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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 1 December 2015

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—
Support for Business

1. **Jack Lopresti** (Filton and Bradley Stoke) (Con):
What fiscal steps he is taking to support businesses.
[902443]

11. **Rehman Chishti** (Gillingham and Rainham) (Con):
What fiscal steps he is taking to support businesses.
[902454]

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): This Government know there cannot be a successful economy without support for business and enterprise. That is why we are cutting corporation tax, increasing the employment allowance and setting a permanently higher investment allowance. It is also why last week we increased our support for industrial policy, including a boost for science, and announced that we had doubled small business rate relief again next year, helping 600,000 small businesses.

Jack Lopresti: How will my right hon. Friend help small businesses compete with the de facto subsidy that businesses with complex overseas tax structures get, which result in their paying no, or very low, tax in the UK, particularly given that Small Business Saturday is coming up this weekend?

Mr Osborne: Small Business Saturday is an incredibly important initiative that everyone in this House should, and I am sure will, support on Saturday. My hon. Friend makes a good point about the international tax rules. The good news is that they have started to change. We have an agreement in the OECD, and Britain is among the countries implementing those changes first. The best example of that is the diverted profits tax, which is already raising revenue and tackling the big multinationals that do not pay their fair share of tax in the UK. At the same time we are cutting taxes for small businesses, for example by increasing the employment allowance.

Rehman Chishti: Thanks to the Government's long-term economic plans, we have seen a record number of company registrations in my constituency, with 202 companies

registered in Gillingham in the first quarter. One company, MEMS, which the Chancellor visited with me, has asked me to ask him to clarify the Government's position on the annual investment allowance for businesses. Will the Chancellor do that?

Mr Osborne: It is fantastic to hear the good news coming from Gillingham, and to hear about the new companies being registered and the jobs being created there thanks to the strong economy, the long-term economic plan that my hon. Friend refers to, and a strong Member of Parliament making sure that the infrastructure comes to that part of Kent. The annual investment allowance will now be set at £200,000, a permanent rate much higher than the one we inherited from the last Government. It will help companies like the fantastic MEMS business, which I visited with my hon. Friend, to continue to grow and expand.

Chris Leslie (Nottingham East) (Lab/Co-op): The Chancellor announced some significant tax rises for business in his spending review, and also cut quite a lot of business grants through his spending settlement for the Department for Business, Innovation and Skills, but will he give an explanation of table 3.7 of the Office for Budget Responsibility Blue Book? It downgrades productivity for the UK economy—productivity per hour is due to fall from the OBR's previous forecast for 2016 and 2017 and 2018. What is the reason for that?

Mr Osborne: The OBR has made its assessment, but what it shows is that productivity growth picks up through this Parliament. The hon. Gentleman and I have had many discussions about this, and I think we are actually in agreement that productivity is a long-term challenge for the UK and has been a challenge for many decades. We are trying to solve that by measures like the apprenticeship levy which will be one of those so-called taxes he describes. It is not a tax in that people get their money back if they have enough apprentices, so it is a levy, and it is the kind of thing we need to try to deal with the productivity challenges in the UK.

Ms Margaret Ritchie (South Down) (SDLP): As part of his look at fiscal steps to support businesses, will the Chancellor give favourable consideration to the extension of the rural fuel rebate scheme to regions that have not already been considered?

Mr Osborne: I am very happy to give consideration to that. We are operating within the maximum flexibility that we believe the European Union rules allows us on this. Any postcode that possibly qualified we put forward for the scheme we introduced in the last Parliament, but I am happy to look at specific cases in Northern Ireland to see if they qualify, too.

Mr Andrew Tyrie (Chichester) (Con): The Chancellor said the apprenticeship levy is a levy, but of course what many businesses see is a 0.5% tax on employment collected through PAYE. Does the Chancellor think that is compatible with the tax lock? While he is answering that question, will he also say what estimate he has made of the cost of the apprenticeship levy to the public sector, which I cannot find anywhere in the Red Book?

Mr Osborne: The fact that the apprenticeships levy is set up in such a way that a large company employing high-quality apprentices will be able to receive back from the Government more than it puts in sets it aside from classic payroll taxes. Indeed, it has been broadly welcomed by the business community, even though it accepts the additional burden it represents. That is going to be very important. We made the calculations for the impact on the public sector in our public finance projections, and I am happy to write to my right hon. Friend with the precise numbers.

Stewart Hosie (Dundee East) (SNP): Will the Chancellor confirm that in addition to the 17% cut to the funding of the Department for Business, Innovation and Skills, the autumn statement did, as other Members have said, add £11 billion to the tax bill of businesses, in the area of business growth and skills, and mainly driven by the apprenticeship levy?

Mr Osborne: I would have thought and hoped that the Scottish National party supported an apprenticeships levy whereby we use the money to create 3 million apprenticeships in this part of the United Kingdom and make sure that there are arrangements to pass the money to the Scottish Government so that they can improve skills in Scotland. But of course if one looks closely at the record of the SNP Government, one sees that they have been cutting further education places in Scotland. As usual, the SNP says one thing here and does something different in Scotland.

Stewart Hosie: The question was of course about the £11 billion extra tax cost for business and the cut to the Department for Business, Innovation and Skills—something the Chancellor does not want to talk about. Given that there was no increase in retail sales in the last quarter, that the CBI industrial trends survey is down, that consumer confidence is down, that the deficit in the trade in goods is a colossal £134 billion and that manufacturing output is down, why does this political Chancellor think that cutting BIS by 17% and adding £11 billion to business costs over the spending review period is even remotely sensible?

Mr Osborne: Because we do not equate the health of the business sector with the size of the Business Department. We have increased the money going into innovation by raising the budget for the catapult centres, and we have boosted the budget for science, one of the great UK strengths, which would be undermined if Scotland became independent. I would make a further point. The hon. Gentleman asked about economic projections, but in the independent OBR forecast growth is up, jobs are up, living standards are up and wages are up. That is all part of a successful economic plan which is delivering the goods for the whole United Kingdom.

16. [902459] **Ben Howlett** (Bath) (Con): As my right hon. Friend will know, the tech economy in the west of England is one of the fastest-growing anywhere in the UK, and start-up businesses such as Claritise in my constituency have been set up because of the Government's investment. Does he agree that such businesses will help to lead our economic recovery, creating jobs and increasing our productivity in the west of England?

Mr Osborne: I certainly pay tribute to the very successful and thriving tech businesses in Bath and across the west country. There is an opportunity now, with the investment in cyber-security at GCHQ, not too far from Bath, in Cheltenham, to help create a culture of small start-up businesses and make sure that on the back of our national security we have commercial success and commercially successful companies building those sorts of businesses in the west country.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Will the Chancellor outline what measures he introduced in the autumn statement to support the UK's renewable energy businesses?

Mr Osborne: We committed to double the investment in renewable energy over the next five years.

Seema Malhotra: What did we actually get from this Chancellor last week? The £1 billion to develop carbon capture and storage was cut; feed-in tariff subsidies for solar panels were cut by 87%; we heard not a mention of national projects such as the Swansea Bay tidal lagoon; and we had Britain at the bottom of the European league for renewables. Does he agree with companies such as Tesco, IKEA, Vodafone and Unilever that his renewable energy cutbacks now pose a risk to UK businesses and undermine confidence in investment?

Mr Osborne: We should all be proud of the fact that in this country jobs are being created and the economy is growing yet our carbon emissions fell by 8% in the past year. We are doubling our investment in renewable energy and at the same time putting investment into things such as low-carbon nuclear power and small modular reactors, which will be of real benefit to South Yorkshire and the north-west of England. My broader point is that we do not believe that the way to help save the Earth is by piling costs on people's electricity bills, so we have also taken action to ensure that our home efficiency scheme is more efficient, so people's household energy bills will go down by £30 as well.

HMRC Regional Hub

2. **Philip Davies** (Shipley) (Con): What estimate has the Department made of the potential cost to the public purse of a HM Revenue and Customs regional hub being based at (a) Leeds and (b) Bradford. [902444]

The Financial Secretary to the Treasury (Mr David Gauke): HMRC announced the planned locations of its future regional centres based on a number of key principles that will enable it to deliver more for less. In addition to cost, HMRC has taken account of the quality of local transport links, the local labour market and future workforce supply and the need to retain the staff and skills it needs to continue its transformation. The changes will reduce HMRC's estates costs by around £100 million a year by 2025.

Philip Davies: Does the Minister accept that basing the HMRC regional hub in Bradford would be cheaper for the taxpayer, that there is a suitable location available in Bradford but not in Leeds, and that an effective

northern powerhouse does not mean basing everything in West Yorkshire, in Leeds? Will he think again about that matter?

Mr Gauke: My hon. Friend is, as ever, a doughty advocate for the interests of his constituents. The point I would make to him is that this is a regional centre for the whole of the Yorkshire and Humber area. To retain as many members of staff as possible and reduce redundancy costs, HMRC's assessment is that Leeds is a better location for those working in York, Sheffield and Hull from where there is a direct train service to Leeds.

John Pugh (Southport) (LD) *rose*—

Mr Speaker: Order. The hon. Gentleman is a very illustrious fellow and a distinguished philosopher, but for the purposes of this question he is on the wrong side of the Pennines.

Business Rates

3. **Jo Cox** (Batley and Spen) (Lab): What steps his Department is taking to enable councils to retain receipts from business rates. [902445]

The Financial Secretary to the Treasury (Mr David Gauke): The Government have announced a radical reshaping of the state. By the end of the Parliament, local government will retain 100% of business rates to fund local services. The Government will shortly begin consultation on those reforms.

Jo Cox: My local authority, Kirklees, estimates that it will lose in excess of £30 million a year as a result of this policy and the changes to the local government grant. By comparison, Westminster Council's income will increase tenfold. When will the Government provide clarity for councils such as mine on the redistributive element that will mean it will be able to plug that very significant shortfall in funding?

Mr Gauke: The devolution of business rates will retain the system of top-ups and tariffs that currently exist, so there will be no immediate loss to any local authority as a consequence of devolution. The point is that it devolves power to local authorities so that they have stronger incentives to boost growth. Local authorities that grasp that opportunity will see their business rates revenue increase.

Stephen Hammond (Wimbledon) (Con): Does my hon. Friend agree that the point about last week's announcement was that it was a defining moment for local authorities? Those local authorities that accept the principle of devolution of business rates can incentivise strong local business growth, and secure a local economy that is strong and that has jobs for its constituents. That is the key point.

Mr Gauke: My hon. Friend is absolutely right. He puts it very well. That is the key point: it is about ensuring that local authorities have the incentives to boost growth, and then local people can hold those local authorities to account.

Nic Dakin (Scunthorpe) (Lab): What consideration has been given to doing something about business rates to support the steel industry in line with the outcomes agreed at the steel summit, which was chaired by the Secretary of State for Business, Innovation and Skills?

Mr Gauke: My right hon. Friend the Chancellor made it clear that the business rates review, which we have been undertaking in recent months, will be completed next year. Obviously, we are looking at all the representations that we receive in the context of that review.

National Living Wage

4. **Glyn Davies** (Montgomeryshire) (Con): What assessment he has made of the potential effect of the national living wage on wage growth. [902446]

The Economic Secretary to the Treasury (Harriett Baldwin): The national living wage will mean that a full-time minimum wage worker will earn more than £4,700 more by 2020—a 40% pay rise. Additionally, owing to the ripple effect of higher wages, up to a quarter of workers will see some benefit. Economy-wide wages are expected to be, on average, 0.4% higher in 2020.

Glyn Davies: There has been a widespread welcome for the Chancellor's national minimum wage announcement. Inevitably, the minimum wage has a major effect on traditionally low-wage sectors, especially social and residential care. Does my hon. Friend accept that the Government and local councils must be mindful of the fact that fees will need to be adjusted to ensure the viability of these hugely important services?

Harriett Baldwin: My hon. Friend is right that many of the 900,000 workers in the social care sector will benefit from the new national living wage, including many working in residential care. That is why last week in the autumn statement we made an announcement that councils will have the power over the course of this Parliament to access money that they may need to increase the amount that they pay for social and residential care, with new revenue streams for social care worth up to £3.5 billion by 2020.

Peter Kyle (Hove) (Lab): As the Minister will be aware, the national living wage does not apply to people who are self-employed, whose wages have been stagnating and whose pension contributions have fallen every year for the past five years. Why were self-employed people not mentioned once in the productivity plan, and what does she intend to do to tackle low pay and conditions among the self-employed?

Harriett Baldwin: The hon. Gentleman speaks powerfully of the importance of the self-employed to our economy. We pay tribute to the excellent work that so many self-employed people, including many in my family, do to generate economic growth in this country. He is right that, as wages across the economy grow and as we put more spending power into budgets for social and residential care, we expect that to be passed on to those who are self-employed.

Disabilities Employment Gap

5. **Jonathan Reynolds** (Stalybridge and Hyde) (Lab/Co-op): What assessment he has made of the potential effect on public finances of halving the disabilities employment gap. [902447]

The Chief Secretary to the Treasury (Greg Hands): The Government are committed to halving the disability employment gap, which on current figures would mean helping about 1 million extra people to find work. The impact of meeting that on the public finances depends on factors that we cannot predict, such as what people are likely to be paid. However, this is about more than the fiscal impact. The Government want to help disabled people benefit from the security of employment, which is why we have announced a real-terms funding increase to help people with disabilities and health conditions to find work.

Jonathan Reynolds: I am pleased to say that a delegation of young people with autism is visiting Parliament today to discuss how we can improve the transition from school to work for people with autism. Does the Chief Secretary agree that improving the routes into work for young people with autism and other disabilities will be a great thing for our national finances but also for the young people themselves, allowing them to participate in the workforce and lead the independent lives that they want?

Greg Hands: I join the hon. Gentleman in welcoming so many disabled people to Parliament today, and I agree with him about the importance of doing more to help disabled people into work. That is why we extended the access to work scheme and launched the Disability Confident scheme, to ensure that employers better understand the benefits of recruiting and retaining disabled workers, the specialist employability support and the Work and Health programme, which we launched this year.

Andrew Bridgen (North West Leicestershire) (Con): Will the Minister confirm that about 3.2 million people with disabilities are in work now, and that the Government are looking to see that number increase dramatically over the next few years?

Greg Hands: My hon. Friend is right. This is one of the most important aspects of the Government's work. He is correct to say that disability employment is now up to 3.2 million, which is an increase of 340,000 since 2013, up 74% on the year. We are increasing real-terms spending on disability employment by around 15% by the end of this Parliament.

Local Government Funding

6. **Diana Johnson** (Kingston upon Hull North) (Lab): What assessment he has made of the effect on local economies of reduced funding for local government. [902448]

The Chief Secretary to the Treasury (Greg Hands): Total local government spending will be higher in cash terms in 2019-20 than it is this year. The Government are also devolving 100% of business rates, meaning

that, for the first time since 1990, local areas will see the full benefits of local business rate growth in their budgets. When it comes to local economies, I am sure that the hon. Lady will join me in welcoming the fact that unemployment has fallen by more than 25% in the past year in her constituency.

Diana Johnson: Hull City Council has lost a third of its budget from Government funding since 2010, while wealthier areas have increased their budgets in some areas. The business rate proposal the Government are putting forward will again benefit wealthier areas, so can the Chief Secretary say to my constituents how taking tens of millions of pounds out of the local economy will assist the Chancellor's plan for the northern powerhouse for cities like Hull?

Greg Hands: To be precise, local government funding is being protected in cash terms. The £6.1 billion reduction in central Government grants is more than offset by a £6.3 billion increase in other sources of income. The hon. Lady mentions the northern powerhouse. The Chancellor announced yesterday the appointment of John Cridland as chairman of Transport for the North. We have also announced £200 million for Transport for the North over this Parliament to transform transport connectivity in the region, to introduce Oyster-style ticketing and to make sure the northern powerhouse becomes a reality.

Peter Heaton-Jones (North Devon) (Con): I very much welcome the measures announced last week by the Chancellor to allow local government to keep receipts from business rates. My local authority, North Devon council, is one of the smaller ones so the receipts, actual and potential, will always be slightly less. Can my right hon. Friend give me an assurance that smaller local authorities such as mine will see the benefit from this measure?

Greg Hands: Yes. A consultation on changes to the local government finance system will be launched shortly, to be implemented in financial year 2016-17. We ought to be clear that the 2% increase in the precept to fund adult social care will be across the board, including rural areas, for councils that are meeting social care pressures.

Neil Gray (Airdrie and Shotts) (SNP): The Prime Minister eloquently set out the difficulties facing public services as a result of the Chancellor's cuts with reference to his own local authority. In the light of the lucky Chancellor's £27 billion windfall, why is he still pursuing £12 billion in social security cuts and a 5% cut to the Scottish Government's budget?

Greg Hands: The hon. Gentleman mentions the Scottish Government budget, which I am not sure is entirely within the scope of the question, but I will try to answer. The Scottish Government budget has done relatively well. There is a 14% real-terms increase in capital spending over the course of this Parliament, and the reduction in resource spending is only in real terms and is far less than that of a lot of UK Government Departments.

Marcus Fysh (Yeovil) (Con): Does my right hon. Friend agree that local economies such as mine in Somerset have an exceptional opportunity to benefit from the devolution of business rates and all the infrastructure spending that this Government are going to conduct there?

Greg Hands: My hon. Friend is absolutely right. That is why it is so important that local authorities are able to keep the proceeds of growing their local business rates, if that is what they are capable of doing. I am sure my hon. Friend will play his full part in attracting more business to his constituency.

Rebecca Long Bailey (Salford and Eccles) (Lab): Commenting on the Chancellor's proposal to allow local authorities to raise council tax by up to 2% in order to fund social care, the Conservative vice-chair of the Local Government Association referred to the creation of a "postcode lottery", stating:

"If you are in one of those areas with a very low council tax base, what you are likely to be saying is that, unless you are someone who physically cannot get out of bed . . . you are not going to get any help at all."

What equalisation measures will the Chancellor take to ensure that there is no disparity between local authorities in the funding they receive and the resultant quality of service they can provide?

Greg Hands: One of the other announcements that the hon. Lady might have missed was the extra £1.5 billion going into an improved better care fund, thanks to this Government. She quotes the vice-chair of the LGA, but she could have quoted the LGA chairman, also a Conservative, who said:

"The LGA has long called for further flexibility in the setting of council tax and it is right that Greg Clark and Greg Hands have listened to the concerns set out by local government."

Savings and Home Ownership

7. **Christopher Pincher** (Tamworth) (Con): What steps the Government are taking to support (a) people with savings and (b) home ownership. [902449]

8. **Mrs Sheryll Murray** (South East Cornwall) (Con): What steps he is taking to help first-time home buyers. [902450]

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): This Government back saving and home ownership. That support is exemplified by the Help to Buy ISA that becomes available today. This new ISA provides direct Government support to anyone saving for the deposit on their first home. For every £200 they save in the ISA, the Government will help them with another £50. Add it up and the Government will give them up to £3,000 towards their first home—all part of a plan to help working people in this country.

Christopher Pincher: One of the best ways to help people build up their savings so that they can get a Help to Buy ISA and buy their own home is to make sure that they have good jobs with good wages. What steps will my right hon. Friend take to drive employment in my constituency, which has historically low unemployment, and across the midlands engine?

Mr Osborne: I was in the west midlands yesterday seeing the fantastic investment that Jaguar Land Rover is making there, with Government help. Alongside that we are investing in the west midlands infrastructure. We have just signed an agreement with the authorities of the west midlands, across the political parties, to put more than £1 billion into the region over the next couple of decades. There is a long-term commitment to the midlands engine and the jobs in my hon. Friend's constituency.

Mrs Sheryll Murray: It was reported in one of my local papers last month that some areas in Cornwall have seen a 15% rise in house prices over the past year. Will my right hon. Friend outline what additional action is being taken to assist first-time buyers in beautiful parts of the country, such as Cornwall, that are popular with second-home owners? What difference will the increase in stamp duty make?

Mr Osborne: My hon. Friend always speaks passionately on behalf of her constituents—in this case, those seeking to buy their first home. The Help to Buy ISA is, of course, available in Cornwall and will help her constituents buy their first home. The new stamp duty charge on second homes and buy-to-lets will raise money, and a portion of that will be given to local authorities and areas such as Cornwall, where there are quite a lot of second homes.

Chris Evans (Islwyn) (Lab/Co-op): Low interest rates have meant that many people have had to look at other savings vehicles such as buy-to-let. Measures in the Budget will deeply affect the buy-to-let market, as the Chancellor will be aware. What measures is he taking to help elderly people looking for better savings returns?

Mr Osborne: There is general agreement across the House that there should be a level playing field, so that people trying to buy their first home are not disadvantaged by people trying to buy a second home or a buy-to-let property. The changes that we have introduced help to do that. Alongside that, we have made the ISA more generous and have created new pension flexibility, so that people can get the most out of their pension savings. The low interest rates, decided independently by our central bank, are part of the vital support for our economy going forward.

20. [902463] **Siobhain McDonagh** (Mitcham and Morden) (Lab): I acknowledge the work that the Chancellor has done on tackling the bias towards buy-to-let in the housing market, but would he consider extending that by cutting further the tax relief on buy-to-let properties? We simply have to widen the space for first-time buyers so that they can get into the market, particularly in London.

Mr Osborne: I welcome the support that the hon. Lady gives; of course, the problems of getting on to the housing ladder are particularly acute for first-time buyers in London. In the summer Budget, we announced changes to mortgage tax relief for the buy-to-let market so that those on higher rates of tax, with larger incomes, will see that relief scaled back over the coming years. What we have set out now, with the extra stamp duty and the changes in the summer Budget, represents a fair and

balanced package for homeowners—those buying a buy-to-let property, but above all those buying their first home.

Mr Andrew Turner (Isle of Wight) (Con): Will the Chancellor explain how first-time homebuyers will benefit from his blueprint “A better deal”—what the *Daily Mail* calls a “blitz on rip-off” monopolies?

Mr Osborne: I am glad that my hon. Friend has read the document. Part of what we are doing is making sure that mortgage fees are more transparent. Alongside that, we are ensuring that utility bills are more competitive for families and cutting the electricity tariffs that we talked about earlier. We are also making sure that people can get a better deal from their water company. This is all part of driving down costs for families and helping the working people of Britain.

Rob Marris (Wolverhampton South West) (Lab): What will really support people with home ownership is massively increasing the supply of new homes—not, as the autumn statement does, simply subsidising people to bid up the prices of existing homes. After five and a half years in office, it is time that the Chancellor took some responsibility. He has a woeful record on house building, exacerbating the market failure that has led to restricted supply and consequently high prices. When will the Government increase supply very markedly by starting a real programme of mass house building—of homes for rent as well as to buy?

Mr Osborne: Over the course of this decade we will have built more social homes than in the entire period when the Labour party was in office. Affordable housing should also be housing that people can afford to buy, as well as rent, and we are doubling the housing budget and undertaking the biggest house building programme since the 1970s. It is a shame that the hon. Gentleman was not with me in Wolverhampton yesterday seeing the new jobs being created at the Jaguar Land Rover engine plant as we make sure that we build homes for the people working at that plant.

Pension Age Qualification (Women)

9. **Danny Kinahan** (South Antrim) (UUP): What steps he is taking to assist women born between 1953 and 1955 affected by recent changes in pension age qualification. [902451]

The Chief Secretary to the Treasury (Greg Hands): As we remove gender inequality, women born between 1953 and 1955 will receive their state pension at the same age as men, or earlier. The Government have written to all those affected by increases to the state pension age and have acted to ease the timetable, at the cost of £1 billion, ensuring that 81% of all women affected see a rise of a year or less under the Pensions Act 2011. As the Chancellor announced last week, the basic state pension will rise next year by £3.35 to £119.30 a week—the largest real-terms increase for 15 years.

Danny Kinahan: It is very good to see the pension going up. However, research by the Pensions Policy Institute and Age UK shows that a third of women in

work are ineligible for automatic enrolment into a workplace pension, leaving them at risk of not having a decent income later in life. What research has the Minister or the Department for Work and Pensions carried out in order to understand what difficulties they will have in future?

Greg Hands: This continues a process that has been going on since the mid-'90s to equalise the state pension age and the process begun in 2011 to increase the state pension to make sure that it can be more affordable overall in terms of its ability to meet our commitments under the triple lock and the big increase I mentioned earlier. I did not hear all of the hon. Gentleman's question precisely, but I think he mentioned Age UK. The charity director of Age UK said that this big concession is

“a significant financial commitment from the Government at a difficult time. This will give a much needed 6 month respite to all the women who would have had to work an extra two years.”

Long-term Economic Plan

10. **Steve Brine** (Winchester) (Con): What progress he has made on his long-term economic plan. [902452]

The Exchequer Secretary to the Treasury (Damian Hinds): The long-term economic plan is securing the UK's recovery. We were the fastest growing G7 country in 2014 and 2013 and we are joint fastest this year. The deficit has more than halved and the national debt as a share of GDP is set to fall this year. However, the job is not yet done, and the Government will continue working through the plan to ensure Britain's long-term economic security.

Steve Brine: In the autumn statement last week, it was great to hear the Chancellor talk about rehabilitating our prisoners. Does the Minister agree that the sale of old Victorian prisons is a prime example of how economic and social reform can go hand in hand, bringing sales to the Exchequer, working positively with prisoners in these prisons, and creating new places for homes in our cities?

Damian Hinds: I know that my hon. Friend has campaigned consistently on these issues since 2010. The justice reforms are an exemplary element of the long-term economic plan, combining savings with social reform and delivering economic dividends from improved employability to sites for 3,000 new homes. It is because of the strength of the economy, thanks to the long-term plan, that we can invest £1 billion to build nine modern prisons and close the old ones.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Last night I launched the all-party group on adult education in recognition of the fact that at a time when we are all living longer, having many different jobs and even careers, and whole industries are being allowed to die, our long-term economic security depends on investing in adult education. The Chancellor was persuaded not to slash the further education budget. Will he now acknowledge that investing in further education is vital for the future?

Damian Hinds: The hon. Lady rightly identifies the importance of continuing in further education and the fact that in the modern economy more and more people will have multiple careers through their lives, which means that the availability of retraining is very important. That is why I welcome the protection of this budget and the availability of loans, for example, for part-time students.

Rishi Sunak (Richmond (Yorks)) (Con): The Government's economic plan rightly prioritises infrastructure, and I welcome yesterday's announcement of a new chairman for Transport for the North. Does my hon. Friend agree that continued investment in Yorkshire and the north is vital to rebalancing our national economy?

Damian Hinds: My hon. Friend is absolutely right. Of course, that is at the heart of the enterprise zones in the north, the city deals and the whole concept of the northern powerhouse—making sure that the cities of the north add up to something that is more than the sum of their parts—and Transport for the North, which he mentioned, is a vital part of that.

Sammy Wilson (East Antrim) (DUP): What assessment has the Minister made of the impact on the long-term economic plan to grow the economy of the promises made and the policies put forward at the green junket in Paris this week in the mistaken belief that piling pounds on to power bills can somehow change the world's climate?

Damian Hinds: We of course recognise the challenges that come with energy costs, but it is true that the green sector supports a number of jobs in this country. It is very important that we seek to lead on research and development, and the autumn statement was another important step towards that.

Personal Allowance

12. **Sir David Amess** (Southend West) (Con): What plans he has to raise the personal allowance during this Parliament. [902455]

The Financial Secretary to the Treasury (Mr David Gauke): The Government are committed to raising the income tax personal allowance from £10,600 to £12,500 by the end of this Parliament. This is alongside our commitment to raise the higher rate threshold to £50,000. More than 30 million individuals will benefit from these changes. The summer Budget 2015 confirmed that the personal allowance will increase to £11,000 in 2016-17, and to £11,200 in 2017-18.

Sir David Amess: In the light of what my hon. Friend has said, will he reassure me that, as the economy continues to recover and grow, the Government will follow the sound Conservative principle of allowing people to keep more of the money they earn to spend as they wish?

Mr Gauke: Yes. If we are to continue to raise the personal allowance and meet our commitments on income tax, we also need to make sure that we show discipline in departmental spending and, indeed, the welfare budget.

Employment Trends

13. **Nigel Adams** (Selby and Ainsty) (Con): What assessment he has made of recent trends in the level of employment. [902456]

The Exchequer Secretary to the Treasury (Damian Hinds): With an employment level of 31.2 million, there are more people in work than ever before. Over the past year, employment growth has been driven by full-time employees and by high and medium-skill occupations, showing that we are now moving into the next phase of our recovery, with high-quality employment helping to boost productivity and raise living standards across the country.

Nigel Adams: Against the backdrop of redundancies and potential redundancies in the mining and power sector in my constituency, will the Minister tell the House what support is available to businesses of all sizes in Selby and Ainsty to ensure that the trend of rising employment since 2010 continues?

Damian Hinds: I commend my hon. Friend for his personal endeavours, including the annual Selby district jobs fair. He mentioned energy-intensive industries. We of course recognise the particular challenges that some businesses in those sectors face. We cannot change world price levels, but we will bring forward compensation and legislate to exempt EIIs from renewables policy costs, helping with cash flow and providing greater business certainty. Businesses will of course also benefit from the further cuts to corporation tax and the higher permanent level of the investment allowance.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): I have been approached by constituents excited to get their first 15 hours a week job, hoping that it will lead to full-time employment. In retail in particular, however, the trend more than two years later is for more part-time employees to be recruited, but no full-time jobs to be given to those in post. Will the Minister look into this matter, and make sure that there are no perverse incentives for employers to create lots of small, part-time jobs without the opportunity for such people to progress?

Damian Hinds: The hon. Lady raises an important point. In fact, full-time workers account for almost three quarters of the employment growth since 2010. The crucial reform in the welfare and social security system is of course universal credit, which specifically seeks to get over the spikes found in the hours scale so that it always pays to move from being out of work into work and, crucially, to move up the hours scale.

Household Debt

14. **Mrs Emma Lewell-Buck** (South Shields) (Lab): What recent estimate he has made of the level of household debt. [902457]

The Economic Secretary to the Treasury (Harriett Baldwin): Since the financial crisis, households' financial positions have improved. Household debt as a proportion of income has fallen to 144% in the second quarter of 2015, down from a peak of 168% in the first quarter of 2008.

Mrs Lewell-Buck: I thank the Minister for her response, but a large number of my constituents have been alarmed that mistaken overpayments of working tax credits made by Her Majesty's Revenue and Customs have been recovered, without warning, from their child tax credit entitlements. Is the Department's policy now to push people into poverty and debt by punishing them for HMRC's mistakes?

Harriett Baldwin: The hon. Lady might remember the terrible roll-out of working tax credits that occurred when the Labour Government were in power. I can assure her that we will continue to improve the administration of tax credits. When her party was in power, people could have a £25,000 change in their income without it affecting their tax credits. We have brought the figure down to £2,500.

Several hon. Members *rose*—

Mr Speaker: The hon. Member for Havant (Mr Mak) looks animated and contented. Let's hear from the fellow.

Mr Alan Mak (Havant) (Con): Thank you, Mr Speaker. Household debt will be kept low, thanks to the Government's support for savers, including the Help to Buy ISA that was launched today. Will the Minister join me in encouraging first-time buyers and young savers to take advantage of this new Government support, which is part of the Government's long-term economic plan?

