and Committees of the House have been calling for it for years. We will bring it forward, but we are delaying the process at the present time.

Keith Vaz: Mr Speaker, I thank you for granting the urgent question, and I thank the Minister for his answer. I commend him for being the first Policing Minister in recent years to tackle the problem of police funding, which desperately needed to be addressed.

[Keith Vaz]

Last week, the Home Affairs Select Committee took evidence on the funding formula. The testimony we received about the process was damning. Last Wednesday, 34 Members took part in a debate on this subject based on the old criteria, and last Friday in a letter to the Devon and Cornwall police and crime commissioner, the Home Office admitted that its proposed funding formula was based on the wrong data. According to the previous formula, two thirds of police forces would have gained from the proposals and a third would have lost funding. Now, 31 forces will lose out. For example, Northumbria in July was first a loser, then a gainer, and now it will lose out again. The Metropolitan police was expecting to lose £184 million, but it appears that it is now set to gain—or possibly lose—a different amount. Leicestershire constabulary was set to lose £700,000 before last week; it is now set to lose £2.4 million.

This entire process has been described by police and crime commissioners and others as unfair, unjust and fundamentally flawed. What started off with good intentions is rapidly descending into farce. To call it a shambles would be charitable. There is now a very real prospect of a number of forces planning to take the Government to court. Given what has happened, will the Minister agree to a number of suggestions?

I warmly thank the Minister for his apology to the House. It was the right thing to do—it is typical of him to come before the House and say that—because police forces and PCCs spend an enormous amount of time and effort on this subject. The Minister has suggested a delay, which I support, but will he go one step further and establish an independent panel of experts who understand the importance of sharing data and, more importantly, are able to count and understand mathematics, unlike some officials in the Home Office?

The Minister will agree with me that this is a defining moment for policing. Last week at the Dispatch Box he said that he was

“proud to be the Minister responsible for the best police force in the world”.—[*Official Report*, 4 November 2015; Vol. 601, c. 1074.] Now is his chance to show it by engaging with the police service. This formula will last a long time. If the Penning formula is to last as long as the Barnett formula, it must be seen to be fair, just and workable.

Mike Penning: The Barnett formula seems to be very popular in parts of the United Kingdom.

I wanted to ensure that the House was aware of what we are going to do. Many of the things that the right hon. Gentleman has asked for are exactly what we are going to do. The decision I have made today with the Home Secretary is partly based on some of the submissions to the Home Affairs Committee and its recommendations. I listened carefully to that evidence. Not every PCC and chief constable in the country was unhappy—I noticed that not many of them gave evidence; perhaps they are shy. We will listen carefully, get it right and make sure the mathematics are right, so that I am not in this embarrassing situation again.

Sir Edward Garnier (Harborough) (Con): The right hon. Member for Leicester East (Keith Vaz)—my parliamentary neighbour, who initiated this urgent question—my hon. Friend the Member for Bosworth

(David Tredinnick) and I were very kindly met by the Minister not so very long ago, when we discussed this question. How would my right hon. Friend the Minister describe fairness and the time schedule for the new process? It is very important that police and crime commissioners—in particular, the police and crime commissioner for Leicestershire—know the context within which they will be setting their budgets in the spring.

Mike Penning: I thank my hon. and learned Friend for his comments. We had a good meeting and I promised to listen, and I hope that the response I am giving today shows that we have listened. The funding formula for 2016-17 will be based on the existing formula and the announcement, as normal, will be made in December, but there will be a lot of work, a lot of listening and a lot of understanding of what the demands are, within the difficult financial situation that we are in. Not everybody will think it is fair, but we will think it is fair and we will not be in the opaque position of the existing formula.

Jack Dromey (Birmingham, Erdington) (Lab): The first thing the Policing Minister should do is apologise to the police service for an omnishambles process—replacing one opaque and unfair formula with another; withholding vital financial information; publishing that information only under threat of legal action; and then publishing the wrong information.

The Policing Minister was right to apologise to Parliament, but I ask him to go one step further. Last Wednesday he dismissed all concerns about his new funding formula. Forty-eight hours later, it was revealed that he had got it wrong and had published the wrong data. Funding allocations varied by up to £181 million and there were 31 losers. When did he know that? What did he know, and when did he know it?

Tony Hogg, the Conservative police and crime commissioner for Devon and Cornwall has summed it up on behalf of the police service:

“We have now lost all trust in the process.”

The Policing Minister should abandon the discredited process, as he has agreed to do; he should start afresh, as proposed by the police and crime commissioners, which I hope he has agreed to do; and acting in an open, transparent and honest way, he should publish all financial data, which should be concluded as soon as possible and be overseen by an independent third party—perhaps the National Audit Office, because there is no longer confidence in the Home Office.

The third and final apology that the Policing Minister should give is to the public. The first duty of any Government is the safety and security of their citizens. People expect their Government to act responsibly when it comes to the policing of their communities and the country. This would be laughable if it were not so serious. I say in all sincerity to the Policing Minister and to the Home Secretary: get a grip, and get it right.

Mike Penning: The House will be disappointed in the shadow Minister’s tone. I was informed on Friday, and this is the first opportunity I have had to inform the House about the situation—[*Interruption.*] I hear shouts from the Labour Benches, “You should’ve known”. At the end of the day, I was not told, and the first I knew about this was when I was in the House on Friday.

We will make sure that we have a fair process in place as we go forward. That is only fair. I have apologised and I will do so again if necessary, but I am not apologising when it comes to the hon. Gentleman's tone, because he has got it wrong as usual.

Dr Sarah Wollaston (Totnes) (Con): I welcome the Minister's apology and congratulate Tony Hogg and his team on uncovering this inadvertent error. Will the Minister confirm to my constituents and to those across Devon and Cornwall that in reviewing this situation he will take full account of the impact of rural policing and tourism on policing costs?

Mike Penning: I have apologised to the 43 authorities and I apologise in particular to Devon and Cornwall, which highlighted the information that was wrong in the letters I sent out to those 43 authorities. Getting the decisions right about rural and other issues within the formula was exactly what we were trying to do in the first place, as it was mostly the rural constituencies that were most upset with the existing formula, but I can assure Members that we will now get it right.

Mr Dennis Skinner (Bolsover) (Lab): Late last week, the Derbyshire police commissioner and chief of police informed me that the settlement was very good. Forty-eight hours later, they were told by none other than Devon and Cornwall police—not the Minister—that the whole thing was wrong. Now Derbyshire has lost £13.1 million. Is there any occasion on which Ministers in this Tory Government would consider resigning because of an almighty mess that they have taken part in?

Mike Penning: I congratulate Derbyshire on reducing crime by 21% since 2010. Derbyshire has not lost anything, because the proposals were indicative and no money was allocated. As usual, the hon. Gentleman gets it wrong.

Mr David Jones (Clwyd West) (Con): According to the report in *The Times*, North Wales Police, which was due to gain some £2 million under the formula, now stands to lose some £10 million. Does the Minister agree that although the force will appreciate the frank apology that he has given, it now requires some form of reassurance that the settlement will be arrived at with sensitivity to the morale of the officers of that force?

Mike Penning: I am always conscious of the morale of police officers. That is why I say again from this Dispatch Box that I am proud to be the Policing Minister with the best police force in the world. I can tell my right hon. Friend that no money has gone missing from north Wales, because the proposal was indicative and no money was likely to go until a decision was made. However, the existing formula will continue for an extra year while we finish the rest of the proposals.

Mr David Winnick (Walsall North) (Lab): Will the Minister bear in mind what has been said repeatedly, namely that the west midlands police force has suffered drastically as a result of the cuts that have occurred? Representations have been made and debates have been held about the position. Before the Minister tells us about the crime situation, I should say that in the past he has, I believe, accepted the unfairness of what occurred

because of the previous formula. Will he bear all that in mind, and let us hope that there will be a fair settlement, at long last, for the west midlands police force?

Mike Penning: I usually disagree with most of what the hon. Gentleman says, but this time I do not. I think that the settlement needs to be fair to the West Midlands authority, and to the other 42 authorities, and we delayed the process so that we could get it right.

Seema Kennedy (South Ribble) (Con): I thank my right hon. Friend for meeting me, and other Lancashire Members of Parliament. Will he confirm that he will continue to meet all the Lancashire MPs to establish a fair funding settlement for the Lancashire constabulary?

Mike Penning: I congratulate all the Lancashire Members who took the time, and were considerate enough, to meet me. Members of all parties listened to our proposals, and then presented their own ideas. That, too, helped us to make the decision to delay the process.

Mr David Lammy (Tottenham) (Lab): The Metropolitan Police Commissioner will be taking £1.3 billion out of the Metropolitan Police budget. Will the Minister tell us how much the Met needs to save or keep, and what bearing that has on the announcement that he has made today, in the context of borough amalgamations here in London?

Mike Penning: Decisions on front-line operations are a matter for the commissioner. He is an excellent commissioner, and we await his proposals for his force. However, no decision has been made because the comprehensive spending review has not been announced. As I said a few minutes ago, the funding formula will be announced in December.

Nick Herbert (Arundel and South Downs) (Con): I welcome the Minister's statement that the process will be delayed, and I thank him and the Home Secretary for their willingness to engage colleagues on the issue. While there may indeed be problems with the existing formula, it is always going to be difficult to adjust between different forces in an environment in which forces are already having to find ways of reducing their spending, and some forces will have to face double cuts. Is that not an argument for an extended delay while the current situation continues?

Mike Penning: I think that, now we have made this decision, we need to sit down and talk to the police authorities, the police commissioners and the police themselves, but it was clear to the Home Secretary and me that we needed to pause so that we could get it right. Surely that is the important thing.

Graham Jones (Hyndburn) (Lab): Is the Minister aware of the amount of time and effort that was wasted in Lancashire over the summer in pursuing this matter and trying to get to the bottom of the funding formula? Lancashire was due to lose £24.9 million, a huge amount, which would make it the biggest loser in percentage terms. Is not the reason for this shambles the Minister's failure to supply the funding formula to the police and crime commissioners—so that they could dissect it and we could debate it—until only a few weeks ago?

Mike Penning: As I said a moment ago, I had what I thought was a very good meeting with Lancashire Members on both sides of the House. We listened, and we listened carefully. The reason for the problem is that data were not transferred in accordance with the new method of calculation. A statistical error was made in the Department. Ministerial responsibility dictates that I am responsible, and that is the way that it should be.

Stephen Hammond (Wimbledon) (Con): I commend my right hon. Friend for coming to the House and making his apology, which I think will be welcomed. When the Met police met London MPs, they complained about the opaqueness of the previous formula, and also pointed out that the London police undertook nationally significant policing tasks. Will my right hon. Friend guarantee that the new formula will be more transparent, and that the London settlement will recognise and match the demand for the policing of nationally significant events?

Mike Penning: London is one of the greatest capitals in the world, if the greatest, and it has particular police issues that have to be addressed. One of the reasons we are pausing is to make absolutely sure that all the different funding streams that come into this great capital city are managed correctly, and that it has the resources it needs.

Paula Sherriff (Dewsbury) (Lab): The director general of policing sent the letter outlining the error on Thursday 5 November. Is the Minister honestly telling us he was not made aware of its contents until Friday?

Mr Speaker: Order. I entirely understand the rationale behind the hon. Lady's question, but may I gently say one should not insert the word "honestly" into any question? The working assumption has to be that every Member in this House is always honest. We do not accuse Members of dishonesty or suggest as much; we debate issues. The hon. Lady is a new Member and I understand the purport of her question. I have no desire to get at any individual Member, but I think it is useful for new Members to get to grips with the new procedures—for example, recognising that debate goes through the Chair and that the word "you" is not used, and so on. I hope that is regarded as helpful.

Mike Penning: Thank you, Mr Speaker. Even those of us who have been here quite a long time get things wrong as well.

The first I knew of the letter was Friday.

Richard Drax (South Dorset) (Con): I, too, commend my right hon. Friend for halting the process. May I also put in this plea for Dorset police, who have been at the lowest end of the funding for many years, that rurality and tourism in particular will be very much in my right hon. Friend's mind when eventually we do get to sorting out the formula?

Mike Penning: One distinct advantage of being here today and making the statement is that we are starting the process again and everybody will, naturally, put the case for their own parts of the world, which my hon. Friend did really well.

Richard Burden (Birmingham, Northfield) (Lab): In response to my hon. Friend the Member for Walsall North (Mr Winnick), the Minister said he hoped West Midlands would be treated fairly, but is he not aware that under the existing funding formula, which he is maintaining, West Midlands has been hit abnormally hard with cuts of over £100 million in five years? What is he going to do over the next period while he has the pause to ensure that West Midlands and other forces are not hit again in the comprehensive funding review? What is he going to say to the Chancellor to ensure police forces get treated fairly?

Mike Penning: We were changing the funding formula to get a fairer, less opaque system. I have been asked to pause; I have paused it. The formula is in place for another year.

Several hon. Members rose—

Mr Speaker: There is a notable triumvirate at the back; we will take the fellow in the middle: Mr John Glen.

John Glen (Salisbury) (Con): Thank you, Mr Speaker. I thank my right hon. Friend the Minister for his characteristic honesty and integrity in coming to the House today and responding in the way he has. When he comes to contemplate the future funding for Wiltshire, will he make sure that not only is the absolute amount of money considered carefully, but also the freedoms that exist for small rural forces to work collaboratively with larger forces nearby—for example, Avon and Somerset?

Mike Penning: My hon. Friend makes an important point. Alongside the funding formula review was a capability review being run by the chiefs. Some of that can be driven by the chiefs, some of it will be done by the regions and some of it through the National Crime Agency, but, as I always say at the Dispatch Box, we can often do things better if we do them together, and I think forces should listen to that.

Jo Stevens (Cardiff Central) (Lab): I welcome the Minister's apology today, but how can my constituents and my police and crime commissioner and South Wales police have any confidence that when the Home Office undertakes the formula, which the Minister has described, in 2016-17 he will get it right this time?

Mike Penning: One of the things we can ensure is that the calculations and modelling within the formula done by the statisticians are looked at very carefully. One thing we are looking at, which has been a recommendation from the Select Committee, is to get an independent peer review towards the end, but whatever happens this formula needs to change so it is fairer for everybody.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my right hon. Friend the Minister on instigating the police funding formula review, which was promised by the Labour party when in office but never delivered. In pausing this process, which is an inevitability, may I urge him not to wait too long because many authorities, particularly those that deal with sparsely populated communities, feel they have been seen off in

a major way for many years and would rather like to see the formula amended in a transparent and open way, and hopefully in a way that will correct the imbalance they perceive in police funding?

Mike Penning: One reason that the funding formula was not changed by the previous Administration or any other Administration is that it is so damned difficult. I know that that is not parliamentary language, Mr Speaker, but it is true. I have experienced this in the past couple of months. The fact that it was hard was not an excuse not to do it, however, and we do need to get it right.

Mr Kevan Jones (North Durham) (Lab): I welcome the Minister's statement today, but he must realise that the buck stops with him and not with his officials. I find it remarkable that it took 24 hours for him to find out about the problem, and that his officials did not tell him sooner. Does he not realise that the Home Office has now lost all credibility among the police and the police and crime commissioners—the police family—over this process? Is it not about time he took up the suggestion of the Chair of the Home Affairs Committee, my right hon. Friend the Member for Leicester East (Keith Vaz), and established independent oversight of the process?

Mike Penning: I do not accept that the whole police family has no faith in the Home Office or in me. The hon. Gentleman is absolutely right, however, to suggest that, so far as ministerial oversight is concerned, I am ultimately responsible. That is why I have not blamed an individual civil servant or any Department. At the end of the day, this is my responsibility, which is why I am standing here now.

Jake Berry (Rossendale and Darwen) (Con): I warmly welcome my right hon. Friend's approach; his apology to the House is characteristic of the transparent way in which he has approached this entire settlement. When he brought that characteristic transparency to the cross-party meeting of Lancashire MPs, we were hoping that Lancashire would see a fairer formula. It cannot be right that some budgets are going up and some budgets are going down. Every police force should be equally miserable across the country. The formula should be fair.

Mike Penning: I thank my hon. Friend for his comments. That was a really good meeting, which we held in the Deputy Speaker's office. I promised to listen and I will continue to listen. At the end of the day, though, there will be winners and losers with any change to the funding formula. That is why some of the forces that are going to do very well seemed to be quite quiet when they appeared before the Home Affairs Committee, but I understand exactly where they were coming from.

Several hon. Members *rose*—

Mr Speaker: Order. A good many colleagues are still seeking to catch my eye, and I am keen to accommodate all of them. If we are to have any realistic prospect of succeeding in doing so without jeopardising subsequent business, we shall require brevity both from Back Benchers and from the Minister. I am sure that we can look for the provision of a textbook question to a distinguished former Minister, Mr David Hanson.

Mr David Hanson (Delyn) (Lab): I thank the Minister for the name check, but this is complicated. The fact is that North Wales police will still receive £10.5 million less than they expected in relation to planning assumptions. Can the Minister give them any confidence that they will be able to deal with their shortfalls?

Mike Penning: I have not yet announced the 2016-17 budget; I shall do so in December. As a former Home Office Minister, the right hon. Gentleman will know that he will have to wait until December for the formula decision.

Oliver Colville (Plymouth, Sutton and Devonport) (Con): I thank my right hon. Friend for his candour. May I also encourage him to work with the police and crime commissioners to ensure that efficiencies can be made to enable us to change in a different way?

Mike Penning: There are more efficiencies that can be done without affecting front-line policing. Actually, some of the technology that is coming through will aid front-line policing, not least the body-worn video cameras. I intend to work with all 43 police and crime commissioners and their chief constables, and with Devon and Cornwall in particular, as they have some very good statisticians.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): The residents of Dyfed-Powys already contribute far more per head for their policing than those living in large urban areas in England. Will the Minister ensure that the new formula takes into consideration the extra costs of policing an area such as Dyfed-Powys, which covers two thirds of Wales, especially the extra infrastructure required to secure an effective emergency response?

Mike Penning: As I said earlier, one reason that people were calling for a new funding formula was the need to take into account the effects of modern policing in rural communities. That is exactly what we will do.

Mark Menzies (Fylde) (Con): I was one of the Lancashire MPs who greatly appreciated the meeting with the Minister a few weeks ago. Can he assure us that, when Lancashire is being considered, we will not be losers in the process, as my hon. Friend the Member for Rossendale and Darwen (Jake Berry) suggested? Speaking as someone with direct experience of a blue-light service, may I also thank the Minister for the open and—I will use the word—honest way in which he has approached this process with us all?

Mike Penning: I sometimes get myself in trouble here for being too honest and too forthright, so I thank my hon. Friend very much for those comments. I cannot promise anything as we start a new process, but I will sit down with people from all the constituencies and all the forces to make sure we get the best we can with the modern formula. As I say, that will be suspended for a year.

Helen Goodman (Bishop Auckland) (Lab): Durham was last month ranked the highest-performing force in the country, so it is very worrying that there might be a £10 million cut. Does the delay mean that there will be cuts in the autumn statement followed by further cuts in 18 months' time?

Mike Penning: The purpose of my standing here making a statement is to say that the possible losses that Durham would have had with the new formula will not happen because it is going to stick with the original formula. We will have to wait for the autumn statement.

Nigel Adams (Selby and Ainsty) (Con): The Minister will be aware that North Yorkshire is the largest policing area in England, and the force gains approximately £8 million under the current formula because of its rurality. Will he assure me that our police and crime commissioner, who does a fantastic job, will be properly consulted and listened to during this welcome extended process?

Mike Penning: I pay tribute to the North Yorkshire force, and I fully understand the pressures on it as a rural force. One reason why I got into this situation was that I was working with the 43 PCCs, writing to them and telling them exactly what was going on. I will continue to do that.

Phil Wilson (Sedgefield) (Lab): I am sure the Minister will join me in congratulating Durham police on being designated the most outstanding force by Her Majesty's inspector. Does he realise, however, that his flawed formula means that it will have to face an additional £10 million in cuts? If that happens, it would mean a reduction in police numbers from 1,700 in 2010 to 850 in 2020. How does he expect Durham police to continue policing? May I respectfully say to the Minister that he should go back to the drawing board, recalibrate the formula and come back with something that makes sense to the people and the police in County Durham?

Mike Penning: I have tried to be very careful in not responding to people who probably were not listening to my statement. I have suspended the formula. As with the other 42 authorities, we will work with Durham on a new formula.

Henry Smith (Crawley) (Con): I congratulate my right hon. Friend on re-examining this issue. Will he commit to speaking to Katy Bourne, the excellent PCC for Sussex, where crime has reduced, when the new formula discussions take place?

Mike Penning: Not only will I commit to speaking to the excellent PCC in Sussex, Katy Bourne, but I left her 15 minutes ago.

Marie Rimmer (St Helens South and Whiston) (Lab): Will the Minister commit to give due consideration to low council tax base rate metropolitan districts? Across-the-board cuts have a devastating impact on areas such as Merseyside and other metropolitan districts. To make up the cut that was brought forward before, we would have to have a 24.9% increase in council tax. We collect about £500,00 for 1% council tax, whereas other areas collect about £2.5 million, so there is a different impact because of lower tax base rates. Will he give due consideration to that when reconsidering the formula?

Mike Penning: One issue that has been raised consistently by Members from across the House is the precept issue, which I believe is what the hon. Lady is alluding to. Although that is not in my hands, it is part of what we

look at when we are doing the formula and as we go forward. In some parts of the country the precept forms a substantial part of the funding, whereas in others it does not. I promise the hon. Lady that I will keep a watch on that.

David Rutley (Macclesfield) (Con): I also congratulate my right hon. Friend on coming to the House today. I fully recognise his commitment to tackling crime across the country; it is absolutely clear. Will he confirm to the House that there will be a very clear communication plan that will be sent to all police forces, from Cheshire police right the way through, so that they are aware of the milestones they will be required to pass to finalise, once and for all, this funding formula in the months ahead?

Mike Penning: Yes, we have time now to ensure that we consult across the board and that we work closely together. In my statement, I specifically said that we need to get agreement from the chief constables and the police and crime commissioners to ensure that the formula works, and that, I think, is the way forward.

Mr Gavin Shuker (Luton South) (Lab/Co-op): I congratulate the Minister on making an apology, as it underlines the importance of the matter. In Bedfordshire, we have the fourth highest level of gun crime, the fifth highest level of burglary, and the seventh highest level of knife crime. We also face a real threat from extremism. We face urban challenges, but we are funded today as a rural force. Even Her Majesty's inspectorate of constabulary has acknowledged that historic underfunding has been a major issue for the force. Under both the new figures and the old figures, Bedfordshire makes hardly any gain. Does not common sense dictate that there was a flaw with the formula, and will it be corrected?

Mike Penning: I say to my parliamentary neighbour that I know his part of the world extremely well. Even though Bedford is not my county, I am very conscious of the pressures it is under, particularly from the Luton policing angle. It is something that we will look at as we go forward.

Mr Alan Mak (Havant) (Con): I congratulate my right hon. Friend on his statement, which he delivered with characteristic clarity and integrity. Does he agree that larger urban forces such as Hampshire police, which serves my Havant constituency, deserve a revised funding formula so that they can be funded on the basis of need as well?

Mike Penning: Although I cannot comment on exactly how Hampshire will be funded with the new formula, or what it will get in December, may I congratulate it not only on having excellent MPs who have bent my ear extensively over the past couple of weeks—MPs from across the House have done so as well—but on forward thinking and working with the other emergency services brilliantly well? That is something on which other forces from across the country could think.

Julie Cooper (Burnley) (Lab): I welcome the Minister's apology and his decision to suspend the formula while the correct figures are being calculated. Given the scale of the error—last week Lancashire was due to lose £25 million and today it is due to gain £16 million—does

he now acknowledge that Lancashire constabulary was right to maintain reserves to plan prudently for the future?

Mike Penning: I think that I agree with most of what the hon. Lady said, but it is an issue that, in the 43 authorities of England and Wales, there are reserves of £2.1 billion.

Tom Pursglove (Corby) (Con): Historically, Northamptonshire has been underfunded, but despite that we have seen many innovative new policing models coming forward in the county. Despite this latest delay in the funding formula, will the Minister commit to continue to provide funding for innovative new models to come forward?

Mike Penning: Northamptonshire is one of the most forward thinking authorities in the country, and the work it and its PCC are doing alongside the fire service and other blue light emergency services is really significant. The police innovation fund is exactly what my hon. Friend was alluding to and that is what the money is for.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I heard what the Minister said about suspension, but the fact is that, under this error, South Wales police would have had, at £15.5 million, the fourth highest loss across the UK. That comes on top of the fact that Cardiff already does not receive the same treatment for the particular challenges that it faces as a capital city as London, Belfast and Edinburgh. So when the Minister is reflecting on the funding formula and thinking on this error, will he address that concern, because Cardiff is not getting the support for its policing that other capitals across the UK are getting?

Mike Penning: That is part of the review. We will ensure that we look carefully at what the hon. Gentleman has said, but, at the moment, Cardiff has not lost anything because I have suspended the review and the changes.

Nigel Mills (Amber Valley) (Con): I am not sure what was the worst news for Derbyshire. First, there was the news that the proposed new formula was unduly generous to Derbyshire, now there is the news that we are stuck with the outdated, unfair existing formula for at least another year. May I urge the Minister to stick to his guns and press ahead and get a new formula in place as soon as he possibly can?

Mike Penning: So many Committees, so many experts outside this House and inside this House—I have met lots of them in the past couple of weeks—believe that we need a new funding formula. There is cross-party agreement on that, so that is what we need to do. I did say that there would be winners and losers, and I apologise to Derbyshire for the delay.

Tom Brake (Carshalton and Wallington) (LD): The police and crime commissioners and chief constables have made it clear that budget cuts delivered through any revised formula will fundamentally change policing. What is the vision and strategy of the Home Secretary and the Policing Minister for this fundamentally changed policing landscape, and how will this incorporate the

possible loss of between 5,000 and 8,000 police officers in London and the possible loss of 1,000 community support officers?

Mike Penning: The assumption of any loss of front-line police officers—of course, that is a decision for the commissioner—was based on the original formula, not on my announcement today. Policing is changing, and so is crime. That is something we all have to understand and address. Any offence taking place against the right hon. Gentleman is likely to be while he is asleep in bed tonight, and it will be on his computer; it will not be a robbery or a burglary at his house.

Mr Philip Hollobone (Kettering) (Con): I commend my right hon. Friend for responding to the urgent question with an apology. He is right, of course, to say that the buck stops with him, but I have heard from the exchanges today that the error was discovered by one of the police authorities. I am therefore concerned that the error was made by the Department in the first place, and that the Department itself did not uncover the error. This has wider implications for the protocols used by the civil service on all these funding formulae across Government. Will my right hon. Friend make sure that the lessons he is learning from this are extended to other Departments, including Education, Health and all the others with local funding formulae?

Mike Penning: I am deeply conscious that we must make sure that there is confidence in a Department, particularly the two Departments that I represent. I met the permanent secretary this morning, and the Home Secretary, the permanent secretary and I are meeting tomorrow.

Fiona Mactaggart (Slough) (Lab): The Minister will be aware that rapid population growth creates challenges for the police. Violent crime in Slough, which I represent, has increased by 18.5% over the past year. When re-examining the formula, will he work in a transparent way, because that is critical to trust in policing by consent? Will he perhaps adopt the suggestion made by my right hon. Friend the Member for Leicester East (Keith Vaz), the Chair of the Select Committee, and take into account the challenges created in areas of high population growth?

Mike Penning: One of the reasons that we need a new formula is the high population growth that has taken place, particularly in Slough. That is why the formula needed to be changed, and because it was so opaque. I rest my case.

Andrew Stephenson (Pendle) (Con): I join my hon. Friend the Member for South Ribble (Seema Kennedy) in thanking my right hon. Friend for meeting Lancashire MPs on a cross-party basis to discuss the issue, allowing us to scrutinise in detail the predicted changes, consequences and formula, unlike our police and crime commissioner, who confused this with much wider issues to do with police cuts. My right hon. Friend mentioned the meeting with Lancashire MPs and the ideas that we submitted. Will he confirm that those ideas can now be fully considered and incorporated, following the delay that he has announced?

Mike Penning: Fortunately, the ideas from the cross-party group of Lancashire MPs came before the end of the consultation, so they formed part of it. Along with the evidence of the Home Affairs Committee and other things that have come forward, that is part of the reason for the delay. The misuse of the data—clearly in the wrong place—is the catalyst that created the situation, but we were already listening. I think that is the best way to go forward.

Steve McCabe (Birmingham, Selly Oak) (Lab): The Minister will know that as things stand, west midlands police could lose £28 million of his indicative budget. Can he give us an assurance today that nothing on that scale will occur? Will anyone be held responsible for the blunder and the delay in informing the Minister, or are officials, like Ministers, increasingly immune from responsibility for their actions?

Mike Penning: I am fully responsible for my actions and I take full responsibility for what has taken place under my brief. I cannot comment on what will happen and what will be announced in December, which will be based on the existing funding formula. We will all have to wait for the autumn statement.

Richard Graham (Gloucester) (Con): The House needed an apology for the statistical errors by the Home Office, and we had one, without reservation, from the Minister. We should welcome that. What matters more to me is that when the results of the spending review are announced in December, forces such as the Gloucestershire constabulary will still have the resources they need to tackle serious crime such as drugs, knife use, and the very sad deaths resulting from both. Will my right hon. Friend give my constituents that reassurance?

Mike Penning: My hon. Friend's constabulary has done fantastically well. It is a statistical error that has caused me to make this decision with the Home Secretary today. The reason for the change in the formula was to address the anomalies that we have heard about from Members across the House on the unfairness of the existing formula. It still needs to be changed and we need to push on with that with the chief constables and the PCCs.

Wes Streeting (Ilford North) (Lab): We have heard from today's exchanges that not only was there an error in terms of the formula and the failure of the Home Office to pick it up, but a letter was sent on Thursday that the Minister was not informed about until Friday, which I think we would all agree is unacceptable. Given the damage that this has done to the credibility of the Home Office, will he now respond directly to the suggestion by the Chairman of the Home Affairs Committee and others that some independence now needs to be brought to the consultation process? May we have a clear, simple answer?

Mike Penning: I have already said that when we do the statistical analysis we will almost certainly be looking for some independent guidance on that. That is important. It will be as open as possible. *[Interruption.]* If that is not good enough, then why did the Opposition not do it when they were in power for 13 years? We are doing it. They did not.

Mr David Burrowes (Enfield, Southgate) (Con): Amid a number of inconsistencies with the process, what has been consistent is that the Minister has always said that he is listening, and he has continued very much to show that at the Dispatch Box today. I welcome the decision he has made. Will he also be consistent—he has hinted at this—in the recognition that London, as the capital city, needs full access to capital city funding, reflecting the fact that it is a national hub for policing and criminality?

Mike Penning: As I said, this great capital that we are all in today needs to have the capital city force that it needs. The funding will reflect that and we will make sure that it continues to do so.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): This episode raises serious concerns regarding the efficacy of the verification and validation process, particularly in relation to the Minister not being aware of it. Further to the statements that have been made, what will he do to ensure that there is some independence, robustness and credibility in the verification and validation process?

Mike Penning: As I said, I met the permanent secretary this morning. We will be meeting the Home Secretary when she returns tomorrow to find out exactly what work goes on, and inquiries will continue.

Paul Flynn (Newport West) (Lab): Taking £12.8 million from the Gwent police would not be a cut; it would be an act of butchery that would grievously damage the fine work of the Gwent force, which has recently seen an increase in violent crime in the area. I think we all admire the breathtaking chutzpah of the Minister, who seeks to shift the blame to the previous Government and my right hon. Friend the Member for Delyn (Mr Hanson). Can the Minister give us a clear account, in language we all understand, of how this foul-up was made so that we can measure the ineptocracy that the Home Office has become?

Mike Penning: I would like to have thought that we would have a better question from the hon. Gentleman, but clearly not. I was not passing the blame to anybody; I was simply saying that I am being criticised for not doing something that did not happen in the 13 years of the previous Administration. Gwent has not lost anything; no force has lost anything. These are indicative figures. We need to make sure that we get the figures right as we go forward.

Diana Johnson (Kingston upon Hull North) (Lab): With the background of the lowest levels of police officers since 1979 and Her Majesty's inspectorate of constabulary describing the force's funding as inadequate, Humberside would have been set to get an additional £5.7 million under the right data. Can the Minister assure me and my constituents that under any new formula Humberside will still get that additional sum of money?

Mike Penning: No, of course I cannot do that, but I do understand exactly where the hon. Lady is coming from. We are going to pause, look carefully at the funding formula, and make sure we get it right. I am sure she would agree that it has to be fair across the 43 authorities, not just fair for Humberside, although I understand that she wants to push buttons for that region.

Andy Slaughter (Hammersmith) (Lab): Neither the Minister nor the Government are in control of the facts or the policing budget. Standing at the Dispatch Box, he does not seem to understand how incompetent this is. In the case of the Met, the error is of the sum of £180 million. Can we at least have a full written explanation of how this farce occurred, and can we be told the amount of money wasted by the Home Office and the 43 forces in going through the process thus far?

Mike Penning: I find it fascinating that, after listening to all the other questions that right hon. and hon. Members have asked, that was the best the hon. Gentleman could do. At the end of the day, when mistakes are made it is right and proper that Ministers stand at the Dispatch Box and tell the House what is going on. We will make sure that the new process is as open and honest as possible, especially for London.

Several hon. Members *rose*—

Mr Speaker: Order. Before we come to points of order—there is an expectant House and the appetite is clearly great—I just want to say two things, following the Minister’s observations. First, I am genuinely grateful to the Minister of State, whom I have known for a very long time. It does not surprise me that he has conducted himself with courtesy.

Secondly, because I think it is very important that our proceedings and procedures are intelligible to and meaningful for people beyond this place observing them, it is only right to say that this very welcome apology and dedicated response to questioning by the Minister took place because urgent questions were submitted and because I granted an urgent question. The Home Office itself declared in writing that the matter was not urgent, and it clearly did not think that the urgent question should be granted. It was entitled to its point of view, but I think the House would concur that it suffered from the quite material disadvantage of being wrong.

Points of Order

4.26 pm

Pauline Latham (Mid Derbyshire) (Con): On a point of order, Mr Speaker. I may be wrong, but I am not aware of any Member of Parliament in this place who is transgender. I have no problem with that, but we have many women who came into the House at this election, and we do not have sufficient toilets in this place for female Members of Parliament. May I ask you to look very carefully at this and make sure that we have sufficient toilets for women, before we look at those for people who are not even here yet?

Mr Speaker: I thank the hon. Lady for her point of order and, indeed, for her courtesy in giving me advance notice of it. I mentioned a moment ago that I thought it was important that our proceedings and procedures should be intelligible. It might therefore be helpful if I explain what I think is the context of and the background to the inquiry by the hon. Lady—reports in the media about work that is being done by Professor Sarah Childs on steps that can be taken to make our Parliament a more gender-sensitive Parliament.

It is absolutely true that such work is being done. There are various dimensions to the work, and one part of it is looking at toilet facilities. If memory serves me correctly, that is the only reference to the issue in terms of sensitivity—nothing beyond that—but the scope is there for Professor Childs, supported by others, to look across the piece and come to a view as to what would be good for the House as a whole. I think it is right that we do not jump the gun, but let her do that work in the very studious and serious-minded way that somebody of her intelligence and background would do. I think she will be alerted to the very proper point of order that the hon. Lady has raised.

May I say to the hon. Lady that if she would like either to contact Professor Childs herself or to write to the House of Commons Commission or the Administration Committee, the very important point she has made will be taken fully on board? I do not want to get into the situation at this stage of prioritising this over that; let us look at it all, including her important point.

Tom Brake (Carshalton and Wallington) (LD): On a point of order, Mr Speaker. We learned today from the Chancellor that four Departments have agreed to swingeing cuts of 30% to their budgets—information that was released, no doubt, as part of his campaign to get the Secretary of State for Work and Pensions to agree to cut his budget substantially. Is that not information that you would expect to hear first in this place?

Mr Speaker: When the autumn statement is delivered, the right hon. Gentleman and the House will receive what I suspect might be called an holistic view of the Government’s thinking and plans. As a matter of course, it would be better if specific details of individual agreements were first communicated to the House. It may well be that, because of the number of people involved in the discussions, things have filtered into the public domain in a way slightly less orderly than the right hon. Gentleman would favour. On the Richter scale of discourtesies to the House, this ranks pretty low, but I thank him nevertheless for drawing our attention to it.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. Earlier today, the BBC reported in a major story that nine new prisons were to be built to replace Victorian jails. Unfortunately and to my horror, one of the prisons to be sold off was Wellingborough, which caused great concern to my constituents. There were two reasons why I thought the story might be doubtful. First, Wellingborough prison was built in 1960, which suggests that the Victorian era went on for longer than I thought. Secondly, only last week, the prisons Minister, the Under-Secretary of State for Justice, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), gave me an assurance that I would be the first to know if Wellingborough prison's status was to change.

I am happy to say that Wellingborough prison is not being sold and the matter was completely misreported by the BBC. How on earth did the BBC make such a major mistake on an issue that affects my constituents considerably? How can I get it on the record that there has been sloppy journalism by the BBC?

Mr Speaker: As people will have noted, the hon. Gentleman is the source of his own salvation. He asks how he can set the record straight. With his usual pertinacity, he has just done that. Beyond that, his point of order reveals three things. First, he cares massively about prisons in Wellingborough. Secondly, he is a notable authority on the Victorian era. Thirdly, he does not like to miss an opportunity to put the boot into the BBC.

Paul Flynn (Newport West) (Lab): On a point of order, Mr Speaker. May I raise a point of order that affects the rights of Back Benchers? On Friday, there were debates on two Bills. The first debate occupied three and a half hours. While every syllable in those speeches was, of course, in order, otherwise they would not have been allowed, some of the comments were peripheral to the subject and all the speeches would have been improved by abbreviation. It was an entirely non-controversial, unopposed Bill.

Sadly, the second Bill had only just over an hour allocated to it. It offered great advantages to patients and the health service, and was approved of by Members of the House. My hon. Friend the Member for Torfaen (Nick Thomas-Symonds) moved the motion and the hon. Member for Central Ayrshire (Dr Whitford) gave a fine expert opinion on the benefits of the Bill. The only objection came from those on the Government Benches, who spoke on behalf of the pharmaceutical industry. Sadly, three attempts at a closure motion were turned down. Although I understand that the Chair does not give reasons for such decisions, one observer suggested that they were turned down because of time. What we have here is the power of Back Benchers coming up against the fact that big pharma and big sugar have a throat hold on this Government.

Mr Speaker: I note what the hon. Gentleman has said, but nobody has a throat hold on the Chair. I know that he would not suggest that for a moment. I would never be remotely apprehensive about a big pharmaceutical company, other big institutions, big people or people who think that they are big. They are not bigger than the authority that resides in the Chair, whether I am in the Chair or one of my illustrious deputies is performing the duties.

I take note of what the hon. Gentleman says. As new Members should know—if they do not know, they will come to discover it—he is the author of a well-thumbed tome entitled “How to be a Backbencher”. I am simply reminded that the Chair must always be zealously conscious of its duty to ensure the rights of Back Benchers as a whole. We will keep a beady eye on the length and relevance of speeches on such occasions, whether the hon. Gentleman is present or not.

Christian Matheson (City of Chester) (Lab): On a point of order, Mr Speaker. May I seek your guidance and advice on an incident that took place last week in which I believe I, as a Member of Parliament, was prevented by the actions of public officials from undertaking my duties in supporting my constituents?

The incident took place at Manchester civil courts, where approximately 40 to 50 of my constituents were involved in a case. When I arrived at the security point I was told that I was not to be granted entry. I identified myself as a Member of Parliament. There was a stand-off for a while, and of course I assure you, Mr Speaker, that my manner was courteous, as always, and calm. After about five minutes, a manager came up, pointed his hand towards me and said, “You’re not coming in. I’m now telling you to leave, and the police have been called.” Obviously I had no desire to cause any trouble for Greater Manchester police, but I did have a desire to join my constituents to support them in the court case. I identified myself to the police inspector and had a quick chat with him, and then left.

I believe that the officials of the court, knowing that I was a Member of Parliament, denied me the opportunity to support my constituents. I seek your guidance, Sir, as to the best way in which I might progress the matter further.

Mr Speaker: I am grateful to the hon. Gentleman for giving me notice of his point of order. He has made clear, both in what he sent to me and in what he has articulated on the Floor of the House, his concern about the manner in which he was treated on Friday.

While I am always keen to defend Members’ ability to represent their constituents outside as well as inside the House, the question of whether a Member of Parliament should be given access to a court of law in support of constituents is not a matter for me. I say that simply as a matter of fact. Nor is the conduct of court officials a matter on which it would be appropriate for me to comment, having not been present and therefore privy to the circumstances.

That said, I make two other observations. First, the hon. Gentleman has made his point and put his concern on the record. I have a sense that colleagues who know that they could be in a similar position will empathise with him. From personal experience over the past six months, I can confirm that he has always been fastidious in his courtesy—courteous to a fault—in his dealings with the Chair.

Secondly, I think that sometimes people who are not quite conversant with the circumstances, or who perhaps lack directly comparable experience but are anxious to execute their duties in the most zealous way, err on the side of caution. That caution sometimes makes them think that it is easier to say no than to say yes. I was not there, and I make no criticism of any individual,

but personally I am very sympathetic to the hon. Gentleman and think it is very regrettable that he has had to bring the matter to the House. I think we will have to leave it there for today.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): On a point of order, Mr Speaker. On Saturday there was announcement from Downing Street that everyone “will be given a legal right to request”

a 10 megabits per second broadband connection. That is of immense importance to many businesses and people who are frustrated by current broadband coverage, yet no details were given about how that right is to be exercised, who will deliver it or who will fund it. Can you advise me of whether you have had notice of a written or oral statement on the subject, and whether government apparently by unaccountable press release is in order?

Mr Speaker: I say to the hon. Lady that the subject is not new. The adequacy or otherwise of superfast broadband access, in both urban and rural areas, has been extensively debated over a period. It seems to me that the distinction is between disclosing a basic intent and describing a detailed policy. Where the former is concerned, there is nothing particularly unusual about Ministers giving an indication of what they intend in speeches around the country, outside the House. If, however, the Government propose to roll out a specific policy that is different from that which has existed hitherto, the House should be the first to hear about that policy and have the opportunity to question the relevant Minister upon it.

I think we have reached the happy conclusion of points of order for today.

Scotland Bill (Programme) (No.2)

Motion made, and Question proposed,

That the Order of 8 June 2015 (Scotland 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.

Table

Proceedings	Time for conclusion of proceedings
New Clauses and new Schedules relating to Parts 1 and 2, amendments to clauses 1 to 18 and Schedule 1	Three hours from the commencement of proceedings on the motion for this order
Remaining new Clauses and new Schedules, amendments to the remaining Clauses of the Bill, amendments to Schedule 2 and remaining proceedings on Consideration	Five hours from the commencement of proceedings on the motion for this order

(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 the motion for this order.—(*David Mundell.*)

4.40 pm

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

Mr Speaker: Does the hon. Gentleman wish to orate?

Pete Wishart: I do wish to take the opportunity to orate because we are profoundly disappointed with the time available to discuss significant and important issues, including amendments to the Scotland Bill, which is a critical piece of legislation for our nation. More than 100 amendments have been selected for debate this afternoon, and that follows the 76-page document that listed amendments tabled by right hon. and hon. Members across the House. We now have something like two and a half hours to debate critical amendments on tax powers and the constitution. After that, we will probably have less than two hours to discuss the equally significant welfare powers in the rest of the Bill.

We know how this place works. There will be Divisions, and 20 minutes will be taken up with the 18th-century arcane practice of wandering through a Lobby to be counted. When will this House start to enter the 21st century and leave the 18th century so that Divisions do not eat into our time-limited debates? How can it possibly be right that we have so little time? Realistically, we will have something like four hours, perhaps three and a half hours, which is little more than a hon. Member would get—[*Interruption.*] Hon. Members are chuntering. Do they not that this 45-minute debate is time reserved? Even this is eating into time—they cannot even bother looking at their Order Papers. Scotland is watching these proceedings, and people just will not understand the gross disrespect shown to our nation’s debate and business. It will feel as if Scotland has been given an almighty slap in the face and told just to get on with it in whatever time this House deems fit to provide to our nation—[*Interruption.*]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman is making extremely important points. He says that he needs to be heard, and he needs to be heard not just outside the Chamber but inside it. Members will be quiet while he speaks.

Pete Wishart: Scotland is watching. People are observing these proceedings and cannot believe that we have been given such a limited amount of time to debate such critical and significant amendments. The Bill had four days in Committee. We were surprised and delighted that we got all that time, but what a supreme waste of time those four days were, with a Government who were only semi-engaged in that debate. The Government accepted not one amendment from the hundreds that were tabled, and they provided nothing, with no significant amendments of their own. The Secretary of State said that the Committee was a listening and reflecting stage. He was more reflective than a high street mirror shop this summer, but the one thing he did not do was engage properly in the Committee of this House. It was all about listening. If Committee stage of a Bill is about listening, we may as well go round to see the Secretary of State and have a little chitchat over a cup of tea, or perhaps even write to him.

A Committee stage of this House should be the place where amendments are properly debated and considered, with a Government who are engaged in the process. It is not good enough to table hundreds of amendments on Report and have a time-limited debate to consider them. That shows great disrespect to the House, and it is not the way to do business. If this is how we will do business in the House in future, and if the Committee of the whole House is nothing but a listening exercise, we must recalibrate how we do business in this House. It is not good enough that we spent all that time merely being listened to, and then we are given five hours today to discuss serious, significant and important amendments that our nation needs to make its business.

We now have hundreds of amendments since the Government decided to engage with this process. They told us that they were all unnecessary and that we did not need them because the Smith Commission was delivered in full, yet today, all of a sudden and in the limited time available, hundreds of Government amendments are on the Order Paper. We will not have the opportunity to scrutinise properly the proposals that the Government have put before the House today.

We still do not believe that the Smith commission has been delivered in full. We have tabled amendments to ensure that it is delivered in full, but even if those are accepted, the Bill is still significantly behind where the Scottish people are and what they want from the constitutional arrangements for our nation. This is only the start of a catch-up process.

Ian Austin (Dudley North) (Lab): I know that the hon. Gentleman wants to complain about how terribly Scotland has been treated, fuel grievances and wind up the Scots, but instead of whingeing about the process and wasting time, why does he not sit down and allow the debate to take place?

Pete Wishart: We have been shown gross disrespect today, and for the hon. Gentleman to say that Scotland should just put up and shut up as usual—

Ian Austin: Will the hon. Gentleman give way again?

Pete Wishart: I am not giving way to the silly hon. Gentleman again.

What a sham of a process this has proven to be—

Ian Austin: On a point of order, Madam Deputy Speaker. It is a disgrace for the hon. Member for Perth and North Perthshire (Pete Wishart) to accuse people of attacking Scotland, when all they are doing is commenting on his ludicrous tactics—him personally, not the people of Scotland.

Madam Deputy Speaker (Mrs Eleanor Laing): The hon. Gentleman knows well that that is not a point of order for the Chair: it is part of the debate. The hon. Member for Perth and North Perthshire has pointed out that there is only a short time available for this debate, I hope that we can soon come to the debate itself and that he will also curtail his remarks.

Pete Wishart: I do not want to take up time, but I want the House to understand the rage that my hon. Friends and I feel about the limited amount of time that we have been given today.

I also want to reassure the House that we are not looking to have the Bill certified as English only, even though the Government consider the Scotland Bill to be an English-only Bill. We do not even want it to be certified as Scotland only, even though every single bit of the Bill applies exclusively to Scotland. I just hope that in the few short hours we have for debate that English Members will remember that when they make their contributions and vote. I hope that they listen to the voices of Scottish Members of Parliament on the Bill. It is not good enough to turn up and decide to have their say on Scottish business in this new age of English votes for English laws, but we will not have the Bill certified today.

We want the Bill to be discussed and debated properly, although it is way behind what the Scottish people require. We will not press the programme motion to a Division, even though the House knows how angry we feel about the limited time, because that would take further time from the debate.

Patrick Grady (Glasgow North) (SNP): Does my hon. Friend agree that the real irony is that after today's truncated debate, the Bill will move to the House of Lords for weeks, possibly even months, of scrutiny with no democratic mandate from any voter in Scotland?

Pete Wishart: That is exactly what will happen. The minute the Bill leaves this House it goes to the unelected Chamber of donors and cronies who will seek to impose their views on the business of Scotland. It is an utter disgrace.

If the Secretary of State thinks that the Bill puts a line under the ambition of the people of Scotland, he is gravely mistaken. Scotland has a fuller vision for itself now. Scotland is a more confident, assertive nation and it will never stop asking for more responsibility. The Scottish people know that it is better that they are in charge of their nation's affairs, instead of a Conservative Government that we did not vote for, with a solitary Scottish Member of Parliament.

4.48 pm

Ian Murray (Edinburgh South) (Lab): I do not want to detain the House either, but I agree with the hon. Member for Perth and North Perthshire (Pete Wishart)—I hope that he does not turn to dust as a result—not on his content, but on the tone with which he has started this debate. It is worth putting on record that the Government, Opposition and SNP Whips—the usual channels—spent an inordinate amount of time on this, and I understand that there was broad agreement on how today's proceedings would operate.

We would very much like some more time in the Chamber, but unfortunately that will not happen on Report and Third Reading. Given that the Government have accepted most of our amendments on the permanency of the Scottish Parliament, that the Scottish Parliament can now design its own social security system, and that the Government have moved towards the removal of the perceived vetoes—and, indeed, given the equalities section—we think the vow has been delivered. We agree with some of the Government amendments. The Government have come forward with amendments that agree with some of ours. I think we should get on with the debate this afternoon and start to discuss some of these issues. If the Scottish National party press this to a vote, we will see whether the House agrees.

4.50 pm

Mr Graham Allen (Nottingham North) (Lab): The kernel of the argument is about having enough time to debate effectively all the detail in this very comprehensive Bill. There must have been some sort of deal done between those on the Front Benches. I hope that in future, particularly with regard to English devolution when we return to the local government Bill—and thereafter, as there may be other devolution Bills pertaining to Scotland, England, Wales and Northern Ireland—there will be a mixture of time. We should use the Floor of the House, so that we are open and transparent and allow all Members to get involved. We should also ensure that there is a period of time in Committee, so that the detail—particularly in relation to a second or third English devolution Bill—can be considered to every Member's satisfaction.

4.51 pm

The Secretary of State for Scotland (David Mundell): I will not detain the House, because I do not want to eat into the time available to debate the Bill. I acknowledge the anger of the hon. Member for Perth and North Perthshire (Pete Wishart). He is always angry at something. Each time we have dealt with the Bill, we have had this sort of stunt. In the newspapers in Scotland at the weekend, the hon. Gentleman called on other Members of the House of Commons to be nicer to him. We will try, but he does make it a bit difficult.

It is clear to me that the hon. Gentleman's anger is not directed at me or at this House, but directed at the people of Scotland because they voted decisively to remain in the United Kingdom, and that is something he just cannot accept.

Question put and agreed to.

Scotland Bill

Consideration of Bill, as amended in the Committee

New Clause 12

PERMANENCE OF THE SCOTTISH PARLIAMENT AND SCOTTISH GOVERNMENT

“In the Scotland Act 1998 after Part 2 (the Scottish Administration) insert—

PART 2A

PERMANENCE OF THE SCOTTISH PARLIAMENT AND SCOTTISH GOVERNMENT

63A Permanence of the Scottish Parliament and Scottish Government

(1) The Scottish Parliament and the Scottish Government are a permanent part of the United Kingdom's constitutional arrangements.

(2) The purpose of this section is, with due regard to the other provisions of this Act, to signify the commitment of the Parliament and Government of the United Kingdom to the Scottish Parliament and the Scottish Government.

(3) In view of that commitment it is declared that the Scottish Parliament and the Scottish Government are not to be abolished except on the basis of a decision of the people of Scotland voting in a referendum.”

This amendment inserts a new clause into the Scotland Act 1998 and replaces Clause 1. It states that the Scottish Parliament and Government are permanent parts of the United Kingdom's constitutional arrangements, and that those institutions are not to be abolished except on the basis of a decision of the people of Scotland in a referendum.—(David Mundell.)

Brought up, and read the First time.

4.52 pm

The Secretary of State for Scotland (David Mundell): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

Government new clause 13—*Functions exercisable within devolved competence: elections.*

New clause 1—*Independent Commission on Full Fiscal Autonomy*

(1) The Secretary of State shall appoint a commission of between four and eleven members to conduct an analysis of the impact of Full Fiscal Autonomy on the Scottish economy, labour market and public finances and to report by 31 March 2016.

(2) No member of the House of Commons, the House of Lords, or the Scottish Parliament may be a member of the commission.

(3) No employee of the Scottish Government or of any government Department or agency anywhere in the United Kingdom may be a member of the commission.

(4) The Secretary of State shall, in consultation and with the agreement of Scottish Ministers, appoint as members of the commission only persons who appear to the Secretary of State to hold a relevant qualification or to have relevant experience.

(5) The Secretary of State shall not appoint as a member of the commission any person who is a member of a political party.

(6) Before appointing any member of the commission, the Secretary of State must consult—

- (a) The Chair of any select committee appointed by the House of Commons to consider Scottish Affairs, and
- (b) The Chair of any select committee appointed by the House of Commons to examine the expenditure, administration and policy of Her Majesty's Treasury and its associated public bodies.

(7) The Secretary of State may by regulations issue the commission with terms of reference and guidelines for the commission's working methods, including an outline definition of the policy of full fiscal autonomy for the commission to analyse.

(8) The Secretary of State must lay copies of the report of the commission before both Houses of Parliament, and must transmit a copy of the report of the commission to the Presiding Officer of the Scottish Parliament.

(9) Regulations under this section must be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament."

The new Clause provides for the establishment of an independent commission to investigate the impact of FFA.

New clause 4—*Review of operation of Gift Aid in Scotland*

The Treasury must lay before the House of Commons a review of the operation of Gift Aid in Scotland within a year of Part 2 of this Act coming into force."

This self-explanatory New Clause would require a review of the operation of Gift Aid in Scotland.

New clause 6—*Local Discretionary Taxation*

Individual local authorities in Scotland shall have the discretion to raise additional income by levying a tax, in addition to Council Tax and Non-Domestic Rates, on either residents, occupiers, property owners or visitors in the local authority or within a discrete area of the local authority providing local people consent."

The power will enable local authorities to introduce tax(es) without the need to seek approval from Scottish Government, with the rates and reliefs being determined locally and the local authority being both granted powers to ensure that those on which the tax is levied have a legal obligation to pay and the local authority having the discretion to determine how the additional revenue is expended.

New clause 7—*Local authority's power of general competence*

(1) A local authority has power to do anything that individuals generally may do.

(2) Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise—

- (a) unlike anything the authority may do apart from subsection (1), or
- (b) unlike anything that other public bodies may do.

(3) In this section "individual" means an individual with full capacity.

(4) Where subsection (1) confers power on the authority to do something, it confers power to do it in any way whatever, including—

- (a) power to do it anywhere in the United Kingdom or elsewhere,
- (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
- (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

(5) The generality of the power conferred by subsection (1) ("the general power") is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.

(6) Any such other power is not limited by the existence of the general power."

This new Clause seeks to introduce a general power of competence for Scottish local authorities, putting it beyond doubt that they may do anything that is not expressly prohibited by law. It seeks to go further than the power of wellbeing already afforded to Scottish local authorities. The proposals seek to give councils the capacity to do anything that an individual can do. Therefore, this would not enable a local authority to introduce a tax or wage war, but it would ensure that local government has the ability to use the power of

general competence in the most sensible and constructive way for the benefit of the people and communities whom they serve.

New clause 8—*Competences of local government in Scotland*

(1) The First Minister must, after consultation with representatives from local government in Scotland, publish a list of competences of local government in Scotland.

(2) After the list has been published, the First Minister may not publish any amended list of competences of local government in Scotland without first obtaining approval of the revised list consent from—

- (a) the Scottish Parliament, with two-thirds of its membership voting in favour of the amended list, and
- (b) the Convention of Scottish Local Authorities."

This new clause entrenches the independence of local government in Scotland from interference by national government in Scotland.

New clause 9—*Subsidiarity*

That subsidiarity as defined by the Maastricht Treaty 1992 Article 5(3) shall apply to the functions of national and local government in Scotland."

This extends protection of Scottish Local Government's independence by protecting its subsidiarity behind a European Treaty applicable to the United Kingdom.

New clause 11—*Scottish block grant*

The Secretary of State must lay before the House of Commons before the end of the first month of each financial year a full record, including minutes of meetings and correspondence at Ministerial level, of discussions between the Secretary of State, the Treasury and Scottish Ministers relating to the non-budget expenditure to be voted by Parliament authorising the payment of grants to the Scottish Consolidated Fund for that financial year."

The purpose of this new clause is to ensure transparency and accountability of the process leading to the annual settlement between the Treasury and Scottish Ministers of the block grant to the Scottish Consolidated Fund.

New clause 35—*Consent of the Scottish Parliament to certain Westminster Acts*

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

"(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.

- (9) A provision is about a devolved matter if the provision—
 - (a) applies to Scotland and does not relate to reserved matters,
 - (b) modifies the legislative competence of the Scottish Parliament, or
 - (c) modifies the functions of any member of the Scottish Government.

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

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

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

(1) A Minister of the Crown shall consult Scottish Ministers before introducing any Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland.

(2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—

- (a) 21 days before the proposed date of introduction, or
- (b) such later date as the Scottish Ministers may agree."

(3) The requirement in subsection (2) does not apply if—

- (a) the Scottish Ministers so agree, or
- (b) there are exceptional circumstances justifying failure to comply with the requirement.

(4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.”

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

New clause 36—*Scottish independence referendum*

‘(1) Paragraph 5A in Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.

(2) In sub-paragraph (1), leave out “if the following requirements are met”.

(3) Leave out sub-paragraphs (2) to (4).”

This New Clause would permit the Scottish Parliament to decide whether and when to hold a referendum on Scottish independence.

Government amendment 34, page 1, line 4, leave out Clause 1.

This amendment leaves out Clause 1, which is replaced by New Clause 12.

Amendment 195, page 1, Clause 1, leave out lines 7 and 8 and insert—

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

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

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

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

Amendment 5, page 1, line 7, leave out “recognised as”

Amendment 196, page 1, leave out lines 12 and 13 and insert—

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

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

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

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

Amendment 6, page 1, line 12, leave out “recognised as”

Amendment 197, page 2, line 1, leave out Clause 2

This amendment signals intent to oppose ‘Clause stand part’ with respect to Clause 2 and to move New Clause (Consent of the Scottish Parliament to certain Westminster Acts) to take its place.

Amendment 7, page 2, line 6, Clause 2, leave out “normally”

Amendment 8, page 2, line 6, after “legislate”, insert “(a)”

Amendment 9, page 2, line 6, after “matters”, insert “and

- (b) to alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Government”

Amendment 198, page 2, line 7, Clause 3, leave out “Section B3 of”

Government amendments 35 to 46

Amendment 199, page 11, line 18, Clause 10, leave out “the decision whether to pass or reject it” and insert “the motion that the Bill be passed is debated”

Amendments 199 to 203 to Clause 10 aim to clarify matters around references to the Supreme Court, in particular where the Scottish Parliament resolve to reconsider the Bill.

Government amendment 47

Amendment 10, page 11, line 28, at end insert—

“() the period between general elections specified in section 2(2)”

Government amendment 48

Amendment 200, page 11, line 38, after “unless”, insert “it is passed without division, or”

Government amendments 49 to 53

Amendment 201, page 12, line 16, at end insert—

‘(2A) He shall not make a reference by virtue of paragraph (a) of subsection (2) if the Parliament resolves that it wishes to reconsider the Bill.

(2B) He shall not make a reference by virtue of paragraph (b) of subsection (2) if—

- (a) the Bill was passed without a division, or
- (b) the Bill was passed on a division and the number of members voting in favour of it was at least two thirds of the total number of seats for members of the Parliament.”

This amendment establishes that a Bill passed by consensus in the Scottish Parliament (i.e. without a division) automatically meets the super-majority requirement and ensures that a Presiding Officer’s statement is not required if the super-majority requirements are not triggered.

Government amendments 54 to 57

Amendment 202, page 12, line 23, at end insert—

‘(3A) Subsection (3B) applies where—

- (a) a reference has been made in relation to a Bill under this section, and
- (b) the reference has not been decided or otherwise disposed of.

(3B) If the Parliament resolves that it wishes to reconsider the Bill—

- (a) the Presiding Officer shall notify the Advocate General, the Lord Advocate and the Attorney General of that fact, and
- (b) the person who made the reference in relation to the Bill shall request the withdrawal of the reference.”

Amendment 203, page 12, line 25, leave out subsections (11) and (12) and insert—

‘(10A) In subsection (4) after paragraph (a) insert—

- (aa) where section 32A(2)(b) applies—
 - (i) the Supreme Court decides that the Bill or any provision of the Bill relates to a protected subject matter, or
 - (ii) a reference has been made in relation to the Bill under section 32A and the Parliament subsequently resolves that it wishes to reconsider the Bill.”

(10B) After that subsection insert—

“(4A) Standing orders shall provide for an opportunity for the reconsideration of a Bill after its rejection if (and only if), where section 32A(2)(a) applies—

- (a) the Supreme Court decides that the Bill or any provision of the Bill does not relate to a protected subject matter, or
- (b) the Parliament resolves that it wishes to reconsider the Bill”

Government amendments 58 to 60

Amendment 204, page 13, line 2, Clause 11, at end insert—

“(1A) In paragraph 1 of Part I (The protected provisions, Particular enactments) of Schedule 4 (protection of Scotland Act 1988 from modification), delete “(2)(f) the Human Rights Act 1998””

This amendment would remove the Human Rights Act 1998 from the list of protected provisions in Schedule 4 of the Scotland Act 1998.

Government amendment 61

Amendment 205, page 13, line 8, paragraph (a)(ii), leave out “(3)” and insert “(2B)”

Amendments 205 to 223 to Clause 11 would grant the Scottish Parliament powers to make decisions about all matters relating to the arrangements and operations of the Scottish Parliament and Scottish Government as agreed in the Smith Commission.

Amendment 206, page 13, line 9, paragraph (a)(iii), leave out “11” and insert “12”

Amendment 207, page 13, line 10, paragraph (a)(iv), leave out “section” to the end and insert “sections 13 to 27,”

Amendment 208, page 13, line 11, paragraph (a)(v), leave out from “(v)” to the end and insert “section 28(1) to (6),”

Amendment 209, page 13, line 13, paragraph (a)(vii), leave out “27(1) and (2)” and insert “31”

Amendment 210, page 13, line 14, paragraph (a)(viii), leave out “28(5)” and insert “32(1) to (3),”

Government amendments 62 and 63

Amendment 211, page 13, line 15, paragraph (a)(ix), leave out “(1)(a) and (b) and (2) and (3)”

Government amendment 64

Amendment 212, page 13, line 19, paragraph (b)(i), leave out “44(1B)(a) and (b), and (2)” and insert “44(1C), (2) and (4),”

Government amendment 65

Amendment 213, page 13, line 20, paragraph (b)(ii), leave out “(3) to (7)” and insert “to 50”

Amendment 214, page 13, line 21, paragraph (b)(iii), leave out “46(1) to (3)” and insert “51(1), (2) and (4)”

Government amendment 66

Amendment 215, page 13, line 22, paragraph (b)(iv), leave out “47(3)(b) to (e)” and insert “52”

Amendment 216, page 13, line 23, paragraph (b)(v), leave out “48(2) to (4)” and insert “59”

Amendment 217, page 13, line 24, paragraph (b)(vi), leave out “49(2) and (4)(b) to (e)” and insert “61”

Government amendment 67

Amendment 218, page 13, line 25, leave out paragraph (b)(vii)

Government amendment 68

Amendment 219, page 13, line 26, paragraph (c), leave out “(3)”

Amendment 220, page 13, line 27, paragraph (d), leave out from “general” to the end of the paragraph, and insert “sections 81 to 85,) sections 91 to 95, and section 97,”

Government amendment 69

Amendment 221, page 13, line 29, paragraph (e), leave out from “supplementary” to end of line 38, and insert—

(i) sections 112, 113 and 115, and Schedule 7 (insofar as those sections and that Schedule apply to any power in this Act of the Scottish Ministers to make subordinate legislation),

(ii) sections 118, 120 and 121,

(iii) section 124 (insofar as that section applies to any power in this Act of the Scottish Ministers to make subordinate legislation),

(iv) section 126(1) and (6) to (8), and

(v) section 127,”

Amendment 222, page 13, line 40, paragraph (g), leave out “6” and insert “7”

Amendment 223, page 13, line 42, paragraph (h), leave out “paragraphs 1 to 6 of”

Amendment 224, page 13, line 43, at end insert—

“(2A) In paragraph 4 of Part I (The protected provisions, This Act) of Schedule 4 (protection of Scotland Act 1988 from modification), insert new sub-paragraph—

(5A) This paragraph does not apply to amendments to Schedule 5, Part II, Head A, Section 1A insofar as they relate to—

(a) taxes and excise in Scotland,

(b) government borrowing and lending in Scotland, and

(c) control over public expenditure in Scotland.””

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

Amendment 27, page 18, line 21, Clause 15, leave out “the amount described in subsection (3)” and insert “the whole amount”

The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Amendment 28, page 18, line 26, leave out “the amount described in subsection (4)” and insert “the whole amount”

The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Amendment 29, page 18, leave out lines 28 to 39

The purpose of this and the linked amendments to Clause 15 is to allow a sum equivalent to all of the revenue raised by both standard and reduced rates of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Amendment 30, page 18, line 33, at end insert “Provided that the amount payable is not less than half of the agreed standard rate amount.”

This amendment would ensure that the share of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the standard rate of VAT is cut in the future.

Amendment 31, page 18, line 39, at end insert “Provided that the amount payable is not less than half of the agreed reduced rate amount.”

This amendment would ensure that the share of the revenue raised by the reduced rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the reduced rate of VAT is cut in the future.

Government amendments 81 and 130 to 132

David Mundell: This is a significant day for Scotland, as we move the public debate about our country’s future from questions of constitutional process and on to the real business of using power to improve people’s lives.

The Government's amendments, which I would like to outline today, will strengthen the Bill's provisions and clarify the delivery of the Smith commission agreement. With that done, it will be time for Scotland's political parties to work together to make the new powers a success for everyone in Scotland. My ministerial colleagues, UK Government officials and I have engaged widely with interested parties and civic Scotland to help people to understand the Bill and to listen to their views. We have discussed the clauses with the Scottish Government and Committees of both the Scottish Parliament and this Parliament, and we have reflected on constructive suggestions of how to improve the drafting of the provisions. A number of technical amendments are proposed to ensure that the Bill devolves the powers intended effectively and efficiently, as well as a range of substantive amendments which prove beyond doubt that the Bill fully delivers the Smith commission agreement. I would like to move a number of Government amendments to part 1 of the Bill. We will discuss important amendments on welfare and other parts of the Bill later today.

Building on discussions on the permanence of the Scottish Parliament in Committee, I am bringing forward new clause 12 and amendment 34. The new clause removes the words "recognised as" and makes it clear beyond question that the Scottish Parliament and the Scottish Government are permanent institutions, and that it would take a vote by the people of Scotland in a referendum to ever abolish them. The amendment puts it beyond doubt that, as the Prime Minister has said,

"Scottish devolution is woven into the very fabric of our United Kingdom."

New Clause 13 is a technical provision ensuring that, where legislative competence is being transferred to the Scottish Parliament in relation to elections, executive functions are transferred to the Scottish Ministers in relation to that area. This will minimise the need for the Scottish Parliament to make separate textual changes to legislation after commencement of the Bill. Amendments 81 and 130 to 132 are consequential amendments to new clause 13.

Amendments 35 and 61 would devolve to the Scottish Parliament the subject matter of new subsection (2B) of section 2 of the Scotland Act 1998, inserted by clause 5 of the Bill. New subsection (2B) enables Scottish Ministers to make an order specifying an alternative date for a Scottish parliamentary general election, where otherwise the date would fall on the same day as an ordinary general election or a general election to the European Parliament.

Government amendments 36 and 44 to 45 clarify what is meant by "combined elections". Amendment 36 makes it clear that the reservation of the rules governing campaign expenditure by political parties applies where there are overlapping regulated periods, even if the actual polls take place on different days. Amendments 44 to 46 ensure consistency of language throughout the Bill by amending other provisions in clause 7 concerned with expenditure in connection with elections.

Amendment 131 inserts a reference to clause 3 and has the effect of applying schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 to any functions that are exercisable within devolved competence by virtue of that clause. The new wording included in amendment 37 makes it clear that the Scottish Parliament

will be able to give the Electoral Commission powers as well as duties when reporting on the delivery of its functions in relation to elections to the Scottish Parliament.

Minor amendments 38 and 39 ensure that the Scottish Ministers' powers to make provision on the conduct of Scottish parliamentary elections are in line with the legislative competence of the Scottish Parliament in this area. Amendment 40 is a minor change to align the subordinate legislation-making powers of the Scottish Ministers with the extent of the reservation of the individual electoral registration digital service, which is the Great Britain-wide service used to process online applications and to verify information supplied in applications. It is used to process applications to the registers used for all GB elections, as well as EU parliamentary elections.

Amendments 41 and 42 ensure that the power in clause 5 to specify a new date for an ordinary Scottish parliamentary election works effectively with the Presiding Officer's existing power to propose to move the date of such a poll. Amendment 43 has the same purpose as the section of the clause it replaces—to enable the Scottish Ministers to exercise, concurrently with the Secretary of State, certain subordinate legislation-making functions relating to the digital service, which otherwise remains reserved. The effect of this is to allow Scottish Ministers to exercise functions and make regulations about the digital service.

Amendments 47 to 60 seek to clarify the rules on super-majority. A number of these are technical and consequential, but I will draw the attention of the House to the three main amendments in this group. Amendment 47 requires that the Presiding Officer must decide whether any provision of a Bill relates to a protected subject matter, rather than assessing the provisions of the Bill more generally. Amendment 50 has the effect that a Bill passed with a simple majority in respect of which the Supreme Court subsequently decides that a simple majority is sufficient must be reconsidered by the Scottish Parliament before being submitted for Royal Assent. It is important that the Scottish Parliament has the opportunity to reconsider the Bill in this scenario as circumstances may have changed since the Bill was first passed.

Amendment 60, partly consequential on a number of other amendments, means that requirements regarding the final stage for a Bill, and for approval of a Bill following reconsideration to be treated as the passing of the Bill, apply regardless of the ground for reconsideration.

Government amendments 62 to 69 deliver new powers to the Scottish Parliament in relation to the arrangements and operation of the Scottish Parliament and Scottish Government, in response to amendments made in Committee and discussions with the Scottish Government. They include powers in relation to the dating of Royal Assent, the form and nature of certain statements by the Presiding Officer, letters patent, appointments to the Scottish Government, the Auditor General for Scotland and the Queen's Printer for Scotland. These amendments extend the far-reaching powers in the arrangements and operation of the Scottish Parliament and Scottish Government already provided for by clause 11 and address a number of amendments tabled in Committee and by the SNP today.

5 pm

Ian Murray (Edinburgh South) (Lab): The Secretary of State is cantering through the Government amendments. Can he clarify for the House whether, in the current context, they would require a legislative consent motion for the Trade Union Bill?

David Mundell: As the hon. Gentleman will know, the Trade Union Bill is still under discussion in this House, and it is the Bill as finalised by this House and the other place that will determine the nature of any legislative consent motion that is required, as is the normal practice.

The amendments I have tabled today fulfil my commitment to reflect on the debate in Committee. It is a bit rich to be criticised both for taking no amendments and, in the same breath, for tabling too many. We took the Committee process seriously and the contribution from the devolved powers committee in the Scottish Parliament very seriously, and that has determined our thinking in lodging these amendments. We will now hear the case for other, non-Government amendments, but the House will not be surprised to hear that the Government still consider that full fiscal autonomy is not in the interests of the people of Scotland. I believe that Scotland's parties, rather than rerunning the referendum, need to work together to understand how the powers in the Bill will be used for the benefit of the people of Scotland. The UK Government are honouring their commitment in the Edinburgh agreement, accepting the result of the referendum and moving forward to give the Scottish Parliament significant new powers within our United Kingdom.

Mr Graham Allen (Nottingham North) (Lab): It is very nice once again to be talking about Scottish—*[Interruption.]* I give way to the Clerk. That is the first time I have been heckled from the Clerk's Table, but I am sure it will not be the last.

There is one thing that concerns me. Much as I welcome the devolution to Scotland that the Scottish people have achieved—owing to the hard work of people such as Donald Dewar, the Scottish constitutional convention, even the Scotland Act 2012 and now this Bill—there are those of us who represent constituencies in England who envy that and would kill for 1% of the effective devolution that has gone to Scotland. I congratulate the Scottish people on their efforts and where they have got to, but I hope we will come very soon to how England can learn some of the lessons of Scottish devolution, because it has taught many of us many lessons. I will perhaps touch on some of the devolution packages now appearing in England, which look puny and weak compared with the proper devolution that has now taken root, quite rightly, in Scotland.

My anxiety is about centralisation. It is not devolution if the powers merely go to the next stage. If they go from Whitehall to Holyrood and stay there—and, some would argue, are perhaps not used as sufficiently as they could be—

Ian Blackford (Ross, Skye and Lochaber) (SNP) *rose*—

Mr Allen: If the hon. Gentleman will allow me, I will make my case and happily give way later.

If the powers stay at Holyrood and do not filter down to lower tiers—perhaps local government in Scotland—and, most importantly, to the Scottish people in their communities and neighbourhoods, that is not sufficient devolution. Exchanging centralisation from Whitehall and Westminster to Holyrood is not the bargain that many of us thought we had when it came to devolution in Scotland.

Ian Blackford: If the hon. Gentleman had been paying attention to events in Scotland, he would recognise that the Scottish Government have brought forward proposals for further devolution to our island communities. When the Scottish Government came to power, one of the first things we did was to remove the vast amount of ring-fencing that constrained local authorities, so it is the previous Labour Administration who are guilty of centralisation, not the Scottish Government that we have today.

Mr Allen: It is always good to hear of examples of further devolution. I say more power to those who want to “double devolve”—and the more that happens, the more those in the other nations of the Union will learn from such examples. I gently warn the hon. Gentleman, however, that it is no good always going back to times before his party controlled and ran the Scottish Parliament with powers that are unheard of in the rest of the Union—and that should be spread to the rest of the Union. There has to be a point where people are clearly using those powers rather than complaining about what they would like to have, do not use or think they ought to have. It is a really important lesson for all of us who believe in devolution that we need to push these things further. In that case, why have my good friends in the Scottish National party not supported or proposed amendments to make sure that local government—in this case, in Scotland—can go further and run much more of its own affairs?

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): As always, the hon. Gentleman makes a coherent argument about constitutional matters on which he possesses great expertise. Does he agree that this is often a two-stage process? The first stage is devolving powers to the Scottish Parliament, after which it is then for the Scottish Parliament further to devolve the powers, to the islands and other communities, as indeed it has done?

Mr Allen: It is important to see devolution develop in stages. I mentioned earlier that we have made a start on the devolution proposals for England and that another couple of Bills might be necessary, even in this Parliament, before we can really see what devolution in England looks like. However, there must be a point at which the powers already devolved—in this case to the Scottish Parliament—can be pushed beyond and down to people on the ground. That is why I proposed—I did not hear a great deal of support for it—to ensure that local government in Scotland can, with the local people's consent, raise its own taxation. If people are won over and convinced of the need, it should be possible to raise levels of a particular tax in an area. I often mention my local circumstances in Nottingham, where we would like to levy a tourist tax or a bed tax in order to do good works, providing that people in the local area consent and agree.

Dr Philippa Whitford (Central Ayrshire) (SNP): Does the hon. Gentleman not see that the whole point of devolution is to ensure that those decisions are made by the Scottish Parliament in Holyrood, which is already carrying through the Community Empowerment (Scotland) Act 2015? It is not for this place to tell the Scottish Parliament what to do with the power that is devolved—otherwise, the power is not really devolved.

Mr Allen: I cannot speak for this place; I can give only my personal opinion. The hon. Lady has heard me say how important it is that powers are devolved to the Scottish Parliament, and as a devolver and a democratic, I would like to see powers devolved out of Whitehall to local areas in England, for example, and on to the ground—even, in my own case, going beyond the Nottingham city council, good though it is, right down to the localities. It is not a case of someone telling someone else to do this. If we believe in devolution—and I understand why the nationalists may feel that they do not want devolution, because it undermines the nationalist ethic—[*Interruption.*] That is a perfectly valid position to hold, and it is nothing to be ashamed of, but nationalism is not localism.

Several hon. Members *rose*—

Mr Allen: I will give way in a second.

If we believe in localism, or in subsidiarity—a word that I used in one of my new clauses—and pushing power to the lowest possible levels, we cannot stop with nationalism, or the nation state. There must be a whole panoply: there must be a whole view of how power can go to the people rather than merely to another elected set of people in the Scottish Parliament, which, believe it or not, may well seem as remote to some people as the federal Parliament here.

Kirsty Blackman (Aberdeen North) (SNP): In Scotland less than 2% of the money provided for local authorities is ring-fenced, while in England the figure is nearly 10%. We should not be having a discussion about Scotland being more centralised than England, because that is clearly not the case. Will the hon. Gentleman please talk about the Scotland Bill rather than about devolution to England?

Mr Allen: I understand why it is sensitive when I talk about issues that colleagues in the Scottish National party would rather not talk about, but I am going to talk about them. [*Interruption.*]

Several hon. Members *rose*—

Mr Allen: I will give way after I have answered the question from the colleague of the Members who are rising.

As I have said before, it is not just the property of people in the Scottish National party, or even—

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Madam Deputy Speaker. We have five hours in which to debate critical and significant amendments to the Scotland Bill, and the hon. Gentleman has been going on about devolution for England. He has not even tabled any amendments on this particular

issue. When can we get back to debating the Scotland Bill and the important amendments that have been tabled to it?

Madam Deputy Speaker (Mrs Eleanor Laing): I understand the point that the hon. Gentleman has made, and I take it very seriously. I have been listening carefully to the hon. Member for Nottingham North (Mr Allen). He is addressing points that are relevant to the precise matters before us and to the amendments and new clauses, in a general way, but I am sure he will accept the feeling of the House that, while it is interesting and generally relevant to discuss these issues in general and as a matter of academic interest, it is also important for the House to have enough time to debate the many amendments and new clauses that are before us. I am not stopping the hon. Gentleman, but I am trusting him to know when he will draw his remarks to a conclusion.

Mr Allen: Thank you, Madam Deputy Speaker. Perhaps the hon. Member for Perth and North Perthshire (Pete Wishart) is a little anxious because he is now part of the establishment in this place, and is used to having the privilege of unlimited time in which to address the House. Many of us do not have that privilege, and we are very jealous of the hon. Gentleman when he gets up to speak at length. However, I am rather surprised that he stopped me from answering the question asked by his hon. Friend the hon. Member for Aberdeen North (Kirsty Blackman), which I was in the middle of doing. I am also rather surprised that he had not read the amendment paper, which includes four new clauses in my name. Perhaps if he looked at those rather than repeating the speeches that he made during the previous three days of debate, he would be better informed.

I shall now be very careful to stick closely to the subject of my new clauses, which will obviously be in order. The ability to raise money locally is very important for all our localities, and is a symptom of being freed to a greater extent from Whitehall and Westminster, so that this place and Whitehall do what they should do and our respective nations can govern themselves as much as is absolutely appropriate, which they do not currently do. Scotland is leading the way in showing us how to do that, but I hope that this is not just about Scotland, and that, even for the Scottish nationalists, it is about ensuring that all of us share the benefits of devolution while we remain together in the Union, as I hope we will.

Kirsten Oswald (East Renfrewshire) (SNP): Will the hon. Gentleman give way?

Mr Allen: I was going to give way to the hon. Member for Ross, Skye and Lochaber (Ian Blackford), but I will give way to the hon. Lady first.

Kirsten Oswald: I thank the hon. Gentleman for giving way. He has just said that this is not just about Scotland. I have to put it to him that this is the Scotland Bill. Can we please discuss Scotland?

Mr Allen: I know it is difficult to accept, when one listens to one's own propaganda that these matters are only ever about the Scottish National party, but the truth is that the Scotland Bill clearly impacts on the rest of the Union. Those of us who will benefit or suffer

[Mr Graham Allen]

from matters related to Scotland have a right to express a view. If there was a slightly more outgoing sharing of learning and experience from some colleagues from the SNP, more friends would be won among those of us who very strongly believe in devolution in the other nations of the UK.

5.15 pm

Ian Blackford: I just wonder whether the hon. Gentleman sees the irony in the fact that we voted through English votes for English laws but have created second-class MPs in those of us who come from Scotland, because we cannot fully represent our constituents in this place. Scotland returned 56 SNP MPs with a clear mandate to deliver home rule for Scotland, and we are not getting what the Scottish people want because MPs from other parts of the UK are voting against our interests. We should have Scottish votes for Scottish laws in this place.

Mr Allen: I have a lot of sympathy with the generality of what the hon. Gentleman is saying, but I have to remind him that there was a Scottish referendum and a majority of Scottish people voted to stay in the Union. There was a general election—

Ian Blackford: How did you get on?

Mr Allen: The hon. Gentleman asks from a sedentary position how we got on: 50% of Scottish people voted against the SNP and unfortunately 50% of Scotland is represented by three Members of Parliament. The hon. Gentleman should relish his victory, and he thoroughly deserves all the appropriate accolades, but I ask him to be a little careful not to become triumphant, because his party should not be proud of 50% of Scottish people being represented by three Members of Parliament. I hope the desire for proportional representation, which suited the SNP for many years—

John Nicolson (East Dunbartonshire) (SNP): Winding up.

Mr Allen: Now one hears very little—

John Nicolson: In conclusion—

Mr Allen: I am winding up in a way the hon. Gentleman may not approve of—I am getting my first wind.

I hope the SNP will not forget its commitment to proportional representation just because first past the post delivered the gross, disfigured distortion of 56 MPs representing half the population and three MPs representing the other half. I hope that the hon. Gentleman feels that that is not an appropriate allocation and that the SNP renews its vigour when talking about proportional representation, because it has gone rather quiet on that subject.

Christian Matheson (City of Chester) (Lab): Does my hon. Friend detect from the interventions of the SNP Members that they are perfectly happy to talk about devolution down to the Scottish level, but they are very keen not to talk about devolution down to the more local levels of the kind my hon. Friend is outlining?

Mr Allen: I hope—[*Interruption.*]

I hope that even those who are heckling and shouting would say that I always try to engage people from the SNP in debate on these issues. Sometimes things get a bit interesting and a bit heated, but that is because we all care passionately about these views. I am trying to put my point of view over now. Perhaps there are shades of opinion in what appears to be a robotic, monolithic Scottish National party. Perhaps some SNP Members acknowledge that others have a different view. It might be the case that that has some resonance, and that not all of them simply wait to be told what to do at their regular Monday meeting.

Ian Austin (Dudley North) (Lab): I take a different view from that of my hon. Friend the Member for City of Chester (Christian Matheson). I agree with my hon. Friend the Member for Nottingham North (Mr Allen) that, now that the SNP is the establishment in Scotland, its members are desperate to avoid any scrutiny of the way in which it runs the Scottish Government. That is because they want to be able to blame everybody else—namely, the wicked people down south—for everything that goes wrong in their country.

Mr Allen: I am sure that the Chair would call me to order if I answered my hon. Friend's very pertinent question, but I know that he will make that point and many others when he is called to speak.

New clause 8 is about defining. It is all very well to sit in Holyrood handing out little bits of largesse here and there, but that is exactly what Whitehall and Westminster do to everyone else. The Scottish people have suffered from that as much as the English people have. One way to get round that is to define the competences of local government and national Government in such a way that no one will be able to unpick the idea, whenever it suits them, that power should be devolved beyond Holyrood or Westminster. Unless that principle is clearly entrenched, the lure of power from the centre—be it Holyrood or Westminster—and the temptation to tell people what to do will be too strong.

New clause 8 proposes that people who want to engage in this debate should sit down and discuss with their local government—wherever it might be—what it is appropriate for local government to do. I do not believe that Scotland, England, Wales or Northern Ireland should be immune from that idea, because otherwise they will find that power gets sucked back up. Some of my friends in Scotland are telling me that power there is becoming ever more centralised. No doubt that will be a matter of debate, but that is what people are saying. Perhaps the easiest way round that is not to say, “Oh yes, but we are very nice to people. We are benign and we give them a little bit more money here and there”, but to allow the people, the drivers who produced devolution in Scotland, to produce devolution lower down than Holyrood.

Andrew Bridgen (North West Leicestershire) (Con): The hon. Gentleman talks about devolving power. As everyone in the Chamber knows, money is power. Will he therefore applaud the Conservative Government for devolving the retention of business rates locally? That policy has been devolved to the Scottish Government and it is now being mimicked there.

Mr Allen: I bracket the Scottish National party and the Conservative party together. If they do good things to push power down or push finance down, I am very happy to applaud that. What I am saying is that, in order to avoid a situation in which “the centre giveth and the centre taketh away”, we all need to have a proper written settlement. Even if people do not think that it is happening now, there will be a time when the temptation for those at the centre—in Holyrood or in Westminster—to turn things round, suck power back and tell people what to do will overcome them, even those with the best hearts in the world.

Mr David Anderson (Blaydon) (Lab): May I just gently remind colleagues from Scotland that they were elected to this United Kingdom Parliament and that this is a United Kingdom Bill which will have an impact on my constituents as well as theirs? I would be delighted if my hon. Friend’s new clause would somehow enable measures similar to those in the Bill to be put into an English Bill, so that my council could help me to protect my constituents in the same way as Scottish MPs want to protect theirs. I welcome the fact that he has tabled his new clauses and the fact that they are not critical of the Bill.

Mr Allen: That is why, knowing many of my parliamentary colleagues from Scotland, I rely on their generosity of spirit to help those of us who are trying to get a devolved settlement in other parts of the Union, not to pull up the drawbridge and say, “We’ve got what we want. Now we have a load of people in Parliament, we are no longer going to talk about proportional representation. On the back of 50% of the votes in our nation we have 95% of the seats and that’s now all okay. Now we are in control of the Scottish Parliament we are not going to use the powers, but we are going to suck up power from local government.” I know that that is not where many of my parliamentary colleagues from Scotland wish to be, but they need to speak up. They need to make that clear, in their internal meetings and inside their party. They need to be clear with people who are telling them, “Leave it to us, we are the top dogs. Do what you are told. Show up, it is your shift.” We have this in every other party, and people will hope there can be proper debate within parties so that devolution as a whole can move forward. It has to go beyond Scotland. People who really believe in devolution have to take it beyond the one area. I am happy to discuss and debate that with anybody. One area we need to talk about—*[Interruption.]* I would gladly give way to hon. Members rather than just have shouting, although I am happy to have shouting and gesticulating—it is the parliamentary equivalent of spitting at your opponents in the street. *[Interruption.]*

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman is very patient, but I am not happy to have shouting and gesticulation—not that I see any that is out of order at present. I say to him that when the House becomes a little vociferous, it is possibly an indication that there is a limited time for debate. He does have four very important amendments down for discussion and he has taken a fair chunk of the time for the debate. As I said previously, I am not stopping him—he has the Floor. He is a senior and much-respected Member of this House and he will know when he has taken the right amount of time in this very short debate.

Mr Allen: I will certainly go a lot quicker if people allow me to. As always, not a person in this Chamber can say that I do not give way when people have a real point of debate to make, rather than just wanting to yell from a sedentary position. That will continue to be my policy and I will not move from that, whatever the provocation.

New clause 9 talks about subsidiarity, which was brought to us by the former Lady from Finchley, through the Maastricht treaty. In this Bill, it would enable us to define and keep a very clear perspective on what is local, what is regional, what is national and what is federal. That will help everybody, whichever country they are in within the Union, not just to win small victories here and there, but to sustain a change in our democratic structure that will make it harder for those who so wish to do away with any settlement when they feel it convenient.

Part of the Bill relates very much to the rest of the United Kingdom, and that relates to the possibility of having a citizens convention, modelled on the Scottish convention, whereby people throughout the whole UK can face some of these issues, which are of great importance to us. The debate about EVEL—English votes for English laws—was a diversion. It was an irrelevance and mere procedural issue, and it has very little to do with devolution and greater freedom for our peoples within the UK. I hope that we move on from where we are on Scottish devolution and on the Cities and Local Government Devolution Bill, which is devolution in England, and that we take these issues forward together. All parties need to work together to ensure that there is a citizens convention on devolution, so that we can spread some of the excellent things that have been achieved by the Scottish people, by people such as Donald Dewar, by those in the Scottish citizens convention, by those who worked on the Scotland Act 2012 and by all those parties of the Union that worked together to create this Scotland Bill, which is, quite rightly, the first Bill before this Parliament. I hope that the first Bill in the 2020 Parliament is one that brings devolution to all the nations of the Union so that we all get the benefits that will rightly be enjoyed by the people in Scotland.

5.30 pm

Sir Edward Leigh (Gainsborough) (Con): I wish to speak to new clause 1, which calls for an independent commission on full fiscal autonomy. I have to say to the shadow Secretary of State, who tabled it, that there is a whiff of hypocrisy about this. He may not remember it, but on 15 June, during the Committee stage, I proposed an amendment to achieve immediate full fiscal autonomy. I was supported in the Division Lobby by the Scottish National party and some Conservative colleagues. If Labour Members had voted with us, we could have had full fiscal autonomy that night, but they chose not to do so. I do not know whether they are embarrassed about that—*[Interruption.]* The shadow Secretary of State is shaking his head and says that he is not embarrassed, but he has now tabled an amendment that would produce another talking shop and another Smith commission on full fiscal autonomy, thus knocking the whole matter into the long grass. Incidentally, he says that no Member of the House of Commons or of the other place should serve on the commission. I do not why that is. He also says:

“The Secretary of State shall not appoint as a member of the commission any person who is a member of a political party.”

[*Sir Edward Leigh*]

That is a process of thinking that suggests that, somehow, politicians should not take decisions and that the fate of nations is decided not by statesmen, but by unelected commissions. The commission will have to meet for many months, but what will it tell us that we do not already know?

The fact is full fiscal autonomy is a well understood concept; it has the virtue of simplicity. I will not repeat all the arguments I made in its favour on 15 June, but Labour could have had it. I give this prediction: at the next general election, either the Conservative party or the Labour party will promise, in their manifestos, full fiscal autonomy. They will have to do that, because otherwise we will continue to be behind the curve.

I was criticised by some on the Conservative Benches for being unhelpful on 15 June, but actually I was helping the Conservative and Unionist cause. I showed to some people in Scotland that there were Unionist politicians who value the Union, and who believe in full fiscal autonomy, because it is the best way to stop the gradual slide towards independence. If we have a Scottish Parliament based on the Smith commission, which involves highly complex procedures on tax and many other matters—they have been debated in the past so we do not need to repeat them all here—we are inevitably leading to a sense of grievance.

The way to solve the grievance is to have full fiscal autonomy immediately. The Scottish Parliament should be held responsible for taxing the people and spending the money. If the SNP controls the Scottish Parliament, it is held responsible by the Scottish people. Furthermore, the arguments for full fiscal autonomy have moved even more in its favour since June following our debate on EVEL.

What is the objection to EVEL by Scottish Members of Parliament and by the SNP? It is that we have the Barnett formula. They are not allowed to vote on all stages of a Bill. A Bill could change English spending, and in doing so it automatically changes Scottish spending, but Scottish MPs are not allowed to vote on all stages of the Bill.

If the Scottish Parliament had full fiscal autonomy—if we did away with the Barnett formula—there would be no need for EVEL. The only reserved matters would be foreign affairs and defence, which account for a very small proportion of total spending. The budget of the Foreign and Commonwealth Office is 0.2% of gross national product, that of the Department for International Development is 7%, as we know, and that of the Ministry of Defence is 2%. Sometimes a whole year will pass without there being any legislation on the MOD or the Foreign Office. If the Scottish Parliament had full fiscal autonomy, and therefore the only legislation that affected the Scottish people was to do with foreign affairs and defence, there would be no need for EVEL.

This whole debate about Barnett and EVEL is in danger of being used by our political opponents. That is not what I want, but they are our political opponents, after all. They oppose the Union. They are entitled to make what arguments they like, and they will use the debate around EVEL to argue against the United Kingdom.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): I do indeed remember the amendment that the hon. Gentleman brought before the House in relation

to full fiscal autonomy. He will remember that the shadow Chancellor also voted in the Lobby with him and Scottish National party Members on full fiscal autonomy. Does he agree that it might be progress for the Labour party if it followed the party leadership on this matter?

Sir Edward Leigh: I do not know if the new shadow Chancellor voted in our Lobby, but there seems to be an interesting concept nowadays in the Labour party: there is full freedom on the Labour Benches and, apparently, the Labour party leader can oppose Labour party policy on Trident and much else. As we have just heard, the shadow Chancellor opposes Labour party policy on full fiscal autonomy. This is an interesting situation. I have made my point. I do not believe this is a genuine proposal from the shadow Secretary of State.

Ian Murray: I respect the hon. Gentleman immensely. If he thinks back to the debate we had on 15 June, he will recall that no one in this Chamber from the SNP or his colleagues on the right wing of the Conservative party believed the figures that were put forward by the Institute for Fiscal Studies or the Treasury, or the Scottish Government's own figures. New clause 1 is an attempt to bring some clarity to those figures so that full fiscal autonomy could benefit Scotland, rather than being an £8 billion black hole.

Sir Edward Leigh: I do not want to get into a debate about a black hole, the deficit and all the rest of it. I remember that I was intervened on by the hon. Member for East Lothian (George Kerevan) and I accepted that there should be transitional arrangements. I made the point that this was not a right-wing Tory trap for the SNP. This was not a device to get rid of Barnett because we were claiming that the Scottish people get £1,600 a year more. I said precisely that if there was full fiscal autonomy and we got rid of Barnett, we should retain the United Kingdom and there should be a grant formula based on need.

If, for instance, Scotland had a particular problem, as we have in Lincolnshire with the sparsity factor in relation to education provision, or with declining industries, we are a United Kingdom Parliament. We are a fraternal Parliament. I believe in the Union, I believe in our standing together. If there is a need for the United Kingdom—I called it the imperial Parliament, as it were—to help out our friends in Wales—[*Interruption.*] SNP Members do not like that word, but I used it advisedly. That was the term that was used during the debates on Irish home rule. It is a technical term. If our friends in Northern Ireland, Wales or Scotland need extra help from the United Kingdom Parliament, we should give that help, but it should be based on needs, not on an automatic formula based on Barnett, which is an outmoded concept that has outlived its usefulness. It is also, as I have said, very dangerous in the context of the debate on English votes for English laws.

I am sorry to take the Labour party to task, because I respect the shadow Secretary of State. Labour is making some progress, but it is still behind the curve and I do not believe it will ever get back in front of the curve in Scotland unless it is bold. I repeat the point I made back in June: whether we like it or not, we have the election system that we have. We, the Unionist parties, went to the Scottish people. We based our arguments on the Smith commission, and we lost 56 of the 59 seats in Scotland.

The hon. Member for Nottingham North (Mr Allen) can complain about that, but that is the parliamentary system we have. We have to accept that, whether we like it or not, the Smith commission was rejected by the Scottish people. If we want to save the Union—and I am as passionate about the Union as the hon. Gentleman—we cannot be behind the curve on this. We have to be big-hearted, we have to be bold, and we have to move with full fiscal autonomy and move with it now.