Harriett Baldwin: I am delighted that, on behalf of his constituents in Havant, my hon. Friend has noticed that the Help to Buy ISA scheme launches today. Fourteen financial institutions are already offering this exciting new opportunity to save for a home, and I hope that many of his constituents will take advantage of it.

22. [902465] **Margaret Greenwood** (Wirral West) (Lab): Citizens Advice has noted that household bills are now the chief source of the problem debt that people are seeking its help with. What will the Government do to ensure that guarantor and logbook loans are properly regulated, so that they do not simply replace payday loans as a source of poorly regulated credit that exploits the low-paid and the vulnerable?

Harriett Baldwin: I am sure the hon. Lady will welcome the fact that, in the last Parliament, we took steps to bring credit under the regulation of the Financial Conduct Authority. As a result of that, payday lending has dropped sharply. We are also backing credit unions in many different ways in this country, and we want to ensure that people have an opportunity to save through their workplace credit union. If she will work with me, I can assure her that we will continue to ensure that households that have the lowest proportion of debt at the moment in their repayments will continue to see their financial positions—

Mr Speaker: Order. We are enormously grateful to the Minister. We could not be more grateful.

Earnings

15. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What fiscal steps he is taking to help people to keep more of the money they earn. [902458]

The Financial Secretary to the Treasury (Mr David Gauke): The Government have committed to raise the personal allowance to £12,500 and the higher-rate threshold to £50,000 by the end of this Parliament. In the summer Budget, the Government took the first steps towards meeting those commitments by increasing the personal allowance to £11,000 and raising the higher-rate threshold to £43,000. In 2016-17, 29 million people will pay less tax after those changes, and 570,000 will be taken out of income tax altogether.

Mr Jayawardena: Will the Minister outline what measures have already been taken to help married couples to keep more of what they earn? Would he consider helping stay-at-home parents further by increasing the marriage allowance for all taxpayers?

Mr Gauke: Since 2015-16, married couples and civil partners have been able to transfer 10% of their personal allowance to their spouse. The Government expect this to benefit up to 4 million couples by up to £212. This will increase in proportion to any increases in the personal allowance, which the Government have committed to raise to £12,500.

Philip Boswell (Coatbridge, Chryston and Bellshill) (SNP): Given that the ratio of savings to household debt has gone down from 11.8% in the first quarter of 2010 to less than 5% today, and that the downward trend appears likely to continue, why are the Government not taking steps to reverse that trend?

Mr Gauke: The Government are delivering one of the biggest increases in living standards that we have seen for many years. We have record levels of employment, we are providing economic security and we are one of the strongest growing economies in the G7. That is helping household finances up and down the country.

19. [902462] **Henry Smith** (Crawley) (Con): Will the Minister tell us what measures will be taken to ensure that parents in my constituency and up and down the country who are returning to work do not have to spend every penny they earn on childcare?

Mr Gauke: My hon. Friend makes an important point. From September 2017, the Government are doubling the free childcare entitlement from 15 hours to 30 hours a week for working families with three and four-year-olds. That will be worth up to £5,000 per child. From early 2017, tax-free childcare will also be introduced, providing support worth up to £2,000 a year per child for working parents.

Topical Questions

T1. [902433] **Bob Blackman** (Harrow East) (Con): If he will make a statement on his departmental responsibilities.

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): The core purpose of the Treasury is to ensure the stability and prosperity of the UK economy. Today I can tell the House that the date of the Budget next year will be Wednesday 16 March.

Bob Blackman: My right hon. Friend has announced that the closure of the compensation scheme for Equitable Life policyholders will be at the end of this month. We will then know exactly how many claimants there are. Has he any plans to extend the amount of money that is being given to the victims of this scam?

Mr Osborne: I am, of course, always happy to listen to representations from my hon. Friend and others, but we have put a substantial sum of taxpayers' money into compensating the people who lost out through Equitable Life. We have also ensured, through our payment system, that those payments have been made. That is why the scheme is coming to a close.

John McDonnell (Hayes and Harlington) (Lab): The Chancellor bowed to Labour pressure last week and made a U-turn on tax credits. Although tax credits will not be cut in the new year, as planned, the cuts to universal credit are going ahead in full, so he has not reversed his cuts to family incomes, but just delayed them. I am sure that he has looked at the impact of the changes in detail, so will he tell the House how much a single parent with one child who works part time on the so-called national living wage will lose as a result of his planned changes to universal credit?

Mr Osborne: First, let me say that I did not feel a huge amount of Labour pressure last week, but I am happy to see the hon. Gentleman at the Dispatch Box. With universal credit, we are introducing a fundamental improvement to our benefits system. Anyone on tax credits, including in the case that he refers to, who is moved on to universal credit by the Department for Work and Pensions from next year will have their cash awards protected.

John McDonnell: Let me explain to the Chancellor exactly what a single parent with one child who works part time on the national living wage will lose. They will lose an average of £2,800 a year as a result of the cuts to universal credit. This was not an autumn statement that supported families, but one that punished them because 2.6 million families will still be worse off by £1,600 on average.

Let me offer the Chancellor another way out. If he reversed the tax giveaways to the wealthy that he announced in his summer Budget, he could reverse fully these cuts to family incomes, while still achieving his fiscal mandate. Will he now address the threat to these families?

Mr Osborne: Universal credit is a new benefit where it will always pay to work and it will always pay to expand the number of hours that are worked. It will get rid of a complex series of benefits. That will help working families. Let me make this point, since the gang of four on the other side of the House are chuntering away. The hon. Member for Leeds East (Richard Burgon), who is a shadow Treasury Minister, has not bothered to turn up today because he is marching on the Labour party's headquarters on a Stop the War march. The

truth is that until the shadow Treasury team get their act together in this Chamber, their cases will not be listened to seriously.

T2. [902434] **Kevin Hollinrake** (Thirsk and Malton) (Con): Will my right hon. Friend join me in welcoming the 60% reduction in unemployment in my constituency since 2010, the 100% rise in house building since 2014 and the fact that Helmsley won best market town in yesterday's—

Mr Speaker: Order. I am sorry and I do not wish to be unkind, particularly to new Members, but we do not have time for these lists. What we need is single sentence questions.

Kevin Hollinrake: My apologies, Mr Speaker. The A64 is still a bottleneck to investment and a traffic blackspot. Will the Chancellor look again at further investment in that important route, which would unlock further investment and economic progress for the northern powerhouse?

Mr Osborne: We certainly want to hear the good news about what is going on in Yorkshire. On the A64, we have committed billions of pounds to improvements to the road network of Yorkshire and, specifically, we have created a £475 million pot for local major roads. This is the sort of bid that should be put in.

T5. [902437] **Alison Thewliss** (Glasgow Central) (SNP): As the Chancellor was on his feet last week, the Department of Energy and Climate Change quietly issued a statement to the stock exchange on the removal of £1 billion of funding for carbon capture and storage. That was a breach not only of the Tory party manifesto, which is not surprising, I suppose, but of a promise to the people of Scotland during the referendum campaign. How can he justify that decision, which jeopardises 600 jobs in Peterhead?

Mr Speaker: Thank you. We need to be much pithier.

Mr Osborne: We are doubling investment in renewable electricity and energy, and much of that is going into Scotland. We also increased the capital budget for the Scottish Government, so instead of lobbying us for capital projects, they now have the resources to pay for such things themselves.

T3. [902435] **Nadhim Zahawi** (Stratford-on-Avon) (Con): I recently attended the skills show in Birmingham, which was an incredible example of the opportunities on offer in Britain for young people, including jobs, training and apprenticeships. Does my right hon. Friend agree that the levy he announced in the autumn statement is an excellent further step to ensure that young people in the UK are earning and learning—or preferably both—as that is the route towards a more productive workforce that is ready for jobs in the 21st century?

Mr Speaker: The hon. Gentleman is a celebrated denizen of the House and he should provide a better example to his new colleagues. Questions from both sides of the House are just too long—good, but too long.

Mr Osborne: I was very excited, Mr Speaker, to hear about the skills show in Birmingham. My hon. Friend is right: by investing in apprenticeships and creating 3 million apprentices we address one of the great weaknesses of the British economy that has emerged over many decades, which is the low skill base.

Mr Speaker: Unfortunately, the Chancellor's excitement is of no interest to the Chair. What is of interest is pithiness and progress, and everybody ought to be able to grasp that point.

T8. [902440] **Pat Glass** (North West Durham) (Lab): The Chancellor is a leading member of the Cabinet's economic Sub-Committee that is considering airport expansion. The outcomes of that Committee are vital to growth in the north, and we were promised a response to it by Christmas. When can we expect that response?

Mr Osborne: I completely understand the hon. Lady's interest in this subject, and the matter arouses a lot of interest across the House and the country. I am afraid she will have to be patient and wait for the Government's response to that important report.

T4. [902436] **David Rutley** (Macclesfield) (Con): I congratulate my right hon. Friend on this autumn statement, which continues to make science a clear priority. Does he agree that the new Cheshire science corridor enterprise zone will play an invaluable role not only in the local economy, but nationally as well, and particularly for the northern powerhouse?

Mr Osborne: My hon. Friend and constituency neighbour is right. Support for Cheshire science goes across the county, and it particularly supports the brilliant work being done in Macclesfield and Alderley Park not just by AstraZeneca but by many new companies that have come to that estate. It is something that I know he champions.

T10. [902442] **Cat Smith** (Lancaster and Fleetwood) (Lab): When does the Chancellor expect the UK to regain its triple A credit rating?

Mr Osborne: As the hon. Lady knows—she has asked me about this before—we have a triple A credit rating with one credit rating agency, and we will let the others make their own decisions.

T6. [902438] **Dr Tania Mathias** (Twickenham) (Con): Train services from Twickenham are inadequate and need to be faster and more frequent. Will the Chancellor look into what funding he can provide to improve services today, as well as for tomorrow with Crossrail 2?

The Chief Secretary to the Treasury (Greg Hands): I thank my hon. Friend and near neighbour for that question, and Crossrail 2 is also scheduled to go through my constituency. She will know that the Government have already committed money to feasibility studies in this Parliament. The National Infrastructure Commission has been tasked with reviewing further investment in London, and it will report back to the Government before the 2016 Budget.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): What recent assessment has the Chancellor made of the performance of the UK Guarantees scheme? When it was launched, the Treasury said in a press release that it would

“dramatically accelerate major infrastructure investment”.

The only thing that has dramatically accelerated since then is the national debt under a Tory Chancellor who has missed every target that he set himself. Will he please acknowledge at least one of his failures?

Greg Hands: The UK Guarantees scheme has already been approved for eight projects, including the Mersey Gateway bridge, the northern line extension, and Hinkley Point C nuclear power station. It has not always been necessary, and a further 18 projects worth almost £9 billion have been supported without the need for a guarantee.

T7. [902439] **Craig Tracey** (North Warwickshire) (Con): As chair of the all-party parliamentary group on women and enterprise, I welcome the fact that more women than ever are working in Britain today. One of the barriers to forming a cohesive forward strategy for creating more female business owners is a lack of reliable data on how many there currently are. Will my hon. Friend meet me to discuss that issue and consider possible solutions such as the collection of data on HMRC returns?

The Economic Secretary to the Treasury (Harriett Baldwin): I congratulate my hon. Friend on his appointment to the APPG, and I look forward to working closely with him to provide the data that he seeks.

Mr David Hanson (Delyn) (Lab): By what date do the Government expect to pay the national living wage to all their employees and all the contractors they employ?

Mr Osborne: The national living wage is coming in next April, so of course we will comply with it.

T9. [902441] **Lucy Frazer** (South East Cambridgeshire) (Con): I welcome the Chancellor's spending review last week, boosting the science budget and supporting silicon fen. Does he agree that the only way to continue to attract international investment to the region is good infrastructure, and now is the time to upgrade the A10 from Cambridge to Ely?

Mr Osborne: We have put a huge amount of investment into Cambridge, including of course the renovation of the famous Cavendish Laboratory, and I congratulate my hon. Friend on the strong start she has made in recent months in championing her constituency. That has been continued today with a big bid for the A10, which I will take a close look at.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The Chancellor promised twice—at the Scottish referendum and in his manifesto—to have carbon capture and storage at Peterhead. Why has he broken that promise?

Mr Osborne: As I have said, investment in renewables will double over the next five years, and much of that investment will go into Scotland—[*Interruption.*] Look,

the Scottish nationalists have a choice now. They have got some extra money and increased capital spending, and if they want to invest in carbon capture and storage in Scotland they can do so. It is called devolution.

Mr Peter Bone (Wellingborough) (Con): Every three weeks, British taxpayers send more than £1 billion to Brussels. If the British people vote to come out of the EU, can the excellent Chancellor tell us how much earlier we would eliminate the deficit?

Mr Osborne: I will not get into the debate about our membership of the European Union, but what I would say is that—thanks to the hard negotiating of my right hon. Friend the Prime Minister—we have cut the EU budget.

Alison McGovern (Wirral South) (Lab): By some mistake, there does not seem to be any question on the deficit on the Order Paper—[*Interruption*]/—apart from the very interesting question we have just had. Can I ask the Chancellor the question he would not answer in response to the autumn statement: does he believe that by the time he leaves the Treasury for the last time, he will have finally dealt with our country's deficit?

Mr Osborne: That is certainly the plan.

Tom Pursglove (Corby) (Con): The Rushden Lakes development at Skew Bridge and Primark's new warehouse at Islip are bringing thousands of new jobs to east Northamptonshire. Is not the added bonus that under the new business rates regime the local authority will be able to keep the windfall that will arise?

Mr Osborne: My hon. Friend has been a powerful advocate of the Skew Bridge project, and we have discussed it on several occasions. Of course, the devolution of business rates will help that project not only succeed, but make a big contribution to the local economy.

Wes Streeting (Ilford North) (Lab): Given the answer to my hon. Friend the Member for Wirral South (Alison McGovern) and given that the Chancellor has not met a single one of his own targets on economic performance, is he intending to go on and on, to the delight of the Home Secretary and the Mayor of London?

Mr Osborne: We promised to turn the British economy around and that is exactly what we have done. I know that the hon. Gentleman is out of sorts with the cultural revolution that is taking place on his Front Bench at the moment, but I just hope that in the modern Labour party they

“let a hundred flowers bloom”.

Robert Jenrick (Newark) (Con): Entrepreneurs' relief is a costly relief—and the Chancellor was right to reform it earlier this year—but it is an important way to incentivise our entrepreneurs to invest in businesses and to create jobs. Can he reassure our entrepreneurs that he remains committed to that relief and will take it forward in the years to come?

Mr Osborne: Of course we want entrepreneurs' relief to be directed at entrepreneurs, and that is why we made the changes earlier this year, but during our time in office Conservative members of the Treasury team have doubled and redoubled that relief. We very much support that help for our enterprise economy.

Mr Speaker: Last, but not least—and with commendable brevity, I feel sure—I call Mr Mulholland.

Greg Mulholland (Leeds North West) (LD): Thank you, Mr Speaker.

British pubs currently have 0.5% of British turnover, but pay 2.8% of business rates. Will the Chancellor meet me and officers of the save the pub APPG to discuss how we can better support pubs in the taxation system?

Mr Osborne: Of course, the pub industry has been supported by the reduction in beer duty, the increase in employment allowance, which is of huge benefit to many pubs, and the extension of small business rates relief, which we announced last week. I am happy to see what more we can do to support the great British pub industry, and I look forward to hearing the hon. Gentleman's ideas.

Several hon. Members rose—

Mr Speaker: Order. I am most grateful to the Chancellor and colleagues. Treasury questions always bust the box office records, as far more people want to take part than there is time to accommodate, so I hope that colleagues will understand.

Business of the House

12.35 pm

The Leader of the House of Commons (Chris Grayling):

Mr Speaker, with your permission, I should like to make a short business statement about tomorrow's business. The main business for tomorrow will now be a debate on a motion relating to ISIL in Syria and United Nations Security Council resolution 2249. The business for Thursday remains as previously announced: Second Reading of the Charities (Protection and Social Investment) Bill [*Lords*].

Members will wish to know that, subject to the House's agreement later today, oral questions to the Cabinet Office and the Prime Minister will not be taken tomorrow. The oral questions rota will be republished, and Cabinet Office questions will take place on Wednesday 9 December. The results of the ballots for both Question Times will be retained, and Members will not need to resubmit their questions. I will make my usual business statement on Thursday.

Chris Bryant (Rhondda) (Lab): Last week, I warmly commended the Prime Minister for the way he had treated the House thus far on Syria, and I only wish I could say the same today. The truth is that the Government never really intended to proceed tomorrow with the business announced last Thursday. They always intended to make an emergency business statement today, to abandon tomorrow's Opposition day and to hold the vote tomorrow. The hon. Member for Stratford-on-Avon (Nadhim Zahawi), the Prime Minister's apprenticeship adviser, blurted it out in yesterday's debate. Why did the Leader of the House not come clean last Thursday, as I suggested?

Would it not have been better form to give MPs proper notice of the debate? Would it not be better form for the Government to abandon their own business, rather than Opposition business? Would it not have been better form to have told the House first? I confess that when I heard yesterday that the Prime Minister was going to make a statement on Syria, I innocently presumed he would make it to the House of Commons. "Oh no", I was told by a Government Whip, "He's in Paris. He can't." No he was not, Mr Speaker. At 8 pm last night, he announced, not to the House but on television, that the debate would be tomorrow, and he was not in Paris; he was all of 300 yards away, in the Cabinet room in Downing Street. He should have come here. His own ministerial code says that the most important announcements of Government policy must be made to the Commons first. The proper course of action would have been a supplementary business statement at 10 pm last night, and if he could not make it, the Leader of the House should have done so, and insisted on doing so, as the servant of this House, not just of the Government.

There is another problem. I gather that the motion has only just been tabled, meaning it will not be on the Order Paper until tomorrow. Yet again, that means the House will have to consider manuscript amendments. So on one of the most important issues we face—the security of our country, the safety of the people of Syria and our own armed forces—we are expected to frame our opinion on a motion we have not even seen yet. We asked for a two-day debate. I did so two weeks ago, and

the Leader of the Opposition repeated that call yesterday. I recognise that the Government have tabled motions to allow a longer day than usual tomorrow, but what is the hurry?

Last week, 103 Members took part in the statement on Syria, and most will want to take part in tomorrow's debate. Many of the 182 new Members will also want to lay out their reasons for supporting or not supporting the Government on a matter that is highly contested, and many will want to press the Prime Minister on his claims about the 70,000 Free Syria Army troops he says are standing ready to move into Raqqa. My own position on the substantive motion is on the record—I think we have to degrade and defeat ISIL—but I also said last week that the House would not take kindly to being bounced into the vote.

The Prime Minister himself said last week:

"I want us to consider this and to think it through. I do not want anyone to feel that a good process has not been followed, so that if people agree with the case being put, they can in all conscience vote to support it."—[*Official Report*, 26 November 2015; Vol. 602, c. 1503.]

We will all be exercising our consciences tomorrow, but this is not a good process. We now have to abandon Cabinet Office and Prime Minister's questions and an Opposition day on mental health and the effect of the autumn statement on women. We will consider a motion that will appear on the Order Paper only on the day that we are debating it and we may have to consider manuscript amendments.

All in all, surely to heavens, this is no way to treat the House, our voters or, indeed, our armed forces. Far from inspiring confidence in the Government's judgment, shenanigans of this nature seriously undermine it.

Chris Grayling: I have to say that I cannot agree with the shadow Leader of the House's analysis. Let us take this in turn.

The hon. Gentleman says that the Prime Minister announced tomorrow's debate on TV yesterday. What I would say to the House is that the Cabinet discussed the matter this morning. What the Prime Minister said last night was that he would ask the Cabinet to consider a proposition. The Cabinet considered and discussed this matter this morning and reached a decision, and therefore brought the matter to the House as quickly as possible after the conclusion of that Cabinet decision.

Chris Bryant: You know that's not true.

Chris Grayling: The hon. Gentleman says from a sedentary position that it is not true. I can only say to him again that, in a Government that believe in Cabinet Government, it is right and proper that a decision of this magnitude should be taken and discussed around the Cabinet table, and that is what took place this morning.

The hon. Gentleman mentioned the moving of the Opposition day. I absolutely accept the importance of the issue of mental health. We will, of course, re-provide that Opposition day at an early opportunity and the Opposition will be able to bring that important subject to the House, but I am sure he would not disagree that the matters tomorrow morning are of the utmost importance to this country and should be brought before this House at an early opportunity.

The hon. Gentleman talked about the opportunity for debate and discussion. I would simply say to him that, over the past week, we had a two-hour statement from the Prime Minister last Monday, a two-and-a-half-hour statement from the Prime Minister last Thursday—78 people spoke in the first; 103 spoke in the second—and a Back-Bench debate yesterday for five hours, with 41 speeches. Tomorrow's debate is the equivalent of two normal days' debate in terms of length. As for the idea that we have been bounced into the vote, in total this matter will have been discussed in the House for 20 hours since last Monday.

The hon. Gentleman talked about the timing of the motion. We have taken care to ensure that in tabling the motion we have listened to views in all parts of the House. I make no apology for taking time to listen and consider those views and coming up with a motion that I believe reflects the views of the majority of Members of this House and that will, I believe and hope, command the support of the House tomorrow. I am absolutely confident that we are doing not only the right thing procedurally, but also, if we vote that way tomorrow, the right thing for this country.

Sir Edward Leigh (Gainsborough) (Con): Over the weekend the Foreign Secretary said that this was a very important matter and a matter of conscience, and he therefore called on the Labour party to provide a free vote. I take it we will not be having a free vote on this side of the House—I am not even going to press the Leader of the House on that, because I know the answer will be no—but he must know that it is not only on the Opposition Benches that people are agonising about this. There are many Conservative Members of Parliament who have very serious questions that they want to put tomorrow and, depending on the answers, they will not necessarily vote for the motion tomorrow. Could we therefore not extend the debate even further? Do we have to have the vote at seven? Could we not have it at 10?

If the answer is yes, I will be very happy with that, but how will manuscript amendments to the motion be published? If, say, a Back Bencher such as myself wanted to table a manuscript amendment on the basis of a proportionate response, how will it be published and debated, if at all?

Chris Grayling: First, the motion is available in the Table Office now; I would encourage my hon. Friend to take a look at that.

Chris Bryant: No it's not.

Chris Grayling: The motion was tabled a few minutes ago; it is available in the Table Office now.

What I would say to my hon. Friend is that we are providing time to go beyond 7 o'clock tomorrow, to 10 o'clock. We have sought to provide what is the equivalent of two days of debate. A 10-and-a-half-hour debate tomorrow is effectively equivalent to the time we would have if we held the debate over a two-day period, so I hope he will sense that we have given an adequate amount of time for this debate.

My hon. Friend has concerns, but he should realise that this is a matter of concern to every single Member of the House, and that a decision such as this is never taken lightly by any Member of Parliament. If he has

concerns and wants further information, he can talk to me and colleagues in the Foreign Office and the Ministry of Defence afterwards—we would be happy to discuss the issue further.

Mr David Winnick (Walsall North) (Lab): There must be few, if any, Members who will not be agonising over how to vote, so it would be useful if everyone had a free vote. Does the Leader of the House recognise that unlike his Cabinet colleagues, he has a special responsibility to Members of this House? On such a crucial issue and however we vote on it, I imagine it must be difficult for people outside to understand why we are confining debate to one day, albeit with extended time. Why is it impossible for the House of Commons to provide at least two full days of debate? We could end up with a situation in which Members are desperate to speak, and a good number might not be able to express a view on behalf of themselves and their constituents. Those who are called in the final stages might be limited to three minutes. It is simply wrong to undertake debate in this way on such a crucial issue of war and peace.

Chris Grayling: I absolutely accept—the hon. Gentleman is right to say it—that this is a crucial issue of conscience for many Members. However, the timing of tomorrow's debate is effectively the equivalent of the amount of time that would have been available if we had held a debate across Wednesday and Thursday on normal business days for this House. It provides one extended debate on a single day, which I think makes for a more coherent debate over that extended period. It will start earlier than normal and finish much later than normal. I hope that will give Members of all parties the opportunity to contribute.

Alison McGovern (Wirral South) (Lab): On a point of order, Mr Speaker.

Mr Speaker: We will deal with points of order at the end. I shall not forget the hon. Lady.

Mr Peter Bone (Wellingborough) (Con): Of course, all votes in the House of Commons are free, and Members will make up their own minds on this issue. I do not think a single Member will vote on the basis of what the Whips tell them.

The shadow Leader of the House has a point about the motion. We have not seen it, so how can anyone decide whether to vote for or against it. It is a shame that we are voting at a time so close to the publication of the motion. As I argued at business questions, we can have a compromise position between the Leader of the House who wants one day and the shadow Leader of the House who wants two days by having the debate tomorrow without putting on any time limit. Anyone should be able to speak for as long as they like and if that means having the vote at 2 o'clock in the morning, so be it. People out there would realise that we were taking this matter seriously. Will my right hon. Friend consider this point again?

Chris Grayling: On the issue of the motion, let me repeat to my hon. Friend that we have taken the time to consult Members on all sides to try to ensure that we have a motion to vote upon tomorrow that reflects the concerns that Members have raised. If we have done so

[Chris Grayling]

and taken the time to deliver the right motion, I make no apology for that. On the matter of the length of tomorrow's debate, I simply think that 10 and a half hours, combined with all the opportunities we have had over the last 10 days, is sufficient to get the decision taken and the vote done. If the decision of the country is to do what the Government recommend, we will give our armed forces the support they need to deliver that mandate.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the short business statement this morning. We remain profoundly disappointed about the way in which the Government have progressed the matter of tomorrow's business. It would have been so easy for the Leader of the House to announce last Thursday when this debate would happen in order to give us plenty of opportunity to consider a motion and have proper amendments put into it. The motion could have been debated, assessed and considered before we went into such an important vote tomorrow. This is not the Chancellor's potholes; this is the country going to war and inflicting air strikes on another country. It is really important to get the opportunity to consider the issue properly.

I have a copy of the Government's motion, which has just been presented, but it is not even in the Vote Office, so it is not available for Members to have a proper look at. This means that there will be no real opportunity to table amendments. Only manuscript amendments from right hon. and hon. Members will be possible. I see the Chief Whip shaking his head, but it is not in the Vote Office, so we cannot properly consider it.

I know that a number of right hon. and hon. Members wanted to table serious and considered amendments to the motion, but now they will only have the opportunity to table manuscript amendments. It is so disappointing that, once again, we do not have two days in which to discuss the issue properly—two days for which we have been asking for the past few weeks. We are trying to shoehorn two days into one, and abandoning Prime Minister's questions so that the Leader of the House can do this. I ask him once more—please—to reconsider.

The motion on the Order Paper refers to "ISIL in Syria", although this has nothing whatsoever to do with Islam. When will people get it into the Government's head that we should use the word "Daesh" when referring to what is going on in Syria?

We in the Scottish National party will constitute an effective opposition to what the Government are to propose tomorrow. In view of that, will the Leader of the House be sure to keep us up to date and informed of any developments that take place in the next 24 hours?

Chris Grayling: Let me begin by setting out clearly what the Government propose that we should do. I must first take up the hon. Gentleman's point about going to war. Britain has been carrying out air strikes in Iraq, with a mandate from the House, for a considerable time, and the motion simply allows us to extend that work so that we can degrade ISIL in the areas of Syria in which it is operating.

The motion was tabled in the Table Office after the opening of business today, in the normal way. As I said earlier, it was tabled today because we had taken time to

consult Members, to listen to the concerns that were expressed in different parts of the House, and to ensure that we reflected those concerns in the final version of the motion.

The hon. Gentleman asked why I had not come to the House last Thursday. The answer is, very simply, that no decision had been made last Thursday. No final decision was made until the Cabinet met this morning. He also talked about the time that had been allocated. I repeat that we have allocated to one day, rather than two, the equivalent of the time that would have been available if we had operated normal days on Wednesday and Thursday. I believe that that has created a more sensible, single structure for a debate that can run consistently from end to end.

Mr Steve Baker (Wycombe) (Con): My right hon. Friend has said twice that the motion was tabled today in the ordinary way, but a few minutes ago the hon. Member for Rhondda (Chris Bryant) said that it was not available. I think that I just saw him handing someone's iPad back. I note that, at 12.33, the editor of PoliticsHome tweeted an image of a motion that appears to be "the motion". May I ask my right hon. Friend to be crystal clear? At what time was the motion tabled, and might it not have been better if the hon. Member for Rhondda had been provided with a copy before the statement?

Chris Grayling: The motion was tabled in the Table Office shortly before midday, and it is currently available to Members there. Let us be absolutely clear about that. It is currently available to Members.

Mr Nigel Dodds (Belfast North) (DUP): It is clear that many Members in all parts of the House will want to participate in the debate, and it is clear that, given the importance of the matter, it will be a travesty if Members are limited to very short speeches lasting three or four minutes. May I appeal to the Leader of the House—and, indeed, to the Government in general—to ensure that the Front-Bench speeches do not take an inordinately long time, as they sometimes do, especially in the light of the fact that the speech from the Opposition Front Bench will actually be an expression of personal views?

Chris Grayling: I think that we may hear two different sets of views from the Opposition Benches. However, the right hon. Gentleman has made a sensible point, and I will certainly communicate it to my colleagues. I do want Members to have an opportunity to contribute. Many will, of course, seek to do so by means of interventions, but I will convey the right hon. Gentleman's point to my right hon. Friend the Prime Minister.

David Rutley (Macclesfield) (Con): Is my right hon. Friend aware that we had a long and considered debate on the middle east yesterday, during which many Members on both sides of the House were able to make strong contributions on issues in Syria, but which was not very well attended by a certain section of the Opposition Benches?

Chris Grayling: My hon. Friend has made an important point. As I said earlier, by the end of tomorrow we shall have considered these matters for 20 hours since Monday

last week, so I do not think that anyone viewing the House from outside could say that they have not been raised and discussed. The Prime Minister himself has taken questions for four and half hours during that period, and that is in addition to the contribution that he will make tomorrow. I think that Members have had plenty of opportunities to scrutinise the challenge that we face.

Mr David Hanson (Delyn) (Lab): The Leader of the House rose at 12.35 pm today. As we heard from the hon. Member for Wycombe (Mr Baker), the editor of PoliticsHome, having been briefed, issued the motion on Twitter at 12.33 pm. Whatever the rights and wrongs of the process—and I am still to make up my mind—does that not show that the House has not been given a full opportunity to consider this matter in detail, and that my hon. Friend the Member for Rhondda (Chris Bryant) should have had sight of the motion before he came to the House?

Chris Grayling: I do not accept that. I made a point of ensuring that no public statement was made by the Government, and no provision of the motion was made to the media, before the motion was tabled in the House, and I think that that was the right and proper thing to do.

Mr Richard Bacon (South Norfolk) (Con): I managed to get hold of a copy of the motion—for which I commend the Government—with no difficulty. If it is possible to get hold of it so easily, it surely ought to be possible for others, including the shadow Leader of the House.

Chris Grayling: The versatility demonstrated by my hon. Friend may explain why we are sitting on the Government Benches, in government, and those on the other side are not.