Angus Robertson (Moray) (SNP): I rise to speak to the amendments tabled in my name and those of my right hon. and hon. Friends in proceedings which, thus far, most viewers in Scotland will frankly view as a total travesty and a farce. We are told that this is a piece of legislation of amazing proportions and importance, yet there are fewer than 10 Back Benchers on the Conservative Benches and fewer than 10 Members of Parliament on the Labour Benches. What does it say about the Unionist parties in this House that they cannot even be bothered to turn up for a debate about something they think is so important? We are debating the Report stage of the Scotland Bill with 200 or more amendments and new clauses before us—200!—yet we have heard extended speeches about English local government and a whole series of other things that have absolutely nothing to do with today's proceedings.

The context of these proceedings is clear to people listening and watching in Scotland. First, a promise—a vow—was made. Secondly, we heard day in, day out that devo-max would be delivered, even from Labour MPs of the time. The former Prime Minister, Gordon Brown, said that we were near to federalism:

“Within a year or two, as close to a federal state as...can be.”

One can call this Bill many things, but it is not a charter for federalism—it is a long, long way from that. We all know about its shortcomings; they have been denied by the Government, but they are clear to pretty much anybody else who cares to look. We know because others who are not in political parties, and do not have a vested interest, have said so, including the Scottish Trades Union Congress, the Scottish Council for Voluntary Organisations, Carers Scotland, Enable Scotland, and—how about this—the cross-party committee of the Scottish Parliament, on which senior Conservative and Labour MSPs served, that had the obligation to look at this. It said that the Scotland Bill “falls short” in some “critical areas”, and that it does not meet the “spirit or substance” of the Smith commission's recommendations and requires extensive redrafting in other key areas.

What about those who do have a political vested interest? How about—let us pick one—the deputy leader of the Labour party in Scotland, Mr Alex Rowley? He said on BBC Radio Scotland on 18 September 2015:

“No ifs, no buts, Smith has not been delivered”

and

“We will stand shoulder to shoulder with SNP Ministers to deliver Smith.”

How ironic. Where were those voices today—where were the speeches? Perhaps we can hear them later. We have not heard a single one that reflects those realities.

We should not lose sight of the fact that the Smith commission followed the referendum. As I have said in previous debates in this House, we recognise and respect the result of the referendum, and we proceeded to work with the other political parties in the Smith commission.

We then went to the country in a general election, and, like other political parties, we stood on a manifesto. The manifesto said:

“We welcome the proposals set out in the Smith Commission, as far as they go. The further watering down of the agreed proposals, by the UK government, is unacceptable. There should be no effective veto for UK ministers on the exercise of the various new powers, in particular over the welfare system. We share the view of many organisations across Scotland that the package, as it stands, does not enable us to deliver fully either the greater social justice or the powerhouse economy that our country demands. As the STUC has said, ‘there is not enough’ in the Smith Commission recommendations ‘to empower the Scottish Parliament to tackle inequality in Scotland’... The Smith Commission proposals were, in many respects, a missed opportunity. Decisions about more than 70 per cent of Scottish taxes and 85 per cent of current UK welfare spending in Scotland will stay at Westminster.”

We also went to the country with the following pledge:

“Scotland should have the opportunity to establish its own constitutional framework, including human rights, equalities and the place of local government. The Scottish Parliament should also have the ability to directly represent its interests on devolved matters in the EU and internationally.”

5.45 pm

We went to the country with those pledges, and what happened? There was an absolute electoral wipeout for the Labour party in Scotland, losing 40 out of 41 seats from right across Scotland. The hon. Member for Edinburgh South (Ian Murray) is pointing to Conservative Members, whom I will move on to next. It was the worst electoral showing in 100 years—since 1865. I must say to the Secretary of State, because I have challenged him before on this, that I would be grateful if he pointed out a single country in the industrialised democratic world where the mainstream centre-right party does as badly as the Scottish Conservative party. Name that country!

David Mundell: Since the hon. Gentleman has put that on the record so many times, I want to point out that the Conservative party polled more votes in the 2015 general election than in 2010 election. He has sought to distort those figures. Perhaps he would like to join me in congratulating the new Conservative councillor in Aberdeenshire, who topped the poll in the very constituency of the right hon. Member for Gordon (Alex Salmond).

Angus Robertson: Oh dear, oh dear! The right hon. Gentleman had the opportunity to name a single country in the industrialised democratic world where a centre-right party does worse than the Scottish Conservative party, but he could not think of one because there are none. The Scottish Tories polled 14.9%, down two points on the previous general election. To be proud of that—

David Mundell: Twenty thousand votes up.

Angus Robertson: For the Secretary of State for Scotland to deny the facts just goes to show how far the Conservative party, the Labour party and—[*Interruption.*] I was going to add the Liberal Democrats—there is not a single one in the Chamber—because they lost 10 out of 11 seats in Scotland.

The point of saying all this is to understand where the democratic mandate lies. We went to the country saying that Smith should be delivered in full and that further powers should be delivered, and the Scottish National party won an overwhelming mandate to come to this place and make our case.

Ian Austin: Will the hon. Gentleman give way?

Angus Robertson: The hon. Gentleman will have time to make a speech later in the proceedings. There is very little time, and I am the first parliamentarian from the SNP to be called in these proceedings more than an hour after the beginning of this debate.

The sole purpose of the Scotland Bill is to implement the Smith commission in full. The UK Government's amendments are a welcome admission that the Scotland Bill, as published, did not deliver Smith. However, the Government's amendments tabled on Report still fail to deliver Smith and still fail Scotland. SNP Members have tabled a range of amendments that will give the people of Scotland the powers they were promised and the powers that they will need. We have tabled amendments on tax credits, which would devolve control over all aspects of working and child tax credits, and on employment rights, which would devolve control over employment rights and industrial relations to the Scottish Parliament. We will debate those in the next group of amendments, when they will be addressed by my hon. Friend the Member for Banff and Buchan (Dr Whiteford).

We have also tabled new clause 36 to devolve the power to hold a referendum on Scottish independence to the Scottish Parliament. There should only be another referendum on Scottish independence when the people of Scotland indicate that they want one, but it is right that the Scottish Parliament—the people of Scotland's Parliament—should hold the power to react to the wishes of the people of Scotland.

We should not lose sight of the fiscal framework. That is the financial underpinning that will allow the transfer of powers to operate without detriment to the people of Scotland.

Jim Shannon (Strangford) (DUP): I spoke to the right hon. Gentleman before the debate, so he knew that this question was coming. This debate is clearly about the constitution and tax. The Scottish Parliament intends to end tax relief for sporting estates, which bring substantial revenue and many jobs to Scotland. Scotland is famed for its outstanding scenery and tremendous field sports opportunities. This must be about the approach to managing natural resources. Does he agree that, when it comes to recreating tax forms and making sure that the distribution of moneys is correct, this is a great opportunity to enshrine safe ground partnership principles at the heart of government?

Angus Robertson: The hon. Gentleman has put his point of view on the record. I encourage him to get in touch directly with the Cabinet Secretary for Rural Affairs, Food and Environment in Scotland, Richard Lochhead. We are proud of the Scottish Government's rural affairs agenda. Incidentally, I commend the hon. Gentleman's party for turning up in greater strength to this debate than the Liberal Democrats.

To hold the 2014 referendum, the Scottish and UK Governments were required to agree a section 30 order, which amended schedule 5 to the Scotland Act 1998, to grant the Scottish Government the legislative competence to hold a referendum, providing that a number of conditions were met—namely, that it was held before the end of 2014 and that the ballot paper included one question.

New clause 36 would permanently transfer to the Scottish Parliament the power to legislate for a referendum on Scottish independence. It is right that the Scottish Parliament should decide on that, and not this place. As the First Minister has made clear, the SNP manifesto for next year's Scottish election will set out our position on a second independence referendum and consider in what circumstances such a referendum might be appropriate at some point in the future. However, the final decision on whether there is another referendum and on whether Scotland ever becomes independent will always be for the people of Scotland.

In the meantime, I observe that support for Scottish independence has continued to grow. If people back home are watching this debate, I have no doubt that it will rise even further. A Panelbase poll for *The Sunday Times* found that 47% of people in Scotland currently support independence and that more than two thirds believe that the country will be independent by 2045.

Support for independence has risen as the UK Government have failed to meet their promises on more powers; continued with austerity; introduced further welfare cuts; and promoted English votes for English laws. Since the referendum, the UK Government's attitude towards Scotland has angered a great many people. Those who are watching proceedings today have good reason to be angered yet more. On EVEL, the Scotland Bill and austerity, the UK Government have shown scant regard for the voice of the people of Scotland.

We will not lose sight of the financial arrangements that relate to the Bill. We raised them in Scottish questions last week. We understand that a negotiating process is under way between the UK Government and the Scottish Government. It is critical that that financial framework is negotiated in good faith between both Governments and without detriment to the people of Scotland.

Ian Murray: I am grateful that the right hon. Gentleman has got on to the fiscal framework. At Scottish questions last week, I asked the Secretary of State whether we could have a little more transparency about the discussions to prevent anyone or any party in this Chamber from misinterpreting what the fiscal framework is trying to achieve. The Scottish people can then make their own judgment about whether it is detrimental to Scotland or otherwise.

Angus Robertson: Without wanting to concern the hon. Gentleman, I agree with him. Transparency is a good thing. Our colleagues in the Scottish Parliament are significantly happier than we are here with the open approach that the Scottish Government are taking on this matter. Obviously the negotiations are between the two Governments, but the Secretary of State could easily come to this House and provide more information to the hon. Gentleman's satisfaction and mine.

The Smith commission identified that Scotland's budget "should be no larger or smaller simply as a result of the initial transfer"

of powers. It recommended that the devolution of further tax and spending powers to the Scottish Parliament

"should be accompanied by an updated fiscal framework for Scotland"

and that

"the Scottish and UK Governments should jointly work via the Joint Exchequer Committee to agree a revised fiscal and funding framework for Scotland".

The UK and Scottish Governments are negotiating the fiscal framework on an ongoing basis. It should allow the Scottish Government to pursue their own distinct policies that meet the needs and wishes of the people of Scotland. For fiscal devolution to work, it is essential that the Scottish Government have the flexibility to pursue distinct fiscal policies, consistent with the overall UK fiscal framework.

The block grant adjustment should be robust and transparent, deliver a fair outcome for Scotland and be agreed by both Governments. The effect of the adjustment should be to ensure that the Scottish Government's budget is in broad terms no better or worse off in the long term compared with what the devolved taxes would have raised had they not been devolved. The Scottish Government have said that they will not sign up to any adjustment that is not fair to Scotland. That is in line with the "no detriment" principle set out in Smith.

Before us today, we have 200 amendments and new clauses. They are massively important to people in Scotland. Sadly, they are clearly not important to the Labour and Conservative parties, which are here in such small numbers. I will bring my contribution to a close to ensure that more Members of Parliament for Scotland have the opportunity to take part.

The people of Scotland are watching these proceedings. We are told that this is the mother of all Parliaments. This is supposed to be the most important legislation about the future of our country, yet it has been shoehorned into less than one day of proceedings. Incidentally, for the information of the shadow Secretary of State, that happened against the wishes of the Scottish National party, which pressed for another day of proceedings so that we could look into the proposals in detail. People should look and learn, because if this is the way to legislate, we do not need it. The Scottish Parliament is a 21st-century Parliament. If ever a case was put for the Scottish Parliament to be able to exercise power over all issues that matter to the people of Scotland, this is it.

Alberto Costa (South Leicestershire) (Con): It is a pleasure to follow the right hon. Member for Moray (Angus Robertson)—[*Interruption.*] I apologise for my pronunciation—I have lived in England for over 15 years and one's accent does change. It was also a pleasure to listen to the hon. Member for Perth and North Perthshire (Pete Wishart). I agree that this is an important constitutional Bill. We are hearing today about how the Bill will make the Scottish Parliament not just a permanent institution in the United Kingdom's constitutional arrangements, but one of the world's most powerful devolved Parliaments.

Crucially, the Bill will allow more decisions that affect Scotland to be taken in Scotland. It will increase the financial responsibility of the Scottish Parliament and its accountability to the Scottish public. Perhaps that is a word that SNP Members do not wish to hear, because accountability is something that has been lacking these last eight years in Scotland, when gripes and grievances have constantly been thrown to London about decisions and powers that already rest with the SNP Scottish Government.

The package that has been brought before the House today by the Secretary of State and his team contains substantial financial powers, including over income tax and VAT, the devolution of substantial elements of the

welfare system and a range of other powers, including constitutional powers and powers over transport, such as responsibility for air passenger duty.

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

Alberto Costa: It is a pleasure to give way to the hon. Gentleman.

Stewart Hosie: That was a very generous way of giving way. The hon. Gentleman said that there will be substantial powers over VAT. Half of VAT will be assigned. There are precisely no powers over VAT. I fear that he has misspoken in his excitement to prove his loyalty to his Front Bench.

Alberto Costa: The hon. Gentleman already has extensive powers over income tax. We should ask why, in the past eight years, the SNP has failed to use any of the substantial powers it has, instead blaming London and England for all the problems that it creates back in Scotland.

Along with a powerful and accountable Scottish Parliament—there is that word "accountable" again—Scotland will retain the huge benefits of being part of our United Kingdom of Great Britain and Northern Ireland. The people of Scotland voted for those benefits. Remember those people? That's right—the democratic majority that voted to stay part of our United Kingdom last year. Sadly, that fact has been lacking.

Ian Blackford: It is interesting to hear that the hon. Gentleman has lived in England for 15 years and represents an English seat. I believe he stood in Scotland once. How did he get on?

Alberto Costa: It would be fair to say that SNP Members simply do not want to answer the question about accountability. What have they done with the powers that they have had over the past eight years? They have simply blamed England and London for all the problems that they have created in the public sector.

6 pm

The Bill will turn the historic all-party Smith agreement, which the SNP agreed upon, into constitutional legislation. From today onwards, the Conservative party will be able to lay claim to being the true party of the Scots who believe in our United Kingdom—that is to say, the majority of Scotsmen and women who voted to stay in the Union.

Simon Hoare (North Dorset) (Con): These are serious and important issues for the constitutional governance of our country. Does my hon. Friend share my disappointment that all we seem to be hearing from nationalist Members is percentages, political polls, who stood where and who lost what, instead of sticking to the facts and telling us how they are going to use the powers in the Bill? [*Laughter.*]

Alberto Costa: My hon. Friend is absolutely correct. The laughter that we are hearing from SNP Members about the discussions that we are having on this constitutional Bill is a disgrace.

[*Alberto Costa*]

It is no surprise that nationalist MPs are true to form and continue to create grievance where there is none. They offer mischief to the people of Scotland when they should be working with all parties in the House. “Better together”—that is what the people of Scotland voted for merely a year ago. They voted for a better United Kingdom of Great Britain and Northern Ireland, not separation. They do not want constitutional uncertainty; nor, for that matter, do the people of my constituency, South Leicestershire. We are a small but great island nation, and the British people are fed up with the constant mischief being created by nationalist MPs.

The truth is that nothing at all will please SNP Members. That should be no surprise, because all they want is the end of the United Kingdom. They will therefore not support any Scotland Bill, no matter what devolved powers might be offered to them. They simply do not want it.

Chris Stephens (Glasgow South West) (SNP): I think my hon. Friend the Member for Edinburgh East (Tommy Sheppard), who owns a comedy club, will have found a new act.

The hon. Member for South Leicestershire (Alberto Costa) keeps mentioning new substantial powers. If his party has its way tomorrow, it will take basic industrial relations powers away from the devolved Administrations.

Alberto Costa: We can see that the respect agenda only goes from the Government Benches to the SNP Benches. There is simply no respect from SNP Members, and there is no interest in being respectful, because they simply want the destruction of Great Britain, and we will never permit that.

We must remind the House of another vow, as I did in my maiden speech. I am pleased to see that the right hon. Member for Gordon (Alex Salmond) is in his place, because we will never forget another promise that was given to the people of Scotland, and indeed to the whole United Kingdom. What was the vow that he gave? He told the voters of Scotland that the referendum was

“a once in a generation, perhaps even a once in a lifetime, opportunity”.

What disrespect SNP Members are showing the people of Scotland today. Barely a year has passed, and they are demanding another referendum. We can never again trust the SNP with any agreement on a referendum. The people of South Leicestershire are fed up with faux grievance. They want stability, and the Bill will provide stability for the whole United Kingdom.

Alan Brown (Kilmarnock and Loudoun) (SNP): The hon. Gentleman has said that one of the biggest issues for his constituents in South Leicestershire is making sure that EVEL goes through so that we cannot vote on English laws. Will the same constituents not be puzzled about why he is here participating in this debate and adding absolutely nothing to it?

Alberto Costa: I do not understand the hon. Gentleman’s point. If he is talking about a Member who comes from Scotland representing an English constituency, he forgets

that this is the British Parliament. I represent a British constituency in the United Kingdom Parliament, and we must never forget that.

Another argument that we have heard for months now is that SNP Members, perhaps using Uri Geller-style psychic powers, can tell us what was in the minds of the no voters. Let me establish once and for all what was in the minds of the no voters. I campaigned in Scotland and spoke to thousands of no voters, and they voted for one simple thing: no to separation, and yes to the United Kingdom, full stop. Anything else that SNP Members suggest they may have voted for is simply based on no evidence.

SNP Members cannot have it both ways. They cannot tell us why they want independence and at the same time tell us what was in the minds of the no voters. The no voters voted no because they want and love the United Kingdom.

Dr Whitford: The hon. Gentleman suggests that we do not know what was in the mind of the no voters. We have spent months knocking on doors and speaking to them, and they have told us, “I regret it. I voted no because I was afraid, but I wish now that I had voted yes.” We are not mind reading; they spoke to us.

Alberto Costa: Given the promises that the former First Minister made about oil tax revenues, many yes voters have told me how pleased they are that the no voters won. Look at where Scotland would be today had the people of Scotland voted for separation. I am afraid the hon. Lady is fundamentally wrong; many yes voters are very pleased indeed that the people of Scotland sensibly voted to maintain the United Kingdom.

John Nicolson: Will the hon. Gentleman give way?

Alberto Costa: Not at this stage.

The truth is that the SNP simply does not want to answer the legitimate questions that we should be asking today about the Bill. It is time for SNP Members to explain to the House, and to the people of Scotland, how they intend to use the extensive powers in the Bill. They are always complaining, but they have not explained that. For example, how will they sort out the mess of the Scottish NHS, which they are in charge of? The SNP gives it less money than the English NHS is given. How will the SNP sort out its centralising tendency? Take Police Scotland, for example. What a clever idea—“Let’s centralise power to Edinburgh”. That is another example of how the SNP holds power to itself, creating a one-party state.

How will the SNP ensure that it properly finances Scotland’s fantastic universities, one of which I was proud to go to? What about answering the questions that university leaders ask the SNP Government about the lack of money, and the problems with governance structures, that the SNP is inflicting on Scottish universities? How will the SNP ensure that it improves the criminal justice system in Scotland rather than blaming London and England and creating gripe and grievance where there is none? The truth is that the SNP has been in government for eight long years, and it is about time it took some accountability rather than blaming London for everything.

The Bill will show the SNP for what it really is, once and for all—a party failing the people of Scotland and ignoring the wishes of the democratic majority who said no to independence.

Ms Ahmed-Sheikh: The hon. Gentleman will forgive me if SNP Members do not sit here and listen to him do down our Scottish NHS or our university system, which provides free education for our young people because that is what we believe in in Scotland. He is demonstrating, I think, a wilful lack of understanding of how Scotland works.

We believe in accountability. We win elections in Scotland; in fact, we win elections by majority under a proportional representation system, and we won the general election in Scotland. We are here debating the Scotland Bill, and I would be grateful if the hon. Gentleman began to debate the Bill, so that we can have maximum powers for Scotland and deliver for the people of Scotland where the UK Government have failed them.

Alberto Costa: I am shining a light on what is really happening in Scotland under the one-party state that has become the SNP—[*Laughter.*] Through this Bill, the Secretary of State and his team—[*Interruption.*]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Hon. Members might not agree with what the hon. Gentleman is saying, but it is simply rude to laugh so loudly and make so much noise that he cannot be heard. Just as I defended the right hon. Member for Moray (Angus Robertson) and made sure that he was heard, so I defend the hon. Gentleman. He will be heard.

Alberto Costa: What will the people of Scotland make of the laughter coming from the SNP Benches? That is disrespectful, and that is the disgraceful state of affairs with Scottish MPs in this House. The truth is that the Secretary of State and his team are presenting a formidable constitutional settlement for the people of Scotland who want a strong United Kingdom of Great Britain. I believe in Scotland having a strong place in the United Kingdom, but there is no devolved settlement that the Government can offer SNP Members because they simply do not want one. SNP Members want the end of the United Kingdom, but we want to see it stay together. This Bill will settle the argument once and for all.

Natalie McGarry (Glasgow East) (SNP): The hon. Gentleman is concluding on the basis that the Bill goes as far as the Smith commission, but a committee of MSPs in the Scottish Parliament—including those from the Conservative party—said that the Bill does not meet the aspirations of the Smith commission. How does he answer people in Scotland and his own party who do not believe that the Bill goes far enough?

Alberto Costa: That is simply not the case. The Scottish Parliament's committees are stuffed to the gunnels with SNP MSPs, so there is no surprise that they are taking the party line. In conclusion, I offer an olive branch to SNP Members. If they genuinely believe in keeping promises to the electorate, let us start with the promise from the right hon. Member for Gordon. They had the referendum, and they lost. Let us now work better together to strengthen Scotland and our United Kingdom of Great Britain and Northern Ireland.

Tommy Sheppard (Edinburgh East) (SNP): Let me start with some context. We are discussing this Bill because of what happened on 18 September last year when the Scottish people were invited to give their views on whether Scotland should become a self-governing nation. They voted no to that proposition by 55% to 45%. I cannot look into their minds and know the settled will of all those who voted in that referendum, but I know that the 55% who voted no included plenty of people who thought that the Union as it exists today is exactly the type of place they would like to live in. They had no quarrel with it; they liked the constitutional settlement.

Also among that 55%, and the group that made the difference to the outcome, were people who believed what they were told by the leaders of all the Unionist parties, which was that the 18 September vote was a vote not for the status quo, but for a new relationship within the Union, where additional powers would be transferred. That was the vow signed by the leader of the Conservative party, and by two other party leaders who must now be described as “former”. That vow was put front and centre before the electorate, and that is why people voted no in the referendum.

The Smith commission considered what that new relationship would be, and there was a five-party discussion. It is in the nature of such things that if we are seeking consensus, the bar will be pretty low, and the Smith commission published a report on how proposals for greater devolution might be implemented. At the time, the SNP signed off on those proposals, but we said that they were only a floor and not a ceiling to our aspirations for self-government. We also said that Smith did not go far enough to satisfy the vow.

6.15 pm

At the beginning of this year the Government published the first draft of this Bill, and it was clear that the proposals had been watered down even more. The Smith commission is not delivering the vow, and the draft Bill does not even deliver the Smith commission—and that is not just our view. The hon. Member for South Leicestershire (Alberto Costa) would probably say that we would say that, because we would be dissatisfied with whatever happens, and perhaps we would be. The Conservative party might be unfamiliar with the concepts of mandate and consent, but we are quite relaxed about it, so what we did after forming a view and an analysis is put that to the Scottish electorate and the people of Scotland. We do not have to guess what was in their minds, because we know what they did at the May general election.

My right hon. Friend the Member for Moray (Angus Robertson) has explained and quoted from the manifesto on which we stood in that election, but let us be clear: this issue was not No. 97 in our manifesto; it was point No. 1. The main theme of the general election in Scotland, and the central proposition of our party, was that the Scottish Government should receive additional powers, over and beyond what is in this Bill.

Alberto Costa: Will the hon. Gentleman give way?

Tommy Sheppard: I would be happy to give way if we will get a joke.

Alberto Costa: Again, part of the disrespect agenda. Does the hon. Gentleman accept that last year's referendum was once in a lifetime—yes or no?

Tommy Sheppard: I never said that. I accept—every Government should accept this—that no Government have the right to stand in the way of people who wish for a particular direction. We sought a mandate, and we got a mandate. Whatever happens today, let us please understand that the Bill does not satisfy the aspirations of the Scottish people for greater control over their own affairs. The Bill is a response to the Smith commission. We are still waiting for the Government's response to the general election, when the people of Scotland made their view quite clear. Whatever happens today, this is not over. We shall be coming back during the next five years of our domain in this Chamber to argue again and again for more powers for the Scottish Government to satisfy the aspirations of the Scottish people. If that takes a further Scotland Bill at some later stage, so be it.

Danny Kinahan (South Antrim) (UUP): Does the hon. Gentleman understand that the rest of the United Kingdom would also like a say in this debate? This debate is not just about Scotland; it is about the Ulster Scots, in my case, and about everyone else. SNP Members have a good indication of how the Scottish feel, but the rest of us have not had the chance to discuss the same point with our electorate. The message that I was getting loud and clear from my Northern Irish electorate when knocking on doors—

Madam Deputy Speaker (Natascha Engel): Order. These interventions are very long.

Danny Kinahan: The message I got from my electorate is that the Union is in danger and they do not want the Union to fall apart. They want all of us working together.

Tommy Sheppard: The hon. Gentleman must speak for the people who elected him, and I will speak for those who elected me. I am discussing the Scotland Bill, as amended—that is what I have been speaking about, and what I intend to speak on. The Bill falls far short of the expectations not just of the SNP, but of the people of Scotland. Civic society, trade unions, Churches and voluntary organisations throughout Scotland are disappointed at the poverty of ambition shown by the Secretary of State and the Government in the Bill.

Let me return to the Bill, because that is all we currently have—I do not normally read when making a speech, but I will read this quote so that I do not get it wrong. The Secretary of State said, on 8 June:

“I am absolutely clear that the Scotland Bill does fulfil in full the recommendations of the Smith commission.”

He has obviously had the benefit of a relaxing summer to consider the situation and determine whether that statement was in fact true. It now seems that it cannot have been true, because we have no fewer than 128 amendments from the Government to their Bill. I submit that never in the field of discussion of legislation has a Bill been so amended by its proposers and still managed to fall so far short of its declared objectives.

None the less, it is welcome that second thoughts are being had and that some improvements are being made. The first improvement is on the question of permanence, although I wonder why it has taken until now to happen. It is good that new clause 12 contains the agreement that the Scottish Parliament will not be taken away, dissolved or otherwise removed without first a plebiscite

among the Scottish people to see what they want to do. I am pleased that the Secretary of State, in tabling that new clause, recognises where sovereignty lies on that question. It should lie with the people of Scotland whose government we are discussing. I invite the Secretary of State to support new clause 36 which would enshrine that principle of sovereignty a little more. It provides that in future discussions about the arrangements for the government of Scotland, it should be the people of Scotland's Parliament that determines what those discussions are and the timetable by which they are put to the people in a referendum. That is only a logical extension once it has been conceded that sovereignty should lie with the people. If it is not the Scottish Parliament that should consider and respond to a future referendum, should there be one, who else should do so? It would be ridiculous for this Parliament to retain that power for itself.

The Smith commission was clear when it said that the Sewel convention should be enshrined in statute. The Bill still—after all this time—does not make that happen. The Sewel convention says that the “imperial Parliament”—to quote the hon. Member for Gainsborough (Sir Edward Leigh)—should not interfere in devolved decisions by the Scottish Parliament or other devolved Assemblies. The SNP's new clause would enshrine that convention in law and enshrine the principle of subsidiarity—decisions being taken as close to the people as possible.

Ian Murray: Given the codification of the Sewel convention in new clause 36, I give the hon. Gentleman—my constituency neighbour—a commitment that we will support him if he presses it to a vote this evening. Perhaps we will attract further support and it will be carried.

Tommy Sheppard: I am grateful to the shadow Secretary of State for his support on this matter. The principle is clear: you do not keep a dog and bark yourself. Once power has been devolved to organisations, they must be allowed to get on with it.

I was disappointed that the hon. Member for Nottingham North (Mr Allen) took almost 20% of the time available for this debate not to discuss constitutional principles about the governance of Scotland, but to pursue his concerns about the decentralisation of services. What we are discussing is a change in the constitutional arrangements between Scotland and England within the Union. We are talking about giving more authority and competences to the Scottish Government, and that is not the same thing as the decentralisation and better administration of public services in England. The hon. Gentleman was wrong to do that and is unlikely to have made friends to support his argument as a result.

My final point is on full fiscal autonomy. I think that some of our opponents thought that when we did not get that through the last time, we would forget about it. Believe me, we have not forgotten about it. We want the Scottish Government to have control over the economy in Scotland. We want the ability to grow our economy and for our priorities to be set in line with the aspirations of the people who live in Scotland. I heard some interesting arguments from the hon. Member for Gainsborough and others in favour of full fiscal autonomy, but I have yet to hear a principled argument against it. The hon. Member for Edinburgh South (Ian Murray) often talks of a black hole, but that is not an argument in principle

against full fiscal autonomy—against giving the Scottish Government control over economic affairs. It is an argument for saying that we should prepare for that devolution of powers and make sure that we get it right. I hope that the hon. Gentleman will come round to that way of thinking. We will object to the proposal to give a Conservative Secretary of State the power to set up a commission to look into whether full fiscal autonomy could happen, because he has already made his intentions in that regard clear.

We will come back to this issue, and it will be the subject of future debate in Scotland. The grandest commission of all on this debate will be the electorate of Scotland, who will get another opportunity in six or seven months' time to decide whether they want better economic powers for their Government. We will get another mandate and come back to make that argument again.

My right hon. Friend the Member for Moray referred to the fiscal framework. It is not for us today to get involved, or even seek to influence, the discussions between Scottish and UK Ministers on the fiscal framework, but we have to be clear about what is at stake. The Smith commission was clear: it said that whatever powers are devolved to Scotland in this or any other settlement, it should be at no detriment. In other words, at the point of transfer of the power, the Scottish budget should not suffer as a consequence. I want to hear from the Secretary of State whether he believes in that principle. Is it guiding his discussions with Scottish Ministers? If it is used simply as a device to cut the Scottish budget and not provide adequate funding for the delivery of the new powers, he will do his cause a great disservice and hasten the day that we come back with a new Bill that will be a considerable improvement on this one.

Ian Austin: In September 1997, I travelled from Dudley to Glasgow and Edinburgh to support the late Donald Dewar and Scottish Labour's campaign for a yes-yes vote in the devolution referendum—*[Interruption.]*

Madam Deputy Speaker (Natascha Engel): Order. There is an awful lot of noise in the Chamber while the hon. Gentleman is on his feet.

Ian Austin: Thank you, Madam Deputy Speaker.

I remember helping to organise events at which Donald Dewar, the right hon. Member for Gordon (Alex Salmond), who has just left his place, and Sean Connery spoke at the old royal high school building, overlooking what would become the site of the new Scottish Parliament. SNP Members did not object so much then to people from England taking an interest in Scottish politics. That referendum led to the establishment of the Scottish Parliament, and the amendments to the Scotland Bill that Labour has tabled, which I wish to support today, will make it a permanent part of the UK's constitution.

I promise that my speech will be the shortest we have heard today, but I want to set out some practical arguments in support of the case made for greater decentralisation by my hon. Friend the Member for Nottingham North (Mr Allen). As we have heard, these proposals constitute the biggest transfer of power since the Scotland Act 1998. The Bill will make the Scottish Parliament the most powerful devolved parliament in the world. It will raise 50% of its own expenditure, with power over most of the revenue from income tax and much of social security.

Stephen Gethins (North East Fife) (SNP): Does the hon. Gentleman think that these proposals are—to quote a Scotsman—

“as close to a federal state as you can be”?

A simple yes or no answer will do.

Ian Austin: As I have said, the proposals will make the Scottish Parliament the most powerful devolved parliament in the world. Labour has been the driving force behind this Bill. We have pushed to ensure that Scotland has all the extra powers, including powers over welfare, to allow the Scottish Parliament to design a new social security system for Scotland and to ensure the Scottish Parliament will have the opportunity to mitigate the impact of Tory cuts to tax credits. Despite their desperation to be disappointed and their determination to stoke grievance and fuel resentment, SNP Members have said that this will give the Scottish Parliament the powers it needs to create a new social security system in Scotland. When asked whether the Bill gives Holyrood the power to make up any reduction in tax credits, Alex Neil, the SNP welfare spokesperson, said:

“The amendments...should give the Scottish Parliament those powers.”

Despite that, the Nats have tabled a series of amendments, including 10 new clauses on national insurance, the living wage, employment legislation, industrial relations, benefits, full fiscal autonomy and the power to decide whether and when to hold another referendum.

6.30 pm

When we consider those powers, we ought first to look at the way the Scottish Administration have exercised the powers they already hold. After all, in 2001 Nicola Sturgeon said that

“a party that is now in the second term of office cannot avoid responsibility for its own failings.”

She is absolutely right. Like her, I think the Nats should be judged on their record of running Scotland's schools and hospitals. I agree with my hon. Friend the Member for Nottingham North. The truth is that in Scotland's schools the gap between the richest and the rest is growing, its hospitals are struggling and its housing system is in crisis. The separatists are now the establishment.

Dr Whitford: Our junior doctors in Scotland are not out on the streets marching and balloting for strike action. The hon. Gentleman might wish to make a direct comparison of performance before he attacks our NHS.

Ian Austin: I will come on to the SNP's record on running the health service shortly, but before I do—*[Interruption.]*

Madam Deputy Speaker (Natascha Engel): Order. No shouting out, please. A Member is speaking and it is quite difficult to hear what he is saying. It is not appropriate to shout things out. If people want to speak they can intervene or stand up and take part in the debate. Let us have no shouting.

Ian Austin: I am afraid they are behaving like nationalist bullies the world over. They try to silence anybody who has a different view. They want to pretend that whether or not you are allowed to take part in a debate in this Chamber depends on where you represent and the accent you have. It is a complete and utter disgrace.

Alberto Costa: Is it not a disgrace that the people of Scotland, including Labour supporters and Conservatives who voted decisively to reject separatism, are being completely ignored by SNP Members today?

Ian Austin: I completely agree with the hon. Gentleman. It is an absolute disgrace.

An even bigger disgrace is the state of education in Scotland, which is run by the SNP. The gap between the richest and the rest has persisted, meaning that the poorest children in Scotland are not getting the opportunities they should. Young people from deprived backgrounds who get to university are facing grants and bursaries that have been cut, making them the lowest in the UK. Every year, more than 6,000 children in Scotland leave primary school unable to read properly, and pupils from a wealthier background are twice as likely to get a higher A than pupils from deprived backgrounds. Pupils from wealthy backgrounds are twice as likely to go on to higher education as those from deprived backgrounds. In further education, 140,000 fewer students are going to college in Scotland, and funding for Scotland's colleges has been cut by £53 million. Scotland has the lowest percentage of university entrants from the poorest backgrounds and the lowest proportion of entrants from state schools in the UK. As I said, grants and bursaries for poor students have been cut by 35%.

A moment ago, the hon. Member for Central Ayrshire (Dr Whitford) asked me about the health service in Scotland. The truth is that under the SNP standards have been slipping. Waiting time targets have been missed and pressure is increasing on nurses and doctors. Analysis from the impartial Scottish Parliament Information Centre shows that the SNP has not increased investment in the NHS as much as in England, despite rising demand. The accident and emergency waiting time target has not been met for six years. More than 400,000 people have had to wait more than four hours in A and E since 2011. The new flagship Queen Elizabeth University hospital in Glasgow posted the lowest waiting time targets since its opening: only 77% of patients were seen within four hours.

The hon. Lady asked what Scottish doctors are saying. Only one third of NHS Scotland staff say there are enough staff for them to do their job properly. Despite promising less private involvement in the NHS, spending on private health services is at its highest since devolution.

I also agree with my hon. Friend the Member for Nottingham North on the case for greater decentralisation from Holyrood to local authorities, because that might enable local authorities in Scotland to tackle the housing crisis across the country. Scotland is facing its biggest housing crisis since the second world war, with nearly 180,000 people in Scotland on social housing waiting lists. Audit Scotland estimates that Scotland will need more than 500,000 new homes in the next 25 years. In 2007, the year Labour left office in Scotland, there were 25,741 housing completions. In 2014, there were just 15,000—a 40% reduction.

When I visited Edinburgh for a weekend last month, I was absolutely stunned—[*Interruption.*] The hon. Member for Na h-Eileanan an Iar (Mr MacNeil) thinks it is funny. The level of rough sleeping on the streets of Edinburgh is an absolute disgrace. His colleagues in the SNP should be thoroughly ashamed. Everyone knows that under the Conservatives rough sleeping is increasing

right across the country, but I have to say that I saw many more rough sleepers on the streets of Edinburgh than I have ever seen on the streets of Birmingham, which is a much, much bigger city.

On full fiscal autonomy, I agree with new clause 1 and the case for a commission. The Institute for Fiscal Studies has said that the SNP's plans would leave a £7.6 billion black hole in Scotland's finances that the separatists have absolutely no idea how to fill. The Nats might deny that, so let us have the full independent review that Labour is calling for and get the facts.

Having listened to the debate, you, Madam Deputy Speaker, would be forgiven for thinking that SNP Members would much rather invent rows with the rest of the UK than improve life for people across Scotland. Their whole approach is designed to drive up resentment and blame everyone else for their failings. Instead of being held to account for their record, they want to blame the nasty people down south for everything that goes wrong: everything that goes right in Scotland is down to the SNP; everything that goes wrong is down to the rest of us. The truth is that SNP Members are not interested in policy. They are obsessed with breaking up the country, but having been rejected in the referendum they are trying to engineer a separation by fuelling grievance in Scotland, winding up the English and undermining Labour, because they know they have more chance of a successful vote in a referendum with a Tory Government in place in Westminster.

They are more interested in breaking up Britain than they are in improving the health service, improving education and providing housing for the poorest people in Scotland. It is much easier to blame everything on a supposedly wicked Westminster than it is to try to use the powers they have to improve things in Scotland. In fact, the last thing they want to do is solve the problems in education, health or housing, because then they would not be able to stoke resentment, fuel grievance and blame the nasty English for causing them. It is, I am afraid, the perpetual Nat whinge: blame everyone else for your failings and pretend that everything would be solved if only the country was broken up.

Joanna Cherry (Edinburgh South West) (SNP): In contrast with the previous speech, which was an ill-informed diatribe criticising the Scottish Government, I rise to address the Bill before us today. I am going to use what precious time I have to speak in favour of amendment 204.

Amendment 204 would introduce a subsection to clause 11 that would remove the Human Rights Act 1998 from the list of protected provisions in schedule 4 to the Scotland Act 1998. This would have the effect of removing the Human Rights Act from the list of enactments that cannot be modified by the Scottish Parliament. If the Scottish Parliament was able to modify the Human Rights Act, that would allow the Scottish Government and the Scottish Parliament fully to establish a human rights regime in Scotland regardless of whether the Act was repealed by the UK Parliament in London.

The UK Government, which have no mandate in Scotland, have repeatedly made clear their intention to repeal the Human Rights Act and to replace it with a Bill of Rights. They have made it clear that they scorn European and international norms on human rights and the jurisdiction of the European Court of Human Rights. They have made it clear that they want to replace

the Human Rights Act with a watered-down version of the rights and protections that everybody in the UK currently enjoys. We saw that very much trailed in *The Sunday Times* yesterday.

We in Scotland do not wish to have the terms of the debate on human rights in Scotland dictated by the UK Parliament, because in Scotland we have a very different agenda. There is no mandate in Scotland for repeal of the Human Rights Act. Preserving the Human Rights Act was an issue during the campaigns in both the independence referendum and the general election. The SNP has consistently opposed repeal, and as my right hon. Friend the Member for Moray (Angus Robertson) said, we won the general election in Scotland. Indeed, including Labour's and the Liberal Democrats' sole representatives in Scotland, 58 out of 59 Scottish MPs oppose repeal.

Wayne David (Caerphilly) (Lab): Will the hon. and learned Lady give way?

Joanna Cherry: I think I will make some progress, if the hon. Gentleman does not mind.

Last year, the Scottish Parliament voted by 100 to 10 to endorse the Human Rights Act, and civic society in Scotland, from the Scottish Trades Union Congress to the Church of Scotland, also opposes repeal. Nevertheless, this UK Government have repeatedly confirmed that they intend to go ahead with repeal and that it will apply equally in Scotland as in England, Wales and Northern Ireland.

In Scotland, we are concerned by repeated statements from Ministers of this Government suggesting they believe they could repeal the Act without consulting the Scottish Parliament. Their argument seems to be that they would not need a legislative consent motion, but that is incorrect. Human rights are not a reserved matter under the devolution settlement. Schedule 4 to the Scotland Act 1998 protects the Human Rights Act against modification by the Scottish Parliament, but human rights per se are not a reserved matter. They are not listed as such among the reserved matters in schedule 5 to the 1998 Act. It was part of the late Donald Dewar's scheme that all matters would be devolved unless specifically reserved, and human rights are not specifically reserved.

Moreover, human rights and the European convention on human rights are written into the Scotland Act, meaning that the Scottish Parliament and Scottish Ministers cannot pass legislation that is incompatible with the convention.

Alberto Costa: Will the hon. and learned Lady give way?

Joanna Cherry: No, I will make progress. We have heard quite a lot from the hon. Gentleman already. These are important points of great concern to the Scottish electorate, and I want to make them very clear.

In Scotland, we have a national action plan for human rights, as well as a United Nations-accredited Scottish Human Rights Commission, and our commitment to human rights extends not just to the ECHR, but beyond that to social and economic rights.

Alberto Costa *rose—*

Joanna Cherry: The hon. Gentleman is clearly desperate to get his oar in, so I will give way.

Alberto Costa: The hon. and learned Lady raises some important issues, but she is pre-judging what the Secretary of State for Justice might bring before the House. It might well be a beefed-up human rights regime that the Scottish people will want.

Joanna Cherry: It is hard to take that seriously. Since we have been in the House, we have, through the judicious questioning of Ministers, established that one of their main concerns about the Human Rights Act is the fear they should have to take account of—that is all the Act says—the decisions of the Strasbourg Court. Given that they fear having to take account of European and international norms, I can only assume they want to replace the Act with a considerably watered-down version of the ECHR and the Act. That is merely a logical deduction.

I wonder if I might give way to the hon. Member for Caerphilly (Wayne David), on the Labour Front Bench, who wished to intervene earlier.

Wayne David: It was only about five minutes ago, but I thank the hon. and learned Lady very much indeed. I agree with her comments about the Human Rights Act, but would she accept that what she says about Scotland also applies to Wales and to Northern Ireland especially?

Joanna Cherry: I do. As our First Minister has made clear, and as I have made clear in the House several times, we will do everything we can to preserve the Act for the whole of the UK. Were the Government to recognise that human rights are not a reserved matter and that therefore there has to be a legislative consent motion, we in Scotland could help friends across the House by refusing legislative consent for the repeal of the Act, which would be one way of keeping it for the whole of the UK.

6.45 pm

Our amendment 204 would give the Scottish Parliament the chance fully to implement a replacement for the Act in Scotland, were we to fail in our attempt to preserve it for the whole of the UK. The Government have said repeatedly that they do not recognise that human rights are a devolved matter—they say they are reserved—so we have to have a fall-back position in Scotland. I urge the Government—*[Interruption.]* They do not seem to be listening, but I urge them to remember their respect agenda and to return to the Scotland Act, with some decent lawyers, and look at it carefully. If they do, they will find that human rights are not a reserved matter but devolved. But they need not take my word for it; a sizeable body of academic opinion supports that assertion.

Our amendment recognises, when it comes to the proprieties of the devolution settlement, that the respect agenda, of which the Prime Minister has spoken so often, has been consigned to the dustbin of history, along with the assurance that Scotland is an equal partner in the Union and various other promises, including the vow, made by the Better Together parties during the independence referendum. As I have made clear, the SNP's primary intention is to fight to retain the Human Rights Act for the whole of the UK, but the disrespect with which our previous amendments were met and the recent exclusion of all Scottish MPs from the Joint Committee on Human Rights gives me and my SNP colleagues no confidence that Parliament will respect the wishes of the Scottish electorate.

Angus Robertson: Just now, in response to my hon. and learned Friend's point about our being excluded from the Joint Committee, the hon. Member for South Leicestershire (Alberto Costa) said, "Good." Might she take an intervention from him so he can explain why the party that represents almost every constituency in Scotland should be excluded from that important Committee?

Joanna Cherry: I am grateful to my right hon. Friend for drawing that to my attention. I would be delighted to take that intervention. Will the hon. Gentleman, whom I believe is a lawyer of sorts, tell us and the people of Scotland why he thinks it acceptable for all Scottish MPs to be excluded from the Joint Committee?

Alberto Costa: It is important that we have sensible lawyers on the Committee. The hon. and learned Lady keeps stating that human rights are not a reserved matter, but they are a very obvious reserved matter. That is my point.

Joanna Cherry: I am sure viewers in Scotland and everyone reading *Hansard* tomorrow will be interested to hear that the hon. Gentleman thinks it acceptable to exclude every elected representative of the Scottish electorate from a Joint Committee whose purpose is to scrutinise Bills for human rights compliance across the UK.

Pete Wishart: The hon. Gentleman is probably equally delighted that there are six unelected donors and cronies from the House of Lords on that Committee, yet no place for any Scottish MP.

Joanna Cherry: I am sure he is. The hon. Gentleman's interventions and speech underline the reality of our concern that the wish of the Scottish electorate to preserve the Human Rights Act will not be respected. I reiterate that we want to make common cause with the Labour party, the Lib Dems, Northern Ireland Members and Government Members to preserve the Act for the whole of the UK.

Chris Bryant (Rhondda) (Lab): "They" want to?

Joanna Cherry: I want to. We want to.

Chris Bryant: You said "they".

Joanna Cherry: I said "we". Listen carefully. I know my accent is a bit difficult to follow, but I said "we".

In conclusion, our primary intention is to preserve the Act for the whole of the UK, but the amendment would give us the option to implement the settled will of the Scottish people to keep the Act for Scotland, if we fail to keep it for the whole of the UK.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): In the wake of Scotland's referendum on independence last year, the Prime Minister set up the Smith commission to secure cross-party recommendations for the further devolution of powers to the Scottish Parliament. With regard to the constitutional aspects of the report, the Smith commission recommended that the permanence of the Scottish Parliament and Government be established in statute, ensuring that devolution could not be abolished at the whim of a Westminster Government. Therefore, I sincerely welcome the UK Government's latest U-turn on this issue. The provision should have

been included at the inception of the Scotland Bill, but I welcome the Government's coming round to our way of thinking—better late than never, some might say.

The Smith commission report also stated that the Sewel convention should be put on a statutory footing by the UK Government. Unfortunately, the UK Government's proposals in this area fall far short of Smith, despite the Prime Minister's pledge to implement the commission's proposals in full. Clause 2 of the Bill states that

"the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament."

The Government's current position on the matter is ridiculous and risks weakening, not strengthening the Sewel convention, and it is at odds with the Smith commission report. The Government's vow that they will "not normally legislate" in devolved areas will simply not suffice and raises serious concerns that it will set a dangerous precedent.

Indeed, from my work on the Immigration Bill Committee, I can already see one instance where the UK Government's Bill encroaches on devolved areas in Scotland. For example, immigration is of course a competence reserved for the UK Parliament, but housing is not: it is devolved to the Scottish Parliament. Yet, as part of the Immigration Bill, the UK Government will introduce the right to rent. This is legislation that will compel landlords to establish a person's legal status before they can offer a tenancy, introducing penalties for landlords who fail to comply. The UK Government's "right to rent" provisions in the Immigration Bill will be extended to Scotland through secondary legislation without a legislative consent, or Sewel, motion being debated and passed by the Scottish Parliament. Furthermore, consultation with the Scottish Government on housing and with housing stakeholders in Scotland ahead of that Bill being introduced is said to have been rushed and extremely limited.

The Scottish Government are very concerned at this development and the Scottish housing Minister wrote to the Immigration Minister asking for a meeting on this very subject, only to be arrogantly rebuffed by him. In his reply, he said:

"The Right to Rent scheme and the new measures in the Immigration Bill relate to immigration control, which is not devolved"—

so far correct—but then said:

"These measures restrict access to housing".

We have already established that housing is very much a devolved issue. So much for the respect agenda, much lauded by the Prime Minister.

The SNP's new clause 35, which would place the Sewel convention on a statutory footing, is pragmatic and would ensure that the Bill lived up to the Smith commission's recommendations. The UK Government's approach to policy making where there are wider implications for devolved areas can be ignorant and churlish. There is no better example of that than the Conservatives' much trailed desire to abolish the Human Rights Act.

Ian Murray: The hon. Gentleman is making an incredibly compelling argument about legalising and codifying the Sewel convention. If he wishes to push new clause 35 to

the vote in a few minutes' time, we would be more than happy to support him and take this forward. Otherwise, I am afraid it will be down to the other place to deal with.

Gavin Newlands: I appreciate the shadow Secretary of State's support on this matter, which I will take up with my colleagues.

The Human Rights Act is vital to us in many ways. It gives us the right to life, freedom from torture, the right to liberty and security, freedom of thought, belief and religion, the right to private and family life, freedom of expression, assembly and association, and the right to free elections and education, to name a few. The Human Rights Act extends to all public authorities in Scotland—our schools, our local government, our NHS and our police. Amendment 204 would devolve responsibility for human rights to the Scottish Parliament, putting it beyond any doubt whatever, to help to safeguard human rights for those living in Scotland.

The potential abolition of the Human Rights Act will undoubtedly have profound implications for devolution in Scotland and across these islands. It would be an affront to democracy for the Conservative Government to use their slender majority in this House to abolish the Human Rights Acts when they do not command support in Scotland, Wales or Northern Ireland. Our new clause 35 would require the UK Government, regardless of political hue, to seek a legislative consent motion in all instances of Westminster legislation affecting areas devolved to Scotland, and would require the UK Government to consult with the Scottish Government on legislation that would have such an impact on Scotland.

The Tory Government—formed by a party to which the people of Scotland delivered a vote of no confidence at the last election; a party with only one MP in Scotland—have rejected every amendment put forward by the SNP Westminster group, a group that has 95% of Scotland's MPs. That prompts the question: why are amendments to the Scotland Bill that are supported by an overwhelming majority of Scotland's MPs ultimately rejected? The Conservatives—and, indeed, Labour—must stop ducking, diving and obfuscating when it comes to strengthening the Scotland Bill and must stop playing games with Scotland's powers. The people of Scotland are watching. It is time they were listened to.

Ian Blackford: I rise to support new clause 36, which would give powers to Scotland over whether and when we hold a referendum. If it is right that there is mutual respect—we are told that there is—then the Scottish Parliament, elected by the Scottish people, has the right to determine its own destiny. The Secretary of State, and no doubt other Members, will be familiar with the words of Lord Cooper from 1953, when he stated that “the principle of unlimited sovereignty of parliament is a distinctly English principle and has no counterpart in Scottish Constitutional Law”.

In other words, it is the people of Scotland who are sovereign. We come to this House with a mandate from the people of Scotland and that ought to be respected. My message to those on the Government Benches is that they drove through English Votes for English Laws—

Alberto Costa: The hon. Gentleman is standing in front of another distinguished Member, the right hon. Member for Gordon (Alex Salmond). Does he agree with him that last year's referendum was a “once in a generation” affair? Yes or no?

Ian Blackford: I always agree with my right hon. Friend the Member for Gordon (Alex Salmond); the point is that it is the Scottish people who are ahead of this Parliament. We have to reflect on what is happening in this Bill. We were promised devo-max—as close to federalism as we could get; home rule in the spirit of Keir Hardie. It is this House and those on the Government Benches who are letting down the people of Scotland, and the people of Scotland will reflect upon that.

Ian Murray: I always enjoy listening to the hon. Gentleman making his passionate speeches in this Chamber. I wonder, for the sake of clarity, whether he could read the second line of what the former Prime Minister said about federalism.

Ian Blackford: The point is that the Scottish people were promised by Gordon Brown that we were going to get “powers for a purpose”—that we were going to have a powerhouse Parliament—and that is not what is being delivered tonight.

David Mundell: We are.

Ian Blackford: Despite what the Secretary of State says, the reality of the situation is that 70% of powers over taxation and 85% of powers over welfare will be held here at Westminster. I do not know what that is, but it is certainly not a powerhouse Parliament.

In the light of the challenges we face with the cuts to tax credits, which we will discuss in the second part of tonight's debate, we need to make sure that the Scottish Parliament has the powers to protect the people of Scotland. We will be saying to the Labour party, “Come with us. Show that resolve,” to make sure that we can protect the people we need to in the country of Scotland.

Ian Murray: If the hon. Gentleman is truly passionate about protecting the people of Scotland, he will no doubt get to his feet and tell this Chamber and the people of Scotland that he will restore to them any losses from tax credits, as the Scottish Labour party has committed itself to do.

Ian Blackford: The Scottish National party in power in Scotland over the last few years has sought to mitigate the cuts that have come from Westminster, with £100 million invested for the Scottish people to offset the impacts of the bedroom tax. We will fight to defend the interests of the Scottish people, as we always have done.

Ms Ahmed-Sheikh: I would like to remind the House that, unlike the Labour party on the Benches next to us, we are not prepared to give up the fight on tax credits, which we will take to the very end. The measures have already been rejected by the Lords, but the Scottish Parliament is not a mitigating Chamber; it should be a legislative Chamber, and we will fight to ensure that cuts to tax credits are not inflicted on the vulnerable of this country.

Ian Blackford: I am grateful to my hon. Friend.

This is also about our ethos, the kind of society we are and what we will strive to do, because in Scotland we believe not in welfare, but in social security—we believe in offering protection to people—but we also believe in the principle that society is as strong as its weakest link. That is a very different concept from what

[*Ian Blackford*]

we have in this Parliament, with the cuts that are coming through and those we know will come in the autumn statement.

Ian Austin: Will the hon. Gentleman give way?

Ian Blackford: No, I am going to make some progress, if the hon. Gentleman does not mind.

So I say to those in this House: will they respect the sovereignty of the Scottish people, who sent us to this House, or will they ignore the express wishes of the Scottish people? Let me say to Government Members that they have been rejected wholesale at the ballot box in Scotland. They should think very carefully before exercising a veto, which to all intents and purposes will be an English veto against Scotland. Perhaps in that regard the question we should put to the Secretary of State is: is he Scotland's man in the Cabinet or is he the Cabinet's man in Scotland? The Secretary of State should do the honourable thing—accept our amendment and stand up for the people of Scotland. What is it to be?

7 pm

And what about the Labour party, a party that once dominated the political landscape of Scotland? It is perhaps not yet extinct like the dodo, but more like a beached whale. Labour Members should show us that they want to protect Scotland. If they want to make a difference for Scotland, they should support our amendments tonight—or will they be siding with their colleagues in “Better Together”?

Ian Austin *rose*—

Ian Blackford: I want to make some progress.

Labour Members need to start learning the lesson that Scotland rejected them for a reason. They had better start to get on side with us and the people of Scotland. Tonight is a chance for the House to understand that Scotland expects powers for the Scottish Parliament to be delivered so that Scotland's destiny can be put in Scotland's hands. That will not happen by voting for a Bill that leaves us with a hand tied behind our backs while a Tory Government do their worst to the poor and disadvantaged in our society.

Our amendments allow us to deliver on the interests of our people. We need a Parliament that will allow us to stand up for the people of Scotland and recognise that the people are sovereign. Let me finish by quoting Charles Stewart Parnell:

“No man has the right to fix the boundary to a march of a nation. No man has the right to say thus far shalt thou go and no further.”

It is in that context that we need powers to determine in Scotland when and if we want to have a referendum. It is in that context that the House should listen to the elected Members of the people of Scotland.

Wayne David: The acid test of this Bill is whether it delivers on the vow and the recommendations of the Smith commission. Objectively, assuming that all the Government amendments are agreed, we believe that the Bill goes a long way to delivering on the Smith commission. That is not to say that the Government have delivered on absolutely everything. They clearly have not, and I have

to say that it is a sad reflection on this Government that they have come to this point kicking and screaming. Since the beginning of the Smith commission's report in November 2014, the Government have had a long and painful journey.

Nowhere is the Government's change of heart more clear than in respect of Government new clause 12. It was constantly argued by Opposition Members in Committee that the Scottish Parliament and the Scottish Government ought to be described as “a permanent part” of the United Kingdom's constitutional arrangements. We argued that the phrase “recognised as permanent” was less than what was recommended by the Smith commission and that, as the Scottish Parliament's Devolution (Further Powers) Committee correctly argued, the use of the phrase “recognised as permanent” had the effect of weakening the Smith recommendations. I am pleased that the Government have listened.

Some might think that this is all about constitutional navel-gazing, but it is an extremely important point that the Scottish Parliament be placed on a firm constitutional footing and that the sovereignty of the Parliament rests with the people of Scotland. I have, however, a question for the Secretary of State on the issue of the UK's parliamentary sovereignty.

We all know that a classic theory of UK parliamentary sovereignty is stated in Dicey's “Introduction to the Law of the Constitution”. According to this classic theory, Parliament can make a law on any subject it pleases, and there are no fundamental laws that restrict its powers. The Government's new clause 12, I would suggest, is a departure from that theory, which I welcome. Does the Secretary of State agree that in passing new clause 12 we are making modest but significant constitutional history?

New clause 13 is about the functions exercised by Scottish Ministers in respect of elections. It is essentially technical, but on the issue of elections, I refer briefly to amendments 37 and 43. Of course, a vital part of any democracy is free and open elections, and we support Government new clause 13 and Government amendments 35 to 43. I am glad that the Government have recognised the need to devolve some of the responsibilities of the Electoral Commission. It is surely only appropriate that the Political Parties, Elections and Referendums Act 2000 is amended so that the functions of the Electoral Commission are devolved for elections to the Scottish Parliament.

I note that the Government have introduced the significant amendment 43, which deals with the so-called “Digital Service”. As I understand it, this relates to the ability to register online to vote. Given the introduction of individual elector registration, this is very important. I ask the Minister for clarification on two points. First, although there is reference in the Bill to Scottish Ministers making regulations subject to the negative procedure, it is repeated in amendment 43, so I would appreciate it if the Government could explain what exactly this negative procedure is and how it will work?

Secondly, with regard to the online registration system, could there be confusion about which electors are able to vote in which elections? The Scottish Parliament has rightly decided to introduce votes for 16 and 17-year-olds at all Scottish elections, but these individuals will be denied the vote in Westminster elections. Is there not a

danger of widespread confusion, particularly if the online registration technology is being used for both Westminster and Scottish elections?

If I am pleased that the Government have listened to the debate, particularly as far as new clause 12 is concerned, I am disappointed that they have not brought forward an amendment on the Sewel convention and its workings. We argued in Committee, as did SNP Members, that we were concerned about the narrow interpretation of the Sewel convention, which concerned the more general devolved competence. Moreover, there is the imprecision of the word “normally”. As I said in the Committee of the whole House:

“How long is a piece of string?”—[*Official Report*, 15 June 2015; Vol. 597, c. 99.]

The word “normally” is legally imprecise, which is why amendments 7, 8, 9 and 10, to remove the offending word, were tabled by the right hon. Member for Orkney and Shetland (Mr Carmichael), who sadly cannot be with us today.

New clause 35, tabled by the right hon. Member for Moray (Angus Robertson), seeks to place the Sewel convention on a statutory footing. This was, of course, recommended by the Smith commission, and we are happy to support the new clause, if it is pressed to a vote. However, if we are supporting new clause 35, we are certainly not supporting new clause 36, also tabled by the right hon. Member for Moray. It deals with future referendums on Scottish independence. I note that in the right hon. Gentleman’s statement to the press over the weekend, he said:

“Whether or not Scotland has a referendum in the future should be up to the people—and in the hands of the Scottish Parliament—rather than the UK Government.”

Callum McCaig (Aberdeen South) (SNP): Paragraph 18 of the Smith commission report states:

“It is agreed that nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose.”

If the people of Scotland do not have the power to choose, how is that provision to stand the test of time?

Wayne David: I may be mistaken, but I thought the Scottish people had made a decision—a very firm and clear-cut decision. If there is a move towards having a referendum in the future—

Callum McCaig: Will the hon. Gentleman give way?

Wayne David: I give way a second time.

Callum McCaig: On the history of this issue, the referendum happened in September, and the Smith commission from which I have directly quoted, happened after that. All the parties decided that nothing should prevent Scotland from becoming independent, should the people so wish—yet that is exactly what these provisions are trying to do.

Wayne David: No one is seeking to deny the people of Scotland anything. I simply remind the hon. Gentleman that a prominent member of the SNP said that the result was gold-plated, and that the Scottish Parliament has the power at present to have a referendum. The amendment seeks to take away the caveats that are based on discussion and all the more reasonable for that.

Ian Austin: Does my hon. Friend agree that this obsession with organising another referendum proves the central point made by me and others in this afternoon’s debate—that the SNP is much more interested in breaking up Britain than in getting on and delivering for the people of Scotland by improving the health service, improving education and providing the homes that the people of Scotland need?

Wayne David: I could not agree more. In my book, devolution is not about divorce, separation or schism. It is not about balkanising Britain. It is about establishing a new partnership, so that the people of Britain can work together in a constructive and harmonious way.

Patrick Grady (Glasgow North) (SNP): Will the hon. Gentleman give way?

Wayne David: I will, for the third time.

Patrick Grady: I may have misheard the hon. Gentleman, but it sounded as if he said that the Scottish Parliament had the power to call a referendum. The Scottish Parliament explicitly does not have the power to call a referendum, which is why we want to give it that power by means of our amendment.

Wayne David: What the amendment seeks to do is take away caveats that are essential in defining the partnership and the harmonious discussions that must take place. It is not simply a question of the Scottish Parliament deciding by itself what it wants to do.

Ian Blackford: Will the hon. Gentleman give way?

Wayne David: I will give away yet again.

Ian Blackford: I am grateful to the hon. Gentleman for being so gracious with his time. This is a very important point, because it comes down to the issue of whether the Scottish people, in electing a Government who want to have a referendum on independence, have the power to do so. If the House does not accept our amendment, that power will reside with Westminster, and not with the Scottish people or the Scottish Parliament. It has nothing to do with caveats.

Wayne David: I think that the obsession with having a referendum at all costs is very sad for the people of Scotland.

Ms Ahmed-Sheikh: Will the hon. Gentleman give way?

Wayne David: No. I have given way four times already.

Sometimes SNP Members have to be told, and I am telling them now. The situation is as I have described it. We are not prepared to have a referendum, and we are not prepared to allow a constitutional debate to be hijacked by the referendum issue in an attempt to manoeuvre the situation and bring about a break-up of the United Kingdom. That is not what devolution is all about, and it is not what the Smith commission was all about. The Smith commission was all about people working together.

Several hon. Members rose—

Wayne David: I want to make a bit of progress now.

The fact is that these are not dry constitutional issues, but issues that have an impact on everyday life, as is shown clearly by what is happening in Scotland in connection with the Trade Union Bill. Under the Sewel convention, a legislative consent motion is necessary for Westminster legislation to secure the consent of the Scottish Parliament if it is to apply in Scotland in a devolved area. According to a strict legal interpretation, this Bill seeks to amend the Trade Union and Labour Relations (Consolidation) Act 1992, and therefore, it is argued, does not encroach on areas of devolved competence. In practical terms, however, it will encroach very much on areas of devolved competence by imposing requirements on local authorities in Scotland.

We believe it is wrong that the UK Government are able to legislate for devolved authorities in this way. That is why all Labour-led councils in Scotland—and one led by the SNP—have agreed to a stance of non-compliance. The Westminster Government have not sought a legislative consent motion from the Scottish Parliament, but Labour will present such a motion in order to deny the Bill competence over Scotland's devolved services.

I have mentioned local authorities. New clauses 7, 8 and 9, tabled by my hon. Friend the Member for Nottingham North (Mr Allen), make the point that true supporters of devolution believe that power should reside at the most appropriate level, as close to the people as possible. They recognise that there is a very real issue in Scotland, namely that, in the view of many, the Scottish Government are more concerned about exercising power itself than about empowering people in their local communities. Members of the SNP claim to be good Europeans, but I am afraid they show little practical support for the adoption of the European principle of bringing power closer to the people. They have a chance to put that right tonight.

As was noted when we discussed it in a Committee of the whole House, part 2 of the Bill devolves significant new powers to Scotland in relation to income tax and other taxes. The Scottish Parliament will have control over income tax rates and thresholds, and complete freedom when it comes to the levels at which those rates and thresholds are set. That is significant, as the estimated devolved income tax liabilities in 2013-14 amounted to nearly £11 billion. The collection and deployment of such a considerable sum confers—rightly—a substantial degree of responsibility on the Scottish Parliament. If they wish, a Scottish Government, whatever their political complexion, can increase or decrease that liability.

7.15 pm

Scottish Labour has already set out how we would use those new powers. We would reset the additional rate to 50p, so that those who earn over £150,000 a year would contribute a little more, as I think most fair-minded individuals would agree they can afford to do. We would not implement the Government's plans to increase the higher-rate threshold, but we would use the money raised from not doing so—estimated to be over £400 million—to help to mitigate, in full, the impact of the Government's work penalty: that is, the tax credit cuts. That decision will benefit a quarter of a million Scottish families who, thanks to the Government, must

currently pay an average of £1,300 a year. It is an example of what can be done with new powers if we have the courage and conviction, and the political will, to use them correctly.

Labour Members support these powers. It will therefore come as no surprise that we remain utterly unconvinced by, and opposed to, the SNP's amendment 224, which would go beyond the Smith commission and enable the Scottish Parliament to remove reservations on taxation, borrowing and public expenditure.

Over the past few months, we have learnt how confused members of the SNP are about the issue of fiscal devolution, or autonomy. The depth of their confusion was shown clearly in Committee, when I asked their economic spokesman whether a future SNP Government would increase or reduce corporation tax. The response to that perfectly reasonable question was

“Yes, a future SNP Government would increase it, decrease it, keep it the same and use the amount raised in an intelligent way.”—[*Official Report*, 15 June 2015; Vol. 597, c. 56.]

In other words, SNP Members are totally and utterly confused. They are interested in taxation power for the sake of it, rather than being interested in what they want to do with it. They have not thought this out, and they do not have a clue about it.

Sir Edward Leigh: I refer the hon. Gentleman to his own new clause 1. Do I take it that because the Labour party wants an independent commission to examine the issue of full fiscal autonomy, it is increasingly open minded about the issue, and does the hon. Gentleman think that that would be one route towards getting rid of the grievance mentality among those in Scotland? If they had to take full responsibility for their decisions, it would be very difficult for them to blame a United Kingdom settlement.

Wayne David: We believe that the facts should be allowed to speak for themselves. In our view, the case has not been made and cannot be made, but what we want to see is a transparent, independent body that will reach that conclusion, and we are confident that it will do so. That is why we support the proposal for an independent commission.

Ms Ahmed-Sheikh: Does the hon. Gentleman agree with the shadow Chancellor, who, earlier this year, walked through the Lobby with us to vote for full fiscal autonomy?

Wayne David: He did that for his own reasons, and for different reasons. What was obvious to me, and very telling, was the fact that the Tory right and the Scottish nationalists were at one. Representatives of English nationalism and Scottish nationalism went through the Lobby together in their hordes: the nationalists and the extreme right! That says it all, does it not?

Nick Thomas-Symonds (Torfaen) (Lab): I know that my hon. Friend, like me, is a student of history. He will know of the test set by that great socialist R.H. Tawney, who said of political institutions, “It is not about paragraphs in a constitution; it is about the practical effect that the institutions make.” Does my hon. Friend agree that it would be useful to know from SNP Members what, practically, they intend to do with their new powers?

Wayne David: Yes, indeed. They are very strong on rhetoric, as we have heard this afternoon. They have had strong election results, but I suspect that that will apply for much longer, because the Scottish people will rumble them when they dig beneath the rhetoric and find that there is very little substance there.

Sir Edward Leigh: Could it just be that the Tory right, as the hon. Gentleman describes it, and the present Labour shadow Chancellor both recognise that the one way to defeat nationalism is to have a real Parliament in Scotland with full power over what it taxes and spends and that at that stage the SNP will have to take responsibility for its own actions? It will become a grown-up political party and we will start to defeat it in Scotland.

Wayne David: One of the key reasons why we are broadly in support of what the Government are belatedly proposing is that we believe it will give new responsibilities to the Scottish Parliament to try to achieve substantial things on behalf of the Scottish people. I think there is a case to say that responsibility and power go together, and that is why these measures are a step forward.

Ian Austin: A moment ago my hon. Friend expressed surprise that the SNP and the Tory right were voting together on full fiscal autonomy, but I am bemused about why he is surprised given that it was the SNP who brought down the Labour Government in the 1970s and ushered in 18 years of—*[Interruption.]* I do not know what the hon. Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) is shouting for, given that she was until very recently a Tory herself. They ushered in 18 years of Thatcherism and all the problems about which they are now whingeing. *[Interruption.]*

Wayne David: All I would say is that it is quite clear that the truth hurts sometimes, does it not? They have been rumbled absolutely *[Interruption.]* Absolutely.

I will make a little progress in a slightly more sedate manner, if I may. Reference has been made our new clause 1, which would establish an independent commission on full fiscal autonomy to scrutinise the potential impact on Scotland's economy and public finances. It would require the Secretary of State for Scotland to establish an independent commission of external experts, appointed in consultation with the Treasury Committee and Scottish Affairs Committee, to publish a report by 31 March 2016 setting out an analysis, objectively and fairly, of the impact of the policy of full fiscal autonomy.

VAT is another important issue. Our amendments 27 to 29 would place an additional £5 billion of reserves under the direct control of the Scottish Parliament by assigning 100% of Scottish revenues from the standard and reduced rate of VAT to the Scottish Parliament, as opposed to 50%, for which the Bill currently allows. Of course, under EU regulations, which do not allow for differential rates of VAT in the same state, the actual setting of VAT would have to remain reserved. However, this is not an argument against assigning the revenues generated in Scotland to the Scottish Consolidated Fund. As was said on Report, given that the Scottish Government would have

“no control over VAT, why assign only half of it? Why not assign it all? The Scottish Government could then quite rightly benefit, if there was a benefit, from the entire rise in VAT in Scotland rather than just half of it and could take responsibility if there was a shortfall, not just for half the shortfall.”—*[Official Report, 29 June 2015; Vol. 597, c. 1256.]*

It was said that that would be a good thing. Those were not my comments, or indeed the comments of another Member of the Opposition; they were the comments of the hon. Member for Dundee East (Stewart Hosie), who also happens to be the SNP's spokesperson on the economy. Oddly, given his full-blooded support for devolving 100% of VAT, the SNP has not actually got round to tabling an amendment that would produce this effect, and when the Labour party tabled an amendment proposing that, did the hon. Gentleman and his colleagues welcome it? No, they did not. Instead, they issued a press release in which the hon. Gentleman himself denounced it as a “gimmick”. Well, I do not think it is a gimmick and I am sure the people of Scotland do not think so either.

New clause 4 would review the impact of the new income tax powers on the operation of gift aid in Scotland to guard against unintended and negative consequences for charities. Gift aid is worth over £1 billion a year to charities and over £100 million in Scotland. Any threat to its smooth operation must, therefore, be closely guarded against. The problem that Labour's new clauses seek to address is that gift aid is UK wide, linked to tax paid, and predicated on a single tax structure. I would welcome in the Secretary of State's response any assurances he can provide to charities in Scotland on the issue of gift aid.

New clause 11 would require the Secretary of State to lay before the House of Commons a full record, including minutes of meetings and correspondence at ministerial level, of discussions between the Secretary of State, the Treasury and Scottish Ministers relating to the non-budget expenditure to be voted by Parliament authorising the payment of grants to the Scottish Consolidated Fund for that financial year. We would of course be happy to work in partnership with the Scottish Parliament on such a report, although it is similarly in the gift of the Scottish Government to produce their own report, and I hope that they would share it with us as well. We would thereby have regular updates on the health of these negotiations, which currently take place to a large extent behind closed doors. The purpose of this new clause is to ensure transparency and accountability in the process leading to the annual settlement between the Treasury and Scottish Ministers of the block grant to the Scottish Consolidated Fund.

It is worth noting that the Scottish Parliament's Finance Committee produced a report on intergovernmental relations in late June. It makes for interesting and important reading. It is generally critical of the state of intergovernmental relations, which are described as taking place “below the radar.” It is said that relations should be made

“more formal and more transparent.”

The Committee also recommended that consideration should be given to establishing an independent body to advise on the calculation of the block grant and to establishing an independent arbiter to resolve disputes on issues such as the block grant adjustment. The Labour party would certainly support any such moves to that effect, and it is in the interests of introducing greater accountability, transparency and formality to these negotiations that our new clause 11 has been tabled.

I am grateful for being allowed to speak in some detail about some of the amendments, but they are important; these are important issues. I hope that the House will give sympathetic consideration to the points I have made this evening.

David Mundell: I think that during at least part of this debate some of the amendments tabled by both the Government and Opposition Members have been addressed and I am very pleased—unless I have picked this up wrongly in the course of the debate—that no one is suggesting they would wish to oppose the Government's amendments.

I am afraid that today's debate on full fiscal autonomy has, for me, been an unwelcome case of *déjà vu*, and I am afraid that even includes the contribution of my hon. Friend the Member for Gainsborough (Sir Edward Leigh). It would certainly be unwelcome to the people of Scotland if this proposal ever came to pass. It will come as no surprise to the House that the Government will not accept the SNP amendment relating to full fiscal autonomy. This Government are clear: it is not in the interests of the people of Scotland.

We do not need a commission either, because the analysis has been done. The Institute for Fiscal Studies has estimated that full fiscal autonomy would mean Scotland having almost £10 billion less to spend by the last year of this Parliament. That is not a good deal for Scotland and this Government will not support it.

Callum McCaig: Ironically, what gives us a real, and cruel, sense of *déjà vu* is that despite barely a dozen Conservative Members having been present during this debate to listen to the concerns of the people of Scotland, the Tories will march through the Lobby denying the people of Scotland what they want.

David Mundell: There is not a shred of evidence to suggest that the people of Scotland want full fiscal autonomy. The people of Scotland voted in a referendum—I know that is an inconvenience for the SNP on the road to independence—and voted decisively to remain within the United Kingdom.

7.30 pm

Several hon. Members *rose*—

David Mundell: I need to deal with the specific issues that have been raised, including gift aid. I commend the hon. Member for Edinburgh South (Ian Murray) for pursuing this issue, because it is important to the charitable sector. It came up when I addressed the Scottish Council for Voluntary Organisations recently. I can confirm that the UK Government remain committed to working with the charity sector to ensure that gift aid works effectively for charities and their donors. This is something that we already do, and something that we will continue to do. We consulted the charity sector fully in advance of agreeing the arrangements for the continued operation of gift aid under the Scottish rate of income tax, which will come into effect in April 2016. Similarly, we are fully committed to consulting the charity sector, in Scotland and the rest of the UK, ahead of agreeing arrangements for the continued operation of gift aid under the devolution of income tax powers as proposed by the Bill.

The Government are fully committed to an ongoing dialogue with the charity sector before and after the enactment of the Bill to ensure that gift aid continues to operate effectively. It is our objective to maximise the amount of gift aid claimed on eligible donations. I hope that, on the basis of those reassurances, the hon. Gentleman will not press his new clause to a vote.

Ian Murray: I am grateful to the Secretary of State for his clarification on gift aid. That is a significant concern for the charity sector in Scotland, which will welcome his reassurances. On that basis, we will not press new clause 4 to a vote.

David Mundell: I thank the hon. Gentleman for that.

I also thank the hon. Member for Edinburgh East (Tommy Sheppard). I usually disagree fundamentally with his contributions, but I always enjoy them. I also commend him on winning the new MP of the year award from *The Spectator*. He and the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) touched on the Sewel convention—the legislative consent motion procedure in the Scottish Parliament. I am afraid that I do not agree with their proposals. The Sewel convention has been set out in the Bill, as required by the Smith commission.

Chris Stephens: Will the Minister give way?

David Mundell: I want to respond to all the points raised on the new clauses and amendments if I can.

The hon. Member for Nottingham North (Mr Allen) has put forward various suggestions on local government. On the one hand, I agree with the SNP that it is a matter for the Scottish Parliament to determine the nature of local government in Scotland. On the other hand, I agree with the hon. Gentleman that as many matters as possible in Scotland should be devolved locally. Indeed, that was one of Lord Smith's proposals for the Bill.

On the question of permanence, I am glad that the current proposal, which I had previously shared with the Scottish Government and the Devolved Powers Committee, meets everyone's aspirations. In response to the hon. Member for Caerphilly (Wayne David), this is an important proposal which demonstrates what the people of Scotland have clearly indicated they wish to see in the legislation. I am also pleased that the proposals relating to elections have been relatively uncontroversial, as were the measures relating to a super-majority. I therefore hope that the amendments to those measures will not be pressed to a vote.

I am afraid that I cannot agree with Labour's proposal for the full amount of VAT raised in Scotland to be assigned to Scotland. It was a key part of the Smith agreement that half the VAT revenue should be so assigned, in order to ensure a stable balance between encouraging Scotland's economy to grow and insulating the Scottish Government's budget from UK-wide economic shocks. I hope that the relevant amendment will therefore not be pressed to a vote.

The question of human rights was raised by the hon. and learned Member for Edinburgh South West (Joanna Cherry). I have found her previous contributions to this Parliament to be based on fact and not on politics, so it will not surprise her to learn that I was disappointed with her contribution this evening. This is an important issue. The House will be aware that we have outlined our proposal to reform and modernise our human rights framework by replacing the Human Rights Act with a Bill of Rights. Of course I am very aware of the possible devolution implications of reform, and we will engage with the devolved Administrations as we develop these proposals. We spoke about this matter in Committee, and the Government's view has not changed.

The Government are working on proposals for the reform of the human rights framework, and we will bring forward those proposals in due course, in consultation with the devolved Administrations.

The fiscal framework has also been discussed today. I want to put on record the fact that I am absolutely confident that John Swinney, negotiating on behalf of the Scottish Government, will be able to get a good deal for them. I have that confidence in Mr Swinney, and I know that he and the UK Government are absolutely committed to achieving that objective. We have had a number of detailed discussions on the fiscal framework, and we agreed at the start that we would not provide a running commentary on those negotiations. Nothing is agreed until everything is agreed. However, there is no suggestion that agreement cannot be reached, and it will be an agreement that is fair for Scotland and fair for the rest of the United Kingdom. I look forward to Members of this House and of the Scottish Parliament being able to properly scrutinise that agreement.

Sir Edward Leigh: Will my right hon. Friend deal briefly with amendment 224, which has been tabled by the SNP? According to its accompanying explanatory statement, instead of asking the House to impose full fiscal autonomy, the Scottish Parliament

“could then legislate in these areas to provide for full fiscal autonomy in Scotland.”

In other words, SNP Members do not actually want full fiscal autonomy yet. They are like St Augustine: they want to stop sinning, but not quite yet. I think we should call their bluff on this one.

David Mundell: Throughout the course of these debates it has been clear that the strongest advocate of full fiscal devolution in this House is my hon. Friend the Member for Gainsborough (Sir Edward Leigh). He is willing to put his money where his mouth is. I am not willing to put the livelihoods of people in Scotland on the line just to demonstrate that some scheme would not work.

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

David Mundell: I want to deal with new clause 36, which is an important proposal—at least the hon. Gentleman’s colleagues suggest it is. In September 2014, the people of Scotland voted decisively to remain part of the United Kingdom, and to retain our two Parliaments and two Governments. The SNP reassured us repeatedly in advance of the referendum that it would be a once-in-a-generation or once-in-a-lifetime event. The First Minister herself signed the Edinburgh agreement, which committed both of Scotland’s Governments to respect the outcome of the independence referendum. However much the SNP might dislike the fact, the 2 million people in Scotland who voted no voted to keep our United Kingdom. Their votes should be respected and not set aside as an unfortunate setback on the road to independence. Most people in Scotland support our place in the United Kingdom and do not want a second referendum—that is a fact that the SNP cannot face up to.

This new clause is a distraction from the real powers contained in this Bill. The Bill gives the Scottish Parliament significant new powers, with the strength of the United Kingdom. The SNP needs to tell us how it intends to

use those powers for the benefit of the people of Scotland. I will therefore not be supporting new clause 36 and am again proposing that people support my amendments.

Question put and agreed to.

New clause 12 accordingly read a Second time, and added to the Bill.

New Clause 13

FUNCTIONS EXERCISABLE WITHIN DEVOLVED COMPETENCE: ELECTIONS

“(1) The Scotland Act 1998 (“the 1998 Act”) has effect, in relation to any function so far as exercisable within devolved competence by virtue of a provision of section 3, as if references to a “pre-commencement enactment” were to—

- (a) an Act passed before or in the same session as the relevant date,
- (b) any other enactment made before the relevant date,
- (c) subordinate legislation under section 106 of the 1998 Act, to the extent that the legislation states that it is to be treated as a pre-commencement enactment,

but did not include the 1998 Act or this Act (or any amendment made by either of those Acts) or (subject to paragraph (c)) an enactment comprised in subordinate legislation under either of those Acts.

(2) In this section—

- (a) expressions used in the 1998 Act have the same meaning as in that Act;
- (b) the relevant date is the date on which section 3 comes into force.”—(*Stephen Barclay.*)

This amendment makes provision for various existing functions of Ministers of the Crown in respect of elections to instead be exercised by Scottish Ministers, so far as such functions are exercisable within devolved competence by virtue of Clause 3.

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

INDEPENDENT COMMISSION ON FULL FISCAL AUTONOMY

“(1) The Secretary of State shall appoint a commission of between four and eleven members to conduct an analysis of the impact of Full Fiscal Autonomy on the Scottish economy, labour market and public finances and to report by 31 March 2016.

(2) No member of the House of Commons, the House of Lords, or the Scottish Parliament may be a member of the commission.

(3) No employee of the Scottish Government or of any government Department or agency anywhere in the United Kingdom may be a member of the commission.

(4) The Secretary of State shall, in consultation and with the agreement of Scottish Ministers, appoint as members of the commission only persons who appear to the Secretary of State to hold a relevant qualification or to have relevant experience.

(5) The Secretary of State shall not appoint as a member of the commission any person who is a member of a political party.

(6) Before appointing any member of the commission, the Secretary of State must consult—

- (a) The Chair of any select committee appointed by the House of Commons to consider Scottish Affairs, and
- (b) The Chair of any select committee appointed by the House of Commons to examine the expenditure, administration and policy of Her Majesty’s Treasury and its associated public bodies.

(7) The Secretary of State may by regulations issue the commission with terms of reference and guidelines for the commission’s working methods, including an outline definition of the policy of full fiscal autonomy for the commission to analyse.

(8) The Secretary of State must lay copies of the report of the commission before both Houses of Parliament, and must transmit a copy of the report of the commission to the Presiding Officer of the Scottish Parliament.

(9) Regulations under this section must be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.”—(*Ian Murray.*)

The new Clause provides for the establishment of an independent commission to investigate the impact of FFA.

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The House divided: Ayes 191, Noes 341.

Division No. 110]

[7.39 pm

AYES

Abbott, Ms Diane	Eagle, Ms Angela
Abrahams, Debbie	Eagle, Maria
Alexander, Heidi	Elliott, Julie
Ali, Rushanara	Ellman, Mrs Louise
Allen, Mr Graham	Esterson, Bill
Allen, Heidi	Evans, Chris
Anderson, Mr David	Field, rh Frank
Ashworth, Jonathan	Fitzpatrick, Jim
Austin, Ian	Flint, rh Caroline
Bailey, Mr Adrian	Flynn, Paul
Barron, rh Kevin	Fovargue, Yvonne
Benn, rh Hilary	Foxcroft, Vicky
Betts, Mr Clive	Gapes, Mike
Blackman-Woods, Dr Roberta	Glass, Pat
Blenkinsop, Tom	Glindon, Mary
Blomfield, Paul	Godsiff, Mr Roger
Bradshaw, rh Mr Ben	Goodman, Helen
Brennan, Kevin	Green, Kate
Brown, rh Mr Nicholas	Greenwood, Lilian
Bryant, Chris	Greenwood, Margaret
Buck, Ms Karen	Griffith, Nia
Burden, Richard	Haigh, Louise
Burgon, Richard	Hamilton, Fabian
Burnham, rh Andy	Hanson, rh Mr David
Butler, Dawn	Hayes, Helen
Byrne, rh Liam	Hayman, Sue
Cadbury, Ruth	Healey, rh John
Campbell, rh Mr Alan	Hepburn, Mr Stephen
Campbell, Mr Ronnie	Hermon, Lady
Champion, Sarah	Hillier, Meg
Chapman, Jenny	Hodgson, Mrs Sharon
Coaker, Vernon	Hollern, Kate
Coffey, Ann	Hopkins, Kelvin
Cooper, Julie	Howarth, rh Mr George
Cooper, rh Yvette	Hunt, Tristram
Corbyn, Jeremy	Huq, Dr Rupa
Cox, Jo	Irranca-Davies, Huw
Coyle, Neil	Jarvis, Dan
Creasy, Stella	Johnson, Diana
Cruddas, Jon	Jones, Graham
Cryer, John	Jones, Helen
Cummins, Judith	Jones, Mr Kevan
Cunningham, Alex	Jones, Susan Elan
Cunningham, Mr Jim	Kane, Mike
Danczuk, Simon	Kaufman, rh Sir Gerald
David, Wayne	Keeley, Barbara
Davies, Geraint	Kendall, Liz
De Piero, Gloria	Kinnock, Stephen
Doughty, Stephen	Kyle, Peter
Dowd, Jim	Lavery, Ian
Dowd, Peter	Leslie, Chris
Dromey, Jack	Lewell-Buck, Mrs Emma
Dugher, Michael	Lewis, Clive
Durkan, Mark	Long Bailey, Rebecca
	Lucas, Caroline

Lucas, Ian C.	Shah, Naz
Mactaggart, rh Fiona	Sharma, Mr Virendra
Madders, Justin	Sherriff, Paula
Mahmood, Mr Khalid	Shuker, Mr Gavin
Mahmood, Shabana	Siddiq, Tulip
Malhotra, Seema	Skinner, Mr Dennis
Mann, John	Slaughter, Andy
Marris, Rob	Smeeth, Ruth
Marsden, Mr Gordon	Smith, rh Mr Andrew
Maskell, Rachael	Smith, Angela
Matheson, Christian	Smith, Cat
McCabe, Steve	Smith, Nick
McCarthy, Kerry	Smith, Owen
McDonagh, Siobhain	Smyth, Karin
McDonald, Andy	Spellar, rh Mr John
McDonnell, John	Stevens, Jo
McFadden, rh Mr Pat	Streeting, Wes
McGinn, Conor	Stringer, Graham
McGovern, Alison	Stuart, rh Ms Gisela
McInnes, Liz	Tami, Mark
Mearns, Ian	Thomas, Mr Gareth
Moon, Mrs Madeleine	Thomas-Symonds, Nick
Morden, Jessica	Timms, rh Stephen
Morris, Grahame M.	Trickett, Jon
Mulholland, Greg	Turley, Anna
Murray, Ian	Twigg, Derek
Onn, Melanie	Twigg, Stephen
Onwurah, Chi	Umunna, Mr Chuka
Osamor, Kate	Vaz, rh Keith
Owen, Albert	Vaz, Valerie
Pennycook, Matthew	Watson, Mr Tom
Perkins, Toby	West, Catherine
Phillips, Jess	Whitehead, Dr Alan
Phillipson, Bridget	Wilson, Phil
Pound, Stephen	Winnick, Mr David
Powell, Lucy	Winterton, rh Ms Rosie
Pugh, John	Woodcock, John
Reed, Mr Steve	Wright, Mr Iain
Reynolds, Emma	Zeichner, Daniel
Reynolds, Jonathan	
Rimmer, Marie	
Ritchie, Ms Margaret	
Rotheram, Steve	

Tellers for the Ayes:

**Holly Lynch and
Jeff Smith**

NOES

Adams, Nigel	Blackman, Bob
Afriyie, Adam	Blackman, Kirsty
Ahmed-Sheikh, Ms Tasmina	Blackwood, Nicola
Aldous, Peter	Blunt, Crispin
Allan, Lucy	Boles, Nick
Andrew, Stuart	Bone, Mr Peter
Ansell, Caroline	Bradley, Karen
Argar, Edward	Brady, Mr Graham
Arkless, Richard	Brazier, Mr Julian
Atkins, Victoria	Bridgen, Andrew
Bacon, Mr Richard	Brine, Steve
Baker, Mr Steve	Brock, Deidre
Baldwin, Harriett	Brokenshire, rh James
Barclay, Stephen	Brown, Alan
Bardell, Hannah	Bruce, Fiona
Baron, Mr John	Buckland, Robert
Barwell, Gavin	Burns, Conor
Bebb, Guto	Burns, rh Sir Simon
Benyon, Richard	Burrowes, Mr David
Beresford, Sir Paul	Burt, rh Alistair
Berry, Jake	Cairns, Alun
Berry, James	Cameron, Dr Lisa
Bingham, Andrew	Carmichael, Neil
Black, Mhairi	Cartlidge, James
Blackford, Ian	Cash, Sir William
	Caulfield, Maria

Chalk, Alex	Green, Chris	Mackintosh, David	Rees-Mogg, Mr Jacob
Chapman, Douglas	Green, rh Damian	MacNeil, Mr Angus Brendan	Robertson, rh Angus
Cherry, Joanna	Grieve, rh Mr Dominic	Main, Mrs Anne	Robertson, Mr Laurence
Chishti, Rehman	Griffiths, Andrew	Mak, Mr Alan	Robinson, Gavin
Chope, Mr Christopher	Gummer, Ben	Malthouse, Kit	Robinson, Mary
Churchill, Jo	Gyimah, Mr Sam	Mathias, Dr Tania	Rosindell, Andrew
Clark, rh Greg	Halfon, rh Robert	Maynard, Paul	Rudd, rh Amber
Clarke, rh Mr Kenneth	Hall, Luke	Mc Nally, John	Rutley, David
Cleverly, James	Hammond, Stephen	McCaig, Callum	Salmond, rh Alex
Coffey, Dr Thérèse	Hancock, rh Matthew	McCartney, Jason	Scully, Paul
Collins, Damian	Hands, rh Greg	McCartney, Karl	Selous, Andrew
Colvile, Oliver	Harper, rh Mr Mark	McDonald, Stewart Malcolm	Shannon, Jim
Costa, Alberto	Harrington, Richard	McDonald, Stuart C.	Shelbrooke, Alec
Cowan, Ronnie	Harris, Rebecca	McGarry, Natalie	Sheppard, Tommy
Cox, Mr Geoffrey	Hart, Simon	McLaughlin, Anne	Simpson, rh Mr Keith
Crabb, rh Stephen	Haselhurst, rh Sir Alan	McLoughlin, rh Mr Patrick	Skidmore, Chris
Crawley, Angela	Hayes, rh Mr John	McPartland, Stephen	Smith, Chloe
Crouch, Tracey	Heald, Sir Oliver	Menzies, Mark	Smith, Henry
Davies, Glyn	Heapey, James	Mercer, Johnny	Smith, Julian
Davies, Dr James	Heaton-Harris, Chris	Merriman, Huw	Smith, Royston
Davies, Mims	Heaton-Jones, Peter	Metcalfe, Stephen	Soames, rh Sir Nicholas
Day, Martyn	Henderson, Gordon	Miller, rh Mrs Maria	Solloway, Amanda
Dinenage, Caroline	Hendry, Drew	Milling, Amanda	Soubry, rh Anna
Djanogly, Mr Jonathan	Herbert, rh Nick	Mills, Nigel	Spelman, rh Mrs Caroline
Docherty, Martin John	Hinds, Damian	Milton, rh Anne	Spencer, Mark
Donaldson, Stuart Blair	Hoare, Simon	Monaghan, Carol	Stephens, Chris
Donelan, Michelle	Hollinrake, Kevin	Monaghan, Dr Paul	Stephenson, Andrew
Double, Steve	Hollobone, Mr Philip	Mordaunt, Penny	Stevenson, John
Dowden, Oliver	Holloway, Mr Adam	Morgan, rh Nicky	Stewart, Bob
Doyle-Price, Jackie	Hopkins, Kris	Morris, Anne Marie	Stewart, Iain
Drax, Richard	Hosie, Stewart	Morris, David	Stewart, Rory
Drummond, Mrs Flick	Howarth, Sir Gerald	Morris, James	Streeter, Mr Gary
Duncan, rh Sir Alan	Howell, John	Morton, Wendy	Stride, Mel
Duncan Smith, rh Mr Iain	Howlett, Ben	Mowat, David	Stuart, Graham
Edwards, Jonathan	Huddleston, Nigel	Mullin, Roger	Sunak, Rishi
Ellis, Michael	Hurd, Mr Nick	Mundell, rh David	Swayne, rh Mr Desmond
Ellison, Jane	Jackson, Mr Stewart	Murray, Mrs Sheryll	Thewliss, Alison
Ellwood, Mr Tobias	Jayawardena, Mr Ranil	Murrison, Dr Andrew	Thomas, Derek
Elphicke, Charlie	Jenkyns, Andrea	Neill, Robert	Thompson, Owen
Eustice, George	Jenrick, Robert	Newlands, Gavin	Thomson, Michelle
Evans, Graham	Johnson, Gareth	Newton, Sarah	Throup, Maggie
Evans, Mr Nigel	Johnson, Joseph	Nicolson, John	Tolhurst, Kelly
Evennett, rh Mr David	Jones, Andrew	Nokes, Caroline	Tomlinson, Justin
Fabricant, Michael	Jones, rh Mr David	Norman, Jesse	Tomlinson, Michael
Fallon, rh Michael	Jones, Mr Marcus	Nuttall, Mr David	Tracey, Craig
Fellows, Marion	Kawczynski, Daniel	O'Hara, Brendan	Trevelyan, Mrs Anne-Marie
Fernandes, Suella	Kennedy, Seema	Offord, Dr Matthew	Tugendhat, Tom
Field, rh Mark	Kerevan, George	Opperman, Guy	Turner, Mr Andrew
Foster, Kevin	Kerr, Calum	Oswald, Kirsten	Vaizey, Mr Edward
Frazer, Lucy	Kinahan, Danny	Parish, Neil	Vara, Mr Shailesh
Freer, Mike	Kirby, Simon	Patel, rh Priti	Vickers, Martin
Fuller, Richard	Knight, rh Sir Greg	Paterson, rh Mr Owen	Walker, Mr Charles
Fysh, Marcus	Knight, Julian	Paterson, Steven	Walker, Mr Robin
Gale, Sir Roger	Kwarteng, Kwasi	Pawsey, Mark	Warburton, David
Garnier, rh Sir Edward	Lancaster, Mark	Penning, rh Mike	Warman, Matt
Garnier, Mark	Latham, Pauline	Penrose, John	Watkinson, Dame Angela
Gauke, Mr David	Law, Chris	Percy, Andrew	Weir, Mike
Gethins, Stephen	Leadsom, Andrea	Phillips, Stephen	Wharton, James
Ghani, Nusrat	Lee, Dr Phillip	Philp, Chris	Whately, Helen
Gibb, Mr Nick	Lefroy, Jeremy	Philp, Chris	Wheeler, Heather
Gillan, rh Mrs Cheryl	Leigh, Sir Edward	Pickles, rh Sir Eric	White, Chris
Glen, John	Letwin, rh Mr Oliver	Pincher, Christopher	Whiteford, Dr Eilidh
Goodwill, Mr Robert	Lewis, Brandon	Poulter, Dr Daniel	Whitford, Dr Philippa
Gove, rh Michael	Lewis, rh Dr Julian	Pow, Rebecca	Whittaker, Craig
Grady, Patrick	Liddell-Grainger, Mr Ian	Prentis, Victoria	Whittingdale, rh Mr John
Graham, Richard	Lidington, rh Mr David	Prisk, Mr Mark	Wiggin, Bill
Grant, Mrs Helen	Lilley, rh Mr Peter	Pritchard, Mark	Williams, Hywel
Grant, Peter	Lopresti, Jack	Pursglove, Tom	Williamson, rh Gavin
Gray, Mr James	Lord, Jonathan	Quin, Jeremy	Wilson, Corri
Gray, Neil	Loughton, Tim	Quince, Will	Wilson, Mr Rob
Grayling, rh Chris	Lumley, Karen	Raab, Mr Dominic	Wishart, Pete
	Mackinlay, Craig	Redwood, rh John	Wollaston, Dr Sarah

Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

7.52 pm

Three hours having elapsed since the commencement of proceedings on the programme motion, 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).