Alex Salmond (Gordon) (SNP): The Leader of the House needs to think about this issue again. Bringing issues of war and peace to the House for debate is a relatively recent innovation. In this instance, the Leader of the Opposition, the leader of the second largest Opposition party and, I suspect, the leaders of other parties have asked for a two-day debate. The issue of the two days is not just about the amount of time that is provided for debate, but about the amount of time that is provided for proper consideration of motions. If the Leader of the House does not concede that, he is creating a dangerous precedent, and a very unfortunate one.

There must be a reason for this. Is it the fact that the Prime Minister is more interested in dividing the Labour party than in uniting the country, or is there some other specific reason for his not wishing to be in the House on Thursday? Will the Leader of the House now answer that question honestly?

Chris Grayling: I know of no specific reason why the Prime Minister would not wish to be in the House on Thursday, but let me say this to the right hon. Gentleman. I have—sadly—sat through a number of debates on issues like this during my 15 years as a Member of Parliament, and I believe that the amount of time we

are providing for this debate is absolutely in line with existing practice. In fact, it is more generous than the amount of time that was allowed when these matters were last debated in the House.

We have sought to create a single, coherent debate, started by the Prime Minister and finished by the Foreign Secretary, over an extended period which is, as I have said, equivalent to the amount of time that would have been available had we debated these matters over a normal Wednesday and Thursday. I think that we are providing an appropriate amount of time for the debate.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my right hon. Friend and those on the Front Bench on the motion. I had no difficulty in getting hold of a copy of it a few minutes ago, and I suspect that the House will have little difficulty in supporting it tomorrow.

On the subject of the allocation of time, does my right hon. Friend recall—as I certainly do—the events of 2003, when there was a very similar debate about the time that was available for a matter that was, of course, of far greater significance? That debate was about actually making war, whereas this is simply about extending to Syria the action that we are currently undertaking in Iraq.

Chris Grayling: My hon. Friend is absolutely right. I remember that occasion as well. Let me also make the point that, in the last few days, the Prime Minister, my colleagues in the Government and officials have gone out of their way to provide briefings, to have discussions, to listen to the views expressed by Members in all parts of the House, and to try to come up with a motion that would reflect the concerns that they have raised. As I said at the outset, we are publishing the motion today not least because we have only just made the decision. We have tried to take time to listen to those concerns, to table a motion that encompasses the worries that have been expressed in different parts of the House, and to set out a strategy that encompasses not simply military action but developments, political solutions to the situation in Syria, and the rest. We are trying to do the right thing in an holistic way.

Diana Johnson (Kingston upon Hull North) (Lab): The debate that took place in the House yesterday was about the United Kingdom's role in the middle east, and it included lengthy speeches about countries such as Yemen, Israel and Palestine, and Iran. I think it unfair to say that Members were able to talk at length, and ask questions at length, about the extension of the bombing of ISIL. I listened to the whole of that debate from the Opposition Front Bench and, at 6.35 pm yesterday evening, the hon. Member for Stratford-on-Avon (Nadhim Zahawi) referred to the debate that would take place on Wednesday this week.

I ask the Leader of the House to listen carefully to what Members in all parts of the House are saying—as they did in yesterday's debate—about wanting opportunities to express their views, ask questions and speak in debates. I do not understand why the Government have set their face against a two-day debate. This is not normal business, and we ought to have the opportunity to take as long as we require to reach the right decision.

Chris Grayling: The hon. Lady is right that yesterday's debate focused on more than simply the situation in Syria, but one of the reasons why we need to act against ISIL in Syria is the growing challenge we face from it around the middle east and in north Africa, and those issues were undoubtedly reflected in yesterday's debate.

On the two-day debate issue, I simply repeat that we are providing an extended debate that is the equivalent of the amount of time that would have been available on a normal day's business on Wednesday and Thursday, but we are doing it on one day over a very extended period to create a coherent single debate.

Steve McCabe (Birmingham, Selly Oak) (Lab): If the Government genuinely want to build as broad a consensus as possible on what might be the most momentous decision of this Parliament, how are the public supposed to understand a time-limited debate on their specific motion to escalate bombing where fewer than perhaps a fifth of Members are able to take part?

Chris Grayling: What I would say to the public is that we in Parliament will have discussed these issues over a 20-hour period since Monday of last week. The Prime Minister has taken two extended sets of questions, has considered very carefully the issues raised by Members on both sides of the House, has produced a motion that in our view reflects those concerns and takes many of them into account, and then has provided a length of time for debate that is longer than any that has been provided for a similar decision in recent years. I think that is treating this House, and the public and their concern, in exactly the right way.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): We certainly do not have any agreement on the wisdom of bombing Syria, and now we do not have any agreement on the process by which that decision should be arrived at through Parliament. That is because the Government are bouncing Parliament. Why are they doing that? We have heard from my colleagues that the motion has not been published properly—it is not available in the Vote Office, but the press have it. This speaks again of the decision to go to war during the Blair spin times—a dash to war. Why are we doing this? Already 10 nations are bombing in Syria; what difference is adding two UK planes going to make? We also have, I think, the unprecedented step of Prime Minister's questions being abandoned. The Government are doing this wrongly now. Why are they doing it wrongly? Why do they not even get this part of the process right?

Chris Grayling: I will say again that I really do not think we can be accused of bouncing anyone into a decision after what will have been 20 hours of debate, discussion and questions over a nine-day period. We tabled the motion this morning, before midday, and before it went to anybody in the media. It came to this House first, as is right and proper, but it came to this House

after an extended period of discussion with Members on both sides of the House to try to make sure that the motion reflects the concerns raised by Members across this House, with a view to building as much consensus as possible. I accept that there will not be consensus across the whole House—we will not carry the support of every Member of this House—but it is in our national interest that we seek to bring forward a motion that will command as much support as possible from across this House.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Leader of the House's position seems to be that as his Government have spent some time considering their motion, it does not matter that MPs will have so little time to consider it. But what about amendments? I will not be voting for air strikes, but there are many things I would like to vote for, such as building a comprehensive UN consensus or cutting off Daesh's oil supplies. How are we supposed to vote for an alternative approach if amendments are only to be available on the day?

Chris Grayling: Those elements of the hon. Lady's concern are already reflected in the motion. As I have said, in the motion we have sought to reflect the concerns in all parts of this House. I can only reiterate that this motion was tabled shortly after the opening of business today and all Members of this House can manage to access it—and indeed my hon. Friends behind me have already managed to do so.

Ian Blackford (Ross, Skye and Lochaber) (SNP): It appears that a real shambles is developing here. The Leader of the House is telling us that we are having 20 hours of debate, but that is not correct, because we are being given 10 hours to debate the motion. That is a substantive point. As Members have said, it is a motion that this House needs to reflect on and put down amendments to. Is it not the case that our constituents are very concerned about the consequences of this motion, and surely we should be having two days for debate so that Members can debate this properly? Why does the right hon. Gentleman not call the Prime Minister back from whatever engagements he may have on Thursday? Let us do this properly and treat the country with respect.

Chris Grayling: I can only say again that we discussed these matters for two hours last Monday, two and a half hours last Thursday, and five hours-plus in the debate yesterday, and we have a 10-and-a-half-hour debate tomorrow, and the debate tomorrow is for the equivalent amount of time as would have been available if we had run normal days on Wednesday and Thursday. I happen to think it is more coherent and logical for us to do this in one go, with one extended debate opened by the Prime Minister and wound up by the Foreign Secretary, and we will have had in total 20 hours to consider these matters since Monday of last week.

Points of Order

1.5 pm

Alison McGovern (Wirral South) (Lab): On a point of order, Mr Speaker. I am not in the habit of raising needless points of order, but we have just heard many Members raise their concerns and what seems clear about the motion for tomorrow is that it was in the hands of the journalists before it was in our hands, as the Prime Minister made his statement to the BBC rather than to this House last night. We have heard what the Leader of the House has to say, Mr Speaker, and I would now like your view on what possible reform we can bring to change that approach.

Mr Speaker: I say in response to the hon. Lady that I am not sure that this is an occasion for pronouncing on a reform to the process, as she puts it. It is difficult for the Chair to give a ruling without certain knowledge of the facts, but what I would say at this stage is as follows—and I would welcome any clarification the Leader of the House can provide. The first point is that, as I understand it, it is the Government's firm intention to ensure that the text of the motion is widely available today. Members can apparently consult it—I cannot say this for certain—now in the Table Office.

The Parliamentary Secretary to the Treasury (Mr Mark Harper) *indicated assent.*

Chris Grayling *indicated assent.*

Mr Speaker: Nods of assent from the Government Chief Whip and the Leader of the House suggest that that is so. *[Interruption.]* Order; I am trying to help the House. If that is so, that is welcome.

On the subject of amendments, perhaps I can say to the House that if amendments are tabled today, presumably by Members who have seen the text of the motion, those amendments will be on the Order Paper tomorrow. Therefore, they will not be manuscript amendments. However, it is within the discretion of the Chair to consider manuscript amendments. Colleagues who have been in this House for any length of time will know that this Speaker has regularly done so, and if necessary I will be ready to do so again.

It is obviously desirable, not least in the light of what the Leader of the House said about having undertaken widespread consultation with a view to trying to put together a motion that would command widespread agreement, that the motion itself, when decided upon and its text finalised, should have been formally given at the very least to the official Opposition. I assume that was done. *[Interruption.]* Well, may I say that I think that it would be desirable for that to be done, and it would be entirely consistent with the words the Leader of the House uttered about widespread consultation? If it has not happened, may I say that it would now be desirable for it to happen?

Beyond that, all I can really say is this. The Leader of the House made the point that the one-day debate stretching over 10 and a half hours would represent a time allocation broadly equivalent to two full days on Wednesday and Thursday. I know some people like to be very precise about these matters, and my mental

arithmetic tells me that if we have a full day's debate on a Wednesday and a full day's debate on a Thursday, and bearing in mind that we have business questions on a Thursday, that would amount to an allocation of time of I think 12 hours—10 and a half is being allocated—and that if it were a Monday and a Tuesday and there were two full days' debate without interruption by urgent questions or statements, that would amount to 13 hours of debate. So to be absolutely correct about this, it is not two full days' debate in one—that is not true—but it is considerably more than one and a half. It is also perfectly reasonable—this is a political point for the Leader of the House to make; it is not a matter for the Chair—to say that the time allocation is somewhat greater than has been the case in the past.

I am trying to be completely fair-minded about this. I respect what the Leader of the House has said, and there is some considerable agreement with what he has said, but I recognise that there is some unhappiness. I think the best thing at this stage on matters of procedure—we have the rest of the day available—is to try to maximise buy-in to the procedure and to minimise dissent. Let me try to look at it from the vantage point of members of the public. I think that is what responsible members of the public would expect responsible Members of Parliament to do. I hope that is helpful.

Sir Edward Leigh (Gainsborough) (Con): Further to that point of order, Mr Speaker. You have been extremely reasonable, and we have to look at this from the point of view of members of the public. I know that you have no ability to extend debates, but let us suppose that by 7 o'clock this evening 100 people have put in to speak. I do not know whether we will be bound by a procedure motion at 11.30. Perhaps discussions could take place between your office and the Leader of the House's office. There is no reason why the Government should not extend the debate until 11.30 tomorrow, for instance, which would enable perhaps a further 30 people to get in. I am sure we can look at this in a holistic and creative way.

Mr Speaker: The hon. Gentleman is ever helpful, and that is appreciated. It is not really a matter for my office to engage or collaborate with the Government on the subject of the allocation of time—that is something for the Government to come to a view about and for the House either to agree to or not, as the case may be. However, I heard what he said about the likely level of interest in contributing and I can say that my door is always open, as is that of the outer office in the Speaker's Office, as colleagues will know. There is no secret about the number of people putting in to speak. As colleagues will know, the Leader of the House and I speak regularly, as do the Government Chief Whip and I, and the same is true for the shadow Leader of the House and the Opposition Chief Whip. Of course I am happy to keep them informed, along with any Member who asks me how many people have put in to speak.

The shadow Leader of the House said that the Leader of the House was a servant of the House. I am a servant of the House, too, and I intend to be in the Chair tomorrow, very fully, to chair the debate. I would be happy, if the House willed it, to sit up all night in the Chair to hear colleagues—it is a pleasure and it is my responsibility—but how much time is allocated is not a

[Mr Speaker]

matter for me. The Leader of the House will have heard that there is some interest in having the maximum possible time allocated for this important purpose.

Mr Peter Bone (Wellingborough) (Con): Further to that point of order, Mr Speaker. Item 6 on today's Order Paper relates to the sitting of the House on 2 December, and we can talk all night on it, if necessary, in order to reach a conclusion. What I cannot find on the Order Paper is the extension of the moment of interruption, which has been referred to as and almost assumed to be 10 pm tomorrow. I assume the Leader of the House will table a motion tomorrow morning dealing with when the moment of interruption will occur. If that is the process, the Leader of the House has until tomorrow morning to make up his mind whether it is until 10 pm or 11.30 pm. Alternatively, does the motion have to be tabled tonight and, if so, could you advise the House as to whether it is amendable?

Mr Speaker: The short answer is that it does have to be tabled by the close of business tonight and, yes, that motion will be amendable. I hope that is helpful.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Further to that point of order, Mr Speaker. First, for your information, let me say that the fleet-of-foot Scottish National party is already tabling an amendment to the motion. I have two points about order that I hope you can help me with. First, have Prime Minister's questions been cancelled at such short notice before? Secondly, does such a step need the consent of the House?

Mr Speaker: The short answer to the hon. Member for Na h-Eileanan an Iar (Mr MacNeil)—I am advised by the right hon. Member for Gordon (Alex Salmond) that I have pronounced that correctly, and I would not dare argue with him on that matter—is that, yes, such a proposition from the Government of course requires the assent of the House and that motion 6 is before the House, so I think we are fairly clear about that. The hon. Gentleman asks me whether this has happened before. He is quite an experienced denizen of this House and he will know that there are precedents for most things. The short answer is that, yes, Prime Minister's questions have been cancelled—relatively recently, in fact—at relatively short notice before. He can consult the record, but I think it related to marking the unsurpassed tenure of Her Majesty the Queen. That was the occasion, at least most recently; there are precedents for these things.

Chris Bryant (Rhondda) (Lab): Further to that point of order, Mr Speaker. I am very grateful for what you said earlier about manuscript amendments. Many new Members have been asking me what they are. Of course, their name does not mean that they are hand-written, but it does mean that as long as things are in order when they are tabled you would be open to the possibility of amendments that do not get tabled until tomorrow morning. There has also been some confusion about the difference between the Table Office and the Vote Office. It is right to say that the motion has been available in the Table Office from the moment the Government tabled it, but it has not been available in the Vote Office.

[Interruption.] Oh, grow up! Would it not on this occasion be a good idea for this to be published formally, so that it is available for all Members of the House in both the Vote Office and the Table Office?

Mr Speaker: I think it would be better if it were available in both. I am advised by he who knows, to whom I am grateful, that the motion has been available in the Vote Office since 12.56 pm.

Look, we are where we are. I genuinely thank the Leader of the House for what he has said, and his attempt to provide clarification here and there. It is so much better if we can proceed in a consensual manner on matters of procedure. We acknowledge the existence of differences of opinion on the substance—differences of opinion that will exist right across the country—but we must do our business in an efficient, orderly and, where possible in terms of procedure, consensual fashion. I think the point is made, and it should not need to be revisited on subsequent occasions.

Greg Mulholland (Leeds North West) (LD): On a point of order, Mr Speaker. This relates to a different point. I wish to bring to the House's attention, and seek your guidance about, what happened in the House of Lords last night. Owing to the disgraceful way the Department for Business, Innovation and Skills has backtracked on its clear commitment to this House to uphold the will of this House and to introduce the market rent only option for tied pubco licensees, our noble friends in the other place took it upon themselves to take the unprecedented step of introducing the same concept into a second Bill. There is confusion about what will now happen. May I seek your advice as to not only how we now proceed from a legislative point of view, but how we bring BIS Ministers to this House to get them to explain that they will actually respect the will of the House and do what they agreed to do at the Dispatch Box?

Mr Speaker: The short answer to the hon. Gentleman, whom I thank for his point of order, is twofold. First, I had no advance notice of it. I am not complaining about that, but I am simply saying that it makes it difficult for me to give any authoritative verdict from the Chair at this time. Secondly, I say to him that he is as dogged a terrier as any Back-Bench Member of this House—I hope he will take that in the positive spirit in which I intend it—and he will not let go of the issue. He has pursued it over a very long period with exemplary tenacity, from which other Members could learn, and I think that he will return to it.

I do not know whether the Government have any plan—I am not aware of it—to come to the House to explain their thinking or how they believe their conduct now is compatible with what had previously been said. I know where the hon. Gentleman sits and I know that he seeks to catch my eye, and I am always happy to try to facilitate his interrogating the Government on this and indeed other matters. I hope that he will hold his horses for now. If he wants to have a further conversation with me when I am more in the loop, I am happy to try to assist.

I thank the Leader of the House, the Chief Whip and the shadow Leader of the House for their interest and attendance, and if there are no further points of order, perhaps we can now move to the ten-minute rule motion.

Consumer Protection (Standards of Fire Resistance of Children's Fancy Dress and Play Costumes Etc)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.19 pm

Mrs Anne Main (St Albans) (Con): I beg to move,

That leave be given to bring in a Bill to make provision about the standards of fire resistance, and relevant labelling requirements, in relation to children's fancy dress and play costumes; and for connected purposes.

The past 20 years have seen a huge evolution in the way children play and dress up, and we need our legislation to catch up. When I was a child, dressing up meant raiding a box containing mum's old clothes, hats and shoes, and going to parties meant wearing my best dress. However, what my era—the late 1950s and early 1960s—suffered from was dangerous flammable nightwear. Every year, up until 1964, many small children were admitted to hospital with horrific burns, and indeed many died. In 1964 the *Daily Mail* led a campaign for safer nightwear, and later that year this House decided to act. The nightwear standard became law and was updated in 1985.

Professor Richard Horrocks of Bolton University, who is an expert in textiles, said:

"We have over 50 years of experience during which time the fire statistics have shown that fire injuries to children are in low single figures per annum, and sometimes at zero."

That is the result of the nightwear standard, yet despite the fantastic reduction in flame injuries, it took the EU until 2007 before it chose to adopt a similar nightwear standard. Since that era of the dressing-up box, a whole new multi-billion pound industry has grown up. As dress-up costumes are classed as toys by the EU, our children are less protected than if they were wearing nightwear. In his briefing to me, the chief fire officer for Bedfordshire fire and rescue service, Paul Fuller, said:

"Dressing up clothes are not always worn just for play but appear to be increasingly worn as nightwear or normal clothes. The use of naked flames is more prevalent, particularly candles at events such as Diwali, Christmas, Halloween, birthdays, barbecues etc."

Toys are tested against the rate of spread of the flame, which is based on the ability of a child to drop or run away from a burning toy. In his "Watchdog" interview, Paul Fuller also said:

"These are toys they can't drop, or walk away from. And so I think that the test ought to be at least the same as the test for children's nightwear, which is much more stringent."

I agree with him.

In the United States, a child's dress-up garment offers a much higher level of protection: it must not catch fire for at least 3.5 seconds after exposure to a flame. Currently "toy" dress-up costumes in Europe and in the UK are tested under the toy safety directive EN71-2, which only offers protection at a burning rate of 3 cm per second. That is enormously fast on a small child. If that same child was wearing a nightdress in the UK with our BS 5722 standard, the rate allowable would be 3 cm in 2.5 seconds. That may be the difference between life and death.

It is hard to keep small children away from fire hazard. As Eunan Tiernan, consultant at Salisbury district hospital who deals with burns victims, said:

"The burns that you get from flames are often full thickness, which means that you need to have skin grafting...they can be life changing."

The British Retail Consortium said:

"We do however believe that the flammability test EN71-2 is no longer fit for purpose. Since this test was introduced in 1979, the design of dress up outfits has got more complicated as has their popularity. The test has not kept pace with the outfit designs and no longer effectively assesses all the risks."

We are failing our children with EU toy safety standards that are considered not fit for purpose by the BRC, so why does the UK not simply change the EU-wide toy classification? Well, if the UK wanted to prepare or amend an EU standard, it would have to inform the Commission and the standardisation bodies. All 28 countries would have to meet and consult, and only if they were all in agreement would they give their findings to a commission that would then transpose it into a directive for all member states. That is sclerotic, and while the snail-like process of the EU grinds on, our UK children are vulnerable to horrific burns.

In September, the Business Secretary requested that Trading Standards carry out nationwide spot checks on retailers selling fancy dress costumes in the UK. The costumes will only be subjected to flammability testing to assess whether they meet the current EU safety standards, which are the very same standards that the BRC has condemned as not fit for purpose. Media star Claudia Winkleman knows only too well from personal experience the horror of a child's costume catching alight. I pay tribute to her high-profile awareness campaign, which has led to many of our high street stores voluntarily making their play clothes to the higher nightwear standard. However, as the standard is only voluntary, there will still be inferior products on the market. It is hard to sort out the good from the bad, as price is not an indicator of safety.

Good Housekeeping magazine recently tested some widely available Halloween costumes, all of which met the current EU standards. Interestingly, the cheapest in its flammability test was also the safest. The Aldi cat costume at £3.99 did not catch light at all, whereas Sainsbury's fangtastic vampire costume at £13 took only five seconds to catch light. A Poundland "Frozen" Halloween dress at £4 took only five seconds to catch light, and a TK Maxx pumpkin costume at £12.99 took four seconds. Choosing a play costume is a minefield for consumers.

The Royal Society for the Prevention of Accidents figures for fire-related injuries show that in 2013, around Halloween time, there was a 37% increase on the 2012 figures, which means that things are getting worse. Regardless of Trading Standards findings, if the Government wanted to change the law quickly, they would have to do it through this Parliament. I wish to make it clear that I am asking not to change the designation of these toys to clothes, but to insist that the flammability level is the same standard as the nightwear designation. As Professor Richard Horrocks said:

"It's a proven standard, and it works, and it's well tried."

What is more, it protects children.

I have consulted the House Library and found that "reclassifying fancy dress costumes as clothes may not be the best way to achieving the objective of imposing tighter safety regulations on this sort of item."

[Mrs Anne Main]

However, some types of clothing, such as nightwear, are subject to specific national regulations. That is domestic rather than EU legislation, and it provides a precedent for the UK legislating in this way without breaching EU law. It reflects the general principle that EU legislation sets minimum European-wide standards, which do not prevent member states from putting in place national legislation that goes beyond them—sometimes that is called gold-plating.

The most expedient thing that our Government could do is insert a statutory instrument in existing UK legislation, which would require any children's dress-up costumes for sale in the UK to carry a higher British standard for flammability in addition to the current toy standard. Our gold-plated standard could be adopted in time throughout Europe, but the primary concern of our Government must be to protect children in the UK and to do it as quickly as possible. Too many young children are already living with the consequences of having highly flammable dress-up costumes.

The Chief Fire Officers Association is now calling for this classification to be changed, so that safety standards for fancy dress costumes are stepped up, and nightwear protection seems to be the way to go. I want our Government to lead the way in improving fire safety for our children in the way they did in 1964. We must not wait any longer, because more children will suffer the consequences of this failing, substandard toy directive. Europe can follow us if it wants to, but I want this Parliament to bring in, as quickly as possible, a statutory instrument to protect our children.

Question put and agreed to.

Ordered,

That Mrs Anne Main, Nadine Dorries, Kelvin Hopkins, Paul Scully, Mr Philip Hollobone, Mrs Anne-Marie Trevelyan, Mr Graham Brady, Mr John Baron, Lady Hermon, Mr Stewart Jackson and Tim Loughton present the Bill.

Mrs Anne Main accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 11 March 2016 and to be printed (Bill 102).

IMMIGRATION BILL (PROGRAMME) (NO. 2)

Ordered,

That the Order of 13 October 2015 (Immigration Bill (Programme)) be varied as follows:

(1) Paragraphs (4) and (5) 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, new Schedules, amendments to Schedules relating to Part 1 or 2; new Clauses, new Schedules, amendments to Clauses and amendments to Schedules relating to immigration detention	Two hours after the commencement of proceedings on the motion for this order
New Clauses, new Schedules, amendments to Clauses and amendment to Schedules relating to asylum or support for certain categories of migrant; remaining proceedings on Consideration	6.00pm on the day on which proceedings on Consideration are commenced

(4) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00pm on the day on which proceedings on Consideration are commenced.—(*James Brokenshire.*)

Immigration Bill

Consideration of Bill, as amended in the Public Bill Committee.

New Clause 16

COMPENSATION FOR AN ILLEGAL WORKING CLOSURE
NOTICE WHERE ORDER IS CANCELLED/ NO COMPLIANCE
ORDER IS MADE

‘(1) Where an illegal working closure notice is issued and—

- (a) is subsequently cancelled in accordance with paragraph 3 of Schedule 3 to this Act, or
- (b) no illegal working compliance order is made (whether or not an application is made for such an order)

the Secretary of state shall pay compensation to the persons listed in subsection (2).

(2) The Secretary of State shall pay compensation under subsection (1) to—

- (a) the person to whom the notice was issued or, if he is dead, to his personal representatives;
- (b) a person who lives on the premises (whether habitually or not);
- (c) any person who has an interest in the premises.

(3) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State before the end of the period of two years beginning with the date on which the notice is issued.

(4) But the Secretary of State may direct that an application for compensation made after the end of that period is to be treated as if it had been made within that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.

(5) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.

(6) If the Secretary of State determines that there is a right to such compensation, the amount of the compensation shall be assessed by an assessor appointed by the Secretary of State.

(7) In assessing so much of any compensation payable as is attributable to suffering, harm to reputation or similar damage, the assessor must have regard in particular to—

- (a) the conduct of the person to whom the notice was given;
- (b) the conduct of the immigration officer.

(8) If, having had regard to any matters falling within subsection (9)(a) or (b), the assessor considers that there are exceptional circumstances which justify doing so, the assessor may determine that the amount of compensation payable is to be a nominal amount only.

(9) The total amount of compensation payable must not exceed the overall compensation limit. That limit is—

- (a) £10,000 in a case in which there is no element for loss of earnings;
- (b) £50,000 in any other case.

(10) The Secretary of State may by order made by statutory instrument amend subsection (9) so as to vary overall compensation limit.

(11) No order may be made under subsection (9) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.’—(Stuart C. McDonald.)

Provides a statutory basis for compensation for illegal working closure notices when the order is cancelled.

Brought up, and read the First time.

Mr Speaker: I call the spokesperson for the Scottish National party. Mr Kerr?

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Stuart McDonald, Mr Speaker.

Mr Speaker: Indeed. I am grateful. I had not received intelligence as to who was going to speak for the SNP, but the hon. Gentleman is here and he will be heard.

Stuart C. McDonald: I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 17—*Residential Tenancies: repeal of provisions of the Immigration Act 2014—*

‘(1) The Immigration Act 2014 is amended as follows.

(2) Omit sections 20-37, 74 (2)(a) and Schedule 3.”

Repeals the provisions of the Immigration Act 2014 in relation to the right to rent.

Amendment 18, in clause 1, page 1, line 9, at end insert—

‘(3A) The matters to which the Director must have regard in pursuance of his or her functions include the provision of assistance and support to victims of non-compliance in the labour market, as defined under subsection (3)(1).’

To ensure that the functions of the Director of Labour Market Enforcement are exercised for the purpose of protecting the victims of labour market exploitation and to make this explicit on the face of the Bill, mirroring section 41 of the Modern Slavery Act in respect of the Anti-Slavery Commissioner established by that Act.

Amendment 19, page 5, line 2, leave out clause 8.

To omit the clause on the new illegal working offence and maintain the status quo.

Amendment 20, in clause 8, page 5, line 9, after “if” insert “without reasonable cause”.

To provide for a defence against the offence of illegal working.

Amendment 33, in clause 9, page 7, line 11, leave out subsection (1) and insert—

“(1) In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of knowingly employing illegal worker), leave out subsection (1) and substitute—

(1) A person commits an offence if he knowingly or recklessly employs an adult subject to immigration control, where—

- (a) this adult has not been granted leave to enter or remain in the United Kingdom, or
- (b) this adult’s leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment.”

To restrict the criminal offence of “employing illegal worker” to where this has been done “knowingly or recklessly”.

Amendment 47, page 7, line 36, in clause 10, leave out “Scotland or”.

Removes the power for the Secretary of State to make regulations relating to illegal working extending to Scotland.

Amendment 48, page 7, leave out line 41.

Prevents the Secretary of State making regulations that confer functions on Scottish Ministers in relation to illegal working.

Amendment 49, page 8, line 5, leave out “an Act of the Scottish Parliament or”.

Definitional change for purposes of amendments 47 and 48.

Amendment 50, page 8, line 6, leave out “under such an Act or”.

Definitional change for the purposes of amendment 49.

Amendment 51, in clause 11, page 8, line 13, leave out “Scotland or”.

Removes the power for the Secretary of State to make regulations relating to illegal working in relation to private hire vehicles extend to Scotland.

Amendment 52, page 8, leave out line 18.

Prevents the Secretary of State making regulations that confer functions on Scottish Ministers in relation to illegal working relating to private hire vehicles.

Amendment 53, page 8, line 25, leave out paragraph (b).

Definitional change for purposes of amendments 51 and 52.

Amendment 35, page 9, line 4, leave out clauses 13 to 16.

Removes the extension of the right to rent legislation in the Bill.

Amendment 46, in clause 13, page 9, line 31, at end insert—

“(5A) A landlord will not commit an offence under subsection (1) if—

- (a) the landlord enters a residential tenancy agreement with an organisation or person who is supporting an adult mentioned in in subsection (2);
- (b) the rental payment received by the landlord as a result of this tenancy does not significantly exceed the costs that are incurred by the landlord for having the adult occupy the premises.”.

Ensures that a landlord who has agreed by working with an organisation/charity to provide accommodation to support failed asylum seekers are exempt from committing an offence.

Amendment 22, page 10, line 4, at end insert—

“(8A) A landlord does not commit an offence under this section during the period of 28 days specified in section 33D (4).”

To protect a landlord/landlady from prosecution for renting to a person without a right to rent during the period for which they are prohibited from evicting the tenant under section 33D(4).

Amendment 23, in clause 14, page 12, line 1, leave out subsection (2).

To remove the provisions providing for summary eviction.

Amendment 24, page 13, line 18, leave out “Sections 33D and” and substitute “Section”.

See explanatory note for amendment 23.

Amendment 25, page 13, leave out line 24.

See explanatory note for amendment 23.

Amendment 26, page 13, line 26, leave out subsections (5) to (7).

See explanatory note for amendment 23.

Amendment 54, in clause 16, page 17, line 7, leave out “, Scotland”.

Removes the power for the Secretary of State to make regulations in relation to the right to rent scheme extending to Scotland.

Amendment 55, page 17, line 10, leave out “, Scotland”.

See explanatory statement for amendment 54.

Amendment 56, page 17, leave out line 17.

Prevents the Secretary of State making regulations that confer functions on Scottish Ministers in relation to the right to rent scheme.

Amendment 57, page 17, line 27, leave out paragraph (c).

Definitional change for the purposes of amendments 55 and 56.

Amendment 41, in clause 57, page 50, line 4, at end insert—

“(7) Regulations made under—

(a) section 10;

(b) section 11; or

(c) section 16

of this Act shall not come into force in Scotland without the consent of the Scottish Parliament.”