New Clause 35

CONSENT OF THE SCOTTISH PARLIAMENT TO CERTAIN WESTMINSTER ACTS

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

‘(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.

- (9) A provision is about a devolved matter if the provision—
- applies to Scotland and does not relate to reserved matters,
 - modifies the legislative competence of the Scottish Parliament, or
 - modifies the functions of any member of the Scottish Government.

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

- (2) After section 28 of the Scotland Act 1998 insert—
- ‘28A Duty to consult the Scottish Government on Bills applying to Scotland

(1) A Minister of the Crown shall consult Scottish Ministers before introducing any Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland.

(2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—

- 21 days before the proposed date of introduction, or
- such later date as the Scottish Ministers may agree.’

- (3) The requirement in subsection (2) does not apply if—
- the Scottish Ministers so agree, or
 - there are exceptional circumstances justifying failure to comply with the requirement.

(4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.’—(*Angus Robertson.*)

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

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 245, Noes 287.

Division No. 111]

[7.52 pm

AYES

Abbott, Ms Diane
Abrahams, Debbie

Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi

Ali, Rushanara
Allen, Mr Graham
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Kevin
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, Jeremy
Cowan, Ronnie
Cox, Jo
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
De Piero, Gloria
Docherty, Martin John
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Elliott, Julie
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Fellows, Marion

Field, rh Frank
Fitzpatrick, Jim
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Gapes, Mike
Gethins, Stephen
Glass, Pat
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendry, Drew
Hepburn, Mr Stephen
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Hunt, Tristram
Huq, Dr Rupa
Irranca-Davies, Huw
Jarvis, Dan
Johnson, Diana
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Kaufman, rh Sir Gerald
Keeley, Barbara
Kendall, Liz
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, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve

McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 Mearns, Ian
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Reed, Mr Steve
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Gavin
 Rotheram, Steve
 Salmond, rh Alex
 Shah, Naz
 Shannon, Jim
 Sharma, Mr Virendra
 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
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Michelle
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Jonathan Edwards and
Hywel Williams

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Benyon, Richard
 Beresford, Sir Paul

Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr 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
 Carlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 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
 Frazer, Lucy
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert

Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkyns, Andrea
 Jenrick, Robert
 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
 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
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark

Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 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
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pugh, John
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Scully, Paul
 Selous, Andrew
 Shelbrooke, Alec
 Simpson, rh Mr Keith

Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Thomas, Derek
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 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.

New Clause 36

SCOTTISH INDEPENDENCE REFERENDUM

‘(1) Paragraph 5A in Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.

(2) In sub-paragraph (1), leave out “if the following requirements are met”.

(3) Leave out sub-paragraphs (2) to (4).’—(*Angus Robertson.*)
This new clause would permit the Scottish Parliament to decide whether and when to hold a referendum on Scottish independence.

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 56, Noes 289.

Division No. 112]

[8.4 pm

AYES

Ahmed-Sheikh, Ms Tasmina
 Arkless, Richard
 Bardell, Hannah
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Brock, Deidre
 Brown, Alan
 Cameron, Dr Lisa
 Chapman, Douglas
 Cherry, Joanna
 Cowan, Ronnie
 Crawley, Angela
 Day, Martyn
 Docherty, Martin John
 Donaldson, Stuart Blair
 Durkan, Mark
 Fellows, Marion
 Gethins, Stephen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Hendry, Drew
 Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Law, Chris
 Lucas, Caroline
 MacNeil, Mr Angus Brendan
 Mc Nally, John
 McCaig, Callum
 McDonald, Stewart Malcolm
 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
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Salmond, rh Alex
 Sheppard, Tommy
 Stephens, Chris
 Thewliss, Alison
 Thompson, Owen
 Thomson, Michelle
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Wishart, Pete

Tellers for the Ayes:
Jonathan Edwards and
Hywel Williams

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr 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
 Clarke, rh Mr Kenneth
 Cleverly, James
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick

Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Eagle, Ms Angela
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evannett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Fernandes, Suella
 Field, rh Mark
 Foster, Kevin
 Frazer, Lucy
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkins, Andrea

Jenrick, Robert
 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
 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
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 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
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew

Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pugh, John
 Knight, rh Sir Greg
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain

Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Thomas, Derek
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Margot James and
George Hollingbery

Question accordingly negated.

Clause 1

THE SCOTTISH PARLIAMENT AND THE SCOTTISH
 GOVERNMENT

Amendment made: 34, page 1, line 4, leave out clause 1.—
 (*Stephen Barclay.*)

This amendment leaves out Clause 1, which is replaced by New Clause NC12.

Clause 3

ELECTIONS

Amendments made: 35, page 2, line 21, leave out
 “and (2B)”.

This amendment devolves to the Scottish Parliament the power in new section 2(2B) of the Scotland Act 1998, inserted by Clause 5 of the Bill, for Scottish Ministers to make an order specifying an alternative day on which the poll for a Scottish Parliamentary general election shall be held.

Amendment 36, page 2, line 38, leave out from “elections)” to third “the” in line 40 and insert “where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election within the legislative competence of the Parliament and to the date of”.

Campaign expenditure by political parties and controlled expenditure by third parties, is regulated for specific periods before certain elections. This amendment provides for competence to be reserved in respect of such expenditure where these periods overlap, even if the relevant election polls are on different days.

Amendment 37, page 3, leave out lines 17 to 19 and insert—

- “(a) section 1, except in relation to—
- (i) financing the Electoral Commission,
 - (ii) preparation, laying and publication by the Commission of reports about the performance of its functions, and
 - (iii) provision by the Commission of copies of regulations made by it or notice of the alteration or revocation of such regulations.”—(*Stephen Barclay.*)

This amendment amends the exception to the reservation of section 1 of the Political Parties, Elections and Referendums Act 2000 so that the financing, reporting and (for regulations it makes) notification functions of the Electoral Commission are devolved insofar as these matters apply in respect of elections to the Scottish Parliament.

Clause 4

POWER TO MAKE PROVISION ABOUT ELECTIONS

Amendments made: 38, page 3, line 39, leave out “provision” and insert

“any provision that would be within the legislative competence of the Parliament, if included in an Act of the Scottish Parliament.”.

This amendment would have the effect that the powers of the Scottish Ministers under section 12 of the Scotland Act 1998 would be aligned with the legislative competence of the Scottish Parliament.

Amendment 39, page 4, line 4, leave out from “polls” to end of line 24.

This amendment is consequential on amendment 38, as that amendment renders it unnecessary to specify the particular combinations of polls as regards which the Scottish Ministers may exercise powers under section 12 of the Scotland Act 1998.

Amendment 40, page 4, line 33, leave out “the use of”.—(*Stephen Barclay.*)

The effect of this amendment is that the restriction on the powers of Scottish Ministers regarding the Digital Service in new section 12(4) of the Scotland Act 1998 (see Clause 4) more accurately reflects the extent of the reservation of the Digital Service set out in Clause 3(5).

Clause 5

TIMING OF ELECTIONS

Amendments made: 41, page 6, line 10, at the end insert

“, unless the day of the poll is determined by a proclamation under subsection (5) as modified by subsection (5ZA).”

This amendment means that where Scottish Ministers make an order under section 2(2B) of the Scotland Act 1998 specifying an election date, and the Presiding Officer proposes a new date for the election under section 2(5) of that Act, the election will be held on the date proposed under section 2(5).

Amendment 42, page 6, line 13, at the end insert—

“() After subsection (5) insert—

(5ZA) Where a day is specified by order under subsection (2B), subsection (5) applies as if the reference to the first Thursday in May were a reference to that day.”—(*Stephen Barclay.*)

The amendment is linked to amendment 41 and provides that the Presiding Officer’s power at section 2(5) of the Scotland Act 1998 to propose a new date for an election, applies in relation to a date specified for such a poll under new section 2(2B) of that Act.

Clause 6

ELECTORAL REGISTRATION: THE DIGITAL SERVICE

Amendment made: 43, page 6, line 33, leave out subsections (2) and (3) and insert—

“() In section 10ZC (registration of electors in Great Britain) at the end insert—

(4) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.

(5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—

- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.

(6) In this section—

“election in Scotland” means—

- (a) an election for membership of the Scottish Parliament, or
- (b) a local government election in Scotland;

“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.”

() In section 10ZD (registration of electors in Great Britain: alterations) at the end insert—

(4) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.

(5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—

- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.

(6) In this section “election in Scotland” and “UK digital service” have the same meaning as in section 10ZC.”

() In section 53 (power to make regulations about registration etc) at the end insert—

“(9) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.

(10) The power of the Scottish Ministers to make regulations by virtue of subsection (9) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—

- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.

(11) In subsection (9)—

“election in Scotland” means—

- (a) an election for membership of the Scottish Parliament, or
- (b) a local government election in Scotland;

“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.”—(*Stephen Barclay.*)

By this amendment, the Scottish Ministers are given powers relating to the Digital Service, but may not without the Government's consent require any changes to the Digital Service, prevent the Government from making any changes to the Digital Service, or require the continuation of the Digital Service.

Clause 7

EXPENDITURE IN CONNECTION WITH ELECTIONS

Amendments made: 44, page 8, line 15, leave out from “apply” to end of line 16 and insert

“to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Amendment 45, page 8, line 40, leave out from “apply” to end of line 41 and insert

“to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Amendment 46, page 9, line 13, leave out from “apply” to end of line 14 and insert

“to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”—(*Stephen Barclay.*)

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Clause 10

SUPER-MAJORITY REQUIREMENT FOR CERTAIN LEGISLATION

Amendments made: 47, page 11, line 19, leave out

“the provisions of the Bill relate”

and insert

“any provision of the Bill relates”.

This amendment has the effect that the Presiding Officer must decide whether any provision of a bill relates to a protected subject-matter, rather than deciding more generally whether the provisions of a bill so relate.

Amendment 48, page 11, line 36, leave out

“the provisions of a Bill relate”

and insert

“any provision of a Bill relates”.

This amendment is consequential on amendment 47, as the Presiding Officer's statement will now state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Amendment 49, page 12, line 1, leave out from beginning to second “in” and insert—

() Section 32 (submission of Bills for Royal Assent) is amended as follows.

()”.

This amendment is a technical amendment to reformat Clause 10 and introduce amendment 50.

Amendment 50, page 12, line 2, at end insert—

() After subsection (2) insert—

(2A) The Presiding Officer shall not submit a Bill for Royal Assent if the Supreme Court has decided a reference made in relation to the Bill under section 32A(2)(b), unless since the decision the Bill has been approved in accordance with standing orders made by virtue of section 36(5).”

By this amendment, a bill that passed with a simple majority in respect of which the Supreme Court subsequently decides that a simple majority is sufficient, must be reconsidered before being submitted for Royal Assent.

Amendment 51, page 12, line 11, leave out

“the provisions of the Bill relate”

and insert

“any provision of the Bill relates”.

This amendment is consequential on amendment 47, as the Presiding Officer's statement will now state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Amendment 52, page 12, line 15, leave out

“the provisions of the Bill do not relate”

and insert

“no provision of the Bill relates”.

This amendment is consequential on amendment 47, as the Presiding Officer's statement will now state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Amendment 53, page 12, line 16, at end insert

“, unless the number of members voting in favour of the Bill at its passing is at least two-thirds of the total number of seats for members of the Parliament.”

By this amendment a bill may not be referred to the Supreme Court on the question whether the requirement for a two-thirds majority applies to the bill, if the bill passed with at least a two-thirds majority.

Amendment 54, page 12, line 19, leave out from “unless” to end of line 21 and insert

“since the notification the Bill has been approved or rejected in accordance with standing orders made by virtue of section 36(5).”.

This amendment is consequential on amendment 60. It enables a Law Officer to refer a bill to the Supreme Court regarding a protected subject-matter question even if he had previously notified he would not refer the bill, if the bill has since been reconsidered on any ground.

Amendment 55, page 12, line 21, at end insert—

() Section 33 (scrutiny of Bills by the Supreme Court) is amended as follows.”

This amendment is a technical amendment to reformat the introduction of subsection (9) of Clause 10, in light of the additional amendment to section 33 of the Scotland Act 1998 by amendment 57.

Amendment 56, page 12, line 22, leave out “to section 33”.

This amendment is consequential on amendment 56, which is a technical amendment to reformat the introduction of subsection (9) of the clause.

Amendment 57, page 12, line 23, at end insert—

() In subsection (2)(b) omit “subsequent”.

() In section 35(3) (power to intervene in certain cases)—

(a) in paragraph (b) omit “subsequent”, and

(b) in paragraph (c) after “section” insert “32A(2)(b) or”.

This amendment is related to amendment 60. It changes the time limits that apply in sections 33 and 35 of the Scotland Act 1998 respectively, so that those time limits apply whenever a bill is reconsidered and regardless of the reason for the reconsideration.

Amendment 58, page 12, line 26, leave out lines 26 to 29 and insert—

“(aa) the Supreme Court decides a reference made in relation to the Bill under section 32A(2)(b).”

This amendment is consequential on amendments 47 and 53, by which the key question is whether any provision of a bill relates to a protected subject-matter. It also simplifies the wording of new section 36(4)(aa) of the Scotland Act 1998.

Amendment 59, page 12, line 32, leave out from “if,” to “to” in line 34 and insert “on a reference made in relation to the Bill under section 32A(2)(a), the Supreme Court decides that no provision that is subject to the reference relates”

This amendment is consequential on amendments 47 and 53, by which the key question is whether any provision of a bill relates to a protected subject-matter. It also simplifies the wording of new subsection 36(4A) of the Scotland Act 1998.

Amendment 60, page 12, line 35, leave out subsections (13) and (14) and insert—

() In subsection (5) for “any Bill amended on reconsideration” substitute “—

(a) any Bill amended on reconsideration in accordance with standing orders made by virtue of subsection (4)(a), (b) or (c), and

(b) any Bill reconsidered in accordance with standing orders made by virtue of subsection (4)(aa) or (4A).”

() In subsection (6)—

(a) after “28(2)” insert “, 31(2A), 31A, 32A(2)(b)”;

(b) for “which has been amended on reconsideration” substitute “to which subsection (5)(a) or (b) applies”.—
(*Stephen Barclay.*)

This amendment, which is in part consequential on a number of other amendments, means that requirements regarding a final stage for a bill, and for approval of a bill following reconsideration to be treated as the passing of the bill, apply regardless of the ground for reconsideration.—(David Mundell.)

Clause 11

SCOPE TO MODIFY THE SCOTLAND ACT 1998

Amendments made: 61, page 13, line 8, after “(2)” insert “, (2B)”.

This amendment gives power to the Scottish Parliament to amend subsection 2(2B) of the Scotland Act 1998, which relates to the power of the Scottish Ministers to set the date of an election for membership of the Scottish Parliament in certain circumstances.

Amendment 62, page 13, line 14, after “28” insert “(4) and”.

This amendment gives power to the Scottish Parliament to amend subsection 28(4) of the Scotland Act 1998, which relates to the Clerks dating of Royal Assent for a Bill.

Amendment 63, page 13, at the end of line 14 insert—

(i) section 31(3).”

This amendment gives power to the Scottish Parliament to amend subsection 31(3) of the Scotland Act 1998, which relates to determining through standing orders the form and manner of a certain statements by the Presiding Officer.

Amendment 64, page 13, line 16, leave out “39” and insert “38”.

This amendment gives power to the Scottish Parliament to amend section 38 of the Scotland Act 1998, which relates to Letters Patent and proclamations.

Amendment 65, page 13, line 19, leave out “(1B)(a) and (b).” and insert “(1)(a) to (c)”.

This amendment gives power to the Scottish Parliament to amend subsection 44(1)(c) of the Scotland Act 1998, which relates to the Lord Advocate and Solicitor General for Scotland’s membership of the Scottish Government.

Amendment 66, page 13, line 22, after “47” insert “(2) and”.

This amendment gives power to the Scottish Parliament to amend subsection 47(2) of the Scotland Act 1998, which relates to the Scottish Parliament’s agreement to the appointment of ministers.

Amendment 67, page 13, line 24, after “49(2)” insert “, (3)”.

This amendment gives power to the Scottish Parliament to amend subsection 49(3) of the Scotland Act 1998, which relates to the Scottish Parliament’s agreement to the appointment of junior ministers.

Amendment 68, page 13, line 26, leave out “section 69(3)” and insert—

“(i) section 69(2) to (5), and

(ii) section 70(1) to (5) and (7) to (9).”

This amendment gives power to the Scottish Parliament to amend subsections 69(2) to (5) of the Scotland Act 1998, which relate to the Auditor General for Scotland, and subsections 70(1) to (5) and (7) to (9) of that Act, which relate to financial control, accounts and audit.

Amendment 69, page 13, line 28, after “91,” insert

“92(1), (2) and (4) to (6).”—(*Stephen Barclay.*)

This amendment gives power to the Scottish Parliament to amend subsections 92(1), (2) and (4) to (6) of the Scotland Act 1998, which relate to the Queen’s Printer for Scotland.

Bob Blackman: On a point of order, Mr Deputy Speaker. Last night, on Remembrance Sunday, a picture of a swastika was projected on to the House of Commons with a message saying, “Modi not welcome”. As you will be aware, the Prime Minister of India, Narendra Modi, is visiting here later this week. Can you confirm that this will be thoroughly investigated, that it has nothing whatsoever to do with the Government or the House authorities, and that the perpetrators will be caught and suitably punished?

Mr Deputy Speaker (Mr Lindsay Hoyle): On Remembrance Sunday there is no time when it is acceptable to project anything on to the House of Commons without permission, but to project a swastika on the visit of a state leader is totally unacceptable. The point has been made, and it will be taken on board and dealt with. I am absolutely convinced that the police will be looking into it as a matter of urgency.

Sir Edward Leigh: On a point of order, Mr Deputy Speaker. Will you just explain the procedure of the House, because I have not been here very long—

Mr Deputy Speaker: I know that I do not need to explain it to you, and I do not need to waste any more time because we need to move on to the Bill.

Sir Edward Leigh: No, this actually is a genuine point of order.

Mr Deputy Speaker: I am surprised.

Sir Edward Leigh: I know they are very rare. Am I right, Mr Deputy Speaker, in thinking that it would be in order for any amendment to be moved? I am rather surprised that the SNP has not moved amendment 224 on “full fiscal autonomy but not quite yet”. Is there any reason that would have prevented it from moving that amendment?

Mr Deputy Speaker: It is not for the Chair to decide what the SNP does; it is up to the SNP to decide what it moves or does not move. As I said, I knew that it was not a point of order, and I knew that you knew the answer before you asked me.

New Clause 14

“Welfare foods

‘(1) Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 (social security schemes) is amended as follows.

(2) In the Exceptions, after exception 8 (see section 23 above) insert—

“Exception 9

The subject-matter of section 13 of the Social Security Act 1988 (benefits under schemes for improving nutrition: pregnant women, mothers and children).”

(3) In the Interpretation provision, at the end insert—

“The reference to the subject-matter of section 13 of the Social Security Act 1988 is to be construed as a reference to it as at the day on which section [Welfare foods] of the Scotland Act 2015 comes into force (and, accordingly, paragraph 5(1) of Part 3 of this Schedule does not apply to that reference).”

(4) Omit Section J5 (welfare foods).

(5) In the Social Security Act 1988, in section 13(2) (benefits under schemes for improving nutrition: consultation) omit “the Scottish Ministers and”.”

This amendment devolves to the Scottish Parliament legislative competence regarding welfare foods, enabling the Scottish Parliament, in relation to Scotland, to abolish or amend schemes for the provision of welfare foods, as currently made under section 13 of the Social Security Act 1988, or to make new schemes for the provision of welfare foods.—(David Mundell.)

Brought up, and read the First time.

8.17 pm

David Mundell: 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 Government new clause 34—*Power to create other new benefits*

Government new clause 15—*Abortion*

Government new clause 16—*Public sector duty regarding socio-economic inequalities*

Government new clause 17—*Destination of fines, forfeitures and fixed penalties*

New clause 2—

“New benefits

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 8 (see section 23 above) insert—

“Exception 9

A benefit not in existence at the relevant date provided entitlement to or the purpose of the benefit is different from entitlement to or the purpose of any benefit that is— For the purpose of this exception—

- (a) in existence at the relevant date,
- (b) payable by or on behalf of a Minister of the Crown, and
- (c) otherwise a reserved benefit.

“the relevant date” means the date of introduction into Parliament of the Bill that becomes the Scotland Act 2015;

“reserved benefit” means a benefit which is to any extent a reserved matter.””

The new Clause expands and clarifies the right of the Scottish Government to create new benefits—that is, benefits not in existence on the date on which the bill is passed.

New clause 3—

“Joint Committee on Welfare Devolution

‘(1) There is to be a Committee (to be known as the Joint Committee on Welfare Devolution) to examine the transfer, implementation and operation of the powers devolved to the Scottish Parliament by Part 3 of this Act.

(2) The Joint Committee on Welfare Devolution is to be responsible for ensuring full co-operation, consultation and information-sharing between the UK Government, the Scottish Government, and relevant stakeholders.

(3) The Joint Committee on Welfare Devolution is to publish a report—

- (a) on the transfer and implementation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once every three months for the first three years from the date when this Act is passed, and
- (b) on the operation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once in each calendar year after three years from the date when this Act is passed.

(4) Schedule (The Joint Committee on Welfare Devolution), which makes further provision in relation to the Joint Committee on Welfare Devolution, has effect.”

This new Clause, linked to New Schedule NS1 on the Joint Committee on Welfare Devolution, provides for a cross-Parliament committee to oversee the transition and implementation of welfare powers transferred under this Act. The Committee would include members from both Parliaments and would be required to report frequently in the transition phase and thereafter annually.

New clause 5—

“Childcare element of universal credit

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in Exceptions, after exception 6 (see section 22 above) insert—

“Exception 7

The subject-matter of regulations 31 to 34 of the Universal Credit Regulations 2013.””

This new clause would devolve to the Scottish Parliament the power to make rules about the childcare element of Universal Credit.

New clause 10—

“Commission on social and economic rights

‘(1) The Secretary of State shall appoint a commission on social and economic rights.

(2) The Secretary of State shall invite the Presiding Officers or Speakers of the House of Commons, House of Lords, National Assembly of Wales, Northern Ireland Assembly and the Scottish Parliament each to nominate no more than three persons to the commission on social and economic rights.

(3) The commission on social and economic rights must report on—

- (a) the practicality of making the Scottish Parliament and Scottish Government subject to the rights contained in the International Covenant on Economic, Social and Cultural Rights; and
- (b) the consequences of Scottish devolution for the attainment of economic and social rights throughout the United Kingdom.

(4) The Secretary of State may by regulations determine the role, composition, organisation and powers of the commission on social and economic rights.”

The purpose of this New Clause is to create a commission to consider whether economic and social rights could be made justiciable in Scotland, and the prospects for achieving fuller attainment of economic and social rights throughout the United Kingdom.

New clause 18—

“Tax credits

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.

(2) In the Exceptions, after exception 9 (see section (Welfare foods) (2) above) insert—

“Exception 10

The subject-matter of the Tax Credits Act 2002.”

This New Clause devolves to the Scottish Parliament the power to make provision for child tax credit, and working tax credit.

New clause 19—

“Employment and industrial relations

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Head H (Employment) is amended as follows.

(2) Omit Section H1 (employment and industrial relations).

(3) Insert new Section H1A as follows.

“H1A. National Minimum Wage

The subject-matter of the National Minimum Wage Act 1998.”

This new clause would devolve employment rights and duties and industrial relations, except for the national minimum wage, to the Scottish Parliament.

New clause 20—

“National minimum wage

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Head H (Employment) is amended as follows.

(2) Omit ‘(h) the National Minimum Wage Act 1998’.

(3) For the heading “Exception”, substitute “Exceptions”.

(4) After the heading “Exceptions” insert—

“(none) “The subject-matter of the National Minimum Wage Act 1998.””

This new clause would devolve the subject-matter of the National Minimum Wage Act 1998 to the Scottish Parliament.

New clause 21—

“National Insurance: employers’ contributions

“(1) Section F1 of Schedule 5 to the Scotland Act 1998 is amended as follows.

(2) In the illustrations, omit “National Insurance;”

(3) In the Exceptions, after exception 11 (see section (Benefits relating to children)) insert—

“Exception 12

National Insurance so far as relating to contributions payable by employers.”

This new clause would devolve employers’ National Insurance contributions to the Scottish Parliament.

New clause 22—

“Job search and support

In Part 2 of Schedule 5 to the Scotland Act 1998, omit Section H3 (job search and support).”

This new clause would devolve employment support programmes to the Scottish Parliament.

New clause 23—

“Working age benefits

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 9 (see section 23A above) insert—

“Exception 10

Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—

(a) universal credit under Part 1 of the Welfare Reform Act 2012;

(b) jobseeker’s allowance (whether contributions-based or income based) under the Jobseekers Act 1995;

(c) employment and support allowance (whether contributory or income-related) under Part 1 of the Welfare Reform Act 2007;

(d) income support under section 124 of the Social Security and Benefits Act 1992;

(e) housing benefit under section 130 of that Act and

(f) child tax credit and working tax credit under the Tax Credits Act 2002.

The benefits referred to in paragraphs (a) to (f) above are—(a) in the case of income-based jobseeker’s allowance and income-related employment support allowance, those benefits as they existed on 28 April 2013 (the day before their abolition), (b) in the case of the other benefits, those benefits as they existed on 28 May 2015 (the date of introduction into Parliament of the Bill for the Scotland Act 2015).”

This new clause would devolve working age benefits to the Scottish Parliament.

New clause 24—

“Universal credit: powers to vary other elements

“(1) A function of making regulations to which this section applies, so far as it is exercisable by the Secretary of State in or as regards Scotland, is exercisable by the Scottish Ministers concurrently with the Secretary of State.

(2) This section applies to—

(a) regulations under section 8(3)(a) of the Welfare Reform Act 2012 (amount in respect of earned income) so far relating to the work allowance (that is, the amount of a claimant’s earned income that is to be disregarded in calculating the amounts to be deducted from the maximum amount in accordance with section 8(3) of that Act),

(b) regulations under section 10 of that Act (amount in respect of responsibility for children and young persons),

(c) regulations under section 12 of that Act (amounts in respect of other particular needs or circumstances) so far as relating to—

(i) the needs or circumstances referred to in subsection (2)(c) of that section (caring responsibilities for a severely disabled person), or

(ii) needs or circumstances of a claimant in paid work relating to childcare costs,

(d) regulations under any of sections 14 to 22, 24 and 25 of that Act (work-related requirements), and

(e) regulations under any of sections 26 to 28 of that Act (sanctions).

(3) The Scottish Ministers may not exercise the function of making regulations to which this section applies unless they have consulted the Secretary of State.

(4) The Secretary of State may not exercise the function of making regulations to which this section applies in or as regards Scotland unless he or she has consulted the Scottish Ministers.

(5) Where regulations are made by the Scottish Ministers by virtue of subsection (1)—

(a) section 43 of the Welfare Reform Act 2012 (regulations: procedure) does not apply, and

(b) the regulations are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010).”

This new clause would give the Scottish Parliament greater flexibility to make changes in Universal Credit.

New clause 25—

“Benefits relating to children

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 10 (see section (Working age benefits) above) insert—

“Exception 11

Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—

- (a) guardian's allowance under section 77 of the Social Security Contributions and Benefits Act 1992;
- (b) child benefit under Part 9 of that Act.

The benefits referred to in paragraphs (a) and (b) are those benefits as they existed on 28 May 2015 (the date of introduction into Parliament of the Bill for the Scotland Act 2015).”

This new clause would devolve benefits relating to children to the Scottish Parliament.

New clause 26—

“Health and safety

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998 (“the 1998 Act”), omit Section H2 (health and safety).

(2) The Health and Safety Executive is a cross-border public authority for the purposes of the 1998 Act.

(3) The 1998 Act applies in relation to the Health and Safety Executive in the same way as it applies in relation to cross-border public authorities specified in an Order in Council under section 88(5) of the 1998 Act.”

This new clause would devolve health and safety to the Scottish Parliament and designates the Health and Safety Executive as a cross-border public authority.

New clause 27—

“Equal opportunities

“In Part 2 of Schedule 5 to the Scotland Act 1998, omit Section L2 (equal opportunities).”

This new clause would devolve equal opportunities to the Scottish Parliament.

New clause 28—

“Crown property

“(1) Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.

(2) Omit paragraph 2(3)

(3) In paragraph 3(3), omit paragraph (a).

(4) After paragraph 3, insert—

“(3A) Without prejudice to paragraphs 2 and 3, paragraph 1 does not reserve—

(a) removing or altering functions of, or conferring functions on, the Crown Estate Commissioners in relation to the holding or management of property within paragraph 3(1),

(b) where a function of the Crown Estate Commissioners of holding property is so removed, the transfer of any property held in exercise of the function.”

(5) Functions relating to Crown property are, so far as they relate to Crown property in or relating to the Scottish offshore region, to be treated for the purposes of the Scotland Act 1998 as exercisable in or as regards Scotland.

(6) In subsection (5)—

“Crown property” means property within paragraph 3(1) of Part 1 of Schedule 5 to the Scotland Act 1998, “Scottish offshore region” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 322 of that Act)

(7) In section 1(2) of the Civil List Act 1952 (payment of hereditary revenues into the Scottish Consolidated Fund), omit “from bona vacantia, ultimus haeres and treasure trove.”

This alternative to clause 31 would reduce the complexity of the current arrangements relating to the Crown Estate by removing the reservation relating to the management of the Crown Estate and provides the Scottish Parliament with full legislative competence in relation to the management of the Crown Estate in or as regards Scotland. It would also transfer any functions of the Crown Estate Commissioners in relation to rights to the continental shelf beyond the 200 nautical mile limit adjacent to Scotland.

New clause 29—

“Party political broadcasts

In Section K1 of Part 2 of Schedule 5 to the Scotland Act 1998 (broadcasting), after the reservation insert—

“Exceptions

(a) party political broadcasts in connection with elections that are within the legislative competence of the Parliament, and

(b) referendum campaign broadcasts in connection with referendums held under Acts of the Scottish Parliament.”

New clause 30—

“Broadcasting

Leave out section K1 in Part 2 of Schedule 5 (Broadcasting) to the 1998 Act.”

New clause 31—

“Levies in respect of agriculture, taking wild game, aquaculture and fisheries etc.

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section A1 is amended as follows.

(2) In the Exceptions, after the exception for devolved taxes insert—

(3) After the Exceptions insert—

“Interpretation

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.

“aquaculture” includes the breeding, rearing or cultivation of fish (of any kind), seafood or aquatic organisms.

“related activity” means the production, processing, manufacture, marketing or distribution of—

(a) anything (including any creature alive or dead) produced or taken in the course of agriculture, taking wild game or aquaculture, or caught (by any means) in a fishery,

(b) any product which is derived to any substantial extent from anything so produced or caught.”

This new Clause would give the Scottish Parliament general legislative competence in respect of agricultural, aquacultural and fisheries levies.

New clause 32—

“Rail Services

In Part 2 of Schedule 5 to the Act, in section E2, after “Exceptions” there is inserted—

This amendment would devolve rail services in Scotland giving Scottish Ministers full powers and flexibility to decide who would run such services.

New clause 33—

“Civil Aviation Authority

“(1) In Section 1 of the Civil Aviation Act 1982, at end insert—

“(4) The Secretary of State must consult the Scottish Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1), and in relation to activities of the Civil Aviation Authority.

(5) In subsection (4), “Scotland” has the same meaning as in the Scotland Act 1998.”

This New Clause would allow a ‘formal consultative role’ for the Scottish Government and the Scottish Parliament in setting the strategic priorities for the Civil Aviation Authority.

New schedule 1—The Joint Committee on Welfare Devolution

Membership

1 The Joint Committee on Welfare Devolution is to comprise the Secretary of State, who is to be the chair of the Committee, and the following other members—

(a) the Scottish Minister who is responsible to the Scottish Parliament for welfare policy and payments, who is to be the deputy chair of the Committee;

- (b) the Member of the House of Commons who is for the time being the Chair of the Work and Pensions Select Committee of the House of Commons;
- (c) the Member of the Scottish Parliament who is for the time being the Chair of the Welfare Reform Committee of the Scottish Parliament;
- (d) two Members of the House of Commons who are not Ministers of the Crown;
- (e) two Members of the Scottish Parliament who are not Scottish Ministers; and
- (f) two persons representing local government in Scotland.

2 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(d) are to be appointed to membership of the Committee by the Speaker of the House of Commons.

3 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(e) are to be appointed to membership of the Committee by the Presiding Officer of the Scottish Parliament.

4 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(f) are to be appointed to membership of the Committee by Scottish Ministers after consultation with the Convention of Scottish Local Authorities.

5 In this Schedule, references to the Work and Pensions Select Committee of the House of Commons are—

- (a) if the name of that Committee is changed, to be taken (subject to paragraph (b)) to be references to the Committee by its new name;
- (b) if the functions of that Committee at the passing of this Act with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, to be taken to be references to the committee by whom the functions are for the time being exercisable.

6 In this Schedule, references to the Welfare Reform Committee of the Scottish Parliament are—

- (a) if the name of that Committee is changed, to be taken (subject to paragraph (b)) to be references to the Committee by its new name;
- (b) if the functions of that Committee at the passing of this Act with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the Scottish Parliament, to be taken to be references to the committee by whom the functions are for the time being exercisable.

Term of office of Committee members

7 A member may resign from the Committee at any time by giving notice to the Secretary of State.

8 A member may be re-appointed (or further re-appointed) to membership of the Committee.

Committee proceedings

9 The Joint Committee on Welfare Reform may determine its own procedure.

10 The validity of any proceedings of the Joint Committee on Welfare Reform is not affected by—

- (a) any vacancy among, or
- (b) any defect in the appointment of any of, the members of the Committee.

11 The Joint Committee on Welfare Reform may appoint a member of the Committee to act as chair at any meeting of the Committee in the absence of both the Secretary of State and the Scottish Minister who is deputy chair of the Committee.

Advisory Panel

12 The Secretary of State and Scottish Ministers acting jointly may make regulations appointing an advisory panel on the transfer, implementation and operation of the powers devolved to the Scottish Parliament by Part 3 of this Act, comprising academics,

representatives of the third sector and voluntary organisations, and other relevant stakeholders.

13 The Joint Committee on Welfare Reform must consult any advisory panel appointed under paragraph 12 of this Schedule.

This new Schedule is linked to New Clause NC3 (Joint Committee on Welfare Reform) and makes provision about membership and proceedings of the Joint Committee, including the appointment of an advisory panel including third sector and academic experts.

Amendment 194, page 21, line 39 [Clause 19], leave out from “of” to end of line 7 on page 22 and insert “a disabled person or person with a physical or mental impairment or health condition in respect of effects or needs arising from that disability, impairment or health condition.”

Government amendments 70, 71, 72, 73, 191 and 192

Amendment 21, in clause 21, page 24, leave out lines 13 to 20

This amendment would allow the Scottish Parliament to legislate for topping up reserved benefits by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Amendment 159, in clause 22, page 24, leave out lines 36 to 48.

This amendment would remove some of the restrictions, including those relating to sanctions, in relation to discretionary housing payments.

Government amendments 76

Amendment 22, in clause 22, page 25, leave out lines 1 to 8

This amendment would allow the Scottish Parliament to legislate for making discretionary housing payments by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Amendment 23, in clause 23, page 25, leave out lines 30 to 37

This amendment would allow the Scottish Parliament to legislate for making discretionary payments to meet short-term needs by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Amendment 161, in clause 23, page 25, line 40 [Clause 23], after “individuals”, insert “—

“(a) ”

Amendment 162, in clause 23, page 25, line 45, at end add “, or (b) who are part of a family facing exceptional pressure.”

Amendment 163, in clause 24, page 26, line 20, leave out from “unless” to end of line 25 and insert “they have consulted the Secretary of State”

This amendment would remove the requirement for the Scottish Government to obtain consent from a UK Secretary of State in relation to Universal Credit and the costs of claimants who rent accommodation.

Government amendments 77

Amendment 24, in clause 24, page 26, line 25, leave out “unreasonably”

This amendment would make it clear that the UK Government cannot withhold agreement and will have a legal obligation to agree to any changes to regulations made by the Scottish Government using the new regulation-making powers conferred under clause 24.

Amendment 32, in clause 24, page 26, line 35, leave out “negative procedure (see section 28)” and insert “affirmative procedure (see section 29)”

This amendment would require regulations made by Scottish Ministers under subsection (1) of Clause 24 (Universal credit: costs of claimants who rent accommodation) to be subject to the Scottish Parliament's affirmative procedure.

Amendment 164, in clause 25, page 26, line 45, leave out from “unless” to end of line 5 on page 27 and insert “they have consulted the Secretary of State”

This amendment would remove the requirement for the Scottish Government to obtain consent from a UK Secretary of State in relation to persons to who, and time when, Universal Credit is paid.

Government amendments 78

Amendment 25, in clause 25, page 27, line 5, leave out “unreasonably”

This amendment would make it clear that the UK Government cannot withhold agreement and will have a legal obligation to agree to any changes to regulations made by the Scottish Government using the new regulation-making powers conferred under clause 25.

Amendment 33, in clause 25, page 27, line 13, leave out “negative procedure (see section 28)” and insert “affirmative procedure (see section 29)”

This amendment would require regulations made by Scottish Ministers under subsection (1) of Clause 25 (Universal credit: person to whom, and time when, paid) to be subject to the Scottish Parliament's affirmative procedure.

Amendment 165, in clause 26, page 27, line 22, leave out from beginning to “for” in line 23 and insert “Arrangements”

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes.

Amendment 166, in clause 26, page 27, leave out lines 27 to 29 and insert— assisting persons (including persons claiming reserved benefits) who are unemployed or at risk of long-term unemployment to select, obtain and retain employment;”

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes

Amendment 167, in clause 26, page 27, line 34, leave out “another person” and insert “a person other than the person making the arrangements”

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes.

Government amendments 79, 80, 82, 193 and 83

Amendment 168, page 30, line 30, leave out Clause 31.

Amendment 11, in clause 31, page 30, line 34, leave out “may” and insert “must following agreement with the Scottish Government”

Government amendments 84, 85, 86, 87, 88 and 89

Amendment 12, in clause 31, page 32, line 25, leave out “C” and insert “A”

Amendment 13, in clause 31, page 32, line 31, leave out “then, instead of the type C procedure”

Amendment 14, in clause 31, page 32, line 31, leave out “I” and insert “A”

Government amendments 90 to 96

Amendment 169, in clause 32, page 33, line 44, leave out subsection (2)

This amendment delivers a more explicit reference to the devolution of competence over gender quotas in respect of public bodies in Scotland but ensures that it is “not limited to” gender quotas, as agreed in the Smith Commission report.

Amendment 225, in clause 32, page 34, line 2, leave out subsection (3) and insert—

“(3) Under the heading “Exceptions”, at end insert—

(none) Equal opportunities in relation to the Scottish functions of any Scottish public authority or cross-border public authority including appointments to the board of any Scottish public authority. The provision falling within this exception includes provision that reproduces or applies an enactment contained in the Equality Act 2006 or the Equality Act 2010, with or without modification, without affecting the enactment as it applies for the purposes of those Acts. It does not include any modification of those Acts, other than modifications of the types specified in paragraphs (a) to (d)

- (a) provision that supplements or is otherwise additional to provision made by those Acts, and which may enhance but may not diminish the protection and promotion of equal opportunities afforded by the provision made by those Acts;
- (b) in particular, provision imposing a requirement to take action that the Acts do not prohibit;
- (c) provision that extends application of the existing powers and duties of, or grants additional powers to, the Commission for Equality and Human Rights in respect of provisions made under any part of subsection (3)
- (d) provision that requires the Commission for Equality and Human Rights to attend the proceedings of the Scottish Parliament for the purposes of giving evidence and to send each annual report of the Commission to the Scottish Ministers and that requires the Scottish Ministers to lay each annual report received before the Scottish Parliament.”

This amendment makes provision for the Scottish Parliament to have legislative competence in respect of the public sector equality duty, and in respect of equality of opportunity in relation to the functions of Scottish and cross-border public authorities, including appointments to public boards. It clarifies that the Scottish Parliament's power to make modifications to the Equality Acts 2006 and 2010 is limited to making provision that enhances the protection and promotion of equal opportunities. The amendment makes provision for the powers of the Equality and Human Rights Commission to be applied in relation to any modifications to the Acts. It also enables provision to be made to increase the accountability of the Equality and Human Rights Commission to the Scottish Parliament.

Government amendments 97 and 98

Amendment 171, in clause 32, page 34, line 4, at end insert—

Government amendments 100 and 99

Amendment 26, in clause 32, page 34, line 13, at end insert “including the imposition of minimum quotas for women and other persons with protected characteristics across all levels of public and political representation in Scotland.”

This Amendment is intended to make explicit that, among the exceptions to reserved matters on equal opportunities, the power is being devolved to the Scottish Parliament to set gender quotas.

Amendment 157, in clause 32, page 34, line 16, at end insert—

- “(d) equal opportunity provisions in relation to candidates at an election for membership of the Scottish Parliament and a local government election in Scotland.”

This would allow the necessary competence for gender quotas in relation to the Scottish Parliament and local government to be transferred to the Scottish Parliament.

Government amendment 101

Amendment 172, in clause 32, page 34, line 18, leave out “the Equality Act 2010 and Part 1 of that Act” and insert “and the Equality Act 2010”

Government amendment 102

Amendment 173, in clause 32, page 34, line 25, leave out subsection (6) and insert—

“() In section 2 (power to amend section1)—

- (a) in subsection (7), omit “the Scottish Ministers or”,
- (b) in subsection (10), before “Ministers” insert “Welsh””

Government amendment 103

Amendment 174, in clause 32, page 34, line 37, leave out subsection (9) and insert—

“() In section 216 (commencement) at the beginning of subsection (3) insert “Subject to subsection (4),” and after that subsection insert—

(4) Part 1 comes into force on such day as the Scottish Ministers may by order appoint so far as it—

- (a) confers a power on the Scottish Ministers
- (b) relates to a public authority in respect of which such a power is exercisable.

(5) The following do not apply to an order under subsection (4)—

- (a) section 207(2) (see instead section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: powers exercisable by Scottish statutory instrument), and
- (b) section 210.””

Government amendment 104

Amendment 175, in clause 32, page 35, line 2, leave out subsection (10)

Government amendment 105

Amendment 15, in clause 33, page 35, leave out lines 18 and 19

Amendment 16, in clause 33, page 35, leave out lines 24 and 25

Amendment 176, in clause 33, page 35, leave out lines 26 to 30 and insert—

“(nonenone) “This Schedule does not reserve the transfer of all the functions of a tribunal referred to in sub-paragraph (2) to a Scottish tribunal, so far as the functions are exercisable in relation to Scottish cases or a specified category of Scottish cases, in accordance with provision made by Her Majesty by Order in Council.”

This amendment would ensure that all functions exercisable in relation to Scottish cases or a specified category of Scottish cases should transfer to the Scottish Parliament.

Amendment 17, in clause 33, page 35, leave out lines 26 to 30

Amendment 177, in clause 33, page 35, leave out from beginning of line 31 to end of line 7 on page 36

Amendment 178, in clause 33, page 36, line 22, at end insert—

“() For the avoidance of doubt, this Schedule does not reserve—

- (a) a Scottish tribunal’s practice and procedure when exercising functions that have been transferred to it by virtue of this paragraph, or
- (b) the fees and expenses chargeable for, or in connection with, proceedings before a Scottish tribunal when it is exercising those functions.”

This amendment makes clear that competence over a tribunal’s practice, rules of procedure and fees in relation to transferred cases becomes devolved, as per the Smith Commission recommendation.

Amendment 179, in clause 34, page 37, line 28, leave out from “relating” to “to” in line 29

This amendment would remove a restriction on the full devolution of speed limits in relation to emergency vehicles.

Amendment 180, in clause 36, page 41, line 15, leave out paragraph (a) and insert—

“(a) in relation to vehicles used on roads in Scotland, means the Scottish Ministers.”

Amendment 181, in clause 36, page 41, line 19, at end insert—

“(18) In section 130 (application of Act to Crown)—

- (a) in subsection (3) for “Secretary of State” substitute “relevant authority”, and
 - (b) after that subsection insert—
- (3A) In subsection (3) “relevant authority”—
- (a) in relation to vehicles used on roads in Scotland, means the Scottish Ministers,
 - (b) otherwise, means the Secretary of State.”

This amendment would amend section 130(3) of the Road Traffic Regulation Act 1984 so that Scottish Ministers are added into the provision as the relevant “national authority”.

Government amendments 106 to 128

Amendment 182, in clause 45, page 47, leave out lines 4 to 8, and insert—

The number of relevant gaming machines authorised (if any) in respect of premises licences under the Gambling Act 2005.

A “relevant gaming machine” is a gaming machine (within the meaning of section 235 of the Gambling Act 2005) for which the maximum charge for use is more than £10.”

This amendment replaces the reference to betting premises with a more general reference to gambling premises, giving full effect to Smith Commission recommendation 74.

Amendment 18, in clause 45, page 47, line 7, leave out “for which the maximum charge for use is more than £10”

Amendment 1, in clause 45, page 47, line 7, leave out “£10” and insert “£2”

Amendment 183, in clause 45, page 47, leave out lines 13 to 20 and insert—

- “(a) the Scottish Ministers in respect of premises in Scotland in so far as the order varies the number of gaming machines authorised (if any) for which the maximum charge for use is more than £10, or
- (b) otherwise, the Secretary of State.”

This amendment replaces the reference to betting premises with a more general reference to gambling premises, giving full effect to Smith Commission recommendation 74.

Amendment 19, in clause 45, page 47, line 17, leave out “for which the maximum charge for use is more than £10”

Amendment 2, in clause 45, page 47, line 18, leave out “£10” and insert “£2”

Amendment 3, in clause 45, page 47, line 18, after “£10”, insert—

“() the content and the speed of play,”

Amendment 4, in clause 45, page 47, line 18, after “£10”, insert—

“() the number of staff required to supervise such machines,”

Amendment 20, in clause 45, page 47, line 35, leave out subsection (6)

Government amendments 137 to 139

Amendment 184, in clause 50, page 49, leave out from line 32 to line 50 on page 50 and insert—

‘(4) The Scottish Ministers may not make regulations under section 9 unless they have consulted the Secretary of State about the proposed regulations.

(5) Subsection (1) does not prevent the Secretary of State making a support scheme in relation to Scotland under section 9, or varying or revoking regulations made by the Scottish Ministers under that section with the agreement of the Scottish Ministers.”

Government amendments 140 to 143

Amendment 185, in clause 51, page 52, line 9, leave out from beginning to end of line 6 on page 53 and insert—

‘(4) The power of the Scottish Ministers under section 33BC does not include power to make provision in relation to the subject matter of sections 88 to 90 of the Energy Act 2008 (smart meters).

(5) The Scottish Ministers may not make an order under section 33BC unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 33BC is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Government amendments 144 to 147

Amendment 186, in clause 51, page 53, line 48, leave out from beginning to end of line 40 on page 54 and insert—

‘(5) The Scottish Ministers may not make an order under section 33BD unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 33BD is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Government amendments 148 to 150

Amendment 187, in clause 51, page 55, line 30, leave out from beginning to end of line 24 on page 56 and insert—

‘(5) The Scottish Ministers may not make an order under section 41A unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 41A is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Government amendments 151 to 153

Amendment 188, in clause 51, page 57, line 17, leave out from beginning to line 9 on page 58 and insert—

‘(5) The Scottish Ministers may not make an order under section 41B unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 41B is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Government amendment 154

Amendment 189, in clause 53, page 60, leave out lines 9 to 17.

This amendment removes restrictions on the consultation process with the Scottish Government and Scottish Parliament in relation to renewables incentive schemes.

Amendment 190, in clause 55, page 63, line 17, at end insert—

“(o) the Scottish Ministers,”

Clause 55 as currently drafted would allow Scottish Ministers to make a reference to the Competition and Markets Authority only in the most exceptional circumstances. This amendment would enable Scottish Ministers to make a reference without the involvement of the Secretary of State.

Government amendments 129 and 133 to 136.

David Mundell: Let me begin by dealing with the specific issue of welfare funds, on which I am accepting an amendment that the SNP tabled in Committee. The Smith commission agreement stated that the devolution of welfare foods should be the subject of further discussion between the UK and Scottish Governments. This has taken place, and I am pleased that new clause 14 and consequential amendments 79, 80, 82 and 83 devolve powers to the Scottish Parliament concerning welfare foods. They will be able to abolish or amend existing schemes, which includes the nursery milk scheme and health start scheme, or make new schemes for the provision of welfare foods.

On welfare more generally, the Government are proposing a number of changes to the welfare clauses, responding to a number of comments made by Members of this House in Committee, as well as the Scottish Parliament and other stakeholders. As a result, it will be beyond doubt that the Scotland Bill fully delivers on the Smith commission agreement and that the Scottish Parliament will have significant responsibilities for areas of welfare. I was pleased to see these changes receiving a full endorsement from Gordon Brown, from the Scottish media, and indeed from all objective observers. The Scottish Government are getting responsibility for disability and carer’s benefits that were worth £2.7 billion in Scotland last year, and they will be able to deliver new benefits in all areas of devolved responsibility if they wish. Amendments 70 and 71 to clause 19 ensure that the Scottish Parliament can, if it wishes, legislate for the payment of a carer’s benefit to a person who is under 16, is in full-time education or is gainfully employed. The Scottish Government will be able to pay anyone on a reserved benefit a top-up payment. That includes being able to top up benefits such as tax credits, child benefit and universal credit.

Ian Murray: For the sake of clarity, will the Secretary of State say whether the Scotland Bill, as drafted this evening, will allow the Scottish Parliament to top up tax credits?

David Mundell: I have said it on numerous occasions and I am very happy to say it again: the Scotland Bill, as it progresses through the House this evening, will allow the Scottish Parliament to top up tax credits, and indeed child benefit and elements of universal credit. The Scottish Government will be able to pay shorter-term payments to help anyone, regardless of whether or not they are entitled to a reserved benefit, who has an immediate need for them and whose wellbeing is at risk.

I have proposed important changes to the Bill so that the Scottish Parliament can create its own new benefits in any area of devolved responsibility. That will be achieved by new clause 34 and amendments 191 to 193. The Scottish Parliament will be able to do this without

[David Mundell]

any need to consult the UK Government. This power is significant: the Scottish Parliament will no longer be able to say that it is constrained by Westminster in deciding what it does, and it will be able to choose what additional benefits to offer people in Scotland.

I must, however, make very clear a few important points about the new power that the Scottish Parliament will get to create new benefits in devolved areas. Any new benefits that the Scottish Government want to deliver will be in parallel to the benefits that are delivered by the UK Government. The new power does not affect Westminster's ability to legislate for and to deliver support, and it does not enable the Scottish Parliament to change or amend reserved Westminster legislation in any way. The Scottish Parliament will need to both fund and deliver any new benefits from Scottish funds.

The House will be aware that we have also delivered on other areas of Smith in full. Scottish Ministers will be able to make regulations for certain elements of universal credit, such as the frequency of payments and to whom they are paid.

Ms Ahmed-Sheikh: For clarity on the tax credit cuts, what provision is there for those who will lose their tax credits completely, as a result of this Tory Government's cutting agenda, in the Scotland Bill?

David Mundell: I do not know whether the hon. Lady is familiar with the income tax provisions in the Bill, but the Scottish Parliament will have complete control over income tax in Scotland. If it is concerned that people in work are not receiving sufficient income, it will be able to adjust those tax rates. The hon. Lady knows that tax credits are not being devolved, but she also knows that they can be topped up. She and her party have been particularly unwilling to say whether or not they propose to top up those benefits.

Several hon. Members *rose*—

David Mundell: No, I will not give way.

SNP Members will have a whole range of benefits, but rather than put any thought into how to evolve a welfare system in Scotland, they are taking the usual SNP position—focus, focus, focus on what we cannot do, rather than telling anybody in Scotland what we can do.

Ms Ahmed-Sheikh Will the Secretary of State give way?

David Mundell: No. I have dealt with that issue.

There was much debate in Committee on the universal credit powers. There were many inaccurate accusations that the UK Government would have a power to veto decisions of the Scottish Government. To put this beyond reasonable doubt, I have tabled amendments to clauses 24 and 25 to make it clear that there is no UK veto over decisions that the Scottish Government make in this space. Amendments 77 and 78 will strengthen the drafting of those provisions. The Secretary of State for Work and Pensions will remain legally responsible for the delivery of universal credit, but both Governments will need to work collaboratively to consider any such changes to the elements of universal credit. That is at the heart of clauses 24 and 25, and I know that our officials have

already had very constructive discussions with the Scottish Government on this subject. To ensure that the record is crystal clear, let me say that there are no UK Government vetoes anywhere in these welfare and employment clauses.

I would like to emphasise that we have listened to the Scottish Government and to the debate in the House. For example, amendment 72, which enables the Scottish Government to provide non-financial assistance for maternity, funeral and heating expenses, reflects an amendment the SNP tabled in Committee. After full consideration, the Government are happy to make this change. Amendments 73, 76, 191 and 192 also relate to that provision.

All in all, this settlement fully reflects the agreement reached by the Smith commission. It ensures that the areas that the agreement said should remain reserved—pensions, universal credit, sanctions and conditionality, and employment support delivered by Jobcentre Plus—remain the responsibility of the UK Government, but, importantly, it gives the Scottish Parliament full responsibility for many areas of welfare. The Scottish Parliament will have the autonomy to legislate for large areas of welfare, and I look forward to the beginning of the debate on how it intends to use those powers.

The Smith commission agreement also recommended the devolution of abortion legislation, given that the parties to the agreement were strongly of the view that the anomalous reservation needed to be corrected. As I announced last month, UK and Scottish Ministers and officials have held discussions on the matter and reflected very carefully about the practicalities of devolution in this area.

Ian Murray: I am grateful to the Secretary of State for accepting a lot of the Labour amendments, and indeed some SNP amendments tabled in Committee. He said quite clearly in Committee back in July that he would not devolve abortion without a proper process and full consultation and discussion with Scottish women's groups. What has made him change his mind?

David Mundell: I do not think that that is an accurate reflection of what I said. I made it very clear that the Smith commission had recommended the devolution of abortion and that we were engaged in a discussion with the Scottish Government. We have of course engaged with women's groups in Scotland. The groups to whom I have spoken are clear that abortion can be devolved.

Melanie Onn (Great Grimsby) (Lab): Will the Secretary of State give way?

David Mundell: Not just at the moment, if the hon. Lady will let me finish.

Those groups are clear that the Scottish Parliament has the capacity to deal with the issue of abortion, but they want its devolution to be handled sensitively. I think that we are in the process of doing that. The First Minister of Scotland has made it very clear that she has no plans to change the existing arrangements in relation to abortion. The hon. Member for Edinburgh South (Ian Murray) will know that devolving abortion to the Scottish Parliament will not simply lead to a change in the law in Scotland; that will happen only if the Scottish Parliament makes such a decision.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Secretary of State will know that it is not in the gift of any one Minister to make such a decision. He is actually proposing a very substantial change to the framework of abortion legislation. In fact, he has done no proper, substantial consultation. We will have just a few minutes in the House to discuss something that is so substantial and such a big change to the Abortion Act 1967. Does he really think that a few minutes' discussion now, and the limited conversations between Scotland Office and Scottish Government officials, is the right way to do this?

David Mundell: My starting point is that I believe that the Scottish Parliament has the capacity to deal with this issue. It is in danger of verging on the patronising to suggest that the Scottish Parliament is not capable of dealing with it. Even though it is an issue of great importance and conscience, I am satisfied that the Scottish Parliament has the capacity to deal with it.

Deidre Brock (Edinburgh North and Leith) (SNP): Does the Minister agree that it is extraordinary that, despite all three main parties in Scotland being led by women and the Scottish Parliament having brought in some of the most progressive legislation on equal marriage in the world, the Labour party apparently still feels that Scotland's people need male-dominated Westminster to protect women's rights?

David Mundell: I do not totally agree with that analysis, either. However, I am strongly of the view that there is no constitutional reason not to devolve abortion. The Scottish Parliament has responsibility for most aspects of the NHS and the criminal justice system.

Yvette Cooper: Does the Secretary of State not realise that he is setting up two different systems, one for Scotland and one for England and Wales, when we know from other parts of the world that that leads to women having to travel for abortions at a vulnerable time? That issue of principle—deciding whether it is right for people to have to travel—is important. I hope that many of our Scottish colleagues will agree with us about the importance of the 1967 Act. I know that there is strong agreement from the First Minister. However, there is an issue of principle in whether we think it is right to increase the likelihood of women having to travel at a vulnerable time. Does he think it is right to do that without proper consultation with women across not just Scotland, but England—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. The right hon. Lady is hoping to catch my eye. I want to hear her speech then, rather than now. Shorter interventions would be very helpful.

8.30 pm

David Mundell: I do not think that there is any evidence to suggest that what the right hon. Lady describes will be the case. There is considerable evidence that, over the past 16 years, the Scottish Parliament has dealt with sensitive matters in an appropriate way.

Jess Phillips (Birmingham, Yardley) (Lab): My understanding is that this matter was not originally in the devolution plans, but was added after it was raised with a number of Members of the House who are pro-life. Will the Minister please allay my fears?

David Mundell: I can confirm that that is absolutely not the case. The Smith commission report makes it clear that devolution of abortion law should take place and that the reservation in the 1998 Act was anomalous in comparison with the health and criminal justice devolution that took place. The commission recognised, and I recognise, that this is a matter that must be dealt with sensitively. That is why there have been discussions with the Scottish Government, why the First Minister of Scotland has made her position on the issue clear and why Scotland's Health Minister will meet shortly with women's groups and interested parties in Scotland as the devolution of abortion progresses.

Angela Crawley (Lanark and Hamilton East) (SNP): As was made clear in Committee, the Scottish Government have made it clear in no uncertain terms that there are no planned changes to the legislation. On that basis, does the Secretary of State agree that Labour Members undermine their colleagues in the Scottish Parliament by intimating that they cannot legislate on their own matters?

David Mundell: I am sure that the hon. Lady and other Members will have heard me say that I am absolutely satisfied that the Scottish Parliament has the capacity to deal with this issue. Although tonight and on other occasions there have been significant differences between us on what should and should not be devolved to the Scottish Parliament, the basis of my arguments has never been a belief that the Scottish Parliament is not capable of dealing with particular sensitive or difficult issues; it is just that I feel that the balance of responsibilities in the devolution settlement is better served in a different way. I genuinely believe that the balance of the devolution settlement is best served by abortion being devolved, which is consistent with the health and criminal justice devolution in the wider settlement.

Melanie Onn: The Smith commission did not say that abortion should be devolved now, but that a procedure should be put in place in order that it could be considered. Before we make this decision tonight, will the Secretary of State explain what procedure has been put in place and what consultation there has been?

David Mundell: If the hon. Lady looks at the Smith commission report, she will see that it does not say that the devolution of abortion law is in question or should be consulted on. What is to be consulted on is the process of that devolution, and it will be. The UK Government are committed to that approach and I have assured women's groups in Scotland that I am committed to it. I know that the Scottish Government are committed to that approach, too. The First Minister could not have made her position clearer.

This issue is about the constitutional balance between the United Kingdom and Scotland, and about where this decision is most appropriately taken. The Smith commission came to the clear conclusion that it appropriately lay with the Scottish Parliament. This measure is being taken forward in a measured way. It is almost a year since the Smith commission reported. There will be no change to the legal position on abortion in Scotland simply by this act of devolution.

Mark Menzies (Fylde) (Con): I agree with the Secretary of State that it is right that we trust the Scottish Parliament on this important issue. It has shown itself to be progressive on issues such as same-sex marriage and has important legislative powers on health and the judicial system, so I urge him to carry on with this measure and ensure that the Scottish Parliament is given the accountability it needs.

David Mundell: I think I have made it clear that simply devolving the power does not mean that there will be a change to the position under the 1967 Act. I am sure we will hear views on that, and we will of course listen to them.

Stephen Kinnock (Aberavon) (Lab): Does the Secretary of State agree that a woman's right to choose should be universal?

David Mundell: That is not the nature of this debate. We are debating whether the Scottish Parliament should have responsibility on this issue, and I believe that it has the capacity to make decisions in an informed way. It is becoming offensive to suggest otherwise. When we debate other responsibilities for the Scottish Parliament, we do not do so based on its capacity or the idea that it might fall under undue influence and make the wrong decision.

I think I have made the position clear, but I restate that we will continue to work closely with women's groups and other interested parties to ensure that the devolution of abortion law is as smooth as possible. As I have repeatedly said, there will be no change simply because of devolution, because the Scottish Government and the First Minister have stated that they do not intend to change the existing provisions.

Several hon. Members *rose*—

David Mundell: I am afraid I am going to move on to discuss the Crown Estate, another important issue that has been much debated in the context of devolution. Clause 31 allows for the Crown Estate's Scottish assets to be managed by the Scottish Government, and states that they should receive the revenue from the management of those assets.

Alan Brown: Clause 31(1) actually begins, "The Treasury may make", which is hardly a ringing endorsement of the commitment to devolve that matter. It may as well say, "Maybe aye, maybe no".

David Mundell: Obviously I do not accept that analysis. The Crown Estate transfer scheme and the memorandum between both Governments have been published and are in the House Library, and copies are available in the Vote Office. I see that the Scottish Government have already come back with their comments on the proposals. The clause clearly means that the Scottish Parliament will have the competence to legislate for the management of the Scottish assets, and to further devolve powers to local authorities and communities should it wish. I hope that, in accordance with the provisions that Lord Smith set out in the agreement, it will do so.

The clause also provides for the protections envisaged by the Smith commission to ensure that the transfer is not detrimental to defence or other UK-wide critical national infrastructure. Amendments 84 to 95 strengthen the delivery of the Smith commission recommendation

and the drafting of the clause. They make clear the policy intent of the clause, including the protection to be included in the transfer scheme relating to electricity charges and the obligation to maintain an estate in land, with the proceeds from any disposal having to be reinvested in the estate.

I have also tabled a number of amendments on equal opportunities. Having engaged with stakeholders and the Scottish Government on the equal opportunities provisions and having reflected on the debates in Committee, we have responded to representations that have been made on how clause 32 might be made clearer. New clause 16 and the consequential amendments 102 to 104 and 97 confirm that Scottish Ministers may, by order, commence and implement part 1 of the Equality Act 2010 in Scotland. That provides for the devolution of socioeconomic rights to the Scottish Parliament.

Amendments 96 and 98 to 101 to clause 32 similarly represent a revised and improved drafting approach. They strengthen the clause on appointments to the boards of public bodies that exercise devolved functions in Scotland, and they make clear that the Scottish Parliament could legislate to introduce protections, requirements and positive measures—including gender quotas—for such appointments to boards of public sector bodies. Amendment 105 to clause 33 is intended to make the purpose, effect and operation of the tribunals provision clearer. It removes ambiguity from the drafting, and more clearly sets out the mechanism by which the management and operation of reserved tribunals will be devolved to the Scottish Parliament.

New clause 17 and consequential amendments 134 and 135 will allow the UK Government to change primary and secondary legislation so that fines, forfeitures and fixed penalties imposed by courts and tribunals in Scotland are required to be paid to the Scottish consolidated fund, and therefore retained by the Scottish Government. That delivers the Smith commission agreement.

The Bill devolves to the Scottish Parliament legislative and executive competence relating to national speed limits and traffic signs in Scotland. Minor and technical amendments 106 and 136 are required to correct the drafting in clause 37 and schedule 2, and do not impact on powers devolved in that area. Amendment 107 to clause 37 ensures that the Scottish Government are able to use the Traffic Signs Regulations and General Directions 2016 once they come into effect.

The Smith commission agreed that the licensing of onshore oil and gas licences in Scotland should be devolved to the Scottish Parliament. Amendments 111 to 113 and 108 improve the intended functioning of the oil and gas clauses that are to bring about a transfer of legislative competence. Amendment 109 ensures that the competence of the Scottish Parliament over given licences in the Scottish onshore area is not affected by geological processes on the coastline. Amendment 110 clarifies the extent of petroleum access powers that are being devolved in relation to land access for the purposes of searching and boring for petroleum under a licence. Amendment 114 allows existing cross-border licences to be split so that Scottish Ministers are granted administration of all licensed acreage in the Scottish onshore area.

Clause 43 devolves power to the Scottish Parliament over the provision of consumer advocacy and advice in Scotland. Amendments 115 to 128 correct minor and technical errors in the clause and clarify the drafting of

the provision that relates to the levy on gas and electricity companies and the postal sector, to fund relevant consumer advocacy. That levy will continue to be raised across the UK, and funds will continue to be apportioned to Scotland.

Amendments 137 to 142 to clause 50 will enable Scottish Ministers to design and implement schemes for reducing fuel poverty in Scotland by imposing obligations on energy providers. The amendments transfer an additional power to Scottish Ministers so that they can set out in regulations the rules for determining the value of any benefit provided under a Scottish fuel poverty scheme, and set different benefit amounts for different categories of eligible consumers. The amendments also remove duplicate requirements on Scottish Ministers, and clarify that the Secretary of State can continue to exercise powers that are not transferred to Scottish Ministers.

Amendments 143 to 154 to clause 51 take into account the debate in Committee. They seek to ensure that costs are clear and equitable, by placing a duty on Scottish Ministers to design the Scottish energy company obligation in a way that should keep the costs of the obligations in Scotland within the share of any carbon emission reduction or home-heating cost reduction target apportioned to Scotland. Technical amendments 129 and 133 are needed to ensure that the member appointed to the Ofcom board by Scottish Ministers has the same functions and responsibilities as other board members.

In conclusion, I am confident that the amendments I am proposing will be seen by objective observers as positive drafting changes that will strengthen the provisions and make clear that the Bill fully delivers the Smith commission agreement in words and in spirit.

8.45 pm

Dr Eilidh Whiteford (Banff and Buchan) (SNP): I rise to speak to the amendments tabled by my hon. Friends and I, and I am just sorry that we do not have more time to debate them more fully this evening. Like the Secretary of State, I have a sense of *déjà vu*, because many of the amendments tabled today are very similar to those we debated in Committee. So far, the Government have accepted only one Opposition amendment to the Bill, but we have at last seen Government amendments being tabled in the last few days that will take us a wee bit closer to what was originally pledged.

I welcome the Government's tacit admission that the Bill as it stood failed to meet the letter or the spirit of the Smith recommendations. I welcome many of the belated amendments, including the lead new clause and the amendment on abortion that we debated earlier, because they address some of the Bill's most obvious shortcomings. However, the SNP's amendments in this group—there are more than quite a few of them—seek to equip the Scottish Parliament with the powers it needs to build a fairer society, strengthen employment prospects, improve governance and create a better future for our people.

No issue encapsulates why we need home rule better than that of tax credits. That is why we have tabled new clause 18, which would amend schedule 5 to the Scotland Act 1998 to devolve to the Scottish Parliament the power to make provision for child tax credit and working tax credit—

Melanie Onn: Will the hon. Lady give way?

Dr Whiteford: Perhaps a bit later.

I intend to test the will of the House on the new clause later. More than any other in recent times, the issue of tax credits highlights the contrast between a UK Government who are willing to put low-income families with children on the frontline in their ideological war of austerity and a Scottish Government determined to tackle inequality and to give those children a decent start in life.

John Stevenson (Carlisle) (Con): If the SNP ever had control of tax credits, would it increase income tax to pay for them?

Dr Whiteford: I am glad that the hon. Gentleman has asked that question so early. Had he been listening to events in the Scottish Parliament last week he would know that Nicola Sturgeon has made clear commitments to mitigate the impact—

Ian Murray: Will the hon. Lady give way?

Dr Whiteford: Let me answer this question.

Nicola Sturgeon has made a clear commitment to mitigate the impact of the tax credit changes, but—like the Prime Minister—she is in the dark about the exact proposals. George seems to be still writing them on the back of an envelope. We are clear that it will not be possible to quantify them for two and a half weeks yet.

Wes Streeting (Ilford North) (Lab) *rose*—

Melanie Onn *rose*—

Christian Matheson *rose*—

Dr Whiteford: I will not give way at the moment as I want to make some progress, but I will come back to this and take more interventions.

The changes announced by the Chancellor have the power to cut the incomes of 4.5 million families across the UK. The SNP has been resolute and consistent in its opposition to those cuts. I wish the same could be said of other parties in this House.

Melanie Onn: I thank the hon. Lady for her sorority in giving way. The Scottish Government have accepted that the Bill gives them the power to restore the money lost from the Tories' tax credit cuts. Will she commit the Scottish Government to restoring in full the money lost from tax credit cuts?

Dr Whiteford: The hon. Lady really needs to stop reading her briefing sheet and listen to the debate. It is simply wrong to ask those in the lowest paid jobs, bringing up their children on very tight budgets, to pay the lion's share of the price for the economic failures of successive UK Governments.

As the UK Government's tax credit proposals stand, 250,000 working households in Scotland will lose on average £1,500 a year each from April. In the longer term, once all the tax credit changes have been fully implemented—including the restrictions under the two-child policy—many of those families will lose up to £3,000 a year each. That is not pocket money: it represents an enormous proportion of household income and will cause real deprivation and hardship.

Ian Murray: I am delighted that the hon. Lady has given way, but she did not quite answer the question put to her by my hon. Friend the Member for Great Grimsby (Melanie Onn). Is the hon. Lady committing tonight to restore all the losses from the pernicious tax credit cuts by this Tory Government? Her party voted against that in the Scottish Parliament last week.

Dr Whiteford: I really wish that the shadow Secretary of State had voted against the tax credit proposals when they came before this House on 20 July, because that would have killed them dead. Labour Members did not, however, and that is why we are back where we are. Nicola Sturgeon has made it crystal clear that she intends to bring forward costed, credible plans once the autumn statement has been made.

For low-paid working families, tax credits are an essential source of income. They put food on the table and shoes on the feet of children. They heat homes during winter. By the end of this Parliament, the Government's proposed tax credit cuts would take £3.2 billion out of the Scottish economy from the pockets of the poorest families. That will undermine economic recovery. The austerity measures already enacted are set to push 100,000 more children in Scotland into poverty by 2020. Under the tax credit measures, 350,000 Scottish youngsters are set to lose out further. No wonder the Tories have abandoned any attempt at measuring child poverty.

There is a broad consensus in Scotland that cutting tax credits is the wrong thing to do. Even the leader of the Tory party in Scotland has called for a rethink and said that it is wrong for low-paid workers to lose out. It is recognised that the proposals will disincentivise work, hit children who are already disadvantaged and punish those in lower paid jobs.

The House of Lords put a proper spanner in the works of the proposals the other week, when it forced the Government back to the drawing board on their tax credit plans. Like millions of families across the UK who are facing uncertainty, we are all in a degree of limbo at the moment. We will have to wait until the autumn statement to learn what the Government intend to bring forward to make their plans more palatable to their own Back Benchers, who seem rather thin on the ground tonight.

We in the SNP have been very consistent in our opposition to tax credit changes. We have made the case at every single opportunity for alternatives to regressive austerity cuts. We will continue to fight tax credits tooth and nail in this House to force the Government into a climbdown. I hope we can rely on the support of other Opposition parties to stand firm, too. Labour abstained on 20 July, when we debated the general principles of the Welfare Reform and Work Bill that ushered in these proposals. The Government's new clause 34, tabled last Wednesday, represents some progress. I am grateful for that, because it acknowledges that there was a veto and it manages to deal with that to some extent. New clause 34 would partially mitigate the impact of the tax credit cuts, but our new clause 18 is much stronger. It would fully devolve control of our tax credits to the Scottish Parliament, including eligibility thresholds and tapers. Government new clause 34 will give the Scottish Parliament the power to top up benefits. That is fine as far as it goes, but it will be no help whatever to those

people who have lost their tax credits entirely as a consequence of the changes. If someone is not in receipt of a benefit, it cannot be topped up.

Patrick Grady: Is my hon. Friend aware that in Committee the Secretary of State for Work and Pensions refused to give a guarantee that, if the Scottish Government did top up benefits, especially tax credits, that money would not be taken away as if it was extra earned income?

Dr Whiteford: My hon. Friend makes a critical point. We have not had clarity from the Government that they will not means-test the top-ups. I am looking forward to clarification from the Secretary of State for Scotland tonight. *[Interruption.]* I am glad he is nodding and confirming that that is the case.

About 80,000 families in Scotland are going to lose entitlement altogether under the existing proposals. That is roughly the same number as were affected by the bedroom tax in Scotland. The Scottish Parliament may have the power to create a new benefit, but that seems an inordinately complex way to go about things. It is theoretically possible but, like the bedroom tax mitigation, the money would have to be found from other devolved budgets. It would be an admission from the Government that their proposals have not worked.

As I have said, Nicola Sturgeon has made it absolutely clear that she will bring forward proposals. Labour Members need to be clear tonight: will they back our new clause 18? Will they once again cosy up with the Tories, or will they sit on their hands in the face of crushing austerity cuts coming down the line?

Several hon. Members *rose—*

Dr Whiteford: I am very conscious of time and I need to move on.

The bottom line is that we would rather not be at the mercy of the UK Government. I would rather that had the powers in Scotland not simply to mitigate the worst side effects of Tory policies, but to develop better alternatives.

With the very limited welfare powers in the Bill, the Scottish Government have already made a range of commitments about how they will use them and develop ways forward. They have committed to ensuring that carer's allowance matches jobseeker's allowance; to abolishing the bedroom tax; to replacing the Work programme, which is just not working; and to using the flexibilities in universal credit to offer people more choice about how they manage the money, and they have consulted more than 70 stakeholders about how the new powers can best be used in the interests of our people.

Our new clause 19 would devolve control over employment rights and industrial relations, including trade union law—another area where the Bill falls far short of the Smith commission recommendations. Once again, the new clause is extremely topical, given that tomorrow we will conclude our consideration of the Trade Union Bill. Last week, I met trade union members from my constituency who left me in no doubt about the harm the Bill could do to industrial relations in Scotland and throughout the UK. By contrast, the new clause would allow the Scottish Government to take a

different approach and maintain the benefits of the largely stable and constructive relations we have in Scotland.

Chris Stephens: Will my hon. Friend confirm that Scotland's workers' parliament, the STUC general council, supports the devolution of employment law and industrial relations? One reason for that is so that we can do more work with the Scottish fair work convention and stop the scandalous situation of 46,540 cases of unfair treatment in the workplace?

Dr Whiteford: My hon. Friend makes a pertinent and important point. In calling for the transfer of powers of employment law, health and safety, trade union law and the minimum wage, the STUC has noted the appetite in Scotland for reducing income inequality and the desire to forge a more positive relationship with trade unions.

Wes Streeting *rose—*

Jo Stevens (Cardiff Central) (Lab) *rose—*

Dr Whiteford: I will not give way because I am conscious of time and we have a lot of amendments to get through.

It is inevitable that Governments will face tough negotiations with employee representatives from time to time, and there will sometimes be disagreements, but we should not lose sight of the enormously beneficial role that trade unions have played in the past and the present day in encouraging fair work and wages, good employment practices and improved working environments.

Ian Lavery (Wansbeck) (Lab): What happened to the great trade union saying, "Workers of the world unite"?

Dr Whiteford: The hon. Gentleman should address that question to the STUC, because it is the one calling for the devolution of these powers.

Wes Streeting: Will the hon. Lady give way?

Dr Whiteford: I will not because I just gave way.

The Scottish Government see trade unions as key social partners and an important part of civil society. It is not okay for the UK Government to restrict trade unions' ability to represent their members effectively, so I will oppose the Bill tomorrow, but we also need those powers devolved. Tonight, we have an opportunity to do that.

I have tabled several new clauses and amendments on employment and social security, not all of which I have adequate time to talk about fully tonight, but our new clause 22 would devolve employment support programmes to the Scottish Parliament and would complement existing provisions in the Bill. At present, there are significant restrictions on employment support in the Bill, particularly regarding programmes that last at least 12 months, and their full devolution would enable the Scottish Government to take more coherent, stronger and earlier action to support people into work.

Our new clause 23 would devolve all the working-age benefits to be replaced by universal credit and any benefit introduced to replace universal credit. Civic Scotland has overwhelmingly said that social security powers should be in the hands of the Scottish Parliament,

to allow us to tailor policies in line with our own priorities and values and to enable us to protect children and low-income families under attack by the UK Government. The full devolution of universal credit would allow us to establish a much fairer social security system for Scotland.

Our new clause 24 would broaden the powers of administrative flexibilities over universal credit and devolve power over the conditionality and sanctions regime. The SNP has consistently highlighted the shortcomings of the sanctions regime and its manifest failure to protect some of the most vulnerable people in our communities—we have all witnessed the unacceptable explosion in the number of food banks in the last couple of years, which is its most obvious symptom. The Government know perfectly well that the system is not working, which is why they have announced changes, including the new pilot scheme, in recent days, but they are tinkering around the edges of a punitive, bureaucratic and inhumane sanctions regime that is driving sick and vulnerable people to destitution and despair.

The Scotland Bill is our opportunity to take these powers into Scotland's hands. All progressive forces should join the growing calls from the third sector to deliver a more effective approach. Leaving powers on sanctions and conditionality in the hands of the Tories is simply not good enough.

Our new clause 27 would amend schedule 5 to the Scotland Act 1998 and give the Scottish Parliament competence for equal opportunities in their entirety. Taken with the SNP's other amendments on gender quotas and equality—amendments 169, 171, 157 and 172 to 175—the new clause would give the Scottish Parliament the powers to improve equality provisions in Scotland, including through legislation and regulation.

9 pm

Angela Crawley: Does my hon. Friend agree with me and the Equality and Human Rights Commission that devolving power over all equalities to the Scottish Parliament will enable it to legislate to give people an ability to do things that they have never had before?

Dr Whiteford: My hon. Friend makes her point well. I note that in the previous debate we talked quite a bit about the Human Rights Act and the role that it, too, plays in securing equalities.

Jo Stevens: Can the hon. Lady explain to the House how devolving employment law will work? How will trade union recognition work in practice where there are cross-border bargaining units or collective redundancies spanning both jurisdictions?

Dr Whiteford: The hon. Lady needs to remember that a great deal of the public sector is already devolved and these issues have been worked out. We already have devolution of a whole range of public services, with some issues negotiated at a national level and some at a UK-wide level, so her point seems rather redundant, frankly.

The Scottish Parliament has a good track record of advancing progressive equality measures, and our proposals would enable further progress in gender, disability, LGBTI and race equality—for instance, by improving protections

[*Dr Eilidh Whiteford*]

from discrimination and by ensuring a more balanced representation of women in public life and on boards. It is worth pointing out that the full devolution of equality and equal opportunities has been supported by leading equality organisations such as Engender, Inclusion Scotland, the Equality Network and the Coalition for Racial Equality and Rights, whose executive director, Jatin Haria, said:

“Devolution brings power closer to people—and this is particularly important for marginalised and discriminated groups. In addition, many areas which intersect with equality law are already devolved and different in Scotland (e.g. policing or health) and further devolution of equality legislation would better allow the Scottish Parliament to push for specific outcomes which could lead to real improvements in the life chances and experiences for all people living in Scotland.”

New clause 28 and amendment 168 relate to the vexed and long-standing question of the Crown Estate. Amendment 168 would leave out clause 31 and new clause 28 would replace it. Clause 31 is not true to the spirit of the Smith commission, which recommended the full devolution of responsibility for the management of the Crown Estate’s economic assets in Scotland, including the Crown Estate’s seabed, and mineral and fishing rights, and the revenue generated from these assets. Clause 31 is also overly complicated and excludes certain Crown Estate assets, such as Fort Kinnaird, over which my hon. Friend the Member for Edinburgh East (Tommy Sheppard) has raised concerns.

Tommy Sheppard: Will my hon. Friend give way?

Dr Whiteford: After that I cannot really refuse.

Tommy Sheppard: One of the largest investments of the Crown Estate in Scotland is in the Fort Kinnaird retail park in Edinburgh East. I have been pressing the Secretary of State on why it is excluded from the transfer. Does my hon. Friend agree that his explanation so far is not very convincing? He says that it cannot be transferred because it is part of a commercial arrangement, but we are only talking about the transfer of the Government’s responsibilities and the Government component in the relationship.

Dr Whiteford: I agree with my hon. Friend, who makes his point well.

As someone who represents coastal communities that have for many decades been held back by the shortcomings of the way that the Crown Estate has operated in Scotland, I for one cannot wait to see those public assets brought under proper democratic accountability and working for the good of those communities. New clause 28 would reduce complexity by removing the reservation relating to the management of the Crown Estate and provide the Scottish Parliament with full legislative competence in relation to the management of the Crown Estate in Scotland. It would also transfer any functions of the Crown Estate Commissioners in relation to rights to the continental shelf beyond the 200 nautical mile-limit adjacent to Scotland. Up to now, Parliament has not made a good job of scrutinising the activities of the Crown Estate. We have an opportunity today to put that right by opening the Crown Estate to better public accountability and putting its assets at the service of our communities.

There are a number of amendments on a miscellaneous range of subjects, all of which would strengthen the Bill, and I want to touch on those before concluding. New clause 29 would give the Scottish Parliament control over the regulation of party political broadcasts for local elections and Scottish elections as well as any referendums held in Scotland in devolved competences, as per the Smith commission recommendation at paragraph 23. That seems to have been missed out of the legislation to date.

New clause 30 devolves broadcasting by amending schedule 5 to the Scotland Act 1998. This would not impact directly on the delivery of the Smith commission proposals on the BBC and Ofcom, both of which are being delivered through memorandums of understanding. Rather, if passed, it would provide for a wider role for the Scottish Parliament and the Scottish Government in broadcasting policy in future.

Amendments 182 and 183 relate to gaming machines and licensed betting premises, and replace the reference to “betting premises” with the more general reference to “gambling premises”, giving full effect to the Smith commission recommendation in paragraph 74.

New clause 31 would give the Scottish Parliament general legislative competence over agriculture, aquaculture and fisheries levies. For me, this reform cannot come soon enough. It would bring to an end the absurd and unacceptable situation whereby Scottish fishermen are paying levies that are used to promote their Norwegian competitors’ fish instead of being used to promote Scottish seafood and to develop new products and markets. For instance, the UK Sea Fish Industry Authority currently organises the UK fish and chip shop awards, which is used by the Norwegian Seafood Council to promote frozen Norwegian fish into the UK market. The finalists of the 2016 awards are even being taken to Norway to learn about the supply of fish from Norway to the UK.

I have no problem at all with fair competition, but I have a massive problem with fishermen in my constituency being forced to pay levies that are then used by a publicly funded body to undermine their own businesses. It needs to end. That is just one reason why the Scottish Seafood Association and others support the devolution of these levies, which could be much better used to promote our locally sourced top-quality produce.

New clause 32 would give Scottish Ministers full powers and the flexibility to decide who would run rail services, in line with paragraph 65 of the Smith commission recommendations, and would allow public sector operators to bid for rail franchises.

Amendments 184 to 188 all relate to fuel poverty support schemes in clause 50, and would provide scope to reshape fuel poverty programmes in Scotland, while amendment 189 removes restrictions on the consultation process with the Scottish Government and Scottish Parliament in relation to the renewables incentive scheme. Again, this would bring the Bill into line with the Smith commission recommendation for a formal consultative role and enable the development of the intergovernmental concordat that we believe is necessary.

Lastly, new clause 33 would enact a formal consultative role for the Scottish Government and the Scottish Parliament in setting the strategic priorities of the Civil

Aviation Authority, which I know is a very important issue for my hon. Friend the Member for Livingston (Hannah Bardell).

Hannah Bardell (Livingston) (SNP): Does my hon. Friend agree that the time for debating and voting today is woefully inadequate, given the magnitude and importance of the issues and the number of amendments—more than 100 from the Government? Does she agree that new clause 33, enabling the Scottish Parliament and Government to have power over the Civil Aviation Authority, is very important, particularly to my constituents in Uphall, Broxburn and many other areas of Livingston who have been affected by the first new flight path in 40 years in Scotland—yet the Scottish Government and Parliament have no power over how the CAA operates in that regard?

Dr Whiteford: My hon. Friend makes an important point, and that new clause would make a huge difference to her constituents. She highlights the current lack of democratic accountability in respect of some of these decisions.

We have heard a lot of grandiose language about the Scotland Bill today—that it represents an historic departure and creates a powerhouse Parliament. I welcome the changes that the Government are belatedly introducing, but all the flowery rhetoric in the world will not hide the fact that the Scotland Bill still falls some way short of the Smith commission proposals. More than that, it falls a long way short of the promises made to the people of Scotland.

The SNP amendments would significantly strengthen the Bill and bring it closer to the expectations and aspirations of the people who voted in unprecedented numbers for real powers and meaningful change. As things stand, it will be those on low and average incomes, especially families with children, who will pay the price of these missed opportunities as they continue to suffer under Tory austerity. Big claims have been made for the very modest proposals in this Scotland Bill. Hon. Members could beef it up immeasurably by backing the amendments that I have tabled. I ask them to stand with us tonight in the interests of the Scottish people.

Yvette Cooper: I want to comment briefly on the proposal to devolve abortion law to the Scottish Parliament.

Since 1967, a framework has allowed women to make personal decisions with their doctors. Those decisions are often very difficult, but they should rightly be made by women. I fear that new clause 15, which is being rushed through without proper consultation, will allow the existence of different frameworks in Scotland and in England and Wales. We know that when similar arrangements have operated in Ireland, and also in parts of the United States, many women who may be very vulnerable have often had to travel in order to gain access to the abortion services, advice or healthcare that they need. We do not think it right for women in those circumstances to have to travel far from home and family to secure the services and support that they need, but new clause 15 would allow that to happen.

The new clause also opens the door for deliberate campaigning against a fragmented system. In the United States, anti-abortion campaigners have deliberately targeted individual states and legislatures, and, having failed to

change abortion law at federal level, have been able to do so at state level. In fact, they have introduced 200 changes and restrictions on women's access to abortion over just three years.

Deidre Brock: I think it is a very sad reflection of Labour Members' mistrust in their party that they do not trust Kezia Dugdale and her colleagues in the Scottish Parliament with any action that might require some thought and care. Why have Labour Members in Westminster such low opinions of their Scottish colleagues?

Yvette Cooper: I think that, sadly, the hon. Lady is missing the point completely. The issue is whether there are to be different frameworks, and whether women will be expected to travel because the jurisdictions are different.

We know that there is a significant chance that the anti-abortion campaigners will campaign in this instance, because we know that they already want to do so.

Dr Whiteford: Will the hon. Lady give way?

Yvette Cooper: I have no time.

The new clause was not initially tabled by the SNP or the Scottish Secretary. It was initially tabled by Members of Parliament who, for a long time, have campaigned for much greater restrictions on abortion. I think the whole House should consider the fact that anti-abortion campaigners want the opportunity—

Several hon. Members *rose*—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Members cannot just stand there waiting. I should say, in fairness to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), that she gave way earlier. If she wishes to give way again, I will call whoever wishes to intervene, but Members should not stand there waiting on the off chance that she may do so. I should also say that I am sure the right hon. Lady wishes to face the Chair.

Yvette Cooper: We have been given too little time for such an important debate, so I cannot give way, but I urge Members to bear it in mind that anti-abortion campaigners want this opportunity to fragment and divide us. All of us who support the 1967 Act ought to agree that we should stand together and not allow anti-abortion campaigners to divide us, pick us off one by one, and target us differently. I urge the House to reconsider. We should consult properly, we should take the interests of women and their families into consideration, and we should vote against the new clause tonight.

Mr Pat McFadden (Wolverhampton South East) (Lab): I agree with what has been said by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper). Let me remind the House of our earlier considerations of this issue. When the original devolution legislation of 1997-98 was being put together, the decision not to devolve the legislative framework for abortion was not an accident or an afterthought. We examined the issue carefully at the time, and concluded that it did not make good legislative sense to allow for two different legislative frameworks in two different parts of the country.

Angela Crawley: Will the right hon. Gentleman give way?

Mr McFadden: The House is very pressed for time.

We have had experience of what happens in those circumstances. We know that 10 women a day have travelled here from the Republic of Ireland because of the different legislative frameworks. I do not predict that that will happen in this instance, but the new clause allows for the possibility. The logic was right before. There is no logic in allowing for two legislative frameworks 18 years on.

Ian Murray: It is a pleasure to talk to our new clauses and amendments on this part of the Bill. We have a lot of ground still to cover in this short debate, but it is important to state at the outset that crucial welfare clauses in this Bill deliver on the vow and the Smith agreement in both spirit and substance. That was not the case before the Government tabled their latest tranche of amendments last Monday. That is why, as my SNP colleagues rightly highlighted earlier, the deputy leader of the Scottish Labour party said that the vow had not been met, and indeed the architect of the vow, the right hon. Gordon Brown, the former Prime Minister, made exactly the same points. However, now that the amendments are before the House, we believe that the benefits issue has been resolved and that therefore the vow has been delivered. This is a crucial victory for the Scottish Parliament, the importance of which cannot be overstated. I said at the end of the Committee stage that if the Government did nothing else they should concede to my amendment 31 to allow the Scottish Parliament the power effectively to design its own social security system. Their new clause 34 does that, and we will support them on it.

Stephen Gethins: Does the hon. Gentleman think that the proposals are as close to federalism as we can get? Yes or no will do the trick for me.

9.15 pm

Ian Murray: I am delighted that the hon. Gentleman intervenes with that question, as it allows me to put the record straight. What SNP Members do not mention is the second part of the sentence that the right hon. Gordon Brown said. That was: as close to federalism as we can get in the context of 85% of it being one block called England. That is what he said, and SNP Members never ever talk about that when they talk about “as near to federalism as possible.” The right hon. Gordon Brown can speak for himself when he says these things, and that is exactly the context in which he put this Bill.

The right hon. Member for Gordon (Alex Salmond) agreed with the amendments on welfare proposed by the Secretary of State. We agree as well, and I would have thought that there would have been some kind of consensus across the Chamber for these amendments.

Let me turn to new clause 2 and Government new clause 34. Part 3 of this Bill devolves to the Scottish Parliament new and substantial powers over welfare, transferring to it £2.5 billion-worth of welfare responsibility. As I said when we debated this part in Committee, this presents a real opportunity for Scotland and the Scottish Parliament. Today we will pass amendments that will fundamentally transform the Scottish Parliament's

relationship with the social security system. That is why the Bill is so important. According to the House of Commons Library, if the Bill were passed in its present form, the Scottish Parliament would be responsible for 62% of all public expenditure, but our new clause 2 and the Government new clause 34 will give the Scottish Parliament total freedom to create new benefits in all devolved areas. It would then be up to the Scottish Government of the day to design the system they want and the Scottish people have voted for, and to find the resources to pay for that system.

The same goes for Government new clause 14, which devolves the Scottish Parliament's legislative competence regarding welfare foods. I believe that was an SNP proposal, and, again, we support it.

The power to create new benefits in devolved areas was a Smith agreement recommendation and delivering on that commitment has been an absolute priority for the Opposition. We tabled the initial new clause in Committee, which the Government voted against, but I am delighted that the Secretary of State and Government have now come over to our way of thinking, as they have on the veto and the carer's allowance. As the SNP finally conceded halfway through a Scottish Labour debate in the Scottish Parliament last week, and as we have heard again tonight, the original clause 21 and this new clause also afford the Scottish Parliament the power to top-up any reserved benefit. There can now be no doubt that the Scotland Bill will allow the Scottish Government to compensate fully the Scottish families affected by the Government's pernicious cuts to tax credits.

Callum McCaig: The reality is that Scotland will pay for the administration of tax credits and it will also pay for the administration to top up tax credits. Rather than just devolving the provision, why should we pay for its administration twice under what the hon. Gentleman is proposing?

Ian Murray: The proposal would allow for the top-up of any reserved benefit and for the introduction of any devolved benefit. So, although we use the term “restoration”, it would actually create a new top-up reserved benefit, as does the Bill. There is a lot of misunderstanding relating to the fact that a lot of these benefits are not being devolved; they are effectively being switched off. The Scottish Government would therefore have to introduce new proposals in relation to any of the provisions in the Bill.

Callum McCaig *rose*—

Ian Murray: We are running out of time, so I shall press on.

We will not cut tax credits for Scottish working families. Kezia Dugdale, the Scottish Labour party leader, has made that quite clear, and we have been very clear about how we would pay for that. It is interesting to note that on four different occasions tonight we heard nothing from the SNP about whether it would match that commitment—

Ms Ahmed-Sheikh: Twice!

Ian Murray: The hon. Lady says “twice”, but the record will show that ours is a clearly costed policy that would be delivered using the new powers in the Bill.

Several hon. Members rose—

Ian Murray: I shall move on, because we are running out of time—[*Interruption.*] We have already heard complaints about the restricted time for the debate. I would have thought, given that we agree on the welfare provisions, that the braying mob on the SNP Benches would have taken a little time to run through some of them.

Now that the Secretary of State has come round to Labour's way of thinking on the power to create new benefits, the Bill strikes the right balance between reserved and devolved areas. The Smith agreement said that the welfare state and the social security system should remain shared across these islands. New clause 3, whose provisions are linked to new schedule 1, would provide for a cross-Parliament Committee on welfare devolution to oversee the transition and implementation of welfare powers transferred by the Bill. That would go some way towards resolving the point raised by the hon. Member for Aberdeen South (Callum McCaig). The Scottish Council on Voluntary Organisations has welcomed the new clause, stating that it is a

“pragmatic proposal given the need to ensure continuous, timely delivery of social security payments to those who receive them.”

It goes without saying that any new Committee must be open and transparent. We have already seen the Scottish Government claiming that they might reject the Scotland Bill if the secretive fiscal framework is not to their liking. We cannot afford for that to happen with these important welfare provisions.

Turning to new clause 5, I have said that Labour's key aim is to deliver in full on the recommendations of the Smith agreement, but we are prepared to go beyond it if we see a reasonable argument for doing so. The new clause goes beyond the agreement in seeking to devolve the childcare element of universal credit to the Scottish Parliament.

Amendments 21, 22 and 23 cover another area in which I believe we should go beyond the Smith agreement's recommendations—namely, making payments to individuals who have been sanctioned. The hon. Member for Banff and Buchan (Dr Whiteford) mentioned this in her eloquent speech. The Labour party is committed to reviewing the UK sanctions regime, the punitive nature of which is beginning to spiral out of control, forcing people into destitution on the back of draconian DWP targets. That is why we believe that the Scottish Parliament should have the power to make payments to individuals who have had payments unfairly reduced, suspended or withdrawn due to the UK Government's sanctions regime.

We have also tabled amendments 24 and 25, which I shall address alongside Government amendments 77 and 78. These all concern the perceived existence in the Bill of a UK ministerial veto in relation to the regulation-making powers for universal credit being transferred to the Scottish Parliament. I am grateful that the Secretary of State has again listened, not only to the Labour party but to the SNP, on this issue. The Government have now redrafted the relevant clauses and removed the perceived veto. When I wrote to the Secretary of State asking him to confirm this, he gave me an assurance that the UK Government would have a “legal obligation” to implement any changes made by Scottish Ministers.

I welcome the Secretary of State's amendments 70 and 71, which will remove the restrictive definitions relating to carer's allowance, but I am disappointed that he has not removed the similar definitions in relation to disability allowance, as many of the disability charities in Scotland requested. Amendment 194 offers an alternative broader and more flexible definition of disability benefits, and I hope that if the Secretary of State cannot give us a satisfactory answer on this matter tonight, we will pursue it in the other place at the Bill's next stage.