Ensures regulations made under the relevant sections cannot extend to Scotland without the consent of the Scottish Parliament.

Amendment 21, in clause 58, page 50, line 9, at end insert—

“(2A) Section 13 shall come into force subject to the conditions set out subsection (2B).

(2B) The Secretary of State must prepare and publish an evaluation of the national implementation of provisions contained in sections 20 to 37 and Schedule 3 to the Immigration Act 2014, and must lay a copy of the report before Parliament.

(2C) The report in subsection (2B) must include an assessment of the impact of those provisions on—

- (a) individuals who have a protected characteristic as defined in Part 2, Chapter 1 of the Equality Act 2010, and
- (b) British citizens who do not hold a passport or UK driving licence.”

This amendment would require the Secretary of State to lay before Parliament an evaluation of the national roll out of the 2014 Right to Rent Scheme before the new offences in clause 13 come into force.

New clause 8—Detention of persons—exempted persons—

In paragraph 16 of Schedule 2 to the Immigration Act 1971, after subsection (4) insert—

“(5) A person may not be detained under this paragraph if they are—

- (a) a woman who—
 - (i) states that she is pregnant, where this is confirmed to be the case or,
 - (ii) is reasonably suspected to be pregnant by an immigration officer;
- (b) a person whose initial claim for asylum to the United Kingdom was based on being a victim of one of the following:
 - (i) human trafficking;
 - (ii) torture;
 - (iii) sexual violence;
- (c) a member of any other group as may be prescribed in regulations by the Secretary of State.”

This amendment would provide that pregnant women, people who claimed asylum as victims of trafficking, torture or sexual violence, and any other group prescribed by the Secretary of State, may not be detained pending an examination or decision by an immigration officer.

New clause 9—Time limit on detention—

In paragraph 16 of Schedule 2 to the Immigration Act 1971 after subsection (4) insert—

“(5) Subject to subsection (6), no person shall be detained under this paragraph for more than 28 days.

(6) Subsection (5) shall not apply where the person detained under this paragraph has a criminal conviction with a sentence of imprisonment for three months or more.”

This amendment provides that people shall not be detained pending an examination/a decision by an immigration officer for more than 28 days, unless they have a criminal conviction.

New clause 13—Review of Immigration Detention—

“(1) Before the end of the period of three months beginning on the day on which subsection (1) of section 32 comes into force, the Secretary of State must commission a report on detention under paragraph 16 of Schedule 2 to the Immigration Act 1971 that addresses the following matters—

- (a) the process for, and detail of, introducing a statutory maximum limit of 28 days on the length of time an individual can be detained under that paragraph;
- (b) how to reduce the number of people detained under that paragraph;
- (c) how to minimise the length of time an individual is detained under that paragraph;
- (d) the effectiveness of detention in meeting the Secretary of State's objectives; and
- (e) the effectiveness of procedures to review decisions to detain and to continue to detain.

(2) The Report must be published by a panel appointed by the Secretary of State.

(3) The panel appointed under subsection (2) must be independently chaired.

(4) On completion of the report, the Chair of the panel must send it to the Secretary of State.

(5) The Secretary of State must lay before parliament a copy of the report received under subsection (4)."

Reflecting the unanimous agreement of the House of Commons to the recommendations of the joint APPG on Refugees and APPG on Migration inquiry into immigration detention, the new clause requires the Secretary of State to appoint an independently-chaired panel to consider the issues raised therein and report to Parliament within three months of Schedule 7 to the Bill coming into force.

Amendment 32, in schedule 7, page 97, line 22, at end insert—

"(2A) The Secretary of State must grant a person bail if a person is detained under a provision mentioned in subparagraph (1) after no later than the 28 day following that on which the person was detained."

To introduce a 28 day time limit on the amount of time a person can be kept in immigration detention.

1.30 pm

Stuart C. McDonald: I am unashamedly moving lots of amendments, and there are several others that we on these Benches support too, which I will come to in due course. The large number of changes that we want reflects our hostility to this Bill, which we oppose outright and will vote against this evening as ill-conceived and regressive, and which will do little to move the country towards the Government's increasingly ludicrous-looking net migration target. If the Bill passes, perhaps one or two of these amendments might provide a little comfort in an otherwise bleak piece of legislation.

New clauses 16 and 17 seek to rectify two provisions that exemplify for us where fundamental problems lie with this Bill. New clause 16 would put in place some restriction on one of the many significant, inappropriate and untrammelled powers that the Bill passes to immigration officers and other officials. A large part of the Bill seems to be a wish list of powers from UK immigration staff, which the Government unquestioningly want to hand over to them.

Simon Hoare (North Dorset) (Con): If I heard the hon. Gentleman correctly he does not like the Bill, and his amendments and new clauses might make it a little more likeable. If they were all passed, would he be in the Aye Lobby this evening?

Stuart C. McDonald: We have done our best to make the Bill slightly more palatable, but even with all our amendments I regret to say that we would still find the

damage that the Bill will cause unacceptable. Regardless of what happens today, therefore, we will be voting against Third Reading.

New clause 17, would repeal the right-to-rent provisions introduced by the Immigration Act 2014, provisions which, like their successor provisions in this Bill, will have limited effect on the Government's pretend net migration target, but are none the less deemed necessary to make the Government look tough on immigration. As I said on Second Reading, it is in reality immigration theatre—acting out the part of immigration enforcer. But while there is little evidence that it will achieve much in terms of immigration control, its consequences on cohesion could be significant.

Richard Fuller (Bedford) (Con): The hon. Gentleman talks about looking tough and effective. Does he not agree that that is the challenge for the Government in the Bill? We want to see immigration measures that are effective, not that just appear to be tough.

Stuart C. McDonald: I agree that we need to enforce the immigration rules and laws that we have put in place, but the problem is that the resources and manpower are not being put in to do that. We do not need new powers and rules; we simply need resources to enforce the rules that already exist. I suggest that some of the rules already go far too far.

New clause 16 is a modest response to clause 13, which creates wide powers for immigration officials to close premises for 48 hours before any court involvement is required in certain cases of suspected illegal working. These could have very significant consequences, including for perfectly innocent workers whose place of work is closed for up to two days. Provision for statutory compensation, which our amendment would introduce, is designed to ensure that notices are not issued in an oppressive manner by immigration officials.

New clause 17 is without doubt the more significant of the two new clauses. It would remove the right-to-rent provisions in the 2014 Act. We have signed other amendments in relation to right to rent, starting with the crucial amendment 35, which would remove the criminal sanctions and what we regard as Dickensian eviction processes from the Bill. Amendment 46 is designed to prevent those letting out rooms on essentially a charitable basis from being criminalised. Finally amendments 54 to 57 remove powers for the Secretary of State to legislate by way of regulations for new Scottish right-to-rent provisions, with immense effect on devolved Scottish housing law.

We also support changes proposed by Labour Members such as amendment 22, which seems designed to fix what we can only presume to be a drafting anomaly under which a landlord or landlady would be guilty of an offence for renting to a person with no right to rent, even during the period of 28 days when they could not evict that person. We also fully back their amendments 23 to 26, which would remove the obscene proposals that would see landlords and landladies turned into not only immigration officers but High Court judges, and would see summary evictions without judicial oversight.

I know that my hon. Friend the Member for Glasgow North East (Anne McLaughlin) will have more—much more—to say on these dreadful and draconian measures if given the opportunity, Madam Deputy Speaker. Our view

[*Stuart C. McDonald*]

is essentially the same as it was on Second Reading. Right to rent is not evidence-based, but in fact flies in the face of the evidence provided by the Joint Council for the Welfare of Immigrants, and indeed parts of the Government's own pilot review. It is unfair to place these duties and now criminal sanctions on landlords, and it will lead to inadvertent discrimination or racism, with foreign nationals and even British citizens without documents at risk of being rejected from a tenancy whenever there is a safe and easy option of a British passport holder to rent to. It will push more families away from authorities and immigration control, making enforcement harder, not easier.

The one part of the Bill from which something useful might actually emerge is the first few clauses of part 1, and the provisions for a Director of Labour Market Enforcement, which we welcome. It is sad that its presence in an immigration Bill suggests that the new role might be seen as one primarily concerned with enforcing immigration laws, so we have joined our Labour colleagues in supporting amendment 18, which is designed to ensure that the functions of the director are exercised for the purpose of protecting the victims of labour market exploitation.

More fundamental is amendment 19, which seeks to remove the offence of illegal working. We share the widespread concerns that, like other offences, it will have little effect in terms of immigration control, but will have other significant adverse effects. In this case, the negative consequence is to undermine the decent work that the Government have been doing to tackle slavery and trafficking. The Bill will drive exploited, undocumented workers further underground, and leave them more at risk of exploitation, rather than less.

While on this issue, we know that James Ewins' report on domestic workers is with the Government but as yet not available to Members. We question why that is the case, and when we will be able to see and debate it in order to inform what should happen with this Bill if it gets a Third Reading.

Finally, in relation to part 1 of the Act, amendment 33 seeks to ensure that employers who innocently and inadvertently employ a person without the right to work are not criminalised by the Bill. It does so by applying a threshold of "knowingly or recklessly" to the offence of employing an adult without permission to work, instead of merely requiring that they have "reasonable cause to believe" that the employee may be such a person. We are concerned that the current test might catch people who are not the intended target.

There are two further sets of amendments in this first grouping that I need to speak to. The first set relates to how a number of these provisions would be implemented in Scotland. Clauses 10, 11 and 16 all include what I am told are referred to as Henry VIII clauses—broad powers to legislate for Scotland, and indeed Northern Ireland and in one case Wales. Whereas provisions on licensed premises, private hire vehicles and right to rent are set out in significant detail in schedules to the Bill, and subject to full legislative scrutiny, that is not the case for Scotland. Instead, the Secretary of State is given the sweeping power to legislate in a similar way for Scotland by way of regulation. The power includes the ability to amend Acts of the Scottish Parliament, without any

consideration of that Parliament's view on the matter—and that is despite the fact that liquor licensing, private hire car licensing and housing are all devolved matters.

I understand that Parliament has long been hostile to Henry VIII clauses, and rightly so. These clauses are particularly pernicious for the reasons given, and so should be rejected. That can be done by supporting amendments 47 to 53, which would remove the power to regulate for Scotland in this way, thereby requiring primary legislation and the full scrutiny that that entails. Alternatively, amendment 41 requires that any such regulations would require the consent of the Scottish Parliament, again enabling proper scrutiny. That is surely only right and proper in the circumstances.

Finally, on new clause 13 and amendment 32, this House witnessed a powerful Backbench Business debate back in September, led by the hon. Members for Sheffield Central (Paul Blomfield), for Bedford (Richard Fuller) and for Enfield, Southgate (Mr Burrowes), who I know will all want, if they can, to speak on the issue again today. On that day there were strong speeches on all sides of the House as it united to tell the Government that immigration detention without a fixed and certain time limit was no longer acceptable. We are the only country in the EU without a time limit so it is inexcusable for this country not to operate one. We on the SNP Benches would prefer that we move straight to a position where immigration bail is granted after 28 days, as set out in amendment 32. Alternatively, we will support new clause 13 to see progress towards that goal.

Joanna Cherry (Edinburgh South West) (SNP): My hon. Friend will be aware that the immigration detention inquiry panel heard evidence from a consultant psychiatrist that those who are detained for more than 30 days suffer significantly more mental health problems than those detained for fewer than 30 days. Does my hon. Friend agree that this evidence reinforces the need for new clause 32?

Stuart C. McDonald: I agree entirely. That is one of a huge number of reasons that were highlighted during the Backbench Business debate earlier this year.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Does my hon. Friend share my concerns for the wellbeing of the migrants being detained—an experience described by one man as his three years in a cage? The conditions in which migrants are detained lack any shred of dignity. Does my hon. Friend concur with me that the Home Office seems to have forgotten that human rights are universal and not conditional upon immigration status?

Stuart C. McDonald: My hon. Friend makes her point powerfully. The issue is not just a time limit going forward, but conditions of detention and moving away from routine use of immigration detention to make it a rare exception, rather than almost the norm.

In conclusion, there is widespread demand for change, and perhaps if there is one—just one—piece of silver lining on the dark cloud represented by this Bill, it will be a time limit on detention.

Rebecca Harris (Castle Point) (Con): As I have had cause to mention previously in the Chamber, immigration was the single most important issue for my constituents

in Castle Point at the recent election and remains so. I am sure many hon. Members in all parts of the House find that to be the case. Having spent several weeks sitting on the Committee that considered the Bill, I fully support it as the Government have drafted it.

I shall speak in particular on new clauses 8 and 9, dealing with time limits on detention. Although I fully appreciate the thinking behind such amendments, I cannot support them because introducing a time limit on detention is, I believe, a poor approach to an important issue. I believe also that new clause 13 is premature as we await the results of several Government reviews of the whole system of detention.

The Home Office already has a policy to safeguard against unnecessary or arbitrary detention of individuals. Detention must be used sparingly and for the shortest period possible, and cases must be assessed on an individual basis.

Paul Blomfield (Sheffield Central) (Lab): I am conscious that we are covering ground that we covered in Committee. The hon. Lady will recognise that although that is the principle of the Home Office, there is powerful evidence that the Home Office is failing to achieve those objectives, as shown by the fact that many people are detained for months, and some for years. A statutory limit could therefore bring a culture change in the approach to the issue.

Rebecca Harris: I thank the hon. Gentleman for his intervention, but the Home Office is undertaking three separate reviews of the process, which makes the new clauses premature while we await the results of much more detailed work.

Richard Fuller: I appreciate my hon. Friend's point about the need for those reviews to inform the debate. Does she share my disappointment that although the reviews have been pending for many months, we in this House do not have that information as we deliberate the amendment before us today?

Rebecca Harris: I recognise the frustration of my hon. Friend and others about that, but properly conducted reviews can take time and we have urgent business, which is to deal with many of the measures in the Bill. I feel confident that the Government will deal appropriately with the issue in due course.

In instances where an individual is detained while their case is being investigated, regular reviews can be undertaken to ensure that such detention remains lawful and proportionate. I feel sure that subsequent to the findings of those three reviews, any improvements that can be made will be made by the Government. In addition to this, detention is always a matter for the judiciary. Cases where an individual has been detained are rightly subject to scrutiny and oversight by the courts, which have the power to examine any case as they see fit. The judiciary is clear that factors such as risk to the public and an individual's immigration history are key in deciding the appropriate timescale for detention. It is correct that judicial authority and experience should be the guiding principle in such cases, and not a random figure imposed by politicians in the Chamber today.

Imposing a maximum time limit of 28 days, for example, is not only arbitrary, but potentially dangerous and irresponsible. Such a limit risks allowing all sorts of

individuals to effectively and maliciously subvert the rules. They can refuse to co-operate with the authorities, safe in the knowledge that in doing so they will be released after just four weeks. I need hardly remind the House of the consequences that such a rule would have in the case of someone such as Abu Qatada. This surely cannot be the intention of the House. Placing a time limit on the detention of individuals could be an irresponsible risk to our national security and, especially in the light of recent events around the world, I cannot support the amendments and I urge other Members to oppose them.

1.45 pm

Keir Starmer (Holborn and St Pancras) (Lab): I shall speak to the amendments in my name. I hope it will be helpful to the House if I indicate as I go through them which of those amendments I currently intend to press to a Division, so that the Minister will know.

I start with the labour market provisions and say at the outset that we on the Labour Benches support the establishment of a director of labour market enforcement. This will provide strategic leadership, which is much needed and very welcome. The real issues in relation to the director are resources and focus. In Committee we heard evidence from Professor Metcalf, who is chair of the Migration Advisory Committee. He said that he understood the issues of public finances, but he did not think the enforcement bodies had enough resources. He pointed to the fact that on the evidence in the report on low-skilled work, Her Majesty's Revenue and Customs could be expected to visit any given premises once every 250 years and that there was the prospect of a prosecution every 1 million years.

I accept that any investigation would be intelligence-led and targeted, but those figures are stark and point to the problem of resourcing. As another example, the Gangmasters Licensing Authority investigations dropped from 134 in 2011 to 68 in 2014. Clearly, we cannot deal with resources here in this debate, but amendment 18 is intended to give a focus to the director, to ensure that the functions of the director are exercised for the purpose of protecting the victims of labour market exploitation and to make this explicit on the face of the Bill. This mirrors the way in which the Modern Slavery Act 2015 dealt with the functions of the Anti-Slavery Commissioner established by that Act.

There is therefore a good precedent for the amendment. It provides clarity and it avoids any misconception or temptation about this role, which is being introduced in an immigration Bill—namely, that it should be about labour market enforcement, not immigration control. The experience of other countries suggests that this is the right focus for this important role.

Amendment 19 would omit the proposed illegal working offence and maintain the status quo. Time and again in the House and elsewhere the point has been made about the exploitation of the vulnerable. The Migration Advisory Committee reported in 2014 that

“the combination of non-compliance and insufficient enforcement can lead to instances of severe exploitation, particularly of vulnerable groups such as migrants.”

The Committee said in the same report:

“We were struck on our visits around the country by the amount of concern that was expressed by virtually everyone we spoke to about the exploitation of migrants in low-skilled jobs.”

[*Keir Starmer*]

There is a great deal of other evidence to the same effect. What is desperately needed is more resources for inspections, a focus on exploitative employers and a mechanism to encourage employees to have the confidence to come forward. The new provision cuts across that.

Clause 8 is likely to ensure that the most exploited and vulnerable will become even more so; in effect, it will simply strengthen the hand of gangmasters over exploited workers. It also fails the test of necessity. There are already criminal provisions relating to those who have breached immigration rules and there is no need to introduce a new criminal offence for employees. We are talking about the most vulnerable and exploited people, who need the confidence to come forward if the director is to achieve the functions set out in the Bill. My current intention is to push amendment 19 to a vote, although obviously I will listen to what the Minister has to say.

I turn to amendment 20, which also relates to the offence of illegal working. It is a strict or stark offence: an employee who simply does not have the right immigration status commits an offence and has no defence at all. I shall give an example of the injustice likely to be caused. If an employee in good faith relies on his or her employer to sponsor him or her, but something wrong in the process means that as a matter of law, and unbeknown to them, they do not have the right immigration status, they automatically commit an offence and have no “reasonable excuse” defence. That cannot be right for a new criminal offence in this field. With all due respect to the Director of Public Prosecutions, it is not good enough to say that the prosecution must weed out those cases. There needs to be a defence in statute to cover cases of mistake and error that are not the employee’s fault.

I turn to the provisions on landlords and the right to rent. The background is important during this Report debate. The Immigration Act 2014 introduced a civil penalty scheme in relation to the right to rent. That was discussed in the House; there were concerns about the impact it would have in practice and in particular about whether there would be any discriminatory effects. Assurances were given about piloting and properly evaluating the civil penalty scheme before it was rolled out. This Bill, in 2015, proposes to extend the civil penalty scheme by introducing a criminal penalty before there has been a full and meaningful evaluation.

As was mentioned on Second Reading, the Joint Council for the Welfare of Immigrants carried out an evaluation showing, alarmingly, that 42% of landlords said that the right to rent provisions made them less likely to consider accommodating someone who did not have a British passport. At that stage, we did not have the advantage of the Home Office evaluation, which was made available in Committee, as the Minister said it would be. That evaluation, however, was small and narrow. The Home Office itself said that it was not sure about the statistical significance of part of the evaluation and that the sample sizes were too small to draw any robust conclusions. We say that the assurance in relation to the civil penalty scheme has not been fulfilled and there is no warrant for extending the scheme to include a criminal sanction.

Amendment 22 deals with the position of landlords who, under the current provisions, would automatically commit a criminal offence the moment they were served notice that they had a tenant without the right to rent. They would be criminalised notwithstanding the period between receipt of that knowledge, normally by a notice, and their best prospect of getting anybody evicted. A reasonable, objective landlord who received a notice and acted on it immediately would still be criminalised during the process. There cannot be any sensible or compelling case for that state of affairs, which causes great concern to landlords and puts them in an impossible position. I understand that the Government may be considering the issue and obviously I shall listen carefully to what the Minister says. On the face of it, however, it is difficult to see that there could ever be a case for such a measure.

Amendments 23 to 26 all relate to the important issue of summary eviction. The Bill introduces a fast-track process—innovative in this field—in which a notice from a landlord stands as a court order, leading to provision for summary eviction. Some 30 or 40 years ago, the House set its face against summary evictions for a very good reason: there were too many examples of locks being changed and families literally being put out on to the street to sleep on the pavements. Everybody agreed that there should be due process before individuals and families, particularly families with children, were evicted. The Bill cuts through that protection for no good reason. In this country in the 21st century no group of individuals should—for whatever reason, and whether renting lawfully or not—be subject to summary eviction proceedings that, as I said, we turned our back on a long time ago.

I move on to immigration detention, which has already been touched on and is a matter of increasing concern to many in this House and beyond. The fact of immigration detention causes real distress and anxiety, particularly among vulnerable groups, and its indefinite nature adds to that. There is strong evidence of the impact on varying groups, particularly women. I think I am right in saying that the UK is the only country in Europe that does not have a time limit of any sort on immigration detention. That has been the subject of inquiry by the all-party groups on refugees and on migration. They concluded:

“We believe that the United Kingdom has a proud tradition of upholding justice and the right to liberty. However, the continued use of indefinite detention puts this proud tradition at risk.”

The reforms suggested by the cross-party joint APPG group were backed by the House of Commons when they were debated in September this year, and a motion supporting them was passed. The issue is one of increasing concern and justifying indefinite immigration detention is increasingly difficult. Amendment 32 is intended to deal with that by introducing a 28-day limit, which many people feel is the right one.

New clause 13 is intended to allow a review by an independently chaired panel to consider the issues and report to Parliament within three months; it is not premised on a fixed period. It is important that there is progress on these issues. Immigration detention is a real cause for concern and this is an opportunity to do something necessary.

The Minister for Immigration (James Brokenshire):
The hon. Gentleman just said that new clause 13 does

not prescribe a particular length of time, yet paragraph (a) specifies a 28-day time limit. Will he confirm that that is his position?

Keir Starmer: I apologise. I meant that it proposes a review of the time limit rather than a time limit itself, and that therefore, given the nature of the review, it would be open to it to look at other options. There are shared concerns across the House about immigration detention and its indefinite nature. There will be disagreements as to the precise time limit, if there is to be one, and that can be discussed, but at this stage sitting back and simply accepting the status quo is not an acceptable way of proceeding. However, I will obviously listen to what the Minister has to say on this.

2 pm

Richard Fuller: Does the hon. and learned Gentleman agree that one of the values of a time limit is that it provides the detained person with some certainty about what is happening while they are being detained? We heard evidence, and we know from our constituents, that the difficulty is that people are put in detention and do not know what is going to happen to them, with consequential mental health, and other, impacts.

Keir Starmer: I completely agree with the hon. Gentleman. There is the fact of detention in the first place, covering a wide range of individuals detained for different reasons, and then there is its indefinite nature, which adds to the anxiety, because most terms of detention are for a fixed period that allows the individual to know when they may regain their liberty.

As I say, there will be debates about what the precise time limit should be, but sustaining a position of indefinite detention is no longer acceptable in the 21st century. It is not the position in almost all other countries in Europe, and it should not be so in this country.

Simon Hoare (North Dorset) (Con): As somebody who served with the hon. and learned Member for Holborn and St Pancras (Keir Starmer) and others on the Bill Committee, there is a terrible sense of *déjà vu*, to put it politely, or “Groundhog Day”, not so politely, about this debate. We had a lot of these debates and discussions in Committee. I hope that those who did not join me in voting as I did in Committee would at least recognise that it was a very thoughtful process in which we went through the whole Bill in great depth and a great raft of amendments were tabled and debated. However, even the Opposition parties managed to run out of steam, allowing the usual channels to pull stumps some little time before the Committee stage was scheduled to finish. I hope that that in no way suggests that we cantered with unseemly haste through the important issues that the Bill seeks to address.

My hon. Friend the Member for Castle Point (Rebecca Harris), who is no longer in her place, hit the nail on the head, as did my hon. Friend the Member for Norwich North (Chloe Smith) in Committee. This is probably one of the most important issues that this House and this Parliament will deal with. If we get it right, we will engender a sense of an understanding of fair play and that this place “gets it”. If we get it wrong, we will seem to be even more disengaged from the communities that we seek to serve.

I am lucky to represent a predominantly rural constituency where even a casual glance at the census returns would suggest that immigration was not an issue that would be raised on the doorstep or in meetings. However, even in rural North Dorset, it has been, and continues to be, such an issue.

Anne McLaughlin (Glasgow North East) (SNP): I represent a constituency that has a significant proportion of people who have come from other countries, and immigration was raised with me on the doorstep once in the course of a year. Parties such as the United Kingdom Independence party tend to do well in areas where there are few immigrants, so it is perception that is causing people to have a problem with immigration rather than reality.

Simon Hoare: This is noteworthy for *Hansard*—the hon. Lady and I have found something on which we agree. What we are seeking to do—this sits at the kernel of the Bill—is to shoot UKIP’s fox: the idea that the country, the Government, Parliament, Westminster or Whitehall has become rather soft and flabby on this issue and needs to—

Anne McLaughlin *rose*—

Simon Hoare: Let me address the hon. Lady’s first intervention and then I will be happy to give way to her again.

Although I represent North Dorset, I have the most enormous pleasure—the first prize in the lottery of life—to be a Welshman. I was hoping for some supportive comments there, but no. I come from Cardiff—a very mixed, culturally diverse city, which, thank God, has hitherto had very little tension between the communities. However, it was becoming an issue back in the 2010 election, and people are very keen, irrespective of the immigrant make-up of a community, to address it. That is what this Bill is all about, and what all these amendments—

Mims Davies (Eastleigh) (Con) *rose*—

Simon Hoare: Before I give way to my hon. Friend I must first take the intervention from the hon. Member for Glasgow North East (Anne McLaughlin).

Anne McLaughlin: Does the hon. Gentleman agree that rather than shooting UKIP’s fox with this Bill, the Government are allowing the party that has one single MP in this place to make the rules and are pandering to what it calls for?

Simon Hoare *rose*—

Madam Deputy Speaker (Natascha Engel): Order. We are venturing into much broader aspects of the principles of the Bill rather than the amendments before us. I am happy for the hon. Gentleman to respond to the hon. Lady’s point, but then I would be very grateful if we moved back on to the amendments.

Simon Hoare: I have fallen into my usual trap, Madam Deputy Speaker. I always like to set a backdrop to my remarks, and I am trying to explain the kernel of

[*Simon Hoare*]

the Bill, why it has come about, and why the amendments and new clauses are, in my judgment, fundamentally wrong.

The hon. Member for Glasgow North East has taken me neatly on to my second point—the amendments in her name and the names of her hon. Friends. The position of the separatists is entirely disingenuous on this issue. The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) told us that they would be unable to support the Bill not only if new clause 16 were not passed, but if the whole raft of other SNP amendments were not passed as well. We should not be unduly surprised by that, because in Committee we were able to tease out from their questioning of our witnesses that Members representing Scottish seats in the SNP interest believe in uncontrolled and unfettered immigration—an open-door policy. Moreover, they seek, on behalf of their friends in the Scottish Parliament, to assume to themselves powers and privileges reserved to this House with regard to the control of immigration, and suddenly, via the back door, to see it as a new devolved power. Anybody with a strand of Unionism and common sense in their body should seek to resist that, and that is why I will vote against the amendments.

In essence, at the heart of these amendments, SNP Members are seeking to encourage further devolution—further separation—and to have a greater tension between the regions and the countries of the United Kingdom. [*Interruption.*] The hon. Member for Glasgow North East says, with her customary self-deprecatory humour, “Us?” Yes, I do mean the SNP. Government Members will seek to resist the devolution of power over the control of immigration into, let us be frank, a small island with incredibly porous borders, given our coastal and island nature. It would be folly to open a Pandora’s box of devolution with regard to immigration issues. This affects the whole of the United Kingdom.

Stuart C. McDonald: Will the hon. Gentleman give way?

Simon Hoare: With the most enormous pleasure, as always.

Stuart C. McDonald: I rather think the hon. Gentleman is missing the point about the amendments and new clauses. The Bill has very detailed provisions for England and Wales, and in some cases for Northern Ireland, but it just provides the Secretary of State with a broad, sweeping power to do the same for Scotland, without any scrutiny in Parliament or in the Scottish Parliament. Even if the hon. Gentleman does not agree with us about getting approval from the Scottish Parliament, he should at least agree about getting rid of the regulatory powers so that this would have to be done in primary legislation, with full scrutiny in this House, rather than by a Henry VIII clause.

Simon Hoare: I hear what the hon. Gentleman says. All I would say to him in reply is that the Bill has been brought forward in the United Kingdom Parliament and has had full and forensic discussion both on Second Reading and in Committee, as it will today on Report and, doubtless, on Third Reading. I suggest he should say to his friends holding ministerial office and other

positions of power in Scotland and the Scottish Parliament that, when they are in effect carrying out duties passed to them under a devolved settlement, they should ensure that how they deliver such policies and put them in place on the ground always reflects the national law of the land.

When I gave way to the hon. Gentleman, I was simply concluding that if the new clauses and amendments, which would in effect devolve immigration to Holyrood, were agreed to, the United Kingdom Government would by definition need to find ways of controlling the movement of people from Scotland south into England, and very possibly people going from the south to the north as well. As I have said, we teased out in Committee—both in the evidence sessions and the other sittings—the SNP’s firm commitment to have an open-door policy and no fetters on immigration. My constituents in the south of England will be grossly alarmed by that.

Anne McLaughlin: Can the hon. Gentleman tell the House anything that any SNP Member said that leads him to believe we support an open-door, open-borders policy? I cannot think of anything, and I am sure my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands) cannot do so. What is the hon. Gentleman referring to?

Simon Hoare: Unlike Lord Green, I had no difficulty understanding what she and the hon. Member for Paisley and Renfrewshire North (Gavin Newlands), who knows precisely what I am referring to, said at any time in Committee. However, the tone and the tenor, the winks and the nods, and the direction of travel of the questions and the amendments in Committee—and, indeed, of the amendments today—can only lead one to assume that SNP Members, for reasons that are entirely respectable for them to deploy, do not believe in having any control of immigration at all. That is the narrative arising from the heartland of the hon. Lady’s speeches. The hon. Gentleman, who was also a member of the Public Bill Committee, told us that nobody raised with him the issue of immigration on the doorstep during the election campaign.

Mims Davies: I want to go back to our thoughtful discussions in Committee, in which the issues were well debated. I agree with my hon. Friends the Members for Castle Point (Rebecca Harris), for Norwich North (Chloe Smith) and for North Dorset (Simon Hoare), who said that immigration was the No. 1 issue on the doorstep. In Eastleigh post the by-election—we were third, before moving into second place and then absolutely came first—we had to reflect that fact in our deliberations. It was disingenuous to hear about one lawyer who represented a freedom of movement blog. Immigration was the No. 1 issue, and the caseload left us by the Labour party—

Madam Deputy Speaker (Natascha Engel): Order. The hon. Lady is hoping to catch my eye later in the debate. I suggest that she saves her very full intervention for then.

Simon Hoare: The good folk of Eastleigh, many of whom I got to know during the by-election, will no doubt breathe a huge sigh of relief at having a doughty champion in the form of my hon. Friend. She absolutely

gets the point that if we are to have a sensible, vibrant and vivacious debate about politics and public affairs in this country, it is absolutely right for this House to address such issues through legislation—hence the Bill introduced by my right hon. Friend the Minister for Immigration.