Let me deal briefly with the issue of abortion, making it clear from this Dispatch Box that nobody in this Chamber is saying that the Scottish Parliament does not have the capacity or indeed the responsibility to deal with abortion. The Smith agreement said that there would be a process, and, as we have heard eloquently this evening from my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), the devolution of abortion has to be dealt with properly and sensitively. The Secretary of State avoided my intervention earlier. He said in this House in July that the Smith agreement did not allow for the devolution of abortion at this stage and it would not be in this Bill, but that a proper process would be put in place to ensure that it is done sensitively, properly and in consultation with women's organisations in Scotland. I do not think that his frantically calling round women's organisations in Scotland on the day he tables the amendment is satisfactory consultation or that it takes into account the issues that many women in Scotland have contacted me about.

This is not about the time limit for abortion; this relates to the entire complex matrix of the legislation that sits behind abortion. It is about the issues relating to the criminality of abortion, the authorisation of abortion and where abortions can be carried out. It is not just about 24 weeks; it is about much more than that. The Secretary of State should reflect on the fact that a proper consultation needs to be put in place, otherwise he is in danger of doing something incredibly dangerous to abortion in this country.

Mr McFadden: The Secretary of State has said time and again when taking interventions that the Scottish Parliament had the capacity to legislate on abortion. Does my hon. Friend agree that it is a question not of whether there is capacity, but of whether or not it is desirable to have two different legislative regimes for this in Scotland and England?

Ian Murray: Regardless of who legislates for it, we may end up with different legislative regimes on either side of the border. I am perfectly confident in the Scottish Parliament, and I take the First Minister's word that she will not change the regulations, but that is not to say that the regulations down here might not change and we end up with abortion tourism. Nobody wants that across the United Kingdom, and my right hon. Friend, who took the Scotland Act through this place—

Mr McFadden: No, I did not.

Ian Murray: My right hon. Friend did not take it through this place but he was heavily involved in it, and he knows about the issues relating to abortion and the position taken.

[Ian Murray]

Amendment 26 makes it explicit that, among the exceptions to reserved matters on equal opportunities, the power to set gender quotas is being devolved to the Scottish Parliament. The Labour party takes this issue very seriously, and we thank Women 50:50 for helping us with these issues. I also commend amendment 225.

We now have a welfare section in this Bill that is in line with the Smith agreement. Everyone in this Chamber should be incredibly proud of that achievement and now we must move on to the debate about how we use these powers.

David Mundell: I do not want to say too much more at this stage, other than to welcome the fact that, other than in relation to the issue of abortion, to which I shall return, the Government's proposals have been accepted. I am grateful for that.

In Committee, I said we would listen to sensible proposals made in the context of the Smith agreement, and that is what we have done. That is why I am not persuaded by some of the amendments, particularly those set out by the hon. Member for Banff and Buchan (Dr Whiteford) on the welfare system. They did not relate to areas that formed part of the agreement. As we have mentioned on other occasions during this debate, the SNP was of course part of the Smith commission process and it signed up to an agreement that at that point did not seek to devolve tax credits to the Scottish Parliament. What was devolved were extensive powers that allow: the topping up of tax credits and other benefits; the creation of new benefits in devolved areas; the topping up of child benefit; and changes to be made to income tax—

Mhairi Black (Paisley and Renfrewshire South) (SNP): I asked this question of the Secretary of State for Work and Pensions in Committee but did not receive an answer, so will the Minister assure us now that, in the event of the Scottish Government deciding to top up any benefit, it will then not be considered income and clawed back at a later stage when universal credit is being claimed?

9.30 pm

David Mundell: The Scottish Government will have to take into consideration all the decisions that they make, because they will be responsible and accountable. I suspect that we will see a change in them. They will move from a position of making uncostered promises to one where they are held to account for where the money is coming from.

I do not agree with the Scottish Labour party's commitment to put up the taxes of hard-working people in Scotland, but at least it is honest about it. It wants to put up tax to pay for additional benefits in Scotland. That is a fair position for it to adopt, but the Scottish National party has said nothing about how it will deploy these significant new powers.

Once again, in relation to welfare, the focus has been solely on what cannot be done rather than on applying thought and rigour to exactly what can be achieved. Benefits in Scotland can be completely redesigned in areas such as disability and carers' benefits. They are

reserved benefits that the Scottish Parliament can top up. Changes in income tax is another such matter. However, that is not where the thought process is; the thought process is entirely on what cannot be done. As we have heard in the various statements on benefits, it really has been a case of "grievous max" rather than devo max.

I know that the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) does not agree with my position on abortion, and that she is minded to oppose this measure. However, if my amendment is carried, I will meet her and any of her concerned colleagues to discuss how we can best proceed to ensure that the matters that she set out do not come to pass. I do not believe that they will. I strongly believe that the Scottish Parliament has the capacity to deal with this issue. There is no constitutional reason why this amendment should not be made, and the Smith commission did indeed recommend that it be done. It said that it should be done sensitively and that there should be a process. I am happy to talk about that process. I know that the Scottish Government are happy to talk about that process and to engage with interested parties. On that basis, I do hope that the House will not divide on these issues.

The Government have set out their amendments—

Ms Ahmed-Sheikh: Will the Minister give way?

David Mundell: No, I will not.

The amendments set out by both Labour and the SNP in relation to this group go beyond what the Smith commission proposed. The Government amendments deliver the Smith commission in full. On that basis, I hope that the House will support the Government amendments.

Question put and agreed to.

New clause 14 accordingly read a Second time, and added to the Bill.

New Clause 34

POWER TO CREATE OTHER NEW BENEFITS

(1) The Scotland Act 1998 is amended as follows.

(2) In Section F1 of Part 2 of Schedule 5, in the Exceptions, after exception 9 (see section [Welfare foods] above) insert—

Exception 10

Schemes which provide assistance for social security purposes to or in respect of individuals by way of benefits and which—

- (a) are supported from sums paid out of the Scottish Consolidated Fund,
- (b) do not fall within exceptions 1 to 9, and
- (c) are not connected with reserved matters (other than matters reserved only by virtue of this Section).

This exception does not except providing assistance by way of pensions to or in respect of individuals who qualify by reason of old age.

This exception does not except providing assistance where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct (for example, non-compliance with work-related requirements relating to the benefit) unless—

- (a) the requirement for it also arises from some exceptional event or exceptional circumstances, and
- (b) the requirement for it is immediate.

For the purposes of this exception “reserved benefit” means a benefit which is to any extent a reserved matter.

In this exception the reference to schemes supported from sums paid out of the Scottish Consolidated Fund does not include schemes—

- (a) in respect of which sums are at some time paid out of the Scottish Consolidated Fund, but
- (b) which are directly supported from payments out of the Consolidated Fund, the National Insurance Fund or the Social Fund, or out of money provided by Parliament.”

(3) Schedule 4 (enactments etc protected from modification) is amended as follows.

(4) In paragraph 2, at the end insert—

“(5) Sub-paragraph (3) does not affect sub-paragraph (1) as it applies to an Act of the Scottish Parliament so far as any matter to which a provision of the Act relates falls within exception 10 of Section F1 of Part 2 of Schedule 5.”

(5) In paragraph 3, at the end insert—

“(3) Sub-paragraph (1) does not affect the application of paragraph 2 to modifications which are incidental to, or consequential on, any provision, if it is only by virtue of exception 10 of Section F1 of Part 2 of Schedule 5 that the provision does not relate to reserved matters.”” ..—(*Stephen Barclay.*)

This amendment creates a new exception to the social security reservation to provide the Scottish Parliament with new powers to create new benefits. It provides competence to legislate for social security benefits the cost of which is to be met from the Scottish Consolidated Fund.

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

ABORTION

“In Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) omit Section J1 (abortion).” —(*Stephen Barclay.*)

This amendment removes the specific reservation of abortion in part 2 of schedule 5 of the Scotland Act 1998 thereby devolving legislative competence on the subject-matter of abortion to the Scottish Parliament.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The House divided: Ayes 350, Noes 183.

Division No. 113]

[9.35 pm

AYES

Adams, Nigel	Benyon, Richard
Afriyie, Adam	Beresford, Sir Paul
Ahmed-Sheikh, Ms Tasmina	Berry, Jake
Aldous, Peter	Berry, James
Allan, Lucy	Bingham, Andrew
Allen, Heidi	Black, Mhairi
Andrew, Stuart	Blackford, Ian
Ansell, Caroline	Blackman, Bob
Argar, Edward	Blackman, Kirsty
Arkless, Richard	Blackwood, Nicola
Atkins, Victoria	Blunt, Crispin
Bacon, Mr Richard	Boles, Nick
Baker, Mr Steve	Bone, Mr Peter
Baldwin, Harriett	Bradley, Karen
Barclay, Stephen	Brady, Mr Graham
Bardell, Hannah	Brazier, Mr Julian
Baron, Mr John	Bridgen, Andrew
Barwell, Gavin	Brine, Steve
Bebb, Guto	Brock, Deidre
Bellingham, Mr Henry	Brokenshire, rh James

Brown, Alan	Ghani, Nusrat
Bruce, Fiona	Gibb, Mr Nick
Buckland, Robert	Gillan, rh Mrs Cheryl
Burns, Conor	Glen, John
Burns, rh Sir Simon	Goodwill, Mr Robert
Burrowes, Mr David	Gove, rh Michael
Burt, rh Alistair	Grady, Patrick
Cairns, Alun	Graham, Richard
Cameron, Dr Lisa	Grant, Mrs Helen
Carmichael, Neil	Grant, Peter
Cartlidge, James	Gray, Mr James
Cash, Sir William	Gray, Neil
Caulfield, Maria	Grayling, rh Chris
Chalk, Alex	Green, Chris
Chapman, Douglas	Green, rh Damian
Cherry, Joanna	Grieve, rh Mr Dominic
Chishti, Rehman	Griffiths, Andrew
Choje, Mr Christopher	Gummer, Ben
Churchill, Jo	Gyimah, Mr Sam
Clark, rh Greg	Halfon, rh Robert
Clarke, rh Mr Kenneth	Hall, Luke
Cleverly, James	Hammond, Stephen
Coffey, Dr Thérèse	Hancock, rh Matthew
Collins, Damian	Hands, rh Greg
Colvile, Oliver	Harper, rh Mr Mark
Costa, Alberto	Harrington, Richard
Cowan, Ronnie	Harris, Rebecca
Cox, Mr Geoffrey	Hart, Simon
Crabb, rh Stephen	Haselhurst, rh Sir Alan
Crawley, Angela	Hayes, rh Mr John
Crouch, Tracey	Heald, Sir Oliver
Davies, Glyn	Heapey, James
Davies, Dr James	Heaton-Harris, Chris
Davies, Mims	Heaton-Jones, Peter
Day, Martyn	Henderson, Gordon
Dinenage, Caroline	Hendry, Drew
Djanogly, Mr Jonathan	Herbert, rh Nick
Docherty, Martin John	Hermon, Lady
Donaldson, Stuart Blair	Hinds, Damian
Donelan, Michelle	Hoare, Simon
Double, Steve	Hollinrake, Kevin
Dowden, Oliver	Hollobone, Mr Philip
Doyle-Price, Jackie	Holloway, Mr Adam
Drax, Richard	Hopkins, Kris
Drummond, Mrs Flick	Hosie, Stewart
Duncan, rh Sir Alan	Howarth, Sir Gerald
Duncan Smith, rh Mr Iain	Howell, John
Durkan, Mark	Howlett, Ben
Edwards, Jonathan	Huddleston, Nigel
Ellis, Michael	Hurd, Mr Nick
Ellison, Jane	Jackson, Mr Stewart
Ellwood, Mr Tobias	Jayawardena, Mr Ranil
Elphicke, Charlie	Jenkin, Mr Bernard
Eustice, George	Jenkyins, Andrea
Evans, Graham	Jenrick, Robert
Evans, Mr Nigel	Johnson, Gareth
Evennett, rh Mr David	Johnson, Joseph
Fabricant, Michael	Jones, Andrew
Fallon, rh Michael	Jones, rh Mr David
Fellows, Marion	Jones, Mr Marcus
Fernandes, Suella	Kawczynski, Daniel
Field, rh Mark	Kennedy, Seema
Foster, Kevin	Kerevan, George
Frazer, Lucy	Kerr, Calum
Freer, Mike	Kinahan, Danny
Fuller, Richard	Kirby, Simon
Fysh, Marcus	Knight, rh Sir Greg
Gale, Sir Roger	Knight, Julian
Garnier, rh Sir Edward	Kwarteng, Kwasi
Garnier, Mark	Lancaster, Mark
Gauke, Mr David	Latham, Pauline
Gethins, Stephen	Law, Chris

Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 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, Caroline
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 MacNeil, Mr Angus Brendan
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mathias, Dr Tania
 Maynard, Paul
 Mc Nally, John
 McCaig, Callum
 McCartney, Jason
 McCartney, Karl
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 McLoughlin, rh Mr Patrick
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Monaghan, Carol
 Monaghan, Dr Paul
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mulholland, Greg
 Mullin, Roger
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newlands, Gavin
 Newton, Sarah
 Nicolson, John
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 O'Hara, Brendan
 Offord, Dr Matthew
 Opperman, Guy
 Oswald, Kirsten
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Paterson, Steven
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John

Percy, Andrew
 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
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Salmond, rh Alex
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, Alec
 Sheppard, Tommy
 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
 Stephens, Chris
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Thewliss, Alison
 Thomas, Derek
 Thompson, Owen
 Thomson, Michelle
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David

Warman, Matt
 Watkinson, Dame Angela
 Weir, Mike
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williams, Hywel

Williamson, rh Gavin
 Wilson, Corri
 Wilson, Mr Rob
 Wishart, Pete
 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
 Alexander, Heidi
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Barron, rh Kevin
 Benn, rh Hilary
 Betts, Mr Clive
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Champion, Sarah
 Chapman, Jenny
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, rh Yvette
 Corbyn, Jeremy
 Cox, Jo
 Coyle, Neil
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Danczuk, Simon
 David, Wayne
 Davies, Geraint
 De Piero, Gloria
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Dromey, Jack
 Dugher, Michael
 Eagle, Ms Angela
 Eagle, Maria
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Fitzpatrick, Jim
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Gapes, Mike
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hepburn, Mr Stephen
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Hunt, Tristram
 Huq, Dr Rupa
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, Diana
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Kinnock, Stephen
 Kyle, Peter
 Lavery, Ian
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Long Bailey, Rebecca
 Lucas, Ian C.
 Lynch, Holly
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob

Marsden, Mr Gordon	Skinner, Mr Dennis
Maskell, Rachael	Slaughter, Andy
Matheson, Christian	Smeeth, Ruth
McCabe, Steve	Smith, rh Mr Andrew
McCarthy, Kerry	Smith, Angela
McDonagh, Siobhain	Smith, Cat
McDonald, Andy	Smith, Nick
McDonnell, John	Smith, Owen
McFadden, rh Mr Pat	Smyth, Karin
McGinn, Conor	Spellar, rh Mr John
McGovern, Alison	Stevens, Jo
McInnes, Liz	Streeting, Wes
Mearns, Ian	Stringer, Graham
Moon, Mrs Madeleine	Stuart, rh Ms Gisela
Morden, Jessica	Tami, Mark
Morris, Grahame M.	Thomas, Mr Gareth
Murray, Ian	Thomas-Symonds, Nick
Onn, Melanie	Thornberry, Emily
Onwurah, Chi	Timms, rh Stephen
Osamor, Kate	Trickett, Jon
Owen, Albert	Turley, Anna
Pennycook, Matthew	Twigg, Derek
Perkins, Toby	Twigg, Stephen
Phillips, Jess	Umunna, Mr Chuka
Phillipson, Bridget	Vaz, Valerie
Pound, Stephen	Watson, Mr Tom
Powell, Lucy	West, Catherine
Reed, Mr Steve	Whitehead, Dr Alan
Reynolds, Emma	Wilson, Phil
Reynolds, Jonathan	Winnick, Mr David
Rimmer, Marie	Winterton, rh Ms Rosie
Rotheram, Steve	Woodcock, John
Shah, Naz	Wright, Mr Iain
Sharma, Mr Virendra	Zeichner, Daniel
Sherriff, Paula	Tellers for the Noes:
Shuker, Mr Gavin	Vicky Foxcroft and
Siddiq, Tulip	Jeff Smith

Question accordingly agreed to.

New clause 15 read a Second time, and added to the Bill.

9.47 pm

More than five hours having elapsed since the commencement of proceedings on the programme motion, the proceedings were interrupted (Programme Order, this day).

The Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 16

PUBLIC SECTOR DUTY REGARDING SOCIO-ECONOMIC INEQUALITIES

“(1) Part 1 of the Equality Act 2010 (socio-economic inequalities) is amended as follows.

(2) Section 1 (public sector duty) is amended as follows.

(3) In subsection (2) for “by a Minister of the Crown” substitute “in accordance with subsection (2A)”.

(4) After subsection (2) insert—

“(2A) The guidance to be taken into account under subsection (2) is—

(a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;

(b) in any other case, guidance issued by a Minister of the Crown.”

(5) Section 2 (power to amend section 1) is amended as follows.

(6) In subsections (7) and (9) omit “the Scottish Ministers or”.

(7) In subsection (10) for “the Ministers” substitute “the Welsh Ministers”.

(8) In subsection (11) for “section” substitute “Part”.

(9) In section 216 of that Act (commencement) at the beginning of subsection (3) insert “Subject to subsection (4),” and after that subsection insert—

“(4) The following provisions of Part 1 (socio-economic inequalities) come into force on such day as the Scottish Ministers may by order appoint—

(a) section 1, so far as it applies to a relevant authority as defined by section 2(5);

(b) section 2, so far as it confers a power on the Scottish Ministers;

(c) section 3, for the purposes of section 1 to the extent mentioned in paragraph (a).

(5) The following do not apply to an order under subsection (4)—

(a) section 207(2) (see instead section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: powers exercisable by Scottish statutory instrument), and

(b) section 210.”

(10) In the Interpretation and Legislative Reform (Scotland) Act 2010, in section 30(4) (other instruments laid before the Parliament: exceptions) after paragraph (i) insert—

“(j) section 216(4) of the Equality Act 2010 (c.15).” —
(*Stephen Barclay.*)

This new clause enables the Scottish Ministers to commence Part 1 of the Equality Act 2010 in respect of public bodies exercising devolved functions in Scotland. It also enables the Scottish Ministers to issue guidance to public authorities in Scotland exercising devolved functions and makes consequential amendments.

Brought up, and added to the Bill.

New Clause 17

DESTINATION OF FINES, FORFEITURES AND FIXED PENALTIES

“(1) The Scotland Act 1998 is amended as follows.

(2) After section 65 (payments out of the Scottish Consolidated Fund) insert—

“65A Destination of fines, forfeitures and fixed penalties

Where an Act of Parliament or subordinate legislation under an Act of Parliament requires or authorises a sum to be paid into the Consolidated Fund, and the sum appears to the Secretary of State to be a fine, forfeiture or fixed penalty, the Secretary of State may with the consent of the Treasury by regulations modify the Act or subordinate legislation so as to require or authorise the sum to be paid instead into the Scottish Consolidated Fund.”

(3) In Schedule 7 (procedure for subordinate legislation), in paragraph 1(2) insert at the appropriate place—

“Section 65A

Type K”.

—(*Stephen Barclay.*)

This clause will allow the Secretary of State, with the Treasury’s consent, to amend primary and secondary legislation, so that fines, forfeitures, and fixed penalties imposed by courts and tribunals in Scotland are retained by the Scottish Government by changing the destination from the Consolidated Fund to the Scottish Consolidated Fund.

Brought up, and added to the Bill.

New Clause 18**TAX CREDITS**

“(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.

(2) In the Exceptions, after exception 9 (see section (Welfare foods) (2) above) insert—

“Exception 10

The subject-matter of the Tax Credits Act 2002.”—
(*Dr Eilidh Whiteford.*)

This New Clause devolves to the Scottish Parliament the power to make provision for child tax credit, and working tax credit.

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 56, Noes 477.

Division No. 114]**[9.48 pm****AYES**

Ahmed-Sheikh, Ms Tasmina
Arkless, Richard
Bardell, Hannah
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Brock, Deidre
Brown, Alan
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Day, Martyn
Docherty, Martin John
Donaldson, Stuart Blair
Durkan, Mark
Fellows, Marion
Gethins, Stephen
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Hosie, Stewart
Kerevan, George
Kerr, Calum
Law, Chris
Lucas, Caroline
MacNeil, Mr Angus
Mc Nally, John

McCaig, Callum
McDonald, Stewart Malcolm
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
Ritchie, Ms Margaret
Robertson, rh Angus
Salmond, rh Alex
Sheppard, Tommy
Stephens, Chris
Thewliss, Alison
Thompson, Owen
Thomson, Michelle
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Wilson, Corri
Wishart, Pete

Tellers for the Ayes:

**Hywel Williams and
Jonathan Edwards**

NOES

Abbott, Ms Diane
Abrahams, Debbie
Adams, Nigel
Afriyie, Adam
Aldous, Peter
Alexander, Heidi
Ali, Rushanara
Allan, Lucy
Allen, Mr Graham
Allen, Heidi
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
Baron, Mr John
Barron, rh Kevin
Barwell, Gavin
Bebb, Guto
Bellingham, Mr Henry
Benn, rh Hilary
Benyon, Richard
Beresford, Sir Paul
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
Bradley, Karen
Bradshaw, rh Mr Ben
Brady, Mr Graham
Brazier, Mr Julian
Brennan, Kevin
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Brown, rh Mr Nicholas
Bruce, Fiona
Bryant, Chris
Buck, Ms Karen
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
Campbell, rh Mr Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Carmichael, Neil
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Champion, Sarah
Chapman, Jenny
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Coaker, Vernon
Coffey, Ann
Coffey, Dr Thérèse
Collins, Damian
Colville, Oliver
Cooper, Julie
Cooper, rh Yvette
Corbyn, Jeremy
Costa, Alberto
Cox, Mr Geoffrey
Cox, Jo
Coyle, Neil
Crabb, rh Stephen
Creasy, Stella
Crouch, Tracey
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Danczuk, Simon
David, Wayne
Davies, Geraint
Davies, Glyn
Davies, Dr James
Davies, Mims
De Piero, Gloria
Dinenage, Caroline
Djanogly, Mr Jonathan
Donelan, Michelle

Double, Steve
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Dromey, Jack
Drummond, Mrs Flick
Dugher, Michael
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Eagle, Ms Angela
Eagle, Maria
Elliott, Julie
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
Fernandes, Suella
Field, rh Mark
Fitzpatrick, Jim
Flint, rh Caroline
Flynn, Paul
Foster, Kevin
Fovargue, Yvonne
Foxcroft, Vicky
Frazer, Lucy
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Gapes, Mike
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
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, Stephen	Lee, Dr Phillip	Neill, Robert	Smith, Owen
Hancock, rh Matthew	Lefroy, Jeremy	Newton, Sarah	Smith, Royston
Hands, rh Greg	Leigh, Sir Edward	Nokes, Caroline	Smyth, Karin
Hanson, rh Mr David	Leslie, Chris	Norman, Jesse	Soames, rh Sir Nicholas
Harper, rh Mr Mark	Letwin, rh Mr Oliver	Nuttall, Mr David	Solloway, Amanda
Harrington, Richard	Lewell-Buck, Mrs Emma	Offord, Dr Matthew	Soubry, rh Anna
Harris, Rebecca	Lewis, Brandon	Onn, Melanie	Spellar, rh Mr John
Hart, Simon	Lewis, Clive	Onwurah, Chi	Spelman, rh Mrs Caroline
Haselhurst, rh Sir Alan	Lewis, rh Dr Julian	Opperman, Guy	Spencer, Mark
Hayes, Helen	Liddell-Grainger, Mr Ian	Osamor, Kate	Stephenson, Andrew
Hayes, rh Mr John	Lidington, rh Mr David	Owen, Albert	Stevens, Jo
Hayman, Sue	Lilley, rh Mr Peter	Parish, Neil	Stevenson, John
Heald, Sir Oliver	Long Bailey, Rebecca	Patel, rh Priti	Stewart, Bob
Healey, rh John	Lopresti, Jack	Paterson, rh Mr Owen	Stewart, Iain
Heapey, James	Lord, Jonathan	Pawsey, Mark	Stewart, Rory
Heaton-Harris, Chris	Loughton, Tim	Penning, rh Mike	Streeter, Mr Gary
Heaton-Jones, Peter	Lucas, Ian C.	Pennycook, Matthew	Streeting, Wes
Henderson, Gordon	Lumley, Karen	Penrose, John	Stride, Mel
Herbert, rh Nick	Lynch, Holly	Percy, Andrew	Stringer, Graham
Hermon, Lady	Mackinlay, Craig	Perkins, Toby	Stuart, rh Ms Gisela
Hillier, Meg	Mackintosh, David	Phillips, Jess	Stuart, Graham
Hinds, Damian	Mactaggart, rh Fiona	Phillips, Stephen	Sturdy, Julian
Hoare, Simon	Madders, Justin	Phillipson, Bridget	Sunak, Rishi
Hodgson, Mrs Sharon	Mahmood, Mr Khalid	Philp, Chris	Swayne, rh Mr Desmond
Hollern, Kate	Mahmood, Shabana	Pickles, rh Sir Eric	Tami, Mark
Hollinrake, Kevin	Main, Mrs Anne	Pincher, Christopher	Thomas, Derek
Hollobone, Mr Philip	Mak, Mr Alan	Poulter, Dr Daniel	Thomas, Mr Gareth
Holloway, Mr Adam	Malhotra, Seema	Pound, Stephen	Thomas-Symonds, Nick
Hopkins, Kelvin	Malthouse, Kit	Pow, Rebecca	Thornberry, Emily
Hopkins, Kris	Mann, John	Powell, Lucy	Throup, Maggie
Howarth, rh Mr George	Marris, Rob	Prentis, Victoria	Timms, rh Stephen
Howarth, Sir Gerald	Marsden, Mr Gordon	Prisk, Mr Mark	Tolhurst, Kelly
Howell, John	Maskell, Rachael	Pritchard, Mark	Tomlinson, Justin
Howlett, Ben	Matheson, Christian	Pursglove, Tom	Tomlinson, Michael
Huddleston, Nigel	Mathias, Dr Tania	Quin, Jeremy	Tracey, Craig
Hunt, Tristram	Maynard, Paul	Quince, Will	Tredinnick, David
Huq, Dr Rupa	McCabe, Steve	Raab, Mr Dominic	Trevelyan, Mrs Anne-Marie
Hurd, Mr Nick	McCarthy, Kerry	Redwood, rh John	Trickett, Jon
Irranca-Davies, Huw	McCartney, Jason	Reed, Mr Steve	Tugendhat, Tom
Jackson, Mr Stewart	McCartney, Karl	Rees-Mogg, Mr Jacob	Turley, Anna
Jarvis, Dan	McDonagh, Siobhain	Reynolds, Emma	Turner, Mr Andrew
Jayawardena, Mr Ranil	McDonald, Andy	Reynolds, Jonathan	Twigg, Derek
Jenkin, Mr Bernard	McDonnell, John	Rimmer, Marie	Twigg, Stephen
Jenkyns, Andrea	McFadden, rh Mr Pat	Robertson, Mr Laurence	Umunna, Mr Chuka
Jenrick, Robert	McGinn, Conor	Robinson, Gavin	Vaizey, Mr Edward
Johnson, Diana	McGovern, Alison	Robinson, Mary	Vara, Mr Shailesh
Johnson, Gareth	McInnes, Liz	Rosindell, Andrew	Vaz, rh Keith
Johnson, Joseph	McLoughlin, rh Mr Patrick	Rotheram, Steve	Vaz, Valerie
Jones, Andrew	Mearns, Ian	Rudd, rh Amber	Vickers, Martin
Jones, rh Mr David	Menzies, Mark	Rutley, David	Walker, Mr Charles
Jones, Graham	Mercer, Johnny	Scully, Paul	Walker, Mr Robin
Jones, Helen	Merriman, Huw	Selous, Andrew	Warburton, David
Jones, Mr Kevan	Metcalfe, Stephen	Shah, Naz	Warman, Matt
Jones, Mr Marcus	Miller, rh Mrs Maria	Shannon, Jim	Watkinson, Dame Angela
Jones, Susan Elan	Milling, Amanda	Sharma, Mr Virendra	Watson, Mr Tom
Kane, Mike	Mills, Nigel	Shelbrooke, Alec	West, Catherine
Kaufman, rh Sir Gerald	Milton, rh Anne	Sherriff, Paula	Wharton, James
Kawczynski, Daniel	Moon, Mrs Madeleine	Shuker, Mr Gavin	Whately, Helen
Keeley, Barbara	Mordaunt, Penny	Siddiq, Tulip	Wheeler, Heather
Kendall, Liz	Morden, Jessica	Simpson, rh Mr Keith	White, Chris
Kennedy, Seema	Morgan, rh Nicky	Skidmore, Chris	Whitehead, Dr Alan
Kinahan, Danny	Morris, Anne Marie	Skinner, Mr Dennis	Whittaker, Craig
Kinnock, Stephen	Morris, David	Slaughter, Andy	Whittingdale, rh Mr John
Kirby, Simon	Morris, Grahame M.	Smeeth, Ruth	Wiggin, Bill
Knight, rh Sir Greg	Morris, James	Smith, rh Mr Andrew	Williamson, rh Gavin
Knight, Julian	Morton, Wendy	Smith, Angela	Wilson, Phil
Kwarteng, Kwasi	Mowat, David	Smith, Cat	Wilson, Mr Rob
Kyle, Peter	Mulholland, Greg	Smith, Chloe	Winnick, Mr David
Lancaster, Mark	Mundell, rh David	Smith, Henry	Winterton, rh Ms Rosie
Latham, Pauline	Murray, Ian	Smith, Jeff	Wollaston, Dr Sarah
Lavery, Ian	Murray, Mrs Sheryll	Smith, Julian	Wood, Mike
Leadsom, Andrea	Murrison, Dr Andrew	Smith, Nick	Woodcock, John

Wragg, William
Wright, Mr Iain
Wright, rh Jeremy
Zahawi, Nadhim

Zeichner, Daniel
Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negatived.

New Clause 27

EQUAL OPPORTUNITIES

“In Part 2 of Schedule 5 to the Scotland Act 1998, omit Section L2 (equal opportunities).” —(*Dr Eilidh Whiteford.*)

This new clause would devolve equal opportunities to the Scottish Parliament.

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 61, Noes 288.

Division No. 115]

[10.4 pm

AYES

Ahmed-Sheikh, Ms Tasmina
Arkless, Richard
Bardell, Hannah
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Brock, Deidre
Brown, Alan
Cameron, Dr Lisa
Campbell, Mr Gregory
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Day, Martyn
Docherty, Martin John
Donaldson, Stuart Blair
Durkan, Mark
Fellows, Marion
Gethins, Stephen
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Hermon, Lady
Hosie, Stewart
Kerevan, George
Kerr, Calum
Law, Chris
Lucas, Caroline
MacNeil, Mr Angus Brendan
Mc Nally, John
McCaig, Callum

McDonald, Stewart Malcolm
McDonald, Stuart C.
McGarry, Natalie
McLaughlin, Anne
Monaghan, Carol
Monaghan, Dr Paul
Mulholland, Greg
Mullin, Roger
Newlands, Gavin
Nicolson, John
O’Hara, Brendan
Oswald, Kirsten
Paterson, Steven
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Gavin
Salmond, rh Alex
Shannon, Jim
Sheppard, Tommy
Stephens, Chris
Thewliss, Alison
Thompson, Owen
Thomson, Michelle
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Wilson, Corri
Wishart, Pete

Tellers for the Ayes:
Hywel Williams and
Jonathan Edwards

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin

Bebb, Guto
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
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
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Costa, Alberto
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Glyn
Davies, Dr James
Davies, Mims
Dinenage, Caroline
Djanogly, Mr Jonathan
Donelan, Michelle
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
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
Frazer, Lucy
Freer, Mike
Fuller, Richard
Fysh, Marcus
Gale, Sir Roger
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris

Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howarth, Sir Gerald
Howell, John
Howlett, Ben
Huddleston, Nigel
Hurd, Mr Nick
Jackson, Mr Stewart
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyens, Andrea
Jenrick, Robert
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
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

Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, rh Mr Patrick
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 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
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 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
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Scully, Paul
 Selous, Andrew

Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Thomas, Derek
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negatived.

Clause 19

DISABILITY, INDUSTRIAL INJURIES AND CARER'S
 BENEFITS

Amendments made: 70, page 22, line 43, leave out “relevant carer” and insert “person”.

To enable the Scottish Parliament to legislate for the payment of a carer's benefit to a person who is under 16, is in full-time education or is gainfully employed, this amendment removes the defined term “relevant carer” and replaces it with “person”.

Amendment 71, page 22, leave out lines 45 to 48.—
 (*Stephen Barclay.*)

This amendment removes the definition of “relevant carer” which, as consequence of amendment 70, is no longer required.

Clause 20

BENEFITS FOR MATERNITY, FUNERAL AND HEATING
 EXPENSES

Amendments made: 72, page 23, line 27, after “financial” insert “or other”.

This amendment and amendment 73 will give the Scottish Parliament the competence to legislate for forms of non-financial assistance to support people with a view to reducing maternity expenses, funeral expenses or expenses for heating in cold weather.

Amendment 73, page 23, line 27, at end insert “or reducing”.

See the explanatory statement for amendment 72.

Amendment 191, page 23, line 33, leave out “8” and insert “10”.

This amendment is consequential on NC14 and NC34. It adjusts the numbering in the heading to a provision inserted by clause 20.

Amendment 192, page 23, line 34, leave out “8” and insert “10”.—(*Stephen Barclay.*)

This amendment is consequential on NC14 and NC34. It provides that nothing in the exceptions inserted by those New Clauses is to be read as excepting the National Insurance Fund, the Social Fund or the provision of budgeting loans.

Clause 22

DISCRETIONARY HOUSING PAYMENTS

Amendment made: 76, page 24, leave out lines 38 to 48.—(*Stephen Barclay.*)

This amendment removes the limit on the amount of discretionary financial assistance an individual who is in receipt of a reserved benefit to assist with rental costs can receive. The discretionary financial assistance must still be provided to help the individual with their housing costs.

Clause 24

UNIVERSAL CREDIT: COSTS OF CLAIMANTS WHO RENT
 ACCOMMODATION

Amendment made: 77, page 26, line 22, leave out from “regulations” to end of line 25 and insert—

‘() If—

- (a) the Scottish Ministers make regulations to which this section applies, and
- (b) the Secretary of State considers that it is not practicable to implement a change made by the regulations by the time that change is to start to have effect,

the Secretary of State may by regulations made by statutory instrument amend the regulations so that the change is to start to have effect from a time later than the time originally set.

() The altered time must be no later than the Secretary of State considers necessary, having regard to the practicability of implementing the change.”—(*Stephen Barclay.*)

This amendment replaces the provision that prevents regulations being made by the Scottish Ministers unless the Secretary of State has agreed the start date of any changes with a power for the Secretary of State to postpone the start date if this cannot be met.

Clause 25

UNIVERSAL CREDIT: PERSONS TO WHOM, AND TIME
WHEN, PAID

Amendment made: 78, page 27, line 2, leave out from “regulations” to end of line 5 and insert—

() If—

- (a) the Scottish Ministers make regulations to which this section applies, and
- (b) the Secretary of State considers that it is not practicable to implement a change made by the regulations by the time that change is to start to have effect,

the Secretary of State may by regulations made by statutory instrument amend the regulations so that the change is to start to have effect from a time later than the time originally set.

() The altered time must be no later than the Secretary of State considers necessary, having regard to the practicability of implementing the change.” —(*Stephen Barclay.*)

This amendment replaces the provision that prevents regulations being made by the Scottish Ministers unless the Secretary of State has agreed the start date of any changes with a power for the Secretary of State to postpone the start date if this cannot be met.

Clause 27

FUNCTIONS EXERCISABLE WITHIN DEVOLVED
COMPETENCE

Amendments made: 79, page 28, line 12, leave out “or 26” and insert “, 26 or [Welfare foods]”.

This amendment ensures that functions of Ministers of the Crown in relation to welfare foods transfer to Scottish Ministers along with legislative competence.

Amendment 80, page 28, line 24, leave out “or 26” and insert “, 26 or [Welfare foods]”.

This amendment makes a necessary consequential change flowing from the devolution of executive competence effected by amendment 79 to make clear that, in Clause 27 the relevant date is the date on which the relevant provision of New Clause 14 comes into force.

Amendment 81, page 28, line 29, after “sections” insert “[Functions exercisable within devolved competence: elections]”. —(*Stephen Barclay.*)

This amendment is consequential to the amendments made to New Clause 13.

Clause 29

INFORMATION-SHARING

Amendments made: 82, page 29, line 32, after “pensions,” insert—

“() welfare foods.”

This amendment ensures that the Secretary of State and Scottish Ministers may share information during the course of devolving welfare foods functions and subsequently.

Amendment 193, page 29, line 38, after “8” insert “and 10”.

This amendment is consequential on NC34. It provides that a function exercisable by the Scottish Ministers within devolved competence by virtue of the exception inserted by that New Clause is a relevant Scottish social security function for the purposes of sharing information under clause 29.

Amendment 83, page 29, line 45, at the end insert—

() a function of the Scottish Ministers relating to welfare foods;” —(*Stephen Barclay.*)

This amendment is consequential on New Clause 14 and ensures that the meaning of “relevant Scottish social security function” includes the Scottish Ministers’ functions relating to welfare foods.

Clause 31

CROWN ESTATE

Amendments made: 84, page 31, line 12, at end insert—

“(4A) The property, rights and interests to which the existing Scottish functions relate must continue to be managed on behalf of the Crown.

(4B) That does not prevent the disposal of property, rights or interests for the purposes of that management.

(4C) Subsection (4A) also applies to property, rights or interests acquired in the course of that management (except revenues to which section 1(2) of the Civil List Act 1952 applies).

(4D) The property, rights and interests to which subsection (4A) applies must be maintained as an estate in land or as estates in land managed separately (with any proportion of cash or investments that seems to the person managing the estate to be required for the discharge of functions relating to its management).”

The inserted subsections replace subsection (10) of the Clause. They clarify how the requirement to maintain as an estate in land will operate after the transfer: that there may be separately managed estates; that management is on behalf of the Crown; and that this does not prevent disposals but includes all acquisitions.

Amendment 85, page 31, line 30, leave out

“the existing Scottish functions relate”

and insert “subsection (4A) applies”.

This amendment is consequential on amendment 84.

Amendment 86, page 31, line 35, leave out

“the existing Scottish functions relate”

and insert “subsection (4A) applies”.

This amendment is consequential on amendment 84.

Amendment 87, page 31, line 37, leave out

“other functions of the Commissioners”

and insert

“the Commissioners’ functions other than the existing Scottish functions”.

This amendment amends new section 90B(8)(d) to clarify the wording in this provision.

Amendment 88, page 32, line 20, leave out from beginning to “after” in line 21 and insert—

() Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.

() In sub-paragraph (3) of paragraph 2,”.

This is consequential on amendment 89.

Amendment 89, page 32, line 22, at end insert—

() After that sub-paragraph insert—

(3A) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the requirements of section 90B(4A) to (4D).”

This amends Schedule 5 to the Scotland Act 1998 to provide for the reservation of the subject-matter of subsections (4A) to (4D) of new section 90B (inserted by amendment 84).

Amendment 90, page 32, line 39, leave out “the transferred functions relate” and insert “section 90B(4A) applies”.

This is consequential on amendment 84.

Amendment 91, page 32, line 40, leave out “the Secretary of State or”.

Clause 31(5) applies a modified version of the Crown Estate Act 1961 to the transferee. This amendment omits “the Secretary of State” from Clause 31(5)(b), since there will be no references to the Secretary of State in that Act as modified.

Amendment 92, page 33, line 7, at end insert—

“in section 4, the words “with the consent of Her Majesty signified under the Royal Sign Manual”;”.

Clause 31(5) applies a modified version of the Crown Estate Act 1961 to the transferee. This amendment omits the reference to the Royal Sign Manual in the modified Act, so that Her Majesty will not be required to consent to certain post-transfer transactions by the transferee.

Amendment 93, page 33, line 14, after “1998” insert “(subject to subsections (4A) to (4D) of that section)”.

This makes the power to make an Order in Council in Clause 31(7) subject to subsections (4A) to (4D) of new section 90B, which are inserted by amendment 84.

Amendment 94, page 33, line 15, at end insert—

“() An Order in Council under subsection (7) may in particular—

- (a) establish a body, including a body that may be nominated under that section as the transferee;
- (b) amend, repeal, revoke or otherwise modify an enactment, an Act of the Scottish Parliament, or an instrument made under an enactment or Act of the Scottish Parliament.”

This clarifies the scope of the power to make an Order in Council in Clause 31(7). A body can be established by such an order and the order can include amendments to, in particular, an Act of Parliament or an Act of the Scottish Parliament.

Amendment 95, page 33, line 26, leave out subsection (10).—(*Stephen Barclay.*)

This is consequential on amendment 84 which replaces the provision in subsection (10) about the requirement to maintain an estate in land.

Clause 32

EQUAL OPPORTUNITIES

Amendments made: 96, page 33, line 44, leave out subsection (2) and insert—

“(2) Omit the words from “, including the subject-matter of” to “1995”.”

This amendment removes any reference to legislation from the equal opportunities reservation in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998.

Amendment 97, page 34, leave out lines 3 and 4.

This amendment removes the exception to the reservation on socio economic inequalities as this area is already devolved.

Amendment 98, page 34, line 4, at end insert—

“Equal opportunities so far as relating to the inclusion of persons with protected characteristics in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.”

This amendment makes specific provision for the Scottish Parliament to have legislative competence to enact positive measures in appointments to the boards of Scottish public authorities, including the modification of existing reserved legislation.

Amendment 100, page 34, line 6, after second “authority” insert

“, other than any function that relates to the inclusion of persons in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.”

This amendment is consequential to amendment 98.

Amendment 99, page 34, line 8, after second “or” insert “of”.—(*Stephen Barclay.*)

This amendment corrects a typographical omission.

Amendment proposed: 26, page 34, line 13, at end insert

“including the imposition of minimum quotas for women and other persons with protected characteristics across all levels of public and political representation in Scotland.”.—(*Ian Murray.*)

This Amendment is intended to make explicit that, among the exceptions to reserved matters on equal opportunities, the power is being devolved to the Scottish Parliament to set gender quotas.

Question put, That the amendment be made.

The House divided: Ayes 242, Noes 287.

Division No. 116]

[10.16 pm

AYES

Abbott, Ms Diane	Durkan, Mark
Abrahams, Debbie	Eagle, Ms Angela
Ahmed-Sheikh, Ms Tasmina	Eagle, Maria
Alexander, Heidi	Edwards, Jonathan
Ali, Rushanara	Elliott, Julie
Allen, Mr Graham	Ellman, Mrs Louise
Anderson, Mr David	Esterson, Bill
Arkless, Richard	Evans, Chris
Ashworth, Jonathan	Fellows, Marion
Austin, Ian	Fitzpatrick, Jim
Bailey, Mr Adrian	Flint, rh Caroline
Bardell, Hannah	Flynn, Paul
Barron, rh Kevin	Fovargue, Yvonne
Benn, rh Hilary	Foxcroft, Vicky
Betts, Mr Clive	Gapes, Mike
Black, Mhairi	Gethins, Stephen
Blackford, Ian	Glass, Pat
Blackman, Kirsty	Glindon, Mary
Blackman-Woods, Dr Roberta	Godsiff, Mr Roger
Blenkinsop, Tom	Goodman, Helen
Blomfield, Paul	Grady, Patrick
Bradshaw, rh Mr Ben	Grant, Peter
Brennan, Kevin	Gray, Neil
Brock, Deidre	Green, Kate
Brown, Alan	Greenwood, Lilian
Brown, rh Mr Nicholas	Greenwood, Margaret
Bryant, Chris	Griffith, Nia
Buck, Ms Karen	Haigh, Louise
Burden, Richard	Hamilton, Fabian
Burgon, Richard	Hanson, rh Mr David
Burnham, rh Andy	Hayes, Helen
Butler, Dawn	Hayman, Sue
Byrne, rh Liam	Healey, rh John
Cadbury, Ruth	Hendry, Drew
Cameron, Dr Lisa	Hepburn, Mr Stephen
Campbell, rh Mr Alan	Hermon, Lady
Campbell, Mr Gregory	Hodgson, Mrs Sharon
Campbell, Mr Ronnie	Hollern, Kate
Champion, Sarah	Hopkins, Kelvin
Chapman, Douglas	Hosie, Stewart
Chapman, Jenny	Howarth, rh Mr George
Cherry, Joanna	Hunt, Tristram
Coaker, Vernon	Huq, Dr Rupa
Cooper, Julie	Irranca-Davies, Huw
Cooper, rh Yvette	Jarvis, Dan
Cowan, Ronnie	Johnson, Diana
Cox, Jo	Jones, Graham
Coyle, Neil	Jones, Helen
Crawley, Angela	Jones, Mr Kevan
Creasy, Stella	Jones, Susan Elan
Cruddas, Jon	Kane, Mike
Cryer, John	Kaufman, rh Sir Gerald
Cummins, Judith	Keeley, Barbara
Cunningham, Alex	Kendall, Liz
Cunningham, Mr Jim	Kerevan, George
Danczuk, Simon	Kerr, Calum
David, Wayne	Kinnock, Stephen
Davies, Geraint	Kyle, Peter
Day, Martyn	Lavery, Ian
De Piero, Gloria	Law, Chris
Docherty, Martin John	Leslie, Chris
Donaldson, Stuart Blair	Lewell-Buck, Mrs Emma
Doughty, Stephen	Lewis, Clive
Dowd, Jim	Long Bailey, Rebecca
Dowd, Peter	Lucas, Caroline
Dromey, Jack	Lucas, Ian C.
Dugher, Michael	MacNeil, Mr Angus Brendan

Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McLaughlin, Anne
 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
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pound, Stephen
 Powell, Lucy
 Reed, Mr Steve
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Gavin
 Rotheram, Steve
 Salmond, rh Alex

Shah, Naz
 Shannon, Jim
 Sharma, Mr Virendra
 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, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, rh 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
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Watson, Mr Tom
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Holly Lynch and
Jeff Smith

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett

Barclay, Stephen
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Bellingham, Mr Henry
 Benyon, Richard
 Beresford, Sir Paul
 Berry, Jake
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 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
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Cleverly, James
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Dinage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 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
 Frazer, Lucy
 Freer, Mike
 Fuller, Richard
 Fysh, Marcus
 Gale, Sir Roger
 Garnier, rh Sir Edward
 Garnier, Mark
 Gauke, Mr David
 Ghani, Nusrat
 Gibb, Mr Nick
 Gillan, rh Mrs Cheryl
 Glen, John

Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hurd, Mr Nick
 Jackson, Mr Stewart
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 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
 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
 Mathias, Dr Tania
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McLoughlin, Mr Patrick
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, Mr Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, Mr Anne
 Mordaunt, Penny
 Morgan, Mr Nicky
 Morris, Mrs Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mowat, David
 Mundell, Mr David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, Mr Priti
 Paterson, Mr Owen
 Pawsey, Mark
 Penning, Mr Mike
 Penrose, John
 Percy, Andrew
 Phillips, Stephen
 Philp, Chris
 Pickles, Mr Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, Mr John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rudd, Mr Amber
 Rutley, David

Scully, Paul
 Selous, Andrew
 Shelbrooke, Alec
 Simpson, Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, Mr Sir Nicholas
 Solloway, Amanda
 Soubry, Mrs Anna
 Spelman, Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, Mr Desmond
 Thomas, Derek
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Tugendhat, Tom
 Turner, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, Mr John
 Wiggan, Bill
 Williamson, Mr Gavin
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, Mr Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
George Hollingbery and
Margot James

Question accordingly negatived.

Amendments made: 101, page 34, line 17, leave out “at the end insert” and insert

“at the appropriate places insert—

““Board” includes any other equivalent management body.”