2.15 pm

If I may, I wish to make further points about the amendments and new clauses tabled both by SNP Members and the hon. and learned Member for Holborn and St Pancras. He is in his place, but not apparently agog with interest at the remarks being made by Conservative Members.

On immigration removal centres and detention, I think IRCs play a pivotal role in the arsenal available to this country and to those we charge with managing our borders and our immigration. I must say that the staff working in the centres deserve a huge debt of gratitude. In a previous incarnation, I was fortunate enough to visit quite a few IRCs, including those at Yarl's Wood and Heathrow. I was struck by the dedication of the staff and not convinced that we can address the issue sensibly—the amendments and new clauses seek to frustrate our doing so—by tearing up the rulebook on IRCs and detention.

Richard Fuller: In defending the pivotal role of immigration detention centres, will my hon. Friend defend the detention of pregnant women or the victims of human trafficking, torture or sexual violence? If not, will he support my new clause 8?

Simon Hoare: To answer my hon. Friend's questions in reverse order, no and yes. Whether or not a woman is pregnant is immaterial. The issue is about the environment in which people are detained and the care and attention they are given, rather than about their status. I know the proximity of Yarl's Wood to my hon. Friend's constituency—from memory, it is in his constituency—but I would tell him that I heard, both from staff and from those detained, that they had seen people destroy their papers or hide their child under the bed, where they cannot be touched, when an aeroplane was on the tarmac waiting to take off to take them away. In my judgment and experience, which is all I can speak from, the staff approach such problems with huge sensitivity, often in very difficult circumstances.

Richard Fuller: I, too, think that the people we ask to manage detention centres do a good job in general. On a point of clarification, my concern arises not from my constituency's proximity to a detention centre, but from the proximity of the rules to my ethical code. My hon. Friend mentions that the issue is about the care of people in detention centres. Is he aware of the case of PA, a pregnant woman detained in Yarl's Wood? The Home Office has recently had to admit that she was not given proper antenatal care. Is not the issue that if we detain pregnant women, mistakes will be made, and we therefore need to protect ourselves and our ethics from such mistakes by exempting those people from the rules?

Simon Hoare: I do not wish to test your patience, Madam Deputy Speaker, or indeed that of the House, by straying too far, but my hon. Friend has made

a valid point. I certainly am aware of that case, but I never think it is right to build a policy on the basis of one incident. Terrible things happen when women are pregnant, whether they are detained or just going about their ordinary business. Medical negligence can happen even to those outside prisons or detention centres. Nasty, upsetting and tragic things happen. He is absolutely right to say that such things should raise questions, and right hon. and hon. Members should continually ensure that those detained can access a range of care that is wide, deep, qualitative and professional. My hon. Friend is absolutely right, but I do not believe that one isolated incident should force us to say that immigration removal centres and the principle of detention are inherently wrong or unethical. As a practising Christian, I find no difficulty in reconciling good quality care in detention with my faith and ethical basis.

Mr David Burrowes (Enfield, Southgate) (Con): My hon. Friend said that the Bill was about fair play. The question of fair play is also at the heart of the amendments relating to pregnant women. I shall cite not an individual case but the Home Office guidance, which states that pregnant women are normally considered to be suitable for detention only in very exceptional circumstances. The issue is whether that guidance is being properly applied or whether it needs further legislative attention. We are concerned about having proper fair play for those people. I am sure that my hon. Friend's constituents, and mine, are concerned about fair play for those in detention centres as well as about controlling our borders.

Simon Hoare: My hon. Friend makes an apposite point. This must all be about fairness, about robust regulations, about proper ministerial oversight and about the scrutiny of ministerial duties by this place. That is absolutely the right chain of command. We all know that things go wrong, whether in the healthcare system, in education, in the police or in the armed forces. Regulations are not necessarily followed to the letter, but—this is a horrible phrase that we all trot out and it sounds frightfully trite—lessons will be learned. I do not say this to be sycophantic, but my right hon. Friend the Minister has humanity and compassion at his core, and he will always ensure that those regulations are fair and that they are applied fairly.

On the subject of fairness, I want to say a few words about workers, employees, employers, landlords and housing. The hon. and learned Member for Holborn and St Pancras and I have discussed the fact that a survey might produce results that suggest x, y and z, and that we can extrapolate data from that, however small or large the sample pool is. The rules and regulations that now govern access to the private rental property market—certainly those that apply to affordable housing—are pretty strict and robust. In conjunction with the clauses in the Bill that introduce new responsibilities for employees and employers, one is tempted to say, not as a cheap, knocking political point, that the quantum has become so large due to the rather shy—nay, potentially deleterious—attitude of Labour when in government.

The Government and their agencies cannot seek to solve all these problems. That is why it is perfectly proper to expect a landlord who is just about to enter into a rental agreement, and his or her agent, to carry out the most forensic tests possible to ensure the legitimacy

[Simon Hoare]

and qualification of the individual or family seeking accommodation. That will not place a particular onus on them. In order to avoid the scenario that the hon. and learned Member for Holborn and St Pancras has raised, the advice given by the Residential Landlords Association to its members and the advice given to the residential letting agencies will have to make it clear what their duties are. It will be important to stress to both that they are helping the Government and the country by playing an important role in addressing this issue.

That takes me from the right of access to housing to the question of access to work, from the point of view of the employee and the employer. The Bill is absolutely right to address these issues, and the amendments are at best mischievous and at worst devious as they attempt fundamentally to undermine the provisions. I have little doubt that employers, whether large or small, usually seek to kick back from any new regulations or guidance under which they will have to operate, but that should not fetter our need to impose such regulations if we are convinced of their efficacy. I am convinced of the efficacy of the measures in the Bill, and I believe that the amendments would undermine them.

There is no point in hon. Members, irrespective of which side of the political divide they might fall, wringing their hands about trafficking, slavery or forced labour, if, when an opportunity arises to augment previous legislation such as the rules in the Act governing gangmasters, they then say, "Oh no, this is a step too far. This will place too great an onus on the employer. We must seek to resist this." That sends a mixed and confusing message to those evil individuals who are now benefiting in labour and cash terms from forced and indentured labour. I stress that this is just my judgment of the matter, but if the Bill as amended in Committee does not prevail, it will be holed below the waterline. That is why, if and when the official Opposition or Scottish National party Members press any of their new clauses or amendments to a Division, I shall be trotting into the No Lobby, where I hope many of my hon. and right hon. Friends will join me.

Anne McLaughlin: I spent five long weeks on the Immigration Bill Committee. It was an interesting experience, but unfortunately I found very little I could agree with. My hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands) and I, and hon. colleagues on the Labour Benches, did some pretty forensic questioning. The conclusion I certainly reached from the responses that we got was that the motivation behind much of the Bill was not as stated. It cannot be, because it is clear that much of it will not work, and that it will not do what it apparently sets out to do. What it will do, however, is impact negatively on anyone who does not look, sound or even seem to be British.

Owen Thompson (Midlothian) (SNP): Does my hon. Friend agree that the right to rent is a good example of the problem that she is highlighting, in that landlords might be scared to rent to someone who might not seem to be British?

Anne McLaughlin: My hon. Friend has taken the words right out of my mouth. I was about to say that the right to rent is the perfect example of that.

The Residential Landlords Association has made it clear that its landlords are worried that fear of committing a criminal offence, by inadvertently renting to the wrong person, will lead to them behaving in a racist manner, because they will simply not take on as a tenant anyone about whom they have doubts—because they are not white, because their surname is not British sounding or because they do not have a passport. They will not take the risk. Making it harder for those people to get accommodation will put some of them in danger. They might have no choice about where they lay their head at night and, in some circumstances, with whom, or they could end up on the street. I do not want that for people who have the right to live here; nor do I want it for people who do not have that right. I do not want it for anyone.

If the Government were to write the script for a film, it would be a black and white one, in more ways than one. It would be very straightforward. In their mind, if someone is refused asylum and we squeeze the life out of them by forcing them on to the street and starving them, they will simply stroll up to UK Visas and Immigration one day and say, "Okay, I give in. You win. Send me home." We never get to know what happens to them, but here in Britain, we all live happily ever after.

2.30 pm

All the evidence tells us that is not what happens. I will tell the House why. For many asylum seekers, there is no choice. Sleeping on the street in rainy, freezing-cold Britain, going hungry day after day and knowing they are despised by many of the people who pass them by is preferable to returning somewhere where they face all that and are in danger of being raped or even murdered. That is what the evidence tells us. That is what those who work with destitute asylum seekers tell us. That is what asylum seekers themselves tell us. There is one hour to go for those on the parliamentary estate who are watching this debate on television to go to Committee Room 14, where they will find Sanctuary, a fantastic organisation, with dozens of asylum seekers who will tell them that face to face.

James Brokenshire: We discussed this matter in Committee. The hon. Lady refers to asylum seekers. Does she mean failed asylum seekers—in other words, people who have claimed asylum but whose claims have not been upheld—because obviously, those who are asylum seekers are supported through the system?

Anne McLaughlin: I thank the Minister for giving me the opportunity to make a point about the language that we use. He says "failed asylum seekers"; I say "refused asylum seekers". Let us not forget that the majority of those who are refused—or failed—by this Government go on to win their appeal when it comes to court.

Kelly Tolhurst (Rochester and Strood) (Con): The hon. Lady uses the phrase "asylum seekers". Does she accept that the Bill focuses on a range of categories of people who are living here and may become illegal, and is not specifically targeted at asylum seekers?

Anne McLaughlin: I absolutely am aware of that, but we have limited time so I have to focus on the most important impact this part of the Bill will have on

people. That is why I am talking about the most vulnerable people and they are the asylum seekers who have been refused.

Chris Heaton-Harris (Daventry) (Con): Does the hon. Lady believe that any asylum seeker should be failed?

Anne McLaughlin: I would not use that language about anyone, but I understand that people come here seeking asylum who are not entitled to it. I made that clear in Committee, as did all members of the Committee. I am talking about asylum seekers who do need our help, who should be entitled to asylum and who tend to win their appeals. It is therefore accepted that they do require asylum and we need to give it to them.

Right to rent will not provide the Government's desired "happy ever after". It simply will not work, but it will increase discrimination and racism. It certainly should not be implemented in Scotland without seeking the permission of Members of the Scottish Parliament, to whom housing is devolved, among other things. It should be removed in its entirety from the Bill.

Chris Heaton-Harris: The hon. Lady's party has often repeated the call for a more relaxed approach to asylum. In fact, it opposes the enforced removal of failed asylum seekers and pledged in its last manifesto to close the Dungavel detention centre, which is the only such centre in Scotland, making this very much an English problem.

Anne McLaughlin: There are a number of countries across the world, if the hon. Gentleman cares to read up on this, that do not make much use of detention, but use other ways of enabling people. Indeed, the family returns process in this country works very successfully to return a number of families when there is no other option for them. It is not essential to always detain people.

If our amendments to get rid of right to rent are unsuccessful, I ask the Government to accept amendment 46, which relates to something that I cannot believe is anything other than an oversight. In Committee, I asked for a bit more detail on when someone who provides a roof over a destitute person's head becomes liable to criminal prosecution. There are many people who already do that as volunteers in an act of compassion or, if we want to bring the Christian faith into it, as other Members have done, as good Samaritans. I want clarity that those people will not find themselves facing court or even prison simply for showing kindness to another person.

I have received only partial reassurance from the Minister, thus amendment 46. Getting full reassurance on this matter is more important than it has ever been, because more people will need this kindness than ever before if the Bill goes through as it is. There will also be more people offering such support. One of the greatest reactions to the refugee crisis that escalated over the summer months was people, in their thousands, asking how they could help. Members on both sides of the House said how proud we were of those people. "Let them in," they said, "and we will house them." Thousands of people right across these islands offered to open their homes to house those in desperate need.

At that time, the offer was in response to the mainly Syrian refugees. Of course, refugees who have been granted leave to remain will not be affected—at least,

not directly—by the Bill because accommodation will be provided for them. However, now that the debate has started, people are looking at the asylum seekers who are already in the UK with fresh eyes. Charities are saying to the people who offered help, "We have many refused asylum seekers who are currently destitute. Why not house them instead?" However, if they do so and the Bill goes through unamended, those kind, compassionate, generous people could be criminalised.

I said that the Minister has given me partial reassurance and I will explain why. If no money changes hands, there is no issue. People are allowed to let a refused asylum seeker—or failed asylum seeker, as Government Members like to say—stay at their home as long as no money is exchanged. That was welcome news to organisations in my city of Glasgow, such as Unity and Positive Action in Housing, which both do an incredible job in keeping vulnerable people off the streets with very little funding.

However, what if a householder cannot afford to do that? What if they are rich in compassion, but poor in finances? It costs money to let another person live in one's home. There are heating costs, lighting costs and food costs. Even if it is not part of the agreement, people will hardly sit down to dinner knowing that another person under their roof is going hungry. Some charities therefore pay a nominal sum to the householder—not a profit-making amount or a commercial rent, but a nominal sum to cover their costs. I have had no reassurance about where those people stand. In response to that question, the Minister said that exemptions had been made for refugees that house victims of trafficking. Why not exempt anyone who houses a refused asylum seeker because otherwise they would have to live on the street? Are the Government really going to make criminals of those people, who are still volunteers because they are not making any money out of it? Will the Minister criminalise them for having the decency to share what they have with a stranger in trouble and for not being wealthy enough to cover the increased costs themselves?

What about the charities? There are charities, such as the Action Foundation in Newcastle, that seek out philanthropic landlords who will make the houses that they own available for refused asylum seekers to rent at a heavily discounted rate that is paid by the charity. Those philanthropic landlords will now be committing a criminal offence, but will the charities also be committing an offence? They need to know. Do the Government really intend for that to happen? Other groups, such as Abigail Housing in Leeds and Open Doors Hull, provide accommodation not in family homes, but in houses that are lent by their owners, empty vicarages and church buildings. Abigail Housing raises funds in order to pay a nominal rent, not a commercial rent. Nobody is making a profit.

Dozens of charities, individuals and church groups across these islands are carrying out this kind of work. Will they be committing an offence? It certainly seems that those who support their charitable aims by providing the accommodation will be. Are men and women of God to be prosecuted for doing as the Bible asks them to do and not turning the other cheek? Are the Government comfortable with potentially having to imprison faith leaders for up to five years? I urge the Government to think again, otherwise they are saying to the thousands of people who responded to the refugee crisis in a

[*Anne McLaughlin*]

manner that we were all rightly proud of, “No, you can’t help. Yes, there is a need and we are going to increase that need by making more refused asylum seekers homeless, but if you dare to help, we will criminalise you.”

Simon Hoare: The hon. Lady makes her points with the same eloquence and passion that she showed in Committee. She asked me to evidence what I said about the open-door policy and what I perceive the SNP’s position to be, but she has effectively just done that. She is talking about refused asylum seekers, and those who have no right to be here, being allowed to stay for as long as they like, based on the philanthropy of individuals. Such philanthropy is to be championed and supported, but when people have gone through the whole process and their claim has been refused, surely she will admit that it is time for them to go home.

Anne McLaughlin: The hon. Gentleman, and his Government, know full well that some people simply cannot go home. Indeed, people in such circumstances are often sent not home but to detention centres, where they languish for a long time because they cannot be sent home. I am not talking about every asylum seeker, or about keeping people here indefinitely; I am saying that we should not criminalise people who open their homes to those in desperate need. To be clear, I oppose the right to rent in its entirety, and I question the British Government’s right to override the wishes of the Scottish Parliament. I hope that this particular topical issue will turn out to be simply an anomaly that the Government will put right.

Mr Burrowes: It is a pleasure to take part in this debate, and I will speak to the new clauses to which my name has been added. New clauses 8, 9, 13 and 32 are unique in that they have a cross-party feel, which should not go unnoticed. I have not had the pleasure of being involved in all stages of the Bill, but I think that cross-party support for these new clauses is a unique aspect to our deliberations; I do not think it has happened until now. As the Minister has noticed, there is cross-party concern about the point raised by my hon. Friend the Member for North Dorset (Simon Hoare) about fair play. We are concerned to ensure that our immigration system stands up to scrutiny from beginning to end, and that fair play is imbued within it.

Fair play matters for those who shout loudest and campaign loudly—whether before elections or in other campaigns throughout the year—just as much as it matters for those who are relatively voiceless, or perhaps do not even have a vote. Fair play should be about “the other” and those who are not as loud, and we want to uphold the fundamental British values of fairness and due process. Indeed, one could refer back to Magna Carta when considering issues of detention, and the right and duty to detain people only after fair and due process, and not for administrative purposes alone. Although I concede that immigration detention is not the main purpose of the Bill, it will not surprise the Minister that these new clauses have been tabled.

When dealing with detention, it is important that we uphold principles that have stood this country well for many years. The rest of the world looks at how we

handle detention and whether we do so with fairness, and when dealing with those who are detained for administrative reasons, the bar is set that much higher. We must be proportionate, reasonable, and do things in a limited way, so that a limited number of people are in detention for as short a time as possible. Regardless of whether the new clauses are accepted, we must ensure that that principle is applied.

Keir Starmer: Does the hon. Gentleman agree that what unites the parties is the principle that there should be some measure to limit and reduce the time spent in immigration detention?

Mr Burrowes: I agree, and I look forward to hearing from the Minister about that abiding principle. Home Office guidance states that detention should be used sparingly and as a last resort, and such guidance must be available for all to use and apply throughout the system. However people come to this country, and whether by fair means or foul, we must treat everyone fairly and with dignity when they are with us, all the way through to their possible removal. They may be with us voluntarily or by force, but at every stage we must show that we respect their human dignity.

2.45 pm

Richard Fuller: To pick up on the point made by the hon. and learned Member for Holborn and St Pancras (Keir Starmer), does my hon. Friend agree that, although it may be difficult for the Minister to talk about a limit on detention for any one person, the general principle in immigration of trying to limit and reduce the amount of time that people spend in detention is something different that it is possible to talk to?

Mr Burrowes: I agree, and it is important to get the first principles right. We can have lots of debates and discussions on time limits and setting a maximum—indeed, we had such a debate in the all-party inquiry in which I was proud to take part, along with the hon. Member for Sheffield Central (Paul Blomfield) and others. I pay tribute to Sarah Teather who fought long and hard on this issue, and to my hon. Friend the Member for Bedford (Richard Fuller) and other Members from across the House who were involved in that campaign.

It is important not to be wholly bound by the issue of the time limit. Some of us feel that we may return to the stage where we need a statutory time limit to ensure that there is movement, and so that everyone does all they can to limit time spent in detention. It is important that we listen to what the Minister has to say about the review being undertaken, and we must consider the measures in new clause 13, which I will come on to. We must consider how we want to achieve what we are all saying about the principles that have been outlined.

Work on immigration is taking place, and Stephen Shaw’s review into the conditions of detention is important. We wanted that review sooner, and the Home Affairs Committee—which I sit on—recommended that it be published before these discussions on the Bill. I recognise that the Government are considering that review carefully and want to treat it with the respect that it deserves. We look forward to it being published at a later stage, and it will no doubt inform deliberations in the other place.

I welcome indications that a further comprehensive review will go to the heart of new clause 13, and particularly recommendations (b) to (e).

There is a danger that immigration detention will not get sufficient attention. We have done our best to consider it, but it is somewhat out of sight and out of mind. Over the year about 30,000 people are held in 11 immigration removal centres, and apart from campaigns and individual circumstances that sometimes lead to litigation, the issue does not get the attention that it needs. We need serious action one way or another to ensure that immigration detainees are much clearer about when they are likely to be released and have a clear expectation.

I am a criminal defence solicitor, and as I said in a debate scheduled by the Backbench Business Committee, the first question asked by every client once they have ended up in prison, and after they have challenged me about how I dealt with their case, is, "How long have I got? What is the earliest date of release?" We must be able to provide greater clarity and at least some expectation that various gatekeepers and review mechanisms have been put in place to ensure that everyone knows that there is no prospect of indefinite detention, and that there is a greater push and pull to ensure that the smallest number of people are detained for as limited a time as possible.

The new clauses are framed around the inquiry of the all-party group on refugees, which was able to report before the election, and then more substantively in a motion discussed in a Backbench Business debate. That achieved something that has not happened before, which is a unanimous resolution to support the principles and recommendations behind the inquiry. We are concerned about maximum time limits, but we are also concerned about outcomes, which cut across conditions and treatment and go to the numbers in detention and the time they spend there. We want to ensure that we see action. This is a complicated piece of work, as the Minister perhaps knows more than anyone, but new clause 9—in my name and that of my hon. Friend the Member for Bedford—recognises the issue of foreign national offenders and public protection. It needs to be addressed, and the fact that it is complex and difficult is no reason not to handle it. Given the consequences for public protection, we must be able to handle it better. A quarter of immigration detainees are foreign national offenders in one form or another, so it is not good enough to rely on the issues of public protection alone. We can and should do better.

My hon. Friend the Member for Castle Point (Rebecca Harris), who is no longer in her place, mentioned that "28 days" is an arbitrary figure. In one way, it is arbitrary to have an indefinite time in detention: it is an issue of fairness and due process. Cost is another driver, and a cost impact assessment has no doubt been done on the Bill. We have had the comprehensive spending review, and the Home Office is still looking at the issue of cost. The cost of holding one person in detention is more than £36,000 a year, and the overall cost is £164.4 million. There must be better ways to spend that money.

On new clause 8, it is important to look at the individual categories of people we are talking about, away from the statistics, because sometimes we can stereotype them in the wrong way. That goes to the heart of the issue and the concerns that the all-party group expressed. New clause 8 seeks to exempt pregnant women, and people who have been granted asylum as

victims of trafficking, torture or sexual violence, from detention orders. My hon. Friend the Member for North Dorset (Simon Hoare) mentioned this issue and, as I said in an intervention, that provision is already in the guidance, but we need to make sure that it happens and does not get lost in the guidance. Current Home Office guidance identifies vulnerable groups of people—the elderly, pregnant women, those suffering from serious mental illness, torture survivors, those with serious disabilities and victims of human trafficking. No one can suggest that it is immaterial if a woman is pregnant, as my hon. Friend seemed to do: it is material, and pregnant women should be subject to detention only in very exceptional circumstances.

Our inquiry heard that the guidance is not properly applied. Under the screening process, those protections are limited, and it is all too commonplace for victims of torture and trafficking to end up in detention centres for an intolerable time. They end up re-traumatised by what they go through.

In an oral evidence session, we heard from Penny, who was one among many. When she arrived at the IRC she was asked if she had gone through any trauma. Despite saying that she had been a victim of trafficking, her detention continued and she was told that she had fabricated her trafficking experiences. Since her release, she has received formal recognition as a victim of human trafficking. We need to recognise that the screening process does not do enough. It is not surprising, given the language issues. Also, when people who have been through trauma end up in detention, they are unlikely to speak freely and frankly about their experiences. New clause 8 seeks to challenge the Government and asks whether we are doing enough, and the issue will no doubt be informed by the Stephen Shaw recommendations.

We also heard about the Home Office's failure to comply with its own guidance on detaining pregnant women only in exceptional circumstances. Hindpal Singh Bhui, a team inspector at HM prisons inspectorate, said in evidence that, when looking for evidence that pregnant women were detained only in the most exceptional circumstances,

"we haven't found those exceptional circumstances in the paperwork to justify their detention in the first place."

So the Home Office fails at almost the first hurdle. We need to do more because we are failing to protect the most vulnerable people. There must be fair play and they must be treated properly.

I sense that in the future we will look back at the numbers detained in so-called immigration removal centres—that is a bit of a misnomer—and wonder how we tolerated for so long so many people being detained who were victims of torture, trafficking, sexual violence or who were pregnant.

New clause 13 has received the most cross-party support because its provisions are very moderate. It follows the all-party group's recommendations, the Backbench Business motion and the unanimous resolution of the House in September. I wait to hear from the Minister exactly how he will proceed. There is scope for us to really coalesce behind recommendations (a) to (e) in the new clause, if I can find it—[*Interruption.*] This is a "Blue Peter" moment—something I prepared earlier.

I want to hear from the Minister that we will look at "how to reduce the number of people detained"—

[Mr Burrowes]

and make sure that we put in place procedures, policies and guidance to find a way

“to minimise the length of time an individual is detained”.

We need to develop a more effective form of detention that meets the objectives already put into place by the Secretary of State, and ensure

“the effectiveness of procedures to review decisions to detain and to continue to detain.”

That is what we want to achieve. Some of us feel that we still need a statutory time limit and we want to hold the Government and the Minister to account. But let us see what the Minister says and how that time fits into the progress of the Bill in the other place and following the recommendations in the Stephen Shaw report. The Home Affairs Committee will also be listening to what the Minister says and I hope that we will have an update on the comprehensive review before we go too far down the line in the other place.

I hope that the Bill will mean that we have many fewer people in immigration detention, many fewer in detention for too long and many more people receiving fair play and respect for their human dignity.

Gavin Robinson (Belfast East) (DUP): Before I speak to three of the amendments, I wish to make some brief points. The hon. Member for North Dorset (Simon Hoare) and the hon. and learned Member for Holborn and St Pancras (Keir Starmer) reminded the House that we should not go over the issues that were discussed in full in Committee. I gently say that I would have loved to serve on the Committee. I realise that no one can assuage my concerns this afternoon, but on an issue of such importance—and one that is reserved to this Parliament—it is important to re-emphasise the fact that we need regional representation on a Bill Committee, and that Northern Ireland should have a representative, whether from my party or any of the others, so that we can fully scrutinise the Bill and get involved in these important discussions.

I say, with tongue firmly in cheek, that I was delighted to see the Under-Secretary of State for Northern Ireland on the Front Bench earlier in the debate, because I hope to grab hold of him before we get to the second group of amendments.

Byron Davies (Gower) (Con): Just for the record, I served in Committee as a Welsh Member.

Gavin Robinson: I am sure the people of Wales are delighted. Among the three main parties, whether or not SNP Members are present, there is representation of Scotland, England and Wales, and it is important that they were represented in the Committee, but my point was about Northern Ireland.

3 pm

I look forward to contributing on the second tranche of amendments, which I hope we will have the chance to discuss with the Northern Ireland Minister in advance. For now, however, I shall turn to amendments 18 to 20. I have discussed this matter with the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) many times before, and although I do

not agree with his final conclusion—he cannot support the overall thrust of the Bill—I found many of his arguments about the amendments persuasive and powerful, and I hope they were listened to by Members in the Chamber and outwith. I believe that some of the amendments are worthy of support, but we see considerable benefit in the overall thrust of the Bill, which therefore has our support.

On amendment 18, I think there is a persuasive argument for putting in legislation guidance to the Director of Labour Market Enforcement. I know we are not considering a gargantuan directorate or the creation of a large body, but it will have a large body of work to deal with. The issue of immigration in the UK is so big that I think it would be a mistake for Parliament not to insert in the Bill a provision outlining some guidance and the core functions we expect the directorate to perform. The amendment is therefore well made.

The hon. and learned Member for Holborn and St Pancras rightly referred to the anti-slavery commissioner and the Modern Slavery Act 2015 as an example of where such direction has been given in legislation. Another example is the Children and Families Act 2014 and the children’s commissioner. There are many examples of where the House has deemed it appropriate to impart to an individual what functions we expect them to perform, to direct them in that work and to wish them well in their endeavours, once they have received the House’s approval. We therefore support amendment 18.

We cannot, however, readily lend our support to amendment 19, which would remove the illegal working offence. I recognise the thrust of the amendment, but it is important that the Government take the necessary powers and tools to ensure that those working in the country do so legally and properly and recognise that there are penalties and consequences for not adhering to the law of the land.

That naturally brings us to amendment 20, for which I think there is an incredibly strong argument. It is hugely important that we insert a defence for somebody who finds themselves, through no fault of their own, coerced, exploited and enslaved to provide labour. I said on Second Reading that we should insert such a defence. When we talk of slavery, many in the Chamber will hark back to the good old days of William Wilberforce. As a country, we have a considerable heritage and a proud tradition of standing against slavery, but when Wilberforce got involved in anti-slavery movements in 1787, he was preceded by a Belfast man called Thomas McCabe, who in 1786, in response to the creation of a company with slave ships in Belfast, disrupted the meeting at which the agreements were to be signed and declared: “May God wither the hand of any man who signs this declaration to create this company.” He started an anti-slavery revolution in Belfast that spread to the rest of the UK and started a tradition we proudly remember today.

Anne McLaughlin: Does the hon. Gentleman agree that the UK not only abolished slavery but took full advantage of the slave trade and benefited from it, and that we continue to benefit from its inheritance?

Gavin Robinson: I am focusing on anti-slavery because we have a proud tradition of standing against those who exploit others and for those who are exploited.

The hon. Lady makes the point that it continues today; I am making the point that in today's debate, as we focus on amendment 20, we should not lose sight of the compassion this country has shown, continues to show and should show. That is why I support the amendment.

The hon. Member for North Dorset referred to the Minister's compassionate heart. I do not doubt he has such a heart, but I believe that the small insertion of a defence would be preferable to the suggestion in Committee to let the decision be solely at the discretion of the Director of Public Prosecutions. If we, as the supreme Parliament of this country, cannot insert a defence and ask the DPP to exercise discretion in certain circumstances, what direction should she take in doing so? It is our role as parliamentarians to say that if somebody is being, or has been, exploited or enslaved in this country, the DPP should consider what we intended the defence to be against the offence of illegal working. I do not consider that to be an onerous insertion or amendment for the Government to consider. Every response to date has indicated that, as we heard on Second Reading, discretion should be provided and that such defences exist already in the Modern Slavery Act. If, therefore, there is no resistance to the prospect of such a defence, why not make provision for it?

I look forward to contributing to the further tranche of amendments, but for now I have outlined where my party stands on the current group.

Richard Fuller: I wish to speak to the new clauses and amendments dealing with immigration detention. New clause 8, which stands in my name, would exempt certain persons from detention. New clause 9 and associated amendment 32, tabled by the Opposition, would provide for a time limit. New clause 13, which stands in the name of my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) and many others across the House, would provide for a review of the role of detention centres in our immigration control system.

Before turning to those new clauses and amendments, however, I want to make a brief comment about the amendments tabled by the SNP. Those amendments have nothing to do with separation, but come from an acute sense that the direction of travel in the Bill, which is to make it harder for people here illegally to stay in the country, pushes against not just things we all agree are wrong, such as exploitation, but against our compassion. SNP Members are absolutely right to ask whether we have got the balance right, and they made some strong points in Committee and today.

The amendments and new clauses focus on immigration detention because for so long now we have lacked control over our immigration detention system. We allowed a culture of disbelief to grow up within it such that the people caught up within the system had no way of managing their rights. It is right that we look for a fundamental change. Immigration detention has moved from being a part of the immigration system to being the substantive and default position. The focus is on looking tough rather than being effective. It would be nice to hear from the Minister that he gets that and that he is focusing on an effective way to achieve what the people of this country want: that we remove, effectively and compassionately, people with no right to be here, while standing up for things we want to protect—namely, our compassion and our values. If some of the amendments

we are proposing today are not pressed or if we do not hear a sufficient response from the Minister, I fear that the true victims will continue to be the British sense of compassion and the British sense of justice when we manage immigration.

James Brokenshire: I thank my hon. Friend for his contribution, as well as my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) for his. I want to emphasise that that sense of efficiency and effectiveness is absolutely at the heart of the work we are undertaking and of the broad review currently under way. My hon. Friend the Member for Bedford (Richard Fuller) makes some important points about vulnerability, and he knows that Stephen Shaw's review will focus on that. We will come back to the House soon—before Committee stage in the House of Lords—to respond to the report and to allow, I hope, further detailed examination.

Richard Fuller: I am very pleased that the Shaw review will be available for their lordships to review in tabling amendments. I can assure the Minister that, should amendments come to this House to ensure that pregnant women and victims of torture and rape are exempted from our immigration detention estate, I will support those amendments at that time, if the Shaw review has not done a sufficient analysis.

There is no point going over our concerns again that the report has not been available to us in this House—we shall wait on their lordships—but I know that there will be women in Yarl's Wood detention centre right now who have been victims of torture or rape. We also know that in the last year 100 pregnant women were put into Yarl's Wood detention centre. This is not one or two cases; it is a significant part of what is happening, and that points to the reason behind new clause 8: the limits on the Minister's ability to control the action on the ground. The procedures can look perfect on paper, but we know that in practice they are failing and falling down. That is why new clause 8 and the associated amendments aim to restrict the types of people who might fall foul of those processes.

Byron Davies: Is this not more about the integrity of the system and how it is supervised, rather than introducing a new clause?

Richard Fuller: My hon. Friend makes a very good point. Part of the evidence built up in this Parliament, in case after case after case, is that what the Home Office says is the case is patently not the case, and examples from Yarl's Wood are front and centre of that. Not only have we had cases where the guards' procedures in Yarl's Wood should have been of a certain type and clearly were not—that has besmirched many people who work in immigration and removal centres who do a very good job—but we know that procedures for the provision of care for pregnant women in detention centres are not followed either. My hon. Friend is therefore quite right that there is an issue about procedures, and that is why we are waiting to hear what the Minister is likely to say.

I want to sit down so that the hon. Member for Sheffield Central (Paul Blomfield), a fellow member of the all-party group on migration, can contribute, but let me say first that I feel—and I hope—that the Minister

[Richard Fuller]

has been listening to the work of the all-party group and the unanimous view of the House of Commons that change needs to be made along the lines of its recommendations. He has heard some eloquent speeches from the Scottish nationalists, from the Labour Benches and also from the Conservative Benches that reinforce that. I feel, however, that he is one step away from being able to reassure the House. I hope he will take that step—I alluded to that a moment ago. I understand that there are concerns about having time limits for individuals or even a category of people, but that is different from the intent behind the all-party group's report, which seeks a recognition from the Home Office that the use of detention in immigration is overblown and to hear that he as Minister will seek to limit and reduce the overall amount of time in detention in this country. If we could hear that, hon. Members in all parts of the House would be reassured.

Paul Blomfield: I am delighted to follow the hon. Member for Bedford (Richard Fuller), whose contribution represents the cross-party consensus on this issue, as does the breadth of support from both sides of the House for new clause 13.

I will severely reduce the remarks I was going to make because I am keen that the Minister should have the full opportunity to respond, but I want to underline the breadth of support for engagement in the inquiry—which I was privileged to be vice-chair of and which Sarah Teather led—to which the hon. Member for Enfield, Southgate (Mr Burrowes) referred. We had Members from all parties and from both Houses, with a depth of experience that was reflected in the involvement of a former Law Lord and a former chief inspector of prisons. We were unanimous, having heard evidence over eight months, that the introduction of a time limit on indefinite detention was overdue. That was reflected, as other Members have said, in the will of this House when we debated the matter on 10 September.

3.15 pm

New clause 13 seeks to reflect the will of the House in the Bill. It is not a particularly controversial proposal and would bring this country into line with most other countries in Europe. This is not a party political proposal, because our concern is about the growth of the detention estate in the UK, which happened under successive Governments—my Government as well as the Conservative Government—and needs to be addressed.

I would like to share one of the many stories we heard that highlight the problem. We spoke to a detainee who was in detention at the time of our inquiry, a young man from the disputed territory on the Cameroon-Nigeria border. He told us that he had been trafficked to Hungary as a 16-year-old, where he was beaten, raped and tortured. He managed to escape and eventually made his way to Heathrow—using a false passport, because he was desperate. That passport was discovered on arrival and he was detained. We asked him how long he had been detained and he said, “For three years”—three years in an immigration removal centre. That detention conflicts with the three stated aims of the Home Office—that those who have been trafficked should not be detained, that those who have been tortured should not be detained and that detention should be for the shortest period.

With new clause 13 we are trying to reflect the will of the House in addressing that problem. I accept that the Minister also wants to address it, because indefinite detention does not simply have an impact on those detained—we heard powerful evidence about the impact on their mental health and the sense of hopelessness when people do not know how long they are to be held, which they said made detention worse than prison—but is also expensive, costing the taxpayer more than £36,000 a year.

We recognise that the recommendation to introduce a time limit will mean a fundamental culture change and a reliance on methods other than detention to manage the process, so we looked at other countries that are doing this successfully, such as the United States and Australia. Indeed, some people are quick to hold up Australia as a model of a country with hard-line immigration policies, but it is developing much more effective alternatives to immigration detention. There is also a precedent in the UK, whereby the coalition Government, committing to reduce the number of children detained, introduced the family returns process. That process worked, leading to a dramatic fall in the number of children detained, with no increase in absconding.

There are therefore powerful arguments at every level for a shift in policy. I hope the Minister will commit in his response to seeking to limit and reduce the time that people spend in detention.

James Brokenshire: I thank all right hon. and hon. Members for their contributions on a range of issues, which have highlighted the concerns, passion and interest that so many people have shown throughout the consideration of this Bill. The debate we have had over the last hour and 50 minutes has again underlined that interest and focus, and it is important that the House has been able to debate in this way.

I want to start with the issue of immigration detention, which is one of the key elements of the debate. I want to underline at the outset the fact that the Home Office has a policy to safeguard against unnecessary or arbitrary detention. The presumption is in favour of liberty. Cases must be considered on their individual circumstances. Detention must be used sparingly and for the shortest period necessary. That goes to the heart of some of the elements in new clause 13, which was tabled by my hon. Friend the Member for Enfield, Southgate (Mr Burrowes). This is about having a system that is efficient and effective, but that also treats those within it with dignity and respect.

Keir Starmer *rose—*

James Brokenshire: If I may, I would like to finish this point and then take interventions. I want to set out the fact that the Home Office is conducting detailed analysis of the purposes behind that—in other words, moving towards the policy that I have underlined, including looking at the checks and balances in the systems to ensure that we have a more efficient and more effective process so that people are removed more swiftly and speedily. We also need to reflect on how that sits within an overall framework of removal.

I believe that it is accepted here that detention plays an important role in managing immigration and managing people towards removal, but it has to have removal as

its focus. Yes, of course, for certain groups such as foreign national offenders or in certain national security cases, detention might be needed for a slightly longer period, but always with the focus on the realistic prospect of removal taking place. We will come back to this House in the new year—and we intend this to be before the Bill has passed through both Houses—setting out the much broader piece of work that we are undertaking.

Other amendments relate to the issues of vulnerability raised by Steven Shaw. As I have indicated, we intend to respond to it before the Bill has started its Committee in the House of Lords, and we shall also set out proposals for a new detained fast-track, which I suspended because I was not satisfied that the necessary safeguards were in place. It is the sense of how we construct an efficient and effective detention policy that goes to the heart of the issues I have highlighted—of considering cases on their merits, but using detention sparingly and for the shortest period necessary that is consistent with our policy, which must be upheld.

Keir Starmer: Does the Minister agree that the reviews he has summarised deal with the issues raised in paragraphs (b) through to (e) in new clause 13? Having set out the policy carefully, does he agree that it is consistent with the principle that we should seek to limit and reduce the time spent in immigration detention?

James Brokenshire: As I have said, the current Home Office policy is to use detention sparingly and for the shortest period necessary, which is why our work on ensuring a more efficient and effective system consistent with our obligation is absolutely consistent with the themes redolent in paragraphs (b) to (e) of new clause 13. The difference is that I believe that having a 28-day time period does not advance the cause. It is a blunt instrument that does not take account of the full range of different circumstances that are redolent here from foreign national offenders to those who might not be compliant with the requirements we put upon them or who abscond, so we need to look at the situation on a case-by-case basis. I repeat, however, that we are conducting our review in the light of our focus on efficiency and effectiveness, and we will revert to the House as I have outlined.

A number of other points, including about the right to rent, have been highlighted in the debate. The right-to-rent scheme restricts the access of illegal migrants to the private rented sector, stopping them setting down roots and building ties. The scheme, which has been rolled out to parts of the west midlands, has not proven difficult or burdensome for landlords, but it has led to illegal migrants being apprehended.

The scheme has been in place for one year and is working as intended. The Government published an extensive evaluation of the right-to-rent scheme's first six months, and this found no hard evidence of discrimination or any new barriers to lawful residents accessing the private rented sector. Repealing the right-to-rent scheme would remove a significant part of the Government's measures to deter illegal migration. The Bill's provisions on residential tenancies are aimed to make it easier for the majority of reputable landlords to evict illegal migrant tenants and to crack down further on those rogue landlords who do so much to damage the sector.

The offences are framed to allow for the prosecution of those who are or who have knowingly rented to illegal migrants or who have or had reasonable cause to believe that they were renting to illegal migrants. We believe that that is the right approach, but a conviction will be possible only where the offence has been proven to the criminal threshold of beyond reasonable doubt. These offences are not designed to catch out a landlord who has made a genuine mistake, and it is difficult to foresee a situation in which it would be in the public interest to pursue a prosecution against a landlord making reasonable efforts to remove illegal migrants from their property.

There are concerns about people being evicted without adequate notice or without sufficient safeguards in place—and points were raised about these in the debate on some of the other amendments. However, safeguards already exist. The Secretary of State will serve notices only where she is satisfied that the migrant is here unlawfully and only after taking the migrant's circumstances into consideration. Should there be recognised barriers to illegal migrants leaving the UK that are not of their own making, these will be taken into account.

The hon. Member for Glasgow North East (Anne McLaughlin) asked about measures relating to charities. Amendment 46 would create what we regard as a significant loophole in the right-to-rent provisions. It could lead to endless quibbling about what is meant by “significantly exceed the costs” and indeed about what constitutes “costs”. I responded in Committee to give an assurance on a number of different aspects, and said that many of the shelters would fall outside the provisions. Our concern is that rogue landlords would take advantage of the measures that the hon. Lady outlined, and we would not want to create such a loophole.

In the debate in Committee on the director of labour market enforcement, there was strong support on all sides for the creation of such a director, which has been reflected in today's debate, too. The director's role is already set out in the Bill. The director will set out the strategy for our enforcement bodies to stop exploitation and non-compliance across the spectrum, but there is a difference between the role of the director and that of the anti-slavery commissioner. If we look at all the different aspects of the labour market enforcement strategy, we judge that the provision is right, but we will obviously continue to reflect to ensure that it is appropriately framed.

On the issue of resources, we have recently announced that we will increase HMRC's budget for 2015-16 by £4 million around the issue of the national minimum wage. The director will analyse the available funds across all the different aspects for which he or she would have responsibility.

Some have raised concerns about the offence. The Government would not want to prosecute those who have been forced to travel here and exploited for the profit of others, which goes to the heart of the matter. That is why the offence is not aimed at the victims of modern slavery. The statutory defence in section 45 of the Modern Slavery Act 2015 will apply.

On some of the issues raised by SNP Members, we maintain that the heart of the issues that matter here are reserved, so it would not be appropriate to accept the proposed amendments. New clause 16 would amend the compensation arrangements for those experiencing

[James Brokenshire]

financial detriment as a consequence of an illegal working closure notice, but we believe that these provisions are already covered in paragraph 15 of schedule 3 and related safeguards, which are, in our judgment, sufficient. As for James Ewins's review of overseas domestic workers, it will shortly be published and will no doubt be subject to further consideration at that stage.

I reiterate to right hon. and hon. Members that we have given careful consideration to the Bill and have reflected on a number of the points raised. I hope that, with the assurances I have given, right hon. and hon. Members will be minded not to press their amendments and new clauses to the vote.

Stuart C. McDonald: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Clause 8

OFFENCE OF ILLEGAL WORKING

Amendment proposed: 19, page 5, line 2, leave out clause 8.—(*Keir Starmer.*)

To omit the clause on the new illegal working offence and maintain the status quo.

The House divided: Ayes 256, Noes 312.

Division No. 133]

[3.28 pm

AYES

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

Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Ferrier, Margaret
Field, rh Frank
Flelo, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Gardiner, Barry
Gethins, Stephen
Gibson, Patricia
Glass, Pat
Glindon, Mary
Godsiff, Mr Roger
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Haigh, Louise
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harpham, Harry
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hillier, Meg
Hodgson, Mrs Sharon
Hosie, Stewart
Hunt, Tristram
Huq, Dr Rupa
Hussain, Imran
Irranca-Davies, Huw
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Kane, Mike
Kaufman, rh Sir Gerald
Kerevan, George
Kerr, Calum
Khan, rh Sadiq
Kinnock, Stephen
Kyle, Peter
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lewell-Buck, Mrs Emma
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin

Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marris, Rob
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McLaughlin, Anne
Meale, Sir Alan
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Morden, Jessica
Morris, Grahame M.
Mulholland, Greg
Mullin, Roger
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Nicolson, John
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Reed, Mr Steve
Rees, Christina
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
Salmond, rh Alex
Saville Roberts, Liz
Shah, Naz
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
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen

Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Sue Hayman and
Jeff Smith

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 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
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Cameron, rh Mr David
 Carmichael, Neil
 Carswell, Mr Douglas
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex

Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Davies, Byron
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam

Frazer, Lucy
 Freeman, George
 Freer, Mike
 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
 Goldsmith, Zac
 Gove, rh Michael
 Graham, Richard
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkins, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline

Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, 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
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob

Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 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
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward

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

Tellers for the Noes:

Simon Kirby and
 Sarah Newton

Boswell, Philip
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Clegg, rh Mr Nick
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, rh Yvette
 Cowan, Ronnie
 Cox, Jo
 Coyle, Neil
 Crausby, Mr David
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 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, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Ferrier, Margaret
 Field, rh Frank
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gardiner, Barry

Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harpham, Harry
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hosie, Stewart
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Mr Ivan
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.

Question accordingly negated.

3.43 pm

More than two 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 Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Amendment proposed: 35, page 9, line 4, leave out clauses 13 to 16.—(Stuart C. McDonald.)

Removes the extension of the right to rent legislation in the Bill.

Question put, That the amendment be made.

The House divided: Ayes 257, Noes 309.

Division No. 134]

[3.43 pm

AYES

Abbott, Ms Diane
 Ahmed-Sheikh, Ms Tasmina
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Arkless, Richard
 Ashworth, Jonathan
 Bailey, Mr Adrian
 Barron, rh Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul

McDonnell, John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Mullin, Roger
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Nicolson, John
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Qureshi, Yasmin
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Shah, Naz
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis

Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
Marion Fellows and
Owen Thompson

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
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David

Burt, rh Alistair
 Cairns, Alun
 Cameron, rh Mr David
 Carmichael, Neil
 Carlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Choqe, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Davies, Byron
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freer, Mike
 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
 Goldsmith, Zac
 Gove, rh Michael
 Graham, Richard
 Gray, Mr James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine

Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matthew
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Howarth, Sir Gerald
 Howell, John
 Howlett, Ben
 Huddleston, Nigel
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott

Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, 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
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith

Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 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
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Wiggin, Bill
 Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Simon Kirby and
Sarah Newton

Question accordingly negated.

New Clause 3

TRANSFER OF RESPONSIBILITY FOR RELEVANT CHILDREN

‘(1) This section applies in relation to a local authority in England (“the first authority”) if—

- (a) the authority has functions under any of the provisions of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families and care, supervision and protection of children) (“the relevant provisions”) in relation to a relevant child, or
- (b) functions under any of the relevant provisions may be conferred on the authority in relation to a relevant child.

(2) The first authority may make arrangements with another local authority in England (“the second authority”) under which—

- (a) if this section applies to the authority by virtue of paragraph (a) of subsection (1), the functions mentioned in that paragraph become functions of the second authority in relation to the relevant child, and
- (b) if this section applies to the authority by virtue of paragraph (b) of subsection (1), the functions mentioned in that paragraph become functions that may be conferred on the second authority in relation to the relevant child.

(3) The effect of arrangements under this section is that, from the time at which the arrangements have effect in accordance with their terms—

- (a) functions under the relevant provisions cease to be functions of, and may not be conferred on, the first authority in relation to the relevant child (“C”),
- (b) any of the relevant provisions which immediately before that time applied in relation to C as a result of C’s connection with the first authority or the area of the first authority have effect as if C had that connection with the second authority or the area of the second authority (if that would not otherwise be the case), and
- (c) C is to be treated for the purposes of the relevant provisions as if C were not and had never been ordinarily resident in the area of the first authority (if that would otherwise be the case).

(4) Subsection (3)(b) is subject to any change in C’s circumstances after the time at which the arrangements have effect.

(5) Nothing in subsection (3) affects any liability of the first authority in relation to C for any act or omission of the first authority before the time at which the arrangements have effect.

(6) The Secretary of State may by regulations make further provision about the effect of arrangements under this section.

(7) Arrangements under this section may not be brought to an end by the first or second authority once they have come into effect.

(8) In this section “local authority” means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act).

(9) In this section “relevant child” means—

- (a) a person under the age of 18 who is unaccompanied and has made a protection claim which has not been determined, or
- (b) a person under the age of 18 who is unaccompanied and who—
 - (i) requires leave to enter or remain in the United Kingdom but does not have it, and
 - (ii) is a person of a kind specified in regulations made by the Secretary of State.

(10) The Secretary of State may by regulations make provision about the meaning of “unaccompanied” for the purposes of subsection (9).

(11) In subsection (9)—

- (a) “protection claim” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002, and
- (b) the reference to a protection claim having been determined is to be construed in accordance with section 94(3) of the Immigration and Asylum Act 1999.’—(*James Brokenshire.*)

This new clause creates a mechanism in England to transfer responsibility for caring for particular categories of unaccompanied migrant children, including unaccompanied asylum seeking children, from one local authority to another.

Brought up, and read the First time.

James Brokenshire: 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 4—*Duty to provide information for the purposes of transfers of responsibility.*

Government new clause 5—*Request for transfer of responsibility for relevant children.*

Government new clause 6—*Scheme for transfer of responsibility for relevant children.*

Government new clause 7—*Extension to Wales, Scotland and Northern Ireland.*

New clause 1—*Extended criteria for refugees joining refugee sponsors—*

‘(1) Rules made by the Secretary of State under section 3 of the Immigration Act 1971, shall make provision for persons outside the United Kingdom to apply for family reunion with persons recognised as refugees in the United Kingdom, or granted humanitarian protection in the United Kingdom on or after 30 August 2005, who are their children, grandchildren, parents, grandparents, spouses, civil or unmarried partners or siblings.

(2) Rules made under subsection (1) may—

- (a) make provision for dependants of the persons therein mentioned;
- (b) make provision for a person who the Secretary of State is satisfied was a dependant of the refugee or person granted humanitarian protection or a member of their household at the time the refugee or person granted humanitarian protection left the country of his habitual residence;
- (c) restrict provision for siblings applying to join family in the UK to those who have not formed their own independent family unit outside of the UK.

(3) Family members seeking leave to enter or remain in the United Kingdom must—

- (a) be applicants who would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right;
- (b) be applicants who would not be excluded from humanitarian protection for any reason in the immigration rules in the United Kingdom.’

This new clause would allow those separated from their family, and who have refugee or humanitarian protection status in the UK, to sponsor family members beyond spouses or under-18 children to join them. It would also remedy an anomaly that prevents children with refugee status in the UK from sponsoring their parents to join them.

New clause 11—*Review of rules relating to refugee family reunion—*

‘(1) The Secretary of State must undertake a review of the current rules on refugees or those granted humanitarian protection reuniting with close family members in the UK.

(2) The review under subsection (1) must consider—

- (a) the failure to implement Dublin Convention III, which allows for spouses or children under 18 with refugee status or those granted humanitarian protection to be reunited with family members in the UK;
- (b) options for allowing British citizens to sponsor close family members recognised as refugees or granted humanitarian protection; and
- (c) options for extending the criteria for family reunion to include children, grandchildren, parents, grandparents, spouses, civil or unmarried partners or siblings who have refugee status or have been granted humanitarian protection and have close family members in the UK.

(3) This review under subsection (1) must be completed and a copy must be laid before Parliament within six months of this Act receiving Royal Assent.’

Amendment 29, page 40, line 14, leave out clause 37.

Government amendments 5 and 6.

Amendment 31, in schedule 8, page 109, line 29, leave out from “(6)” to end of line 30 and insert—

- (none) “, for “section 4 or 95” substitute “section 95”;
- (iii) in subsection (7) for “section 4 or 95” substitute “section 95 or 95A”.”

See explanatory statement for amendment 30.

Amendment 40, page 112, line, leave out subparagraph (5).

This amendment ensures that families with children under 18 receive section 95 support until they leave the country.

Amendment 30, page 113, line 13, at end insert—

‘(2A) If the Secretary of State decides not to provide support to a person or not to continue to provide support to them, under this section, the person may appeal to the First Tier Tribunal.’

To reinstate a right of appeal against Home Office decisions to provide support (under Section 95 or new 95A).

Amendment 2, page 119, line 21, at end insert—

‘(43A) The Immigration Act 1971 is amended as follows.

(43B) After section 3(9) (general provisions for regulation and control) insert—

“(10) In making rules under subsection (2), the Secretary of State must have regard to the following.

(11) Rules must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment (including self-employment and voluntary work) and that permission must be granted if—

- (a) a decision has not been taken on the applicant’s asylum application within six months of the date on which it was recorded, or
- (b) an individual makes further submissions which raise asylum grounds and a decision on that fresh claim or to refuse to treat such further submissions as a fresh claim has not been taken within six months of the date on which they were recorded.

(12) Permission for a person seeking asylum to take up employment shall be on terms no less favourable than those upon which permission is granted to a person recognised as a refugee to take up employment.”’

Amendment 42, in schedule 9, page 121, line 26, leave out paragraph 2.

This amendment removes those provisions added by Schedule 9 that would prevent local authorities providing leaving care support under the Children Act 1989 to young people who are not asylum seekers and do not have leave to remain when they reach the age of 18 years.

Government amendment 7.

Amendment 43, page 122, leave out lines 16 to 34.

This amendment removes those provisions added by Schedule 9 to the Immigration Bill that would prevent local authorities providing

leaving care support under the Children Act 1989 to young people who are not asylum seekers and do not have leave to remain when they reach the age of 18 years.

Amendment 44, page 122, line 46, at end insert

‘and,

(c) he entered the UK as an adult.’

This amendment enables local authorities to provide leaving care support under the Children Act 1989 to young people who do not have leave to remain and are not asylum seekers.

Government amendments 8 to 12.

Amendment 45, page 124, leave out from line 11 to line 13 on page 125 and insert—

‘10B The Secretary of State shall provide adequate funding to local authorities to enable them to meet their duties under the Children Act 1989 to persons who do not have leave to enter or remain and are not asylum seekers.’

This amendment provides for the Secretary of State to make funding available to local authorities, as the specialist agency responsible for care leavers, to meet the duties set out in the Children Act 1989 in relation to young people who do not have leave to remain and are not asylum seekers.

Government amendments 13 to 17.

New clause 2—*Automatic deportation under the UK Borders Act 2007*—

‘(1) Section 32 of the UK Borders Act 2007 is amended as follows.

(2) In subsection (2) substitute “12” for “6”.’

This new clause would require that non-British citizens who commit offences and are sentenced to 6 months in prison are deported automatically.

New clause 10—*Offence of presence in the United Kingdom without legal authority*—

‘(1) Any person who is present in the United Kingdom after 1 June 2016 without legal authority shall be guilty of an offence.

(2) Any person who after 1 June 2016 enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction—

(a) to imprisonment for a term not exceeding six months;

(b) to a fine which in Scotland or Northern Ireland may not exceed £5,000, or to both.

(4) Any person who is convicted of an offence under subsection (1) shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against public interest.

(5) For the purposes of subsection (2) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the court.’

This new clause makes provision for criminal sanctions including deportation orders against those who have entered the United Kingdom illegally or who remain in the United Kingdom without legal authority. It adds to the existing offences under Section 24 of the Immigration Act 1971.

New clause 12—*Right of residence: registration certificates*—

‘(1) Section 7 of the Immigration Act 1988 is repealed.

(2) Notwithstanding the provisions of the European Communities Act 1972, or any other enactment, any non-UK citizen resident in the United Kingdom without authority to remain in the United Kingdom provided by a valid visa, visa waiver, residence permit or other official permission must apply for a registration certificate to confirm their right of residence in the United Kingdom.

(3) The Secretary of State shall by regulations prescribe the content of application forms for registration certificates and for the grounds on which an application made may be granted or refused and arrangements for appeals and final adjudications.

(4) The Secretary of State shall establish the registration certificate scheme, comprising the matters mentioned in subsection (3) and such other matters as he thinks necessary and expedient, by 30 November 2016.

(5) Any person present in the United Kingdom after 31st December 2016 without legal authority or without having applied on or before 31st December 2016 for a registration certificate under subsection (2) above shall be guilty of an offence.

(6) Any person who, after 31st December 2016, enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence.

(7) A person guilty of an offence under subsections (5) or (6) is liable on summary conviction—

(a) to imprisonment for a term not exceeding six months; or

(b) to a fine which in Scotland or Northern Ireland may not exceed £5,000; or

(c) to both.

(8) Any person who is convicted of an offence under subsections (5) or (6) shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against the public interest.

(9) For the purposes of subsection (8) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the Court.

(10) Any power to make regulations under this section is exercisable by statutory instrument.

(11) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.’

New clause 14—*Minimum income requirement for partner visas*—

‘(1) The Secretary of State shall within six months after this Act receives Royal Assent amend the Immigration Rules regarding a person applying for entry clearance to, leave to remain in or indefinite leave to remain in the UK as the non-EEA national partner or dependent child of a person who is—

(a) a British citizen; or,

(b) present and settled in the UK; or

(c) in the UK with refugee leave or humanitarian protection to make provision as set out in this section.

(2) The minimum annual income requirement—

(a) for the sponsor of the partner shall be the equivalent of one year’s full-time salary (net of tax and national insurance contributions, and allowing for four week’s holiday) at the rate of the National Minimum Wage as it applies to that individual;

(b) for the first child in addition to the partner the additional sum of £2,500;

(c) for each further child the additional sum of £2000.

(3) The minimum annual income requirement as specified in subsection (b) may include financial support from third parties.

(4) In this section “full-time” will mean 35 hours a week.’

New clause 15—*Adult dependant relative visas*—

‘(1) The Secretary of State shall within six months after this Act receives Royal Assent amend the Immigration Rules regarding Entry Clearance in respect of an adult dependant relative of a person who is—

(a) a British Citizen; or,

(b) a person settled in the UK; or

(c) in the UK with refugee leave or humanitarian protection to make provision as set out in this section.

(2) The Immigration Rules for persons specified in subsection (a) must not require as condition for entry that in the country where they are living—

- (a) the required level of care is not available;
- (b) there is no person in that country who can reasonably provide the required level of care;
- (c) the required level of care is not affordable.

(3) The applicant shall be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds for five years.’

Amendment 39, in clause 20, page 25, line 18, at end insert—

‘(2A) In paragraph 2(2) after “examine” insert “at the point of entry into the United Kingdom.”

This amendment would end the practice of conducting speculative, in-country spot-checks and restrict the power to the point of entry into the UK.

Amendment 36, in clause 25, page 32, leave out lines 20 to 23.

This amendment removes proposed extension of powers of relevant officers—custody officers, prison officers or prisoner custody officers—to conduct strip searches of detainees for documents which “might” establish a person’s nationality or indicate “the place from which the person travelled to the UK or to which a person is proposing to go”.

Government amendments 3 and 4.

Amendment 27, page 39, line 6, leave out clause 34.

Amendment 28, in clause 34, page 39, line 19, at end insert—

‘(5A) After subsection (3) insert new subsection—

“(3A) Before a decision is taken to certify a human rights claim the Secretary of State must obtain a multi-agency best interests assessment in relation to any child whose human rights may be breached by the decision to certify.”

To make sure that before a decision is made to certify any claim for out of country appeal, the best interests of any child affected by this decision must be considered.

Amendment 34, in clause 58, page 50, line 11, at end insert—

‘(3A) Part 7 shall not come into force in Scotland without the consent of the Scottish Parliament.’

To prevent language requirements on public sector workers applying in Scotland without the consent of the Scottish Parliament.

Amendment 1, in clause 59, page 50, line 18, leave out subsection (2).

Amendment 37, in schedule 7, page 97, line 9, at end insert—

‘() The following provisions apply if a person is detained under any provisions set out in paragraph (current paragraph 1(1))—

- (a) the Secretary of State must arrange a reference to the First-tier Tribunal for it to determine whether the detained person should be released on bail;
- (b) the Secretary of State must secure that a first reference to the First-tier Tribunal is made no later than the eighth day following that on which the detained person was detained;
- (c) if the detained person remains in detention, the Secretary of State must secure that a second reference to the First-tier Tribunal or Commission is made no later than the thirty-sixth day following that on which the detained person was detained and every twenty-eighth day thereafter;

(d) the First-tier Tribunal hearing a case referred to it under this section must proceed as if the detained person had made an application to it for bail; and

(e) the First-tier Tribunal must determine the matter—

- (i) on a first reference, before the tenth day following that on which the person concerned was detained; and
- (ii) on a second and subsequent reference, before the thirty-eighth day following that on which he was detained.

() For the purposes of this paragraph, “First-tier Tribunal” means—

- (a) if the detained person has brought an appeal under the Immigration Acts, the chamber of the First-tier Tribunal dealing with his appeal; and
- (b) in any other case, such chamber of the First-tier Tribunal as the Secretary of State considers appropriate.

() In the case of a detained person to whom section 3(2) of the Special Immigration Appeals Commission Act 1997 applies (jurisdiction in relation to bail for persons detained on grounds of national security) a reference under sub-paragraph (3)(a) above, shall be to the Commission and not to the First-tier Tribunal.

() Rules made by the Lord Chancellor under section 5 of the Special Immigration Appeals Commission Act 1997 may include provision made for the purposes of this paragraph.’

This amendment makes provision for automatic judicial oversight of detention after eight days, then after a further 28 days, and every 28 days for so long as detention lasts.

Amendment 38, page 102, line 9, leave out sub-paragraphs (1) to (3) and insert—

‘(1) The Secretary of State must provide, or arrange for the provision of, facilities for the accommodation of persons released on immigration bail.’

This amendment makes provision for an impecunious detainee to be furnished with an address to facilitate their applying for bail, without which they are unlikely to be granted bail.

James Brokenshire: In this part of the debate we turn to amendments and new clauses concerning the asylum system and the arrangements made for the support of failed asylum seekers who the courts have agreed do not need our protection.