““Non-executive post” in relation to an authority means any position the holder of which is not an employee of the authority.”

““Protected characteristic” has the same meaning as in the Equality Act 2010.””

This amendment defines the key terms used in amendment 98.

Amendment 102, page 34, line 19, leave out “Part 1 of that Act, and to”.

Consequential on amendment 97.

Amendment 103, page 34, line 25, leave out subsection (6).

Subsection (6) of Clause 32 is superseded by New Clause 16.

Amendment 104, page 34, line 37, leave out subsections (9) and (10).—(*Stephen Barclay.*)

Subsections (9) and (10) of Clause 32 are superseded by New Clause 16.

Clause 33

TRIBUNALS

Amendment made: 105, page 35, line 10, leave out from beginning to end of line 38 on page 36 and insert—

“2A (1) This Schedule does not reserve the transfer to a Scottish tribunal of functions of a tribunal that relate to reserved matters, so far as those functions are exercisable in relation to Scottish cases.

(2) “Scottish cases” has the meaning given by an Order in Council made by Her Majesty under this sub-paragraph.

(3) Sub-paragraph (1) does not apply where a function is excluded from transfer.

(4) Where a function is not excluded from transfer but is subject to qualified transfer, sub-paragraph (1) applies only if the transfer of the function is in accordance with provision made by Her Majesty by Order in Council.

(5) An Order in Council under sub-paragraph (4)—

(a) must specify the function to which it relates,

(b) must specify the Scottish tribunal to which the function may be transferred, and

(c) may make any other provision which Her Majesty considers necessary or expedient for the purposes of or in consequence of the transfer of the function and its exercise by the Scottish tribunal.

(6) The functions that are subject to qualified transfer are the functions of the following tribunals—

(a) the First-tier Tribunal or the Upper Tribunal that are established under section 3 of the Tribunals, Courts and Enforcement Act 2007;

(b) an employment tribunal or the Employment Appeal Tribunal;

(c) a tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992;

(d) a tribunal listed in Schedule 6 to the Tribunals, Courts and Enforcement Act 2007.

(7) Sub-paragraph (6)© and (d) include a tribunal added to the Schedule concerned after this paragraph comes into force.

(8) Provision made by virtue of sub-paragraph (5)© may—

(a) include provision that—

(i) modifies the function;

(ii) imposes conditions or restrictions (including conditions or restrictions relating to the composition or rules of procedure of the Scottish tribunal, or to its staff or accommodation);

(b) be made with a view to purposes including—

(i) securing consistency in any respect in practice or procedure or otherwise between the Scottish tribunal and other tribunals;

(ii) promoting judicial co-operation in the interests of consistency.

(9) Sub-paragraph (8) does not limit the provision that may be made by virtue of sub-paragraph (5)©.

- (10) The following functions are excluded from transfer—
- functions of a national security tribunal;
 - functions of a regulator, or of a person or body that exercises functions on behalf of a regulator;
 - functions of the Comptroller-General of Patents, Designs and Trade Marks.
- (11) In this paragraph—
- a “national security tribunal” means—
 - the Pathogens Access Appeal Commission;
 - the Proscribed Organisations Appeal Commission;
 - the Special Immigration Appeals Commission;
 - the tribunal established by section 65(1) of the Regulation of Investigatory Powers Act 2000 (investigatory powers tribunal);
 - any other tribunal that has functions relating to matters falling within Section B8 of Part 2 of this Schedule, except a tribunal mentioned in sub-paragraph (6);
 - a “regulator” means a person or body that has regulatory functions (within the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006);
 - a “Scottish tribunal” means a tribunal in Scotland—
 - that does not have functions in or as regards any other country or territory, except for purposes ancillary to its functions in or as regards Scotland, and
 - that is not, and does not have as a member, a member of the Scottish Government.

(12) The powers conferred by this paragraph do not affect the powers conferred by section 30 or section 113.” —(*Stephen Barclay.*)

The amendment reorganises paragraph 2A. Provisions previously covered in both paragraphs 2A(1) and (4) are brought together in paragraph 2A(1). Part of paragraph 2A(8)(a) (previously in paragraph 2A(6)(a)(iii)) is omitted as unnecessary because section 113(2) of the 1998 Act allows different meanings of “Scottish cases” to be provided for under paragraph 2A(2) for different purposes.

Clause 37

ROADS: CONSEQUENTIAL PROVISIONS ETC

Amendments made: 106, page 41, line 24, at end insert “(1) to (16)”.

This amendment would clarify that clause 37(2) does not change the person who is to exercise ministerial functions under section 87 of the Road Traffic Regulation Act 1984 (as inserted by section 19 of the Road Safety Act 2006), so far as relating to Wales.

Amendment 107, page 41, line 26, at end insert—

“(3) Subsection (4) applies if the Secretary of State makes a statutory instrument revoking the following instruments in relation to England and Wales—

- the Zebra, Pelican and Puffin Pedestrian Crossing Regulations and General Directions 1997 (S.I. 1997/2400);
- the Traffic Signs (Temporary Obstructions) Regulations 1997 (S.I. 1997/3053);
- the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113).

(4) Despite anything in section 35 or 36 or Schedule 2, the Secretary of State may by that instrument exercise one or more of the traffic signs powers to make provision in relation to roads in Scotland (including provision revoking one or more of the instruments mentioned in subsection (3) in relation to Scotland), with the consent of the Scottish Ministers.

(5) The traffic signs powers are—

- the power to make regulations under section 25 of the Road Traffic Regulation Act 1984 (pedestrian crossings);

- the power to make regulations under section 64 of that Act (traffic signs);
- the power to give general directions under section 65(1) of that Act (placing of traffic signs);
- the power to give general directions under section 85(2) of that Act (traffic signs for indicating speed restrictions);
- the power to make regulations under section 36(5) of the Road Traffic Act 1988 (traffic signs: discretionary disqualification for failure to comply).

(6) The Secretary of State may not by virtue of subsection (4) exercise any power in a way that the Secretary of State could not have exercised that power immediately before the coming into force of sections 35 and 36 and Schedule 2.” —(*Stephen Barclay.*)

This amendment would mean that if the Secretary of State replaces the current regulations and general directions on traffic signs, the new provisions can, if the Scottish Ministers consent, apply in relation to Scotland, in addition to England and Wales. Replacement provisions are currently being prepared for Spring 2016.

Clause 40

ONSHORE PETROLEUM

Amendments made: 108, page 42, line 12, after “granting” insert “and regulation”.

This amendment makes a minor and technical change, clarifying that both the granting and regulating of licences fall within the matters no longer reserved.

Amendment 109, page 42, line 12, at end insert

“that, at the time of the grant of the licence, is”.

This amendment makes a minor and technical change, clarifying that the access powers being transferred are those to land for the purposes of searching or boring for or getting petroleum.

Amendment 10, page 42, leave out line 15 and insert—

“Access to land for the purpose of searching or boring for or getting petroleum under such a licence.” —(*Stephen Barclay.*)

This amendment clarifies that for a given licence, the definition of onshore Scotland shall be that which applies at the time the licence is granted. This is to prevent a change in onshore-offshore delineations due to geological processes from impacting an existing licence.

Clause 41

ONSHORE PETROLEUM: CONSEQUENTIAL AMENDMENTS

Amendments made: 111, page 43, line 34, leave out

“Minister in section 4 of that Act included”

and insert

“Secretary of State (or the Minister) in sections 4 and 9 of that Act included references to”.

This amendment makes a minor and technical change, clarifying the effect of the Mines (Working Facilities and Support) Act 1966 within the Petroleum Act 1998 for the Scottish Ministers in relation to onshore Scotland.

Amendment 112, page 43, leave out line 40 and insert—

““8A Interpretation of Part 1

() This section applies for the purposes of this Part.

() The “appropriate Minister” means—

(a) in relation to the Scottish onshore area, the Scottish Ministers;

(b) otherwise, the Secretary of State.” —(*Stephen Barclay.*)

This amendment makes a minor and technical change, clarifying that for the entirety of Part 1 of the Petroleum Act 1998, the “Appropriate Minister” refers to Scottish Ministers in relation to onshore Scotland.

Clause 42

ONSHORE PETROLEUM: EXISTING LICENCES

Amendments made: 113, page 44, line 31, after “40” insert “or 41”.

This amendment makes a minor and technical change, clarifying that the new power for the Secretary of State to amend existing licences is framed by the necessity to make changes in relation to the provisions brought forth in both Clause 40 and Clause 41 of the Scotland Bill.

Amendment 114, page 44, line 35, at end insert—

() In the case of an existing licence granted in respect of an area (“the licence area”) of which part only was within the Scottish onshore area at the time the licence was granted—

- (a) the Secretary of State may direct that it is to have effect as a licence in respect of an area comprising that part and a separate licence in respect of an area comprising the rest of the licence area, and
- (b) subsection (1) applies in relation to each of those licences as it applies in relation to the existing licence.” —(*Stephen Barclay.*)

This amendment enables the Secretary of State to split cross-border licences between Scotland and England so as to transfer the administration of acreage in Scotland to Scottish Ministers while maintaining the administration of acreage in England with the Secretary of State.

Clause 43

CONSUMER ADVOCACY AND ADVICE

Amendments made: 115, page 45, line 24, at end insert—
“, but not any related compulsory levy on postal operators.”;

- () under the heading “Interpretation”, before ““postal services”” insert “postal operator”.”

This amendment has the effect of reserving powers to raise levies on postal operators for the purpose of funding consumer advocacy and advice.

Amendment 116, page 45, line 30, at end insert—

“, but not any related compulsory levy on persons supplying, generating, transmitting or distributing electricity.””

This amendment has the effect of reserving powers to raise levies on those supplying, generating, transmitting or distributing electricity for the purpose of funding consumer advocacy and advice.

Amendment 117, page 45, line 32, after “provision” insert “in relation to gas”.

This amendment makes a minor and technical change, correcting an omission from the Bill print at Introduction.

Amendment 118, page 45, line 33, at end insert—

“, but not any related compulsory levy on persons supplying gas to premises or conveying gas through pipes.””

This amendment has the effect of reserving powers to raise levies on those supplying gas to premises or conveying gas through pipes for the purpose of funding consumer advocacy and advice.

Amendment 119, page 45, line 40, leave out “at the end insert “or to such proportion of” and insert—

- “(a) after “payment by the licence holder of sums” insert “— (a)”;
- (b) at the end insert “, or
- (b) relating to”.

This amendment and amendment 124 make minor and technical changes to the drafting to avoid duplication.

Amendment 120, page 46, line 2, leave out second “or” and insert “and”.

This amendment makes a minor and technical change to the drafting, correcting a grammatical error.

Amendment 121, page 46, line 6, leave out paragraph (b).

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Amendment 122, page 46, line 9, leave out from “words” to end of line 10 and insert ““(bb),” and “, (cb)”;

This amendment makes minor and technical changes to the drafting to avoid deleting references needed to collect historical costs and to delete extraneous references.

Amendment 123, page 46, line 13, leave out paragraph (f).

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Amendment 124, page 46, line 13, at end insert—

() In subsection (9) after “(3A)” insert “or to amounts mentioned in subsection (2)(b)”.

See explanatory statement for amendment 119.

Amendment 125, page 46, line 17, leave out “such proportion of”.

This amendment makes a minor and technical change to the drafting to avoid duplication.

Amendment 126, page 46, line 25, leave out paragraph (b).

This amendment makes a minor and technical change to the drafting to avoid duplication.

Amendment 127, page 46, line 27, at end insert—

“() in subsection (4A) the words “or Citizens Advice Scotland, or by them jointly,”.

This amendment makes a minor and technical change to the drafting to avoid duplication.

Amendment 128, page 46, line 28, leave out paragraph (e). —(*Stephen Barclay.*)

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Clause 50

FUEL POVERTY: SUPPORT SCHEMES

Amendments made: 137, page 49, leave out lines 18 to 20 and insert—

(1A) Subject to the following provisions of this section the power under section 9 to make a scheme in relation to Scotland is exercisable by the Secretary of State so as to make only—

- (a) provision as to the licensed suppliers to whom the scheme applies,
- (b) provision as to the aggregate amount of benefits to be provided under it by scheme suppliers, and
- (c) any other provision within section 9(4) or (9)(a) or (c)(v) or (vi).

(1B) The power to make other provision under that section for the purposes of the scheme is exercisable by the Scottish Ministers.”

The amendment clarifies that those powers not transferred to Scottish Ministers remain exercisable by the Secretary of State. It also transfers an additional power to Scottish Ministers to make provision for determining the amount of any benefit provided by an energy supplier under a scheme in relation to Scotland.

Amendment 138, page 49, line 24, leave out “, (3)”.

The amendment removes the requirement for Scottish Ministers to seek the consent of the Treasury before exercising their powers in relation to fuel poverty support schemes provided by energy suppliers.

Amendment 139, page 49, leave out lines 25 and 26.

The amendment removes text no longer required as it has been incorporated into amendment 137.

Amendment 140, page 49, line 37, leave out from beginning to “varying” in line 38 and insert

“Subsections (1A) and (1B) do not prevent the Secretary of State from making any provision under section 9 for the purposes of a scheme in relation to Scotland, or from”.

The amendment is consequential on amendment 137.

Amendment 141, page 50, line 6, leave out from first “to” to end of line 7 and insert

“make any provision not mentioned in subsection (1A)(a) to (c).”

The amendment is consequential on amendment 137.

Amendment 142, page 50, leave out line 46 to 50 and insert—

“(12) Section 14(5) does not apply to regulations by which the Secretary of State makes provision by virtue of subsection (5), with or without other provision under section 9.” —(*Stephen Barclay.*)

The amendment is consequential on amendment 137.

Clause 51

ENERGY COMPANY OBLIGATION

Amendments made: 143, page 51, line 27, leave out “subsection” and insert “subsections (5A) and”.

Amendments 143, 145, 146, 148, 149, 151, 152 and 154 clarify that those powers not exercisable by the Scottish Ministers remain exercisable by the Secretary of State.

Amendment 144, page 52, line 11, at the end insert—

“(4A) Where an overall carbon emissions reduction target has been apportioned under section 103(2A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 33BC, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 33BC (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall carbon emissions reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to gas suppliers of complying with carbon emissions reduction obligations that, in relation to any period, are imposed by order under section 33BC, and
- (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

Amendments 144, 147, 150 and 153 place a duty on Scottish Ministers, to exercise their powers in the way most likely to secure that the costs of the obligation relating to Scotland, when expressed as a proportion of total costs of the obligation, do not exceed the share of any overall target apportioned to Scotland.

Amendment 145, page 52, leave out lines 17 to 20 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

- (a) section 33BC(1A), (3), (5)(a) or (7)(a), or
- (b) section 33BC(2A) where an overall carbon emissions reduction target has not been apportioned under section 103(2A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BC or from varying or revoking an order made by the Scottish Ministers under that section—”.

See explanatory statement for amendment 143.

Amendment 146, page 53, line 14, leave out “subsection” and insert “subsections (5A) and”.

See explanatory statement for amendment 143.

Amendment 147, page 53, line 47, at the end insert—

“(4A) Where an overall home-heating cost reduction target has been apportioned under section 103A(3A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 33BD, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 33BD (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall home-heating cost reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to gas suppliers of complying with home-heating cost reduction obligations that, in relation to any period, are imposed by order under section 33BD, and
- (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

See explanatory statement for amendment 144.

Amendment 148, page 54, leave out lines 4 to 7 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

- (a) section 33BD(3),
- (b) section 33BC(3), (5)(a) or (7)(a) as applied by section 33BD(4), or
- (c) section 33BD(2)(a) where an overall home-heating cost reduction target has not been apportioned under section 103A(3A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BD or from varying or revoking an order made by the Scottish Ministers under that section—”.

See explanatory statement for amendment 143.

Amendment 149, page 55, line 1, leave out “subsection” and insert “subsections (5A) and”.

See explanatory statement for amendment 143.

Amendment 150, page 55, line 29, at the end insert—

“(4A) Where an overall carbon emissions reduction target has been apportioned under section 103(2A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 41A, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 41A (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is

represented by costs relating to Scotland is no greater than the proportion of the overall carbon emissions reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to electricity suppliers of complying with carbon emissions reduction obligations that, in relation to any period, are imposed by order under section 41A, and
- (b) “costs relating to Scotland” means the total costs to electricity suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

See explanatory statement for amendment 144.

Amendment 151, page 55, leave out lines 35 to 38 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

- (a) section 41A(1A), (3), (5)(a) or (7)(a), or
- (b) section 41A(2A) where an overall carbon emissions reduction target has not been apportioned under section 103(2A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 41A or from varying or revoking an order made by the Scottish Ministers under that section—”.

See explanatory statement for amendment 143.

Amendment 152, page 56, line 32, leave out “subsection” and insert “subsections (5A) and”.

See explanatory statement for amendment 143.

Amendment 153, page 57, line 16, at the end insert—

“(4A) Where an overall home-heating cost reduction target has been apportioned under section 103A(3A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 41B, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 41B (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall home-heating cost reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to electricity suppliers of complying with home-heating cost reduction obligations that, in relation to any period, are imposed by order under section 41B, and
- (b) “costs relating to Scotland” means the total costs to electricity suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

See explanatory statement for amendment 144.

Amendment 154, page 57, leave out lines 22 to 25 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

- (a) section 41B(3),
- (b) section 41A(3), (5)(a) or (7)(a) as applied by section 41B(4), or
- (c) section 41B(2)(a) where an overall home-heating cost reduction target has not been apportioned under section 103A(3A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 41B or from varying or revoking an order made by the Scottish Ministers under that section—” —(*Stephen Barclay.*)

See explanatory statement for amendment 143.

Clause 57

OFFICE OF COMMUNICATIONS

Amendment made: 129, page 64, line 16, at the end insert—

“() In subsection (5) after “(3)(a)” insert “, (aa)”. —(*Stephen Barclay.*)

This amendment provides that the member of Ofcom appointed by the Scottish Ministers pursuant to Clause 57 has the functions of determining the number of executive members of Ofcom and making those appointments under section 1(5) of the Office of Communications Act 2002.

Clause 59

SUBORDINATE LEGISLATION UNDER FUNCTIONS EXERCISABLE WITHIN DEVOLVED COMPETENCE

Amendments made: 130, page 65, line 24, after “section” insert “3”.

This amendment inserts a reference to Clause 3 and has the effect of applying Schedule 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 to any functions that are exercisable within devolved competence by virtue of that Clause.

Amendment 131, page 65, line 31, after “section” insert “3”.

This amendment inserts a reference to Clause 3 and has the effect of applying Schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 to any functions that are exercisable within devolved competence by virtue of that Clause.

Amendment 132, page 65, line 41 [Clause 59], after “section” insert “3”. —(*Stephen Barclay.*)

This amendment inserts a reference to Clause 3 and has the effect of making sure that a reference to the relevant date for the purposes of Clause 59 also applies to Clause 3.

Clause 63

COMMENCEMENT

Amendments made: 133, page 67, line 37, at the end insert—

“(e) section 57”.

This amendment allows the provisions of Clause 57 to be commenced by regulations under Clause 63.

Amendment 134, page 67, line 37, at end insert—

“(4A) Section [Destination of fines, forfeitures and fixed penalties] comes into force on such day as the Treasury may appoint by regulations made by statutory instrument.”

This is consequential on New Clause 17.

Amendment 135, page 67, line 38, after “(4)” insert “or (4A)”. —(*Stephen Barclay.*)

This is consequential on New Clause 17.

Schedule 2

ROADS: CONSEQUENTIAL AND RELATED AMENDMENTS

Amendment made: 136, page 76, line 21, leave out paragraph (a). —(*Stephen Barclay.*)

This amendment would ensure that the Bill does not affect the powers of the Scottish Ministers under section 14 of the Road Traffic Regulation Act 1984, as expanded by section 22C of that Act, that were previously devolved by Order in Council.

Third Reading

Queen’s consent signified.

10.30 pm

David Mundell: I beg to move, That the Bill be now read the Third time.

I thank all Members for their participation in the debates that have taken place as the Bill has passed through the House. I believe the Bill has been strengthened by the scrutiny it has received, and the number of positive and constructive amendments that have been agreed to today is testimony to that. I particularly want to acknowledge the work of Bruce Crawford MSP and the Scottish Parliament's Devolution (Further Powers) Committee, which has proved invaluable. Although I have not agreed with them on everything, I respect enormously their contribution to the Bill's passage.

I thank John Swinney MSP and the Scottish Government officials for their always courteous engagement in the process. Scotland obtains the best outcome when its two Governments work together. I also thank my own officials and those in other Departments throughout Whitehall for their contributions.

The origin of the Bill was the Smith agreement, and I again pay tribute to Lord Smith of Kelvin and the representatives of all five of Scotland's political parties for reaching an agreement which represents the new devolution settlement for Scotland. I also pay tribute to everyone who has worked so hard since then to enable us to reach this point today. I sincerely believe that the Bill delivers what the people of Scotland voted for decisively last September: one of the most powerful devolved Parliaments in the world, with the strength and security that come from being part of our United Kingdom.

No individual or party holds a monopoly of wisdom in respect of how the Smith agreement might best be translated into legislation, and the six days of debate that we have had on the Floor of the House have allowed me to listen to a variety of points of view and suggestions for further improvement. The Government have responded with the package of amendments that was presented on Report, and the Bill will proceed to the other place with its provisions clarified and strengthened.

There can be no reasonable doubt that the Bill delivers the Smith agreement in full, and the debate now moves from constitutional arguments to the important decisions that will affect the lives of people in Scotland. Will the Scottish Government create new benefits, or top up existing ones? What kind of schemes to address fuel poverty best suit the particular circumstances of Scotland? Will local communities be given a greater say in the management of assets such as the Crown Estate? How can Scotland's public sector boards show the way forward for gender equality? Each of those decisions will now form a direct part of Scotland's vigorous public debate, and each of them will be made in Scotland for the first time.

The Scottish Parliament and the Scottish Government will be more responsible and more accountable to the people of Scotland. That is what the Bill means for Scotland: the vow delivered, and a powerhouse Parliament within a strong United Kingdom. Now is the time for us all to work together to make these new powers a success for Scotland.

10.33 pm

Ian Murray: I echo the Secretary of State in thanking everyone who has been involved in the Bill's passage, including his officials and the people who have been so supportive to Labour Members. I thank my Parliamentary Private Secretary, my hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth), and, of course, my hon. Friend the Member for Caerphilly (Wayne David), who has spoken on many parts of the Bill, but I also thank the Clerks in the Public Bill Office, who have been incredibly helpful in putting the Bill together. It has been like wading through treacle at times, but they have always been courteous, and their advice has always been well received.

Let me be absolutely clear at the outset about the Labour party's position. We fully support the Bill and all that it seeks to achieve. *[Interruption.]* One would think that SNP Members would just stop for two minutes during the Third Reading debate. When the Conservative Secretary of State spoke, there was complete silence, but when the Labour party speaks, the braying mob starts. That tells us all that we need to know about this place. With the amendments that have been accepted this evening, the vow has been delivered in full. The Bill delivers on the powers promised and agreed by all parties, including the SNP, in the Smith commission.

In 1998 Donald Dewar said:

"There shall be a Scottish Parliament"—*[Official Report, 12 January 1998; Vol. 304, c. 25.]*

and it was Labour, with the consent of the Scottish people, that delivered that Parliament. This Bill will make the Scottish Parliament one of the most powerful devolved legislatures in the world. It meets not only the terms of the vow, but the timetable laid out by Gordon Brown last year. We promised a process by the end of October; it was delivered. We promised it would conclude by St Andrew's day; it was delivered. Draft legislation was promised by January; it was delivered. Second Reading of the Scotland Bill was promised straight after the election, regardless of who won; that was delivered. We promised that, no matter what parties formed the Government after the election, we would deliver a Bill to meet what the Smith commission set out; and thanks to the Secretary of State's amendments put forward on Monday, that has been delivered. It is absolutely clear that this Bill, as amended, will place at the Scottish Government's disposal the powers to make Scotland the fairer and more equal country that we all aspire for it to be.

Patrick Grady (Glasgow North) (SNP): Will the hon. Gentleman give way?

Ian Murray: I am not going to take interventions because I want the SNP opposition spokesman to speak, and if I take interventions he will be talked out.

From the establishment of the Scottish Parliament to the Calman commission to the Scotland Act 2012, Labour has supported more powers for the Scottish Parliament, but we are absolutely clear about what we stand for: we believe in devolution, not separation. That is what the people of Scotland voted for last year, and we respect the sovereign will of the Scottish people.

They said they wanted to remain part of the United Kingdom but with a strong Scottish Parliament. They said they wanted to continue to pool and share resources across these islands. They said that they wanted the continued security that being part of a bigger union of nations and family of nations brought.

The Bill provides an historic opportunity for our politics in Scotland to turn from talking about the constitution to talking about the country, and about what we can do to make Scotland the fairest nation on earth, instead of what we cannot. Let's grasp that opportunity. Let's build that fairer nation. Let's give the people across Scotland the politics they deserve. In the words of Donald Dewar, there shall be a powerful Scottish Parliament.

10.37 pm

Angus Robertson (Moray) (SNP): As is customary, it is appropriate to put on record the appreciation of all parties, and I do so on behalf of the effective opposition in this Chamber, the Scottish National party. I thank, too, colleagues in the Westminster SNP group who have taken part in the debate, and colleagues in the Scottish Government, with whom we have worked closely throughout the passage of this Bill.

Those watching at home, as opposed to those sitting in the Chamber—for those who are not aware of it, our proceedings are trending among the top 10 most discussed issues on Twitter tonight; a great many people in Scotland have been watching our proceedings—will have noted a number of things. They will have noted that for the first half of proceedings there were more SNP Members in the Chamber than those of all other parties combined. They will have noticed that, with less than six hours allocated for debate—notwithstanding the fact that an offer was made by the SNP for a second full day on Report—the Government tabled 200 new clauses and amendments, and we had an opportunity for only seven Divisions. On an issue that is supposed to be defining for Scotland's constitutional future, that is no way to legislate. The idea that legislating as we just have is worthy of the mother of all Parliaments, as some people choose to call it, is way out of place.

We have heard a great many claims about the delivery of the vow. This evening, we have seen Labour Members agreeing with the Conservatives, as they have so often over the last years—[*Interruption.*] Indeed, they are signalling their co-operation and that they work closely together. That has been noted. In particular, it has been noted that this evening, the Labour party voted with the Tories against tax credits being devolved to the Scottish Parliament. On a defining issue—

10.40 pm

Six hours having elapsed since the commencement of proceedings on the programme motion, the debate was interrupted (Programme Order, this day).

The Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83A(9)), That the Bill be now read the Third time.

Question agreed to.

Bill accordingly read the Third time and passed, with amendments.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 9(6)),

That the Universal Credit (Work Allowance) Amendment Regulations 2015 (S.I., 2015, No. 1649), be referred to a Delegated Legislation Committee.—(*Stephen Barclay.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 9(6)),

That the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I., 2015, No. 1753, be referred to a Delegated Legislation Committee.—(*Stephen Barclay.*)

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That at the sitting on Monday 16 November—

(1) notwithstanding the provisions of paragraph (2) (c) of Standing Order No. 14 (Arrangement of public business), the business determined by the Backbench Business Committee may be proceeded with for three hours, and shall then lapse if not previously disposed of, and

(2) notwithstanding the provisions of Standing Order No. 20 (Time for taking private business), the Private Business set down by the Chairman of Ways and Means shall be entered upon after the conclusion of backbench business (whether before, at or after 7.00pm), and may then be proceeded with, though opposed, for three hours, after which the Speaker shall interrupt the business; the business may be entered upon after the moment of interruption; and Standing Order No. 41A (Deferred Divisions) shall not apply.—(*Stephen Barclay.*)

JOINT COMMITTEE ON CONSOLIDATION, &C., BILLS

Ordered,

That James Cleverly, Mims Davies, Peter Grant, Imran Hussain, Mr Stewart Jackson, Amanda Milling, Grahame Morris, Melanie Onn, Kate Osamor, Amanda Solloway, Julian Sturdy and Tom Tugendhat be members of the Select Committee appointed to join with a Committee of the Lords as the Joint Committee on Consolidation, &c., Bills.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

EUROPEAN SCRUTINY

Ordered,

That Nia Griffith be discharged from the European Scrutiny Committee and Stephen Kinnock be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

Human Rights (Eritrea)

Motion made, and Question proposed, That this House do now adjourn.—(*Stephen Barclay.*)

10.41 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): I am pleased that time has been found to debate this important and, sadly, overlooked issue and I thank the Minister for coming to the House to respond at the end of what I know has been a long day.

Until recently, like most of my constituents and most fellow Britons, I knew little of Eritrea, its people or its Government. Conditions in the country were brought to my attention a little over a year ago by one of my constituents, Habte Hagos, who owns and runs the award-winning Blue Nile restaurant in Woolwich, among other ventures. Like many Eritreans, Habte lost family members in the struggle for a free, democratic Eritrea and he has worked over many years to raise awareness about human rights violations in his homeland. I am delighted that Habte and others are in the Gallery this evening to watch the proceedings.

Desperate human beings are moving across our continent on a scale not seen since the second world war. As we know, a significant proportion are fleeing civil war and sectarian violence in Syria, but large numbers of Eritreans are also leaving the land of their birth in the horn of Africa. An estimated 5,000 people leave Eritrea every month and almost as many men, women and children left that country last year as fled from Syria. This human exodus is all the more staggering when we consider that it is from a country of just 6 million people that is not presently at war.

Patrick Grady (Glasgow North) (SNP): I congratulate the hon. Gentleman on securing such an important debate. I have a number of Eritrean constituents who will welcome the fact that it is taking place. I acknowledge that a Foreign Office Minister will be responding to it, but a number of my constituents are concerned about the country guidance that the Home Office uses to determine whether asylum should be granted. Does the hon. Gentleman agree that that guidance should be updated to take into account the findings of the recent report from the United Nations commission of inquiry on human rights in Eritrea, rather than the discredited report from the Danish Government on the same subject?

Matthew Pennycook: The hon. Gentleman makes a good point. The methodology of the Danish Government's report has been questioned. It remains the basis for the Danish Government's guidance, but our Government should continue to review our own guidance to ensure that we are not refusing asylum to people who are genuinely being persecuted.

Most Eritreans who flee end up in neighbouring countries such as Sudan and Ethiopia, but many make the dangerous trek north towards the Maghreb and the Sinai peninsula in the hope of finding sanctuary in Europe. In doing so, each must evade: capture by their own security forces, who operate a shoot-to-kill policy against those leaving without permission; violence and extortion at the hands of desert gangs; death from dehydration in the Sahara; detention in Libya or Israel; and the lethal risks of crossing the Mediterranean. What dread leads so many, not just adults, but thousands

of unaccompanied minors, to risk everything to leave their homeland behind? Words such as "tyranny", "oppression" and "cruelty" are regularly used to describe conditions within all manner of distasteful regimes across the globe, to the point where sometimes they risk becoming stale with overuse. Yet if anything, those words fall short when applied to Eritrea under the rule of President Isaias Afwerki.

Isaias' Eritrea is regularly described as "Africa's North Korea". That is a hackneyed phrase but in this instance the comparison is pardonable, because ruthless repression is the norm for those living under the rule of this isolated, hermetic and authoritarian regime. It is a far cry from what so many Eritreans fought for, heroically and for decades, and from the hopes of those who supported the struggle for liberation. Instead of democracy and the rule of law, Eritreans are ruled by a culture of fear and absolute obedience: fear that they or their classmates will be sent to carry out national service in a remote location for an unknown number of years; fear that a trusted co-worker who yesterday openly expressed an opinion may not turn up at work tomorrow; fear that a friend arrested arbitrarily will be incarcerated in a vastly overcrowded metal container or a simple hole dug in the desert ground, with little prospect of release; and fear that a disappeared family member might never be seen again.

There have been no elections since 1993, and no independent press since a government clampdown in 2001. We have seen the pervasive and ongoing restriction of all freedoms—movement, expression and association. People have been subjected to arbitrary arrest, with no fair trials or no trials at all; indefinite compulsory military conscription; forced labour; and torture, including widespread sexual violence against women and girls. That is the situation in Eritrea today.

An extensive and detailed report published in June by the United Nations Commission on Human Rights describes, in horrifying detail, a siege state where control is absolute and where

"systematic, widespread and gross human rights violations"

are being committed. It says that these violations

"may constitute crimes against humanity".

The crimes taking place today in Eritrea add themselves to old, but not forgotten, and still raw, abuses. Politicians, journalists, faith leaders and business owners who once proudly set out to build a prosperous post-independence future for their country instead find themselves languishing in one of the country's numerous detention centres—or they have died there, suffering like thousands of ordinary citizens punished for refusing an order, being a member of the wrong religious domination or expressing sympathy with the wrong person.

Jim Shannon (Strangford) (DUP): I sought the hon. Gentleman's permission to intervene before this debate. Is he aware that since 2002, when the Government in effect banned all but three denominations, thousands of Christians from unregistered Churches have been arrested and detained indefinitely? Does he share my concern that 13 years later not only are the Eritrean Government continuing this campaign of arrest, but followers of registered religious communities also suffer maltreatment?

Matthew Pennycook: I thank the hon. Gentleman for his intervention. I share his concern about the persecution of particular minority groups, including religious groups, and of countless individuals, whose names many of us could mention. Many of the Eritreans to whom I have spoken could name friends, journalists and others from minorities who have been persecuted. Sadly, the repression has worked. Those who remain in Eritrea dare not speak up, for fear of reprisal, while diaspora communities are subtly infiltrated by agents of the state. Those who have fled abroad and who strive still to promote human rights are systematically intimidated.

Anne McLaughlin (Glasgow North East) (SNP): I congratulate the hon. Gentleman on securing this important debate. Will he join me in asking the Minister whether he will work with his colleagues in the Home Office to offer further protection to those people? In Glasgow, I, too, have a number of Eritrean friends who have found that when they have tried to campaign against the human rights abuses, their family members and friends still suffer in Eritrea. They have been infiltrated by Government supporters and threatened and abused, and they are supposed to be here for safety.

Matthew Pennycook: I would certainly join the hon. Lady in asking for that. As she says, it is not just the family members who remain in Eritrea who are affected, but the communities that live here and that face fragmentation and abuse by these agents, much of which is online by anonymous trolls who target critics using everything from abusive emails to fully fledged death threats.

I have experienced this phenomenon myself, in a token way, in the lead up to this debate. If the regime is true to form, I can no doubt expect more of the same in the hours and weeks to come, but it is nothing—and that is the important point—compared with the intimidation experienced by Eritrean dissidents.

Intimidation of the diaspora is compounded by exhortation in the form of the so-called rehabilitation tax that the Eritrean Government impose on their countrymen and women living abroad. This 2% tax on the income of Eritrean émigrés is a diminishing, but still important, source of revenue for the regime. The previous coalition Government voted in favour of UN Resolution 2023 that condemned the tax and called on all states to ensure that it ceased.

Other countries have taken robust steps to enforce that resolution. In May, the Canadian Government expelled the Eritrean consulate-general in Toronto for continuing to levy the tax. Yet there are credible reports that collection of this tax continues unabated in the UK. Will the Minister assure the House that the collection of the 2% tax on Eritreans living in the UK has ended or, if he cannot give that assurance, can he outline what steps the Government plan to take to ensure that it is?

Beyond the narrow issue of the rehabilitation tax, I wish to touch on three distinct issues that I hope the Minister will be able to respond to and to influence. The first is the Ethiopian-Eritrean border dispute. In December 2000, a comprehensive peace agreement between Ethiopia and Eritrea was signed in Algiers that ended a two-year border war. The Algiers agreement established a boundary commission to demarcate the border. Both countries

had agreed to accept the commission's decision as final, but when the details were published in April 2002, Ethiopia disputed the findings.

The unresolved border tension remains a source of regional instability. It is also a very real grievance in Eritrea and one that is used by the regime to justify keeping the country on a permanent emergency military footing. Will the Minister therefore outline what recent steps the UK Government have taken, bilaterally, with key regional and international partners, and through the UN system, to help overcome the current stalemate and ensure the Algiers agreement is adhered to by both sides?

The second issue relates to sanctions. As the Minister knows, a UN and EU arms embargo is in force on Eritrea. In addition, there is also a travel ban and an asset freeze imposed on listed individuals deemed a threat to peace and the national reconciliation process. In the past, the UN has toughened sanctions on the regime by requiring foreign companies involved in Eritrea's mining industry to ensure that funds from the sector are not used to destabilise the region.

If the Government accept—I hope that the Minister will confirm that they do—that the mass exodus of people from Eritrea is a reaction, in large part, to human rights abuses taking place there, then surely there is a case for considering a toughening of sanctions against the regime to deny it the means to persecute its people and thereby destabilise the region?

Will the Minister let us know what consideration the Government have given to widening sanctions against the Eritrean Government? Specifically, will he let the House know whether he agrees with me that, given the severity of the human rights abuses in Eritrea and their impact on regional stability, there is convincing a case for an expansion of targeted sanctions on those mining projects in Eritrea in which the Afwerki Government have a significant stake and that provide the regime with much-needed foreign exchange?

The third and final issue is EU development aid. The EU has responded to the flood of Eritreans fleeing their homeland by offering hundreds of millions in development aid in return for assurances from the Eritrean Government that they will address the social and economic exclusion that it is adamant are the root causes of irregular migration and human trafficking. In doing so Europe has, at best, given the impression that it believes that a lack of economic opportunity is the root cause of the population outflow, rather than repression. At worst, it risks the perception that the European Union would be content to see human rights abuses continue in the country, if only the regime would stem the growing tide of Eritreans heading toward this continent.

Money will not alter the simple fact that repression, rather than economic prospects, is the main driver of migration from Eritrea. In any case, money and the appalling human rights abuses that have been documented by the UN are inextricably interlinked, because Eritrea's economy now is almost completely dominated by the state and the ruling PFDJ party. In such circumstances, aid will simply entrench the regime. The Minister will know that aid to Eritrea under the European Union budget will have to take account of the country's human rights record under the terms of the Cotonou agreement, but can the Minister reassure the House that demonstrable

[Matthew Pennycook]

proof of improvements in the human rights situation in the country will be an absolute prerequisite for the release of any EU development funding for Eritrea?

Eritreans have been and are being terrorised and oppressed by their own Government. The hermetic seal that the regime has attempted to enforce is well and truly broken. Eritreans are fleeing persecution at the hands of their rulers in record numbers, and they will not stop until meaningful progress on human rights in their homeland is under way. If there is one thing that history teaches us, it is that the struggle against the totalitarian mindset is an endless one that must be fought and refought in every generation. Eritrea is a central battleground in that conflict in our generation. Our own national interest, as well as our credentials as a bastion of human rights, demand that we give the victims of the Afwerki regime not only our solidarity, but clear and unequivocal support to alleviate the very real suffering they face.

10.56 pm

The Minister for Europe (Mr David Lidington): I congratulate the hon. Member for Greenwich and Woolwich (Matthew Pennycook) on securing this timely debate, and on speaking with such eloquence and passion.

The debate is timely because later this week, as the House will know, European and African leaders will gather in Malta to discuss how we can work together to reduce the number of people risking their lives in perilous journeys across the Mediterranean. This year alone more than 32,000 Eritreans have made that crossing, and others have lost their lives in the attempt. More Eritreans still are living in refugee camps in Ethiopia and Sudan, so the question has to be, as the hon. Gentleman asked, why are so many leaving and what can be done to improve the situation within Eritrea?

A large part of the answer, as the hon. Gentleman argued, relates to human rights. The Government, like the hon. Gentleman and others who spoke this evening, are well aware of the shockingly bad human rights record of the Government of Eritrea. That is why the Foreign and Commonwealth Office's most recent human rights report listed Eritrea as a priority country and made it clear that its Government fell short of their international human rights commitments. I could give the House a very long list, but because of the time constraints I will confine myself to saying that we have concerns, for example, about allegations of widespread arbitrary detention, shortcomings in the rule of law, and a lack of respect for fundamental human freedoms.

We are troubled also by the United Nations commission of inquiry's findings that widespread human rights violations had been committed in Eritrea. It is unfortunate that the commission has so far been unable to visit Eritrea to see the situation first-hand. In July this year at the UN Human Rights Council, the United Kingdom supported an extension of the commission's mandate so that it could further investigate these allegations. We have made it clear to the Government of Eritrea that they must co-operate with the UN commission, including allowing its members to visit Eritrea to see matters for themselves, and that they must co-operate also with other UN human rights bodies.

Jim Shannon: I want it recorded in *Hansard*, please, that this year marks the eighth anniversary of the illegal removal of Patriarch Antonios from his position as head of the Eritrean Orthodox Church, the country's largest religious community. Does the Minister agree that it is unacceptable that the patriarch, an octogenarian with severe diabetes, has been under house arrest since 2007?

Mr Lidington: Yes, I do. I hope that the attention the hon. Gentleman has drawn to the case will be noticed in the Eritrean embassy and that there will be some relenting in the position that the Government have adopted hitherto.

At the UN Human Rights Council and in our bilateral discussions, the British Government have set out very clearly to the Eritrean authorities the other steps we believe the country needs to take to improve its human rights record. They include expecting the Government of Eritrea to commit to doing something as apparently straightforward as implementing its own constitution, to release all those who have been arbitrarily detained, and to hold responsible the people who ought to be accountable for various violations and abuses of human rights. We shall continue to press those matters on the Eritrean authorities bilaterally and through our multinational work in Europe and elsewhere.

Alongside the very real concerns shared by everyone in the House this evening, we should not ignore any signs of progress, even small ones. I welcome the fact that Eritrea took part in the UN universal periodic review process at the Human Rights Council and in article 8 dialogue with the EU. Last year, Eritrea ratified the convention against torture and other cruel, inhuman or degrading treatment or punishment, and voted in favour of a global moratorium on the use of the death penalty. I also welcome its co-operation in efforts to tackle the human trafficking and smuggling that puts people's lives at risk. These are indeed small steps, but they are steps in the right direction. The test now is for the Eritrean Government to follow through on their commitments with concrete action to improve the human rights situation on the ground, and the onus is on them to demonstrate progress.

A key part of that action should be to amend Eritrea's system of indefinite national service. A system without a clear end date drives many young people to leave the country, and this needs to change. I welcome the fact that earlier this year the Eritrean Government made a public pledge to limit national service to 18 months, but Ministers here have been very clear when talking to the Government in Asmara that it is not enough for Eritrean officials or Ministers simply to make that pledge in Europe—the commitment needs to be publicised widely within Eritrea itself, and it should apply to all conscripts and not just those who have been enlisted recently.

As the House knows, the challenges that ordinary Eritreans face are not about human rights alone: they are also about a lack of economic opportunity. Eritrea is facing the effects of the El Niño weather phenomenon, which is now causing severe food insecurity across many parts of Africa. Many young Eritreans leave the country because they have no job, and no hope of finding one, to support themselves and their families. While we will all continue to work assiduously for an improvement in human rights in Eritrea, the fact will

remain that if an educated young man in Asmara were to see his human rights situation improve but still be unable to find work to support his family, he might yet feel compelled to leave and put his life in the hands of unscrupulous criminal gangs that profit from people's desperation.

The hon. Member for Glasgow North (Patrick Grady) asked about the Home Office's approach to asylum policy. In this country we have a proud history of granting protection to those who need it. All asylum claims are carefully considered on their individual merits in accordance with our international obligations, particularly the 1951 United Nations convention on refugees. The Home Office's country guidance on handling Eritrean asylum claims was updated in September this year. It recognises that there are indeed persistent human rights challenges in Eritrea but stresses also the need to consider each claim on its individual merits. We take those international responsibilities seriously, and we grant protection to Eritreans in genuine need.

The hon. Member for Greenwich and Woolwich raised a number of specific questions, and I will try to provide him with answers. He asked about the imposition of the expatriate tax. The levy of a tax on nationals living in a foreign country is not in itself illegal—in fact, many countries do it—but the UN resolution made it clear that using coercive measures to try to collect such a tax would be illegal. We have made it clear to the Eritrean embassy in London that coercive measures will not be accepted in the United Kingdom. We urge any such cases to be reported to the relevant police force without delay, so that an investigation can be made and action taken.

The hon. Gentleman asked about increased development assistance to Eritrea, including through the EU's European development fund 11. That fund is still under discussion, and I completely understand the reasons behind the hon. Gentleman's concerns. At the same time, however, we face the reality that Eritrea is one of the poorest countries anywhere in the world, and there is scope to help to improve and save the lives of Eritrean people. For example, Eritrea has begun to make some progress towards the health outcomes embodied in the millennium development goals. We should bear that in mind when we consider the pros and cons of a particular aid measure.

Aid does not mean providing funding to the Government of Eritrea. Greater EU assistance could, for example, be provided through United Nations agencies and international non-governmental organisations. I give a commitment that any further Department for International Development assistance will be carefully assessed against Eritrea's commitment to its partnership principles, including on civil and political rights.

Matthew Pennycook: I want to press the Minister on how we can know, with a regime that has no financial accountability and does not let in international observers, that any development aid will be spent on health or economic outcomes, rather than on lining the pockets of party officials or the regime's supporters.

Mr Lidington: That is precisely why aid is often best spent via reputable international agencies and NGOs with a track record of ensuring that help goes to those

who are genuinely in need and which will shout very loudly if the Government of the recipient country try to interfere in that progress.

The hon. Gentleman referred to the Cotonou agreement. In my time in ministerial office, I have certainly approved a United Kingdom position for the Council of Ministers that supported the suspension of Cotonou agreement measures to more than one African country because of abuses of human rights or the suspension of the rule of law. As he said, those disciplines are available within the system that the EU deploys.

The hon. Gentleman talked about the UN arms embargo. Last month, the Security Council noted in resolution 2244 that, during the course of its current and previous mandates, the sanctions monitoring group had not found any evidence of the Government of Eritrea supporting al-Shabaab. I welcome that, but the resolution was also clear on what Eritrea needed to do if it wanted a serious discussion on the overall appropriateness of sanctions—that is, to deepen its engagement with the monitoring group and facilitate its entry into Eritrea.

I have to confess that I am not at the moment persuaded by what the hon. Gentleman urged in respect of mining companies, although I will report what he said to my colleagues in DFID and the Foreign Office. Despite all the problems in Eritrea, the mining companies provide one of the few sources of employment for people. It may be a matter of weighing up our wish to penalise the Government against the fact that we might inadvertently penalise people who are themselves suffering.

Matthew Pennycook: There are documented instances of forced labour at more than one mine, with compulsory military conscription being used. It is not a process whereby an international mining company goes in there legitimately. These sites are the sites of some of the abuses that I have talked about.

Mr Lidington: I will write to the hon. Gentleman after the debate with chapter and verse, but the advice I have received is that Nevsun, the leading international mining company in Eritrea, has a firm policy of refusing to accept on to its workforce people who have been conscripted in the way he describes. Undoubtedly, the Eritrean Government have tried to use conscripted labour in mines at various times.

Finally, the hon. Gentleman mentioned the ongoing border dispute between Eritrea and Ethiopia. I agree that that needs to be resolved and that the responsibility for that lies with the two countries concerned. We will continue to encourage, bilaterally and through the European Union, Eritrea and Ethiopia alike to talk to each other and engage through the various appropriate international forums to overcome the current stalemate. We hope that progress can be made towards demarcation, in accordance with the decision of the Eritrea-Ethiopia Boundary Commission.

Overall, while there has been limited progress, there is a great deal more that the Government of Eritrea need to do to tackle human rights abuses. The problems of Eritrea are all interlinked. It cannot fulfil its potential without genuine respect for human rights. Efforts to improve economic opportunities in Eritrea must go hand in hand with improvements in human rights and the rule of law. We will not only continue to monitor the situation closely, but seek always to support improvements

[Mr Lidington]

in our bilateral and multilateral work. It is by being clear and firm on the need for change, and about the advantages to Eritrea and its people of making that change, that we stand the best chance of securing some improvement in the lives of ordinary people living in

Eritrea. That, I hope and believe, is a goal that all hon. Members in the House tonight will share.

Question put and agreed to.

11.11 pm

House adjourned.

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