The crisis in Syria and events in the middle east, north Africa and beyond have seen an unprecedented number of migrants and asylum seekers arriving in Europe. Some have gone on to reach the UK via northern France, including many unaccompanied asylum-seeking children. There are now nearly 1,000 unaccompanied asylum-seeking children in Kent County Council’s care, 300 of whom have had to be placed in other local authority areas. I would like to put on record my thanks to all those in Kent—all the officers and others—for the way in which they have responded to this challenge, but in our judgment a national response is required.

Additional funding has been made available to local authorities who take on responsibility for unaccompanied asylum-seeking children from Kent. We hope that the dispersal arrangements that have been put in place will remain voluntary. However, we have tabled new clauses 3 to 7 and Government amendments 5 and 6 to underpin the voluntary dispersal arrangement and, if necessary, enforce them, although we see this as a reserve backstop power. The amendments introduce a new power to facilitate the transfer of unaccompanied asylum-seeking children from one local authority to another; enable the Secretary of State to direct local authorities to provide information about their support to children in their

[James Brokenshire]

care—this will inform new transfer arrangements; enable the Secretary of State to direct a local authority that refuses to comply with a request to accept an unaccompanied asylum-seeking child to provide written reasons; enable the Secretary of State to require local authorities to co-operate in respect of transfers; and enable the provisions to be extended across the UK by regulations, subject to the affirmative procedure and informed by further dialogue with the devolved Administrations.

4 pm

We take our responsibilities for unaccompanied asylum-seeking children very seriously. The new provisions will ensure that there is a more equitable distribution of such cases across the country and that the welfare of vulnerable children continues to be safeguarded.

Government amendment 7 addresses an anomaly in migrants' access to support in paying university tuition fees. Under the Education (Student Support) Regulations 2011, which govern home student access to student loans in England, British citizens—including those returning to the UK from overseas—and most other groups must demonstrate three years of ordinary residence before they can qualify. We think that that is also the right benchmark for adult migrant care leavers with limited leave to remain or an outstanding application.

The measure will also relieve the burden on local authorities, created by case law, that means that their leaving care duties under the Children Act 2004 may encompass payment of student tuition fees for migrant care leavers who do not meet the student support regulations. Those payments are normally at international student rates, which range from £12,000 to £15,000 per year in most cases. Even one or two cases can place significant pressure on local authority budgets.

Schedule 3 to the Nationality, Immigration and Asylum Act 2002 restricts access to local authority support for migrants without immigration status. Schedule 9 to the Bill simplifies that framework. Government amendments 8 to 16 make technical improvements to those provisions. Amendment 17 amends schedule 3, which provides a UK-wide framework, so that regulations may make equivalent changes across the UK. That will be informed by further dialogue with the devolved Administrations.

A number of other amendments and new clauses have been tabled in this group. I shall make some initial comments about them, but will reflect and respond further in the light of any points made. Amendments 29 and 40 would reverse the reforms made by schedule 8 to the support provided to failed asylum seekers and other illegal migrants. They reflect a clear difference of principle, which was clear in Committee. We say that it is not appropriate for public money to be used to support illegal migrants, including failed asylum seekers, who can and should leave the UK. Schedule 8 will therefore restrict the availability of such support, consistently with our international obligations, and remove incentives for migrants to remain in the UK when they have no lawful basis for doing so.

The system of support for which Parliament legislated in the Immigration and Asylum Act 1999, to discharge our obligations to asylum seekers, is, in our judgment, too often used to support those whose asylum claim has failed and who have no lawful basis to remain in the

UK. On 31 March 2015, we were providing support to an estimated 15,000 failed asylum seekers, their dependants and others. In 2014-15, such support cost an estimated £73 million.

We believe that the situation is wrong in principle. That is why, under schedule 8, those with children with them when their asylum claim and any appeal are rejected will no longer be treated as though they were still asylum seekers and will cease to be eligible for support under section 95 of the 1999 Act. Section 4 of the 1999 Act will be repealed and support will be available to failed asylum seekers and any dependent children only if there is a genuine obstacle that prevents their departure when their appeal rights are exhausted.

In Committee, there was a great deal of discussion about the 2005 pilot; it was said that that could be prayed in evidence as to why our approach might not work. However, I underline again what I said in Committee about why we think there is a difference. First, the current onus on the Home Office to show that a family is not co-operating with return is removed; to qualify for support under new section 95A of the 1999 Act, the family will have to show that there is a genuine obstacle to their departure at the point when they have exhausted their appeal rights.

Secondly, the 2005 pilot involved a largely correspondence-based process in cases that had exhausted appeal rights in the previous 11 months. The new approach will involve a managed process of engagement with the family, in tandem with the local authority, following the end of the appeal process, to discuss their situation and the consequences of not leaving the UK when they can. Thirdly, we judge that circumstances have changed: it is now more generally recognised that the taxpayer should not have to support illegal migrants who could and should leave the UK.

Amendments 30 and 31 are concerned with appeal rights. Under the Bill, asylum seekers refused support under section 95 of the 1999 Act will retain their right of appeal. That appeal is extended to those refused support whose further submissions on protection grounds are accepted, or may be treated, as a fresh asylum claim. However, the Bill does not provide a right of appeal to failed asylum seekers refused further support because they do not face a genuine obstacle that prevents their departure from the UK when they have exhausted their appeal rights against the refusal of asylum. Common examples of a genuine obstacle will be where medical evidence shows the person is unfit to travel or there is evidence that an application for the necessary travel document has been submitted and is still outstanding. These are generally straightforward matters of fact which do not require a right of appeal.

Anne McLaughlin: Does the Minister agree that the children of parents who will not return—to my mind, mostly because they cannot—face genuine obstacles to returning, namely their parents, and that we should therefore support those children because they have absolutely no choice in the matter?

James Brokenshire: We had detailed and considered debate about this in Committee, to which the hon. Lady was party. The point I made there is that the family returns process engages with this so that we assist and work with families to bring about their return. She will

recall our debates about the support that can still be made available by local authorities in respect of destitution cases. That support is potentially still available as we continue, as part of this process, to assist families in their entirety, with the appropriate safeguards, in seeing that they are returned if they do not have the right to remain in the UK.

The appeal statistics on asylum support do not give the full picture. In the year to August 2015, 37% of asylum support appeals were dismissed. Forty-one per cent. were allowed, but in many cases this was because the person provided only in their appeal the evidence required for support to be granted. Many of the remainder were remitted for reconsideration or withdrawn, in many cases also in the light of new evidence provided in the appeal. Few appeals related to the issue of whether there was a practical obstacle to departure from the UK. The previous independent chief inspector of borders and immigration found in his July 2014 report on asylum support that 89% of refusals were reasonably based on the evidence available at the time.

Amendments 42 to 45 would reverse the Bill's reforms of support for adult migrant care leavers and require that they be provided with local authority support under leaving care legislation, even though all their applications and appeals to stay here have been refused. We believe that these changes are wrong in principle. Public money should not be used to support illegal migrants, including failed asylum seekers, who can leave the UK and should do so. The amendments would create obvious incentives for more unaccompanied children to come to the UK to make an unfounded asylum claim, often by using dangerous travel routes controlled by smugglers and traffickers. We are speaking of adults. If their asylum claim has been finally refused, automatic access to further support from the local authority should cease at that point. The Bill makes appropriate provision for their support before they leave the UK.

Amendment 2 would allow permission to work where an asylum claim has been outstanding after only six months, remove the caveat that any delay must not be of the asylum seeker's own making, and lift all restrictions on the employment available. As we debated in Committee, we do not consider this to be sensible. We met our public commitments to decide all straightforward asylum claims lodged before April 2014 by 31 March 2015 and to decide all straightforward claims lodged from 1 April 2014 within six months. About 85% of cases are straightforward. We judge that this policy strikes the right balance. If an asylum claim remains undecided after 12 months, for reasons outside the person's control, they can apply for permission to work in employment on the shortage occupation list. This is fair, reasonable and consistent with EU law.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The Minister has talked about making regulations to extend provisions to Wales and about skills requirements. Does he agree that the Bill should recognise, in dealing with asylum claims, the distinct skills and immigration requirements of Wales, and enable the Welsh Government to provide input into Home Office immigration policy?

James Brokenshire: I am afraid that I do not, on the basis that immigration is a reserved matter. The hon. Lady may be aware that the Migration Advisory Committee

analyses differences in this regard between the countries of the UK, as well as regional differences. For example, in Scotland there is a separate shortage occupation list, so there is an ability to reflect variations across the UK in assessing evidence and policy.

New clauses 1 and 11 would widen the scope for refugee family reunion. I am aware of the calls from the Refugee Council and others for that. We recognise that families may become fragmented because of the nature of conflict and persecution, and the speed and manner in which those seeking asylum often flee their country of origin. Our policy allows the immediate family members of a person with refugee leave or humanitarian protection—for example, a spouse or partner, and children under the age of 18 who formed part of the family unit before the sponsor fled their country—to be reunited with them in the UK. The immigration rules allow for the sponsorship of other family members. By contrast, some EU countries require up to two years' lawful residence before a refugee becomes eligible and impose time restrictions on how quickly family members must apply once their sponsor becomes eligible.

We have granted over 21,000 family reunion visas over the past five years. In our judgment, widening the criteria for inclusion would not be practical or sustainable. It might be a significant additional factor in how the UK is viewed by those choosing where among the different jurisdictions to make their asylum claim, and it would undermine our wider asylum strategy. Some have asked whether we have fully implemented the Dublin regulations. In our judgment, we have. The challenge is to get family members to make claims in EU countries to establish the links that operate under the Dublin regulations. That is often the impediment standing in the way of those who are entitled to this, but who need to start by making their claim in an EU country.

Caroline Lucas (Brighton, Pavilion) (Green): Does the Minister not accept that the definition of a family is drawn incredibly tightly and is very cruel, for example to those with siblings or children over the age of 18? He says that extending the criteria would not be efficient or effective, but it would actually be one of the most effective ways of granting refugee status to more people. Such people will not put great pressure on our services because they will largely be looked after by their families.

James Brokenshire: I recognise the manner in which the hon. Lady advances her point, but our judgment is that the policy strikes the right balance. Our family resettlement policy has rules, but equally, certain circumstances—for example, where there are older relatives, or issues relating to illness or medical need—allow for some greater flexibility within those existing rules. From our standpoint, the steps we are taking on resettlement are about an assessment of vulnerability. That is redolent of the approach we are taking in the camps, through the United Nations High Commissioner for Refugees, and how we are seeking to deal with resettlement.

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

James Brokenshire: I am delighted to give way to the right hon. Lady, who tabled new clause 1.

Yvette Cooper: May I press the Minister on the people who are currently excluded by the rules? For example, a case has been raised with me about a family of refugees from Syria. The parents are in this country with their younger children, but their 19-year-old daughter is still in Lebanon. She is unable to join them, even though she is also a refugee from Syria, because she is over 18, which is surely wrong. As a result, they are worried that they may have to pay people smugglers and traffickers to get her to Britain, which is a huge risk and would mean breaking the law.

James Brokenshire: As the right hon. Lady knows, the current regulations are framed in a way that allows the resettlement of children under the age of 18. Our judgment is that that is framed in the right way. Adults seeking protection can use the normal route of claiming asylum in other countries. We do not think that resettlement should be extended beyond the current framework. As I have said, there are exceptions to that, particularly in cases of older relatives who have an illness. The rules can operate in a way that allows entry clearance officers to take such factors into account. Clearly, the rules are examined case by case, including by looking at whether leave falling outside the rules may be appropriate in certain circumstances.

Yvette Cooper: What is the option for that 19-year-old and so many other similar cases? Where does she go—should she get a boat across to Greece and try to apply there? The Dublin III arrangements are not working for people arriving in Greece and Italy. There are huge numbers of examples of that. What does the Minister say to that 19-year-old?

James Brokenshire: We think that the Dublin arrangements are the right way to provide consistency of approach across the whole EU in dealing with what some have described as asylum shopping and with people's ability to choose the jurisdiction in which they claim asylum. The key element is that we achieve a stable Syria, so that the people in those camps can see a stable future in which they will be supported there. Our response in relation to humanitarian protection, including the £1.1 billion that the Government have committed, absolutely matters. It is not simply about direct humanitarian protection; it is about education, about giving people a sense of hope and purpose and about ending up with a stable Syria to which people will be able to return as soon as possible.

4.15 pm

New clause 2, tabled by my hon. Friend the Member for Enfield, Southgate (Mr Burrowes), who is not in his place, aims to increase the number of foreign national offenders we deport. However, our existing legislation already gives us the tools we need to achieve this, and there is no better illustration of that than the immigration statistics published last week, which showed that 5,591 foreign national offenders were removed from the UK in the last year.

The proposed change would mean that the Secretary of State would be required to sign a deportation order for a foreign criminal if they received a period of imprisonment of six months. It is already Government policy to consider for deportation those with custodial sentences of less than 12 months if they have caused serious harm. The Secretary of State also uses the

power to take deportation action in any case in which she considers that it would be conducive to the public good to do so. So the new clause, although perhaps motivated by the best of intentions, is unnecessary.

I recognise the intentions behind new clauses 10 and 12, but we do not judge them to be necessary or appropriate. New clause 10 seeks to make provision for criminal sanctions against those who are present or who entered the UK without legal authority, but there are already criminal sanctions and removal and deportation powers in place to deal with illegal migrants. Section 24 of the Immigration Act 1971 in particular sets out criminal sanctions for various types of unlawful migrant behaviour, including illegal entry and overstaying.

Mr Christopher Chope (Christchurch) (Con): Does my right hon. Friend accept that, in 2013, the latest year for which I have statistics, there were only 72 convictions in magistrates and Crown courts for all the offences mentioned in section 24? Does he think the Government are taking the matter seriously enough?

James Brokenshire: I pay tribute to my hon. Friend for the way in which he has advanced these issues and underlined the need for us to remain focused on the removal of those who have no lawful authority to be here and to address those who have sought to come into the UK by clandestine means. The most effective way of dealing with those matters is to have an effective removal process, and that is why we are legislating in this way in the Bill. I also want to highlight the work that we discussed in our debate on the previous group of amendments. We are working to achieve a speedier and more efficient and effective use of detention and to determine how that plays into a more effective removal process more generally. The measures are already in place, but my hon. Friend's points relate fundamentally to our achieving more efficient and effective removal, which is an aim I share.

Richard Fuller: May I take my right hon. Friend back to new clause 2, which relates to the deportation of non-British citizens who have committed offences here? I am persuaded by his response to the new clause, which was tabled by my hon. Friend the Member for Enfield, Southgate (Mr Burrowes), but will he tell us a little more? I understand that there is a number of countries to which it is extremely difficult for us to deport people in these circumstances. Are moves such as we have seen in relation to Jamaican prisons relevant to this issue, and has any progress been made with those other countries?

James Brokenshire: My hon. Friend makes an important point. The issue of prison conditions is relevant, for example, as are prisoner transfer agreements and the bilateral arrangements that we have in place. Work is being done across Government on the return of foreign national offenders, which I know was a particular issue for my hon. Friend the Member for Enfield, Southgate, not simply in the Home Office, but in the Foreign Office, the Ministry of Justice and elsewhere, to look at these issues in the round and see what measures and mechanisms are available to us to enhance the process. My hon. Friend the Member for Bedford (Richard Fuller) was right to frame his point in that way. I assure him and my hon. Friend the Member for Enfield,

Southgate that we are taking a joined-up approach across Government to use the measures that are available to us to enhance our response in respect of returns.

New clause 12 seeks to create a system that requires non-UK nationals, including EU nationals, seeking leave to enter and remain in the UK to obtain legal authority to remain in the UK. I agree with much of the thinking of my hon. Friend the Member for Christchurch (Mr Chope), but new clause 12 essentially seeks to curtail the free movement of EU citizens to the UK under existing treaty rights. I am not sure that legislation is the right way to approach that.

The Immigration Act 2014 limits the factors that draw illegal migrants to the UK and introduces tough domestic reforms to ensure that our controls on access to benefits and services, including the NHS and social housing, are among the tightest in Europe. We believe that the way to bring about real change is through effective renegotiation with the European Union. My hon. Friend the Member for Christchurch will be well aware of the letter the Prime Minister sent to Donald Tusk, the President of the European Council, to set out our approach and the broader stance we seek to take.

New clause 14 would require the Secretary of State to amend the minimum income threshold requirement for sponsoring a non-EEA national partner and any non-EEA national dependent children to settle in the UK. That would undermine the impact of the minimum income threshold, which the courts have agreed correctly reflects the public interest in controlling immigration to safeguard the UK's economic wellbeing by preventing family migrants from becoming a burden on the taxpayer and by promoting their integration. A couple with income equivalent to the national minimum wage can still access income-related benefits and tax credits. A minimum income threshold set at that level would therefore not be sufficient to prevent burdens on the taxpayer once the migrant partner reached settlement and had full access to welfare benefits. It would also provide less support for the migrant partner's integration in society. That is simply not an adequate basis for sustainable family migration and integration.

Stuart C. McDonald: Will the Minister clarify his position on the rules that prevent potential income from a non-EEA spouse from being taken into account? That income is not a burden on the UK taxpayer, so why is it still the Government's position that it should be excluded?

James Brokenshire: As I have indicated, it is about creating a long-term stable position on what may be considered a burden. I underline that we continue to look at the specific rules on what is and what is not taken into account. I am happy to reflect further on the point that the hon. Gentleman has highlighted. The Government's approach has been challenged in the courts and the relevant monetary threshold has been upheld. We will continue to analyse experience and evidence in respect of this matter, but our judgment is that the way in which we assess what is counted is right.

New clause 15 would require the Secretary of State to amend the entry clearance rules for non-EEA national adult dependent relatives to remove the current requirement that the personal care needs of that relative cannot be met in their country of origin. Again, that would represent a significant dilution of the reforms implemented in

July 2012. The route for adult dependent relatives was reformed because of the significant NHS and social care costs that can be associated with these cases. The route now provides for those most in need of care, but not for those who would simply prefer to come to live in the UK. The family immigration rules that we reformed in the last Parliament are having the right impact and are helping to restore public confidence in this part of the immigration system. If personal care needs can be met in someone's country of origin, it is not right to allow them to travel to the UK for that purpose.

James Cleverly (Braintree) (Con): Is it not the case that many of the frictions between immigrant and settled communities relate to fears about the abuse of the health and care system, and that having a clear framework that makes explicit the limits of what we will and will not accept will go a long way towards calming the nerves of the host communities in respect of the new entrants to their areas?

James Brokenshire: I thank my hon. Friend for his intervention. That is what we have done. We must also ensure public confidence more generally about where costs should lie, and ensure that understandable concerns about access to healthcare are framed rightly. That is why we introduced the immigration and health surcharge in the last Parliament.

Amendment 39 seeks to restrict the power of immigration officers to examine someone in-country. As my hon. and learned friend the Solicitor General—he is sitting alongside me—said in Committee, the power to examine someone in-country is essential, for example when immigration officers are questioning persons who have been seen climbing out of lorries on motorways or at service stations, and who are therefore suspected of having entered the UK illegally.

Officers working in immigration enforcement do not conduct speculative spot checks. To examine a person after the point of entry, an immigration officer must have information that causes them to question whether someone has the right to be in the UK, as set out in the 1987 case of *Singh v. Hammond*. Our published guidance reflects that judgment, and makes clear that when conducting an in-country examination, immigration officers must first have reasonable suspicion that a person is an immigration offender, and they must be able to justify that reasoning. If the power of examination is limited only to the point of entry, the ability to conduct in-country enforcement operations would either be severely hampered, or it could risk unnecessary arrests.

Government amendments 3 and 4 are minor and technical, and replace “strip search” with “full search” to allay concerns that the person is stripped completely naked during such a search when that is not the case. We judge that the term “full search” more appropriately reflects the nature of the power.

Amendment 36 seeks to remove the power to conduct such searches from detainee custody officers, prison officers and prisoner custody officers when they are searching for nationality documents. As the Solicitor General said in Committee, the reality of detention is such that items are often concealed below clothing. It may therefore be necessary in some cases to remove the detainee's clothes to locate documentation and other items. Of course, such a power must be governed by

[James Brokenshire]

appropriate safeguards, and used only when necessary, and it may not be exercised in the presence of another detained person or a person of the opposite sex. Removing altogether the ability to search in that way would create an easy way for detainees to thwart removal efforts.

Amendments 27 and 28 are to clause 34. Section 94B of the Nationality, Immigration and Asylum Act 2002 allows human rights claims and deportation cases to be certified to require an appeal to be brought from outside the UK, where to do so would not cause serious irreversible harm or otherwise breach human rights. Clause 34 extends that power to apply to all human rights claims, but amendment 27 would remove that clause from the Bill. Extending such a power to all human rights claims is a Government manifesto commitment and builds on the success of section 94B, which was introduced by the Immigration Act 2014 and has resulted in more than 230 foreign national offenders being deported before their appeal.

The Court of Appeal recently considered two cases concerning the operation of that power. It held that the Government are generally entitled to proceed on the basis that an out-of-country appeal is a fair and effective remedy. The amendment would prevent the Government from meeting their manifesto commitment to extending that successful power, the operation of which has recently been endorsed by the Court of Appeal.

Amendment 28 relates to the best interests of children. It seeks to impose an obligation on the Secretary of State to conduct a multi-agency best-interest assessment for any child whose human rights may be breached by the decision to certify. The amendment is unnecessary because, before any decision to certify is made, the best interests of any child affected by that decision must already be considered. Section 55 of the Borders, Citizenship and Immigration Act 2009 imposes a statutory duty on the Secretary of State to consider the best interests of any child affected by a decision to certify. Where the person concerned makes the Secretary of State aware of the involvement of a child who may be affected by her decision, the Secretary of State will ensure that the best interest of that child is a primary consideration when deciding whether to certify. That consideration is supported by published guidance and will take into account all the circumstances of the case.

4.30 pm

On language requirements and devolved Administrations, amendments 1 and 34 relate to part 7—a measure to ensure that the public receive help, advice and support from their public services in fluent spoken English. Regarding Scotland, the English language duty applies only to reserved matters. Consent is not required for such application, but consultation is appropriate and I am grateful to Scottish Government officials considering the draft code of practice and its implementation. On Northern Ireland, it is right that we consider extension of the scheme there. But amendment 1 is defective as it needs to be limited to reserved powers, as with Scotland. We need to give further thought to how best to achieve the intent behind the amendment, and we intend to return to that issue in the other place.

I hope that with those comments the Government new clauses and amendments will receive the approval of the House.

Keir Starmer: I start by confirming that we see the sense in the Government new clauses—I think they are new clauses 3 to 7—intended to help local authorities such as Kent deal with unaccompanied children, and we support them. But that is the extent of the agreement on this group of amendments.

Amendment 29 deals with the removal of support for certain categories of migrants. Such removal is wrong in principle and likely to be counterproductive. All the evidence is one way—support for families facing removal is the best means of ensuring that they leave. By support, I mean not only support in the terms set out in the Bill, but support by way of help with obstacles, documents and advice. It is the families that are supported in that broad way that are most likely to leave, and thus the objective is achieved by having the support in place. By contrast, withdrawing support has the opposite effect.

Let us call a spade a spade. Withdrawing support for this category of migrants is a threat of destitution as a means of enforcing immigration rules. All the evidence suggests that it is counterproductive. The Minister mentioned the 2005 pilot, confident—I think—that I would also mention it. It was a pilot of the proposition that withdrawing support—threatening destitution—was likely to encourage people to leave and to alter behaviour. The results of that pilot were evaluated in 2006, and they were stark. Of the 116 families in the pilot, one family left as a result of the withdrawal of support; 12 sought help with documents; 32 families went underground; and nine were removed from the scheme because on analysis it was found that their claims should not have been refused. The pilot was considered a complete failure.

The evidence is not only a pilot some 10 years ago: it is practice since then, with successive and different Governments accepting that destitution, or the threat of destitution, should not be used as a means of enforcing removal because—among other reasons—it is wholly counterproductive.

The Minister says that the situation now is different, and he put forward two reasons. The first is that, under the proposed arrangements, families would have to prove there was a genuine obstacle to removal. I am not sure how far that advances the argument. The idea seems to be that putting the onus on the family to prove a genuine obstacle will make them less likely to go underground if support is withdrawn, but there is no rational link between the two propositions. Secondly, he says the process will not be by way of correspondence, but carried out in a more engaged manner. It is hard to see how that change, welcome though it is, will make a difference to the stark results of the 2005 pilot. The withdrawal will cause hardship, distress and anxiety and will be wholly counterproductive. That is one of the problems with the Bill: it does not meet its own objectives. The only basis on which the Government can advance these provisions is that they will make the UK appear to be a more hostile environment.

Destitution in the 21st century should not be a means of enforcing immigration rules, or any other rules, yet that is what lies behind the provisions. The whole House will accept that children should not be adversely impacted by the decisions of their parents, yet the Bill will visit those adverse impacts on them, because they will fall within the removal of support provisions. That led to great debate in Committee about whether this would

simply transfer the burden from one Department to local authorities, which are not going to stand by and leave destitute children unassisted. The provision, therefore, is wrong in principle and counterproductive, and not one that in the 21st century we should have anything to do with.

Turning briefly to appeals, I will start with the narrow issue of appeals on the question of support. Amendments 31, 40 and 30 would reinstate the right of appeal against Home Office decisions on support. This is where the Home Office has made a decision on support but it is thought that the decision is wrong. At the moment, the error rate is very high. Those in the House who were not on the Committee will be astonished to hear that it is as high as 60% in some cases. Under the Bill, those decisions could not be put right on a simple appeal. In Committee, the Minister said that the long route of judicial review would remain as a remedy, but I failed to understand then, and I fail to do so now, how it can be sensible or cost-efficient to remove a simple right of appeal in cases for which there is a high rate of success and to rely on the much more expensive route of judicial review by different principles. With a 60% error rate, it is unacceptable to withdraw the right of appeal.

In relation to that error rate and others I will mention, the argument that some decisions that are changed are changed because an individual provides additional information is no answer. The rate of 60%, and of 40% to 42% for general appeals, is high in any event, and there is no evidence to suggest that in the majority of cases an individual has not provided the necessary information. In any event, whether or not they have been properly advised about what information to provide, they should not be punished by the withdrawal of support where inappropriate.

On the wider point of appeal, amendments 27 and 28 deal with the extension of appeals to the wider category of individuals who will be removed before they can appeal. There is a general point to make about such appeals, which is that although there may be court cases establishing that these provisions or their forerunners do not extinguish the rights of appeal, there is no question but that they materially inhibit the right of appeal. The success rate under the current arrangements, of between 40% and 42%, is instructive—these are the cases where individuals have been removed, only in the end to succeed in their appeals. I accept that some in that group may well have succeeded earlier had different or fuller information been made available to the authorities, but there is a variety of reasons why that may have happened, including the advice that those people had been given. Removing first, before appeal, materially inhibits rights of appeal and it should certainly not be expanded.

Amendments 27 and 28 are intended to ensure that before a decision is made to certify any claim for out-of-country appeal, the best interests of any child affected must be considered. These amendments propose a specific provision to deal with a real problem, rather than the general provision that is already in place, and that is materially important for the children who will be affected by the extension of the rules on appeal.

I want to spend just a few moments on the family reunification issues. Part 11 of the immigration rules are very narrowly drawn, and my right hon. Friend the Member for Normanton, Pontefract and Castleford

(Yvette Cooper) has given a powerful example of the injustice that they can and do inflict. New clause 1 is intended to remedy that, and I am sympathetic to it, but we have tabled new clause 11, which proposes a wider review of the refugee family reunification rules. New clause 11 has the advantage of covering the failure to implement the Dublin III convention, the advantage of enabling the review to consider an option to allow British citizens to sponsor close family members recognised as refugees or granted humanitarian protection, and the advantage of looking at options for extending the criteria for family reunion in the way envisaged by new clause 1.

Mr Chope: I rise to speak to my two new clauses. In so doing, I want to thank the Minister for telling me all the reasons why he does not support them, although he was generous enough to say that he agrees with the principles that lie behind them.

The second of my new clauses, new clause 12, could well be a blueprint for what happens after the country decides to leave the European Union in the forthcoming referendum, because it sets out the way in which people who are already in this country would be able to obtain the right of residence here, as well as some of the associated rules to ensure that those without the right of residence would be the subject of criminal sanctions.

Before coming to that in more detail, I want to refer to new clause 10 and some of the background to it. New clause 10 is modelled very much on a private Member's Bill that I have brought forward on a couple of occasions for debate in the House, the *Illegal Immigrants (Criminal Sanctions) Bill*. The Bill had the privilege of being the subject of an opinion poll, which was conducted by the noble Lord Ashcroft in June 2013. The findings were that some 86% of those polled supported the provisions of the Bill and only 9% were against them, so this is a new clause that strikes a chord with the British people.

The reason I have brought those provisions forward again is that, despite previous debates, it seems that the statistics on how many people are being prosecuted and/or convicted for offences under section 24A of the *Immigration Act 1971* are going in the wrong direction. In 2009, the number of people proceeded against and convicted both in the magistrates courts and the Crown courts for offences against that section was a giddy 158. For every year after 2009 the number had fallen, and by 2013—the last year for which figures are available—the number found guilty in the magistrates courts had fallen to six and the number convicted in the Crown courts had fallen to 66, making a total of 72 convictions for a widespread range of criminal offences against our immigration laws.

4.45 pm

This means that section 24A is in effect not being enforced. Meanwhile, clause 8 of this Bill will add a new section 24B, which introduces the offence of illegal working by people subject to immigration control. One wonders whether this offence, if enforced as rigorously as the more serious offences under section 24A, will actually achieve anything of substance. Perhaps it is more of a presentational issue so that the Government can show that they are doing something and attempt to win public support on that basis. I hope that there will be time for my right hon. Friend the Minister for Immigration to respond and to explain how many people

he thinks will be subject to prosecution under the proposed new section 24B for the offence of illegal working. I hope he will also explain why there have been so few prosecutions under the existing section 24A.

It is always much easier to go for the people with resources, the people who are trying their hardest to run businesses, often small businesses, which is why clause 9 penalises them for employing illegal workers, even though they are already to a certain extent subject to civil penalties. In 2013-14, there were 2,150 civil penalties for such offences. When it comes to the employment of illegal workers, particularly where the workers are themselves illegal immigrants, one would have thought that the first port of call would be to sanction the illegal immigrants rather than the people they duped into employing them.

Some offences are designed to deal with people who are in the United Kingdom with permission, but are subject to immigration control; and this in a sense reinforces my concern. If we are introducing new sanctions against those who are here lawfully but are subject to immigration control, surely we should be even harder on those who are here unlawfully and are trying to avoid any immigration control.

That is the background to new clause 10. It does not simply re-enact the provisions of section 24 of the Immigration Act 1971, as it includes more specific proposals that are set out in subsection (4), whereby:

“Any person who is convicted of an offence under subsection (1) shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against the public interest.”

Subsection (5) states:

“For the purposes of subsection (2) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the court.”

Another problem with the enforcement of our immigration laws is that too few people are being deported, because too few are being made the subject of deportation orders. One reason for that is the fact that a person who is prosecuted and whom the authorities seek to deport has a right of appeal against deportation, with all that that entails. The authorities often do not seek to deport people, preferring to allow them to—in a sense—lie low. There is, indeed, a perverse incentive for people to lie low in our system.

As we know, there are perhaps half a million illegal immigrants in the country at present. That is very much a ballpark figure, but it makes the number of prosecutions and convictions in 2013—72—seems paltry in the extreme. One is entitled to ask the Government, “Can we take you seriously when you are doing so little to deal with people who are here illegally, and thereby to deter others who may be tempted to come here illegally?” I think that we need to introduce a new offence of being in the United Kingdom without legal authority. The prosecution would then not need to prove how a person had come into the United Kingdom, because that person’s mere presence in the United Kingdom without legal authority would make him guilty of an offence.

There is another practical side to the matter. At present, if someone jumps out of the back of a lorry on a motorway, in a layby or at a service station, and members of the public are concerned and call the police, the invariable practice of the police is to say to the potential illegal migrant, “You should not be here; you must go

and report to the Home Office in Croydon.” They do not arrest them or initiate a prosecution because, I am told, they do not think that the powers of prosecution in the Immigration Act 1971 are adequate to ensure that it is worth their while. Rather than facing the hassle of arresting someone on, for example, the A31 in my constituency who has come in illegally through the port of Poole and has jumped out of the back of a lorry, and initiating a prosecution, the police tend to say, “You should not be here; be on your way; you should leave the country.”

I witnessed what was almost a similar situation on the island of Kos about a month ago. Members of our Border Force who were on secondment to Frontex were dealing with a large number of migrants who had crossed the water from Turkey, a distance of some 3.5 km. Those migrants were merely being processed. They were not being sent back to Turkey, and they were not being told that they were subject to any sanctions. All that they were being told was that they should not be in Greece, and should leave as soon as possible. That was a farcical situation. It was a waste of resources for our Border Force people to be involved in Frontex, with no powers to do anything about illegal migrants coming into the European Union and the Schengen area, when they would have been better employed protecting our own shores and borders. That is the background to new clause 10, and I hope the Government will start to prosecute more and take the offence of being here in the UK without legal authority much more seriously than seems to be the case at the moment.

We know that another reason people are attracted into the UK illegally is that we do not have any system of identity cards, so people think that once they have got here unlawfully they can lie low, sometimes for many years, and carry on below the radar while still being illegal migrants.

New clause 12 would repeal section 7 of the Immigration Act 1988, which effectively gives EU citizens who are not citizens of the UK rights equivalent to citizens of the UK in relation to residence in this country and goes to the heart of the issue of free movement of people across EU borders. I do not think there is any longer a case to be made for allowing EU citizens to have a special status compared with citizens from other parts of the world who may in our view have a greater entitlement to be in this country and whose presence in this country might be more conducive to the national interest.

This subject was discussed yesterday by the Scottish Affairs Committee when it met in Aberdeen and was examining the subject of post-study work visas. It became apparent that the extraordinary status of students from the EU was making it much more difficult for the fine Scottish universities to recruit people from foreign countries outside the EU, many of whom might make very good undergraduate or graduate students.

This is relevant to the whole issue of free movement of people, and I can understand why my right hon. Friend the Minister would not wish to anticipate the result of the forthcoming referendum and accept new clause 12, but I think this sets out the way in which we would be able to assure people who were already in the UK that they would be able to stay in the UK in the event of the people of the UK deciding to vote to leave the EU.

New clause 12(2) refers to the European Communities Act 1972. Without that subsection the new clause would be nugatory in the same way as the amendment debated in relation to women's sanitary products and VAT was nugatory because it did not include the provision to exclude the provisions of the 1972 Act.

Subsection (3) states:

"The Secretary of State shall by regulations prescribe the content of application forms for registration certificates and for the grounds on which an application made may be granted or refused and arrangements for appeals and final adjudications."

Subsection (4) sets out a timescale within which such a registration certificate scheme would become operative. The result of that would be that we knew who was in our country. It is a pretty basic question: who is in our country but not currently a United Kingdom citizen? The Government are in no position to answer it. By the use of registration certificates, we would be able to ensure that we were not burdening UK citizens with an identity card system and that those who are not UK citizens would be able to exercise their privilege of continuing to be in the UK only if they had a registration certificate showing that they had a right of residence in our country.

5 pm

There is no point in having a command without a sanction, so subsection (5) states:

"Any person present in the United Kingdom after 31st December 2016 without legal authority or without having applied on or before 31st December for a registration certificate...shall be guilty of an offence."

Anybody who after that date enters or attempts to enter the United Kingdom without legal authority would also be guilty of an offence. The new clause then sets out the penalties that would apply and states:

"Any person who is convicted of an offence under subsections (5) and (6) shall be subject to a deportation order"

unless that is certified to be "against the public interest."

That would significantly tighten up our immigration rules and would make life much easier for employers, particularly small employers. If the person was not able to establish that they were a British citizen when they were applying for work, the employer would be able to ask them to produce their registration certificate demonstrating a right of residence—and why not? We would also be able to ensure that people who were not entitled to be here were deported.

Another consequence of having new criminal offences as set out in new clauses 10 and 12 would be that people would often choose to leave voluntarily rather than face those criminal sanctions. I know the Minister is keen to ensure that as many people as possible who are not entitled to be here leave the United Kingdom voluntarily. These two new clauses would give them an extra incentive to go, because they would be able to avoid prosecution if they were to leave the UK—it is almost a type of plea bargain. The measures would reduce the administrative costs, too.

We cannot be complacent about the situation we are in at the moment. We have record levels of net migration, far in excess of what the Government pledged in the Conservative party manifesto. We have record numbers of people who are in our country illegally and of people in this country about whom we know nothing. We have a golden opportunity in this Bill to rectify some of

those lacunae in our law and to set out a framework within which we can operate in the future and thereby minimise the number of people who are in this country illegally and in breach of our immigration rules.

Yvette Cooper: I wish to speak to new clauses 1 and 11, which focus on the response that we should have to the refugee crisis and the way in which the family reunion rules for refugees are simply not working. The background to this is that the European refugee crisis is showing no signs of easing. Nearly 1 million refugees have travelled to our continent this year. Some 700,000 people have travelled through Greece and, in the final weeks of November, almost 3,000 people were arriving on the tiny island of Lesbos by boat each day—this is even in the November cold. A huge number of refugees are stuck in the Balkans, often in very difficult and increasingly harsh weather conditions; there are refugees camps in Idomeni, on the Greek border, and thousands more refugees are in Serbia, including unaccompanied children. Other countries in Europe are doing considerably more than us, and I continually urge the Government to do more, as we need to do our bit to support the refugees. I am talking about those not just in the camps in the regions, but those who have fled to Europe.

Tomorrow the Prime Minister will argue that Britain should not stand back and let other countries shoulder the entire security burden that stems from the events in Syria. That will be a powerful point for him to make, but what follows from that is the fact that we should not stand back and allow other countries to shoulder so much more of the burden of responding to the refugee crisis, especially as we are not doing enough to help.

This year, Britain will take just 1,000 refugees from Syria, and yet 3,000 arrive each day in Lesbos. I was struck by what the Minister said about asylum shopping. Given that we had only 25,000 asylum seekers in Britain last year, compared with 700,000 in Germany, how can he seriously talk about asylum shopping? In fact, what we are talking about are families who have been split up by a terrible refugee crisis and who simply want to be together. Families have been ripped apart by a bloody and brutal civil war in Syria. Parents have been torn apart from their children and brothers apart from their sisters.

I have met Syrian children on their own in refugee camps. There are 11 and 12-year-olds desperate to be reunited with their families. Our current rules make it very hard to reunite families of refugees who have been split up by the crisis. The British Red Cross is currently supporting an Iraqi refugee who hopes to be reunited with his wife and two daughters, one of whom is disabled and has the mental age of a seven-year-old. She is entirely dependent on her mother, but she is over 18 and so is not eligible to come to the UK under the Minister's family reunion rules for refugees. She is stuck in Iraq, and the strain of being a sole carer is taking its toll on her mother.

Another case of the Red Cross is that of a 15-year-old boy whose parents have both been killed in the war and whose brother has been granted refugee status in the UK. He has not registered an asylum claim anywhere in Europe, but has had his fingerprints taken in Greece. Understandably, his brother wants him to join him in the UK, but he is currently not eligible and has been told to return to Greece where he knows no one and has

[Yvette Cooper]

no prospects. He is now in Italy, but is getting no support from the state and is living with another Syrian family. His brother is incredibly worried about his safety, as he feels that he is at risk of being exploited by gangs of traffickers, which, as we know, is what happens to many unaccompanied refugee children.

When I was in Calais a few weeks ago, I met a single mother with two small children. She thought that her husband had been killed in an Assad jail. The family were living in a small caravan and tents in the mud in Calais. They had left Syria and been financially supported for a while by her father-in-law, but he can now no longer afford to support them. She told me that her own father and brother were here in Britain, and that was why she had paid money to people traffickers to travel across Europe to try to join them, as they were her only remaining family. She said that they could support her here in Britain. *[Interruption.]* The Minister says what about Dublin. What a good point. What about Dublin III, because, in so many cases, Dublin III should help to reunite families, but it does not do that? It is not working,

Quite a few people I talked to in Calais probably would have a case under the Dublin III arrangement, but there was no process for them to apply to. Those who had looked at it were told that the French procedures and the bureaucracy would not allow it and that it was too difficult. This is why new clause 11 is so important. It urges the Minister to look at the way in which Dublin III is being implemented across Europe. Clearly, there is a huge problem here, and it could be what is driving some of the illegal migration. It could also be driving people to take huge risks at Calais. Why are they trying so desperately hard to get to Britain? Why are they not going to Germany, Sweden or other countries? Many of them told me that it was because they had family in Britain, and they were people who ought to have refugee status. Their claims were not being assessed so they were taking huge risks, causing security risks for the Eurotunnel trains and causing great problems. They were stuck in the mud in the cold winter of northern France. Much of this is to do with what France and other countries need to do, but I urge the Minister to review Dublin III. It is just not working in practice for too many of the refugees who are fleeing terrible conflict.

When many refugee families have been hit by crisis, persecution or war, they may lose their closest family members. They may no longer have the parent or the child that current family reunion rules cover. Their nearest relative may now be a brother or sister or someone who is not covered by the existing rules. That is why it is so important to look at the wider family relationships of refugees.

My intention in drawing up new clause 1 was to make it easier to reunite refugee families and to help refugees whose closest family are already refugees here in Britain to get sanctuary here too. That would cover the case of the 19-year-old in Beirut that I raised with the Minister, and the woman whose disabled child is over 18 but still needs her parents. It is not my objective to rewrite the wider immigration rules for those who are not refugees; that is a different debate. I want to concentrate on those who are refugees. I recognise that new clause 1 is not the simplest way to do this because it is primary legislation when the matter would be dealt with better through immigration rules. Further changes to immigration rules

would be needed alongside new clause 1 to ensure that the measure was focused on those fleeing conflict rather than wider family who are not refugees.

The new clause is an attempt to focus the Minister's attention on the plight of families who are being separated all across Europe and need to be reunited. We should, out of compassion and as part of our support for refugees and for families and the family values that we hold dear, make more attempt to reunite families. It would be the best way for us to increase the number of refugees that we in Britain take. The Prime Minister set a target of 20,000 over the next five years, but we know that only 1,000 of those will be here before Christmas if the Government's targets are met. They will need to go beyond that. The refugee crisis is not going away, and the most sensible, simple and fair way to provide more support for those who already have family here who could support them is for us in Britain to give them sanctuary.

We cannot make the debate on Syria simply one about security. It has to be about refugees and compassion as well. I know that the Government have done much to help refugees in the region, and I have praised them for doing so many times, but it is not an alternative to doing our bit to reunite families. There are so many ways in which the Government could do this; we have set out a series of ways in new clause 1 and in new clause 11. I have always sought to work on a cross-party basis and to build the biggest possible consensus. I urge the Minister in the same spirit to look carefully at what more he is able to do to help reunite some of the desperate refugee families who really need our help.

Kelly Tolhurst: I am sure that my hon. Friends and Opposition Members who served on the Public Bill Committee will agree that the debates were thoughtful and informative. I was extremely pleased to be a member of the Committee. Like my hon. Friends the Members for Castle Point (Rebecca Harris) and for North Dorset (Simon Hoare), in the past 12 months, as I have knocked on thousands of doors, I have found that immigration has been a big issue for my constituents. It has not been very often that I have knocked on a door and people have not raised this issue with me. I was therefore extremely pleased to be on the Bill Committee and to listen to the debate and hopefully increase my knowledge of certain aspects of the Bill.

5.15 pm

It is evident from the debate today and on previous occasions that we often confuse the various categories of immigration, such as asylum seekers, refugees, non-EU immigration and European immigration. So often I hear Members on both sides of the House talk about them as one, rather than as different categories of immigration requiring different measures to tackle them. That is frustrating for me and for my constituents.

Immigration is not static. It is changed by the various factors affecting world migration, such as the economy and what we have seen this summer, leading to terrible pictures of refugees. It is right that the UK adapts its policies to reflect current pressures and those changeable factors, and it is right for the Government to introduce Bills containing measures to deal with the current situation. The Bill and some of the amendments focus on tackling illegal immigration.

As I have mentioned, I represent Rochester and Strood in Medway in the county of Kent. Over recent months and years we have been on the frontline of attempts to gain entry to the UK by clandestine routes. We have all seen the images of desperate people putting their lives at risk to get into the country. This has caused economic damage to the county and brought significant pressures such as those caused by Operation Stack.

I am pleased to see the Government amendments on unaccompanied minors. As I said on Second Reading, Kent has seen a great increase this summer in the number of unaccompanied children arriving in the UK. This has put pressure on social services at local level. As we all know, it is difficult to recruit social workers and there is great pressure on social care from a domestic point of view. Those pressures have been felt in Kent, in my constituency and across Medway. I very much welcome the Government new clauses.

Unfortunately, I cannot support the family reunion clauses tabled by the Opposition, particularly new clauses 1 and 11. When individuals have followed the correct procedures to obtain entry to this country and to seek asylum, it is right that they are supported. But when those measures have been exhausted, the British taxpayer should not have to pick up the burden of looking after failed asylum seekers. I thank my right hon. Friend for introducing the relevant new clauses. I was interested to hear him say that the cost to the British taxpayer is estimated to be £73 million.

The Opposition new clauses on unaccompanied minors could potentially be seen as a way of jumping the queue. For example, an unaccompanied minor could sponsor their parents to come to the UK. We absolutely do not want to separate families, but people should follow the correct procedures and the provision should not be seen as a way of trying to jump the rules to obtain entry to this country more quickly.

The new clause sends the wrong message. People in my constituency will have been troubled by, or have had some concern about, some of the things that have been said—not necessarily in this debate, but during prior discussion. I absolutely support the Government amendments that I have discussed and I look forward to casting my vote later.

Stuart C. McDonald: Like the hon. and learned Member for Holborn and St Pancras (Keir Starmer), we believe that the provisions on support are among the most draconian parts of the Bill; I agree with the Minister to the extent that the disagreement is one of principle.

In our view, provisions that seek to use the further deliberate infliction of destitution, including of children, as a tool of immigration policy must be thoroughly opposed. The provisions fly in the face of evidence, are counterproductive and show a grim lack of compassion. We support all amendments seeking to prevent, or at least limit, the damage. They include amendment 29, which would remove clause 37 and therefore most of the damaging changes, and amendments 30 and 31, which would preserve all rights of appeal against decisions to refuse support. Amendment 40, tabled by Scottish National party Members, would ensure that families with children who are minors received section 95 support until they left the country.

The Minister referred to the pilot carried out by the last Labour Government, and that is still relevant to what is being proposed today. Similar proposals were abandoned because of the results of the pilot. It is interesting to look at the comments about the project made by the Joint Committee on Human Rights:

“The section 9 pilot has caused considerable hardship and does not appear to have encouraged more refused asylum seeking families to leave the UK... We believe that using both the threats and the actuality of destitution and family separation is incompatible with the principles of common humanity and with international human rights law and that it has no place in a humane society. We recommend that section 9 be repealed at the earliest opportunity.”

We believe that the same should happen to the equivalent provisions in this Bill.

Sadly, the Government have in their sights not only children but those who arrived as children and are now young adults. Rather cruelly, young care leavers will be prime targets. That is why we have tabled amendments 42 to 45, which would ensure that young people leaving local authority care were able to access leaving care support under the Children Act 1989 without discrimination. Amendments 42 and 43 would remove the provisions, added by schedule 9, that would prevent local authorities from providing leaving care support under the 1989 Act to young people who were not asylum seekers and did not have leave to remain when they reached age 18.

Amendment 44 would enable local authorities to provide leaving care support under the 1989 Act to young people who did not have leave to remain and were not asylum seekers. Finally in this group, amendment 45 would provide for the Secretary of State to make funding available to local authorities, as the specialist agency responsible for care leavers, to meet the duties, set out in the 1989 Act, to the latter group of care leavers.

Our amendments 39 and 36 bring us back to what I said about the first group of amendments relating to the broad powers, which we seek to rein in, proposed for immigration officers. Despite what the Minister says, those include powers for detainee custody officers, prison officers and prison custody officers to strip search detained persons for anything that could be evidence of their nationality—a very broadly defined power. The Minister points out that Government amendments 3 and 4 propose changing the name of the search from “strip search” to “full search”, but they do not in any essential way change the extent of the powers, which, to all intents and purposes as far as I still understand them, are basically strip search powers. For that reason, provision on the gender of the persons present during the search is made in clause 25(8). Our amendment 36 would remove the proposed power for custody officers to strip search detainees for documents that “might” establish a person’s nationality or indicate

“the place from which the person travelled to the UK or to which a person is proposing to go.”

Going further, we seek to tighten schedule 2(2) of the Immigration Act 1971. This power ostensibly deals with individuals on arrival in the UK for the purposes of determining whether they have or should be given leave to enter or remain. It has been used by the Home Office as justification for conducting speculative, in-country spot-checks involving “consensual interviews”. Amendment 39 would expressly limit this power to examination at the point of entry. The Minister argues that our amendment makes the power too tightly drawn, but in our view it is far better for intrusive powers to be tightly drawn than drawn broadly and arbitrarily.

[*Stuart C. McDonald*]

The other atrocious provisions that amendments in this group seek to attack are those which provide that people should leave the UK even before their appeal against a Home Office decision has been heard. Amendment 27, which has support from Labour as well as SNP Members, would remove the offending clause 34, which extends powers of certification introduced by the Immigration Act 2014 to mean no longer just “deport first, appeal later” for those convicted, but “remove first, appeal later” for all. To us, these provisions are madness. They will mean people having to give up jobs, studies and family life while appeals are ongoing. Families could be separated for lengthy and unknown periods until their appeal is finally determined.

All this comes against a background of constant criticism of Home Office decision making, including in a recent ombudsman’s report. We should bear in mind that in 2014-15 42% of managed migration appeals and 42% of entry clearance appeals were successful. In 2013-14, the figures were 49% and 48%. Thousands of people could have to leave for several months because the Home Office got it wrong. The danger is that appeals will not be pursued or will be pursued inadequately given the costs of pursuing an appeal as a privately paying client from overseas.

Joanna Cherry: My hon. Friend will be aware that Home Office statistics state that only 24% of appellants removed under the current “deport first, appeal later” provisions go through with their appeals. Does he agree that this suggests that extending those provisions will make it much harder—in fact, probably impossible—for the majority of these appeals to go ahead? Is it not inherently unfair to hold appeals with the appellants unable to make their own case in person?

Stuart C. McDonald: I am grateful for that intervention and entirely agree with my hon. and learned Friend.

The Government seem to be attempting to cut net migration not just by limiting the class of people who can come under the rules but by making it nearly impossible for people to exercise their legitimate rights to stay. This is scraping the barrel of immigration control measures, and I will want to test the House’s opinion on that.

We regard as utterly unnecessary the part 7 provisions on the English language. Our amendment 34 would ensure that part 7 will not come into force in Scotland without the consent of the Scottish Parliament. We have faith that our public authorities, whether reserved or devolved, can determine that a worker has the necessary skills for the job, including speaking fluent English, and that normal complaints procedures would deal with any problems, as with any other complaint about competence. Part 7 creates unnecessary bureaucracy and is a clear example of immigration theatre and tokenism.

A number of other Members have made brave attempts to bring a silver lining to the cloud provided by this grim Bill. New clauses 11 and 1 seek to expand the range of people qualifying for refugee family reunion. I have asked questions, written letters and spoken in this Chamber on this point on several occasions, so I am very happy to provide my backing for such attempts. In the face of the most dreadful refugee crisis since the

second world war, surely this is a sensible option that we can all support. Broader family reunion means that people we know should logically be sheltered in the United Kingdom do get to come here. This is the logical place for them because they have family support here and so will have help with accommodation and integration, for example. They will often even pay for their own flight. With little trouble for the Government or the taxpayer, we can extend a hand of friendship to more of those fleeing dreadful war and persecution.

Three amendments in the name of the right hon. Member for Orkney and Shetland (Mr Carmichael) similarly seek to bring some light from the darkness. Amendment 2 would introduce permission to work for those seeking asylum who have been waiting six months for a decision. My colleagues and I recognise that this is a positive step forward, and it has our backing. We also thoroughly welcome new clause 14 as a step forward in overcoming the unduly onerous financial thresholds attached to family visas, which the Children’s Commissioner for England recently reported had created thousands of what she called “Skype families”—British children able to communicate with a parent only over the internet. New clause 15 would improve rules relating to adult dependent relatives by removing unnecessary criteria, and it again has our full support.

5.30 pm

Our amendment 37 makes provision for automatic judicial oversight of detention after eight days, then after a further 28 days and again every 28 days for so long as the detention lasts. Such judicial oversight will be particularly necessary if the Government persist in refusing to put a proper time limit on detention. Some of the most vulnerable people are least aware of their rights, including their right to bail, so automatic bail hearings will ensure that they are not detained unnecessarily. Finally, our amendment 38 makes provision for an impecunious detainee to be furnished with an address to facilitate their applying for bail, as without an address they are unlikely to be granted it. In our view, the Bill as drafted is ambiguous and risks being read as suggesting that a person coming out of detention can be given support only when they have been granted bail. I urge all Members to support these small rays of light.

Gavin Robinson: I appreciate the opportunity to address the House again on Report, Mr Deputy Speaker. It is a pleasure to follow the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), whose stewardship this afternoon has been thoughtful and thought provoking.

There is one amendment in my name, although I cannot entirely take the credit for it, and I may move slightly away from it, given what the Minister said earlier. It relates to part 7 on the requirement on public services to employ English speakers, with some exceptions for jobs outside mainland UK and so on. I had the opportunity to raise this issue on Second Reading. My first observation was that I was amazed it was not already a requirement. I cannot think of any engagement I have had with any public servant in this country who was unable to speak our language fluently. I also said that I hoped in my contributions in the Chamber and elsewhere to speak English just as well as every other resident of Northern Ireland. Yet the Bill specifically excludes the provisions in part 7 from applying to Northern Ireland.

Mr Burrowes: I share the hon. Gentleman's surprise that there is not already such a requirement. Does he share my surprise that in areas of public life, not least in Enfield, there are councillors who themselves perhaps would not be able to pass the test of being fluent in verbal or indeed written English? [*Interruption.*] Yes, councillors.

Gavin Robinson: It is a wonderful tenet of our democracy that if people wish to choose an individual to represent them irrespective of their linguistic gymnastics, and are satisfied that that person will do so ably and capably, it should be within their gift to endorse them. However, when it comes to those employed in our public services throughout the UK, I think not only that this should be a requirement, but that it should apply in Northern Ireland as well.

Having made such points, it is fair to recognise what the Minister outlined in his opening speech on this tranche of amendments. He said that there are implications for the devolved Administrations and institutions, and that what has been fairly replicated for the devolved Administration in Scotland should most properly have formed the basis of our amendment 1. I accept that point, so if he considers the amendment defective, I will take that on board. However, the principle is well worth pursuing. He helpfully outlined that the Government intend to look at the issue again in the other place, which I welcome.

James Brokenshire: It may help the hon. Gentleman to say that, as I indicated in my speech, certain drafting issues need further attention to make the provision effective and consistent with those in the other nations of the UK, but we certainly intend to return to it in the Lords.

Gavin Robinson: I am grateful to the Minister for his comments.

While we are on that topic, may I suggest that there is further work to be done in the other place? Schedule 11 relates to maritime enforcement. Reference was made on Second Reading to the failure of the schedule to mention the Belfast harbour police. I think the Minister took on board the fact that it is a properly constituted, legitimate authority that is mandated to operate within the port. It is a private police force, but it looks after the security of the port. I believe that an additional provision relating to the Belfast Harbour Police could be inserted into the Bill in the other place, should the opportunity to do so arise and should such a provision have the Government's backing. If we are intent on pursuing the thrust of the Bill, and the protections that the maritime provisions will provide, it is important that we give that matter consideration in the other place.

I want to raise a couple of issues that have arisen in recent years that relate to immigration in general and to the UK Border Force in particular. They relate to the new clauses and amendments, so I shall not be straying too far from the subject. Border Force runs a skeleton operation in Northern Ireland. In fact, one could easily be forgiven for thinking that its effective operational role related only to mainland GB.

There are ferry links between my constituency of Belfast East and that of my right hon. Friend the Member for Belfast North (Mr Dodds), and the constituency that Stranraer rests in. I am struggling to

remember which one that is, but I think it is Dumfries and Galloway. Stena goes there. UK Border Force will be waiting in Scotland for anyone travelling from our part of the UK to that part of the mainland. Should anyone wish to board the vessel in Belfast in a vehicle, they will not be searched or questioned at all. Foot passengers will go through more invasive security procedures, but the immigration screening does not take place in Belfast. That omission should be looked at.

I want to mention the case of Myriama Yousef. She is a wonderful character who sought asylum in Belfast and received great assistance from the Belfast Central Mission, the Methodist church in the city. I have to be careful about the terminology I use to describe her case. She is either a failed asylum seeker or a refused asylum seeker. She is someone who sought asylum in the United Kingdom and was turned down. She had to spend time in the Larne House detention centre, which is located within the Larne PSNI station. Anyone with any knowledge of security arrangements in Northern Ireland will know that the police stations there are not the most welcoming or inviting places. That is a consequence of our history. Anyone who is detained for immigration reasons in Northern Ireland is held there, in what looks like a military compound, with sangars, high fences, security lighting and security cameras. It is not an acceptable place. Myriama Yousef was deported to the country from which she had entered the UK. She was removed to Dublin, at which point she immediately got on the Ulsterbus, paid her £8.50 fare and was back in Belfast within two hours. Following her subsequent detection, she was brought to Yarl's Wood.

Another case relates to a point made by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). She talked about a 19-year-old in Beirut who was separated from her family, but this case relates to Johnny Sandhu, an Indian-born solicitor from Northern Ireland who operated in Limavady. He was detected in the serious crime suite inciting a member of the Ulster Volunteer Force to commit murder so that they could evade prosecution. He was subsequently jailed for 10 years and, on his release, he was deported back to India. His family, who relied on him, were left in Northern Ireland. His children, who were going through the education system and doing their GCSEs at the time, were not in a position to up sticks and leave, but their father was never in a position to come back to the United Kingdom.

I would be grateful if the Minister considered cases such as that and the one raised by the right hon. Member for Normanton, Pontefract and Castleford to see how we can be a little more compassionate and recognise that, when someone's 18th birthday strikes, they do not cut all ties or lose all connection with their family. We should consider how we, as a country, can best ensure that the family unit is held together.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): On Second Reading, I described the Bill as heinous. My experience as a member of the Bill Committee has not altered that impression. The Bill is divisive and disproportionate, and it ultimately lacks a credible evidence base.

The evidence sessions were embarrassing for the Government because the vast majority of the oral and written evidence the Committee received was damning

[Gavin Newlands]

of their proposals. Witnesses from the private, public and third sectors sent the underlying message that the Bill lacks a proper evidence base, is not necessary and is merely being brought about to appease the right wing of the Conservative party and UKIP.

I take issue with part 5, which, among other things, proposes to remove support from those whose asylum applications have been refused. That blanket approach does not allow for the consideration of personal circumstances, nor does it protect families with children. We heard evidence from a number of organisations that voiced concern, shock and deep disgust over part 5, particularly in respect of how it might affect the welfare of children.

In giving evidence, Ilona Pinter of the Children's Society said:

"We think the risks for children from this provision are very serious indeed. Essentially, it would see families becoming destitute—they would no longer have accommodation and financial support under asylum support. That obviously brings with it a whole range of risks, from families being street homeless to families having to move around, potentially for short periods of time, to stay in potentially unsafe accommodation."—[*Official Report, Immigration Public Bill Committee*, 20 October 2015; c. 72, Q165.] Even Lord Green of Deddington from Migrant Watch, with whom I disagree on almost everything else, agreed that asylum seekers with children whose claim has been refused should be treated differently.

Part 1 sets out ambitions to reduce the exploitation of migrants. However, when individuals and, in particular, parents with children are pushed into a vulnerable situation, they are forced into making rash and desperate decisions that only increase their vulnerability and the dangers they face. Most reasonable people would accept that we have a responsibility towards those who have had their asylum application rejected. Amendment 29 seeks to ensure that we continue to uphold that responsibility.

Amendment 29 seeks to omit all the changes to support that have been made by the Government by removing clause 37 and schedule 8. Assuming that the Government are not minded to accept such a wholesale change, amendment 40 would ensure that some protection exists for the children of the families affected.

The Government have attempted to simplify the support that is provided in the immigration system by moving from two sets of regulations whereby asylum seekers can claim support to four sets of regulations dealing with support by local government and central Government. That is not simplification as I understand it. Under the Bill, local authorities will be legally prevented from providing support to families, including those with young children, when there are

"reasonable grounds for believing that support will be provided" by Home Office provisions. In practice, that might create dangerous gaps in the system where support is not provided to vulnerable families.

It is worth repeating the horrendous story of the one-year-old boy, EG, who died in 2012, followed two days later by his mother, when they were left in limbo between two different types of support. In responding to that example, the Minister stated that the gap in provision was between support from two different Departments. I accept that, but can he guarantee with

absolute certainty that his proposals will result in no gaps whatsoever between the support people receive from central Government and local government?

The changes that are proposed by the Government will create a significant financial and administrative burden for local authorities. The Government claim to have consulted widely, but the Scottish Government and Scottish local authorities were not content with the level of consultation from the Home Office before the introduction of these provisions.

The underlying reason for removing support from failed asylum seekers is to allow the Government to expedite the removal of affected parties.

Margaret Ferrier: As my hon. Friend says, the Bill proposes the removal of support from those who are due to be deported. That will obviously have an impact on the children of the families who are affected. To give some context, is it not the case that this support amounts to just over £5 per day? Removing that bare minimum amount of support will not lead to refused applicants being removed from the UK any quicker. We should support families until they are deported from the UK.

Gavin Newlands: I could not agree more with my hon. Friend. In Committee we tabled an amendment to try to ensure that support was pegged at 60% of income support, which would have increased support by just over £1 a day. It is not a massive amount of money—I am not sure that many Members of the House could survive on just over £6 a day.

5.45 pm

Evidence suggests that removing support from refused asylum seekers does nothing to make it easier or quicker to deport families from the UK. The 2005 Home Office pilot study attempted to remove support from refused asylum seekers—the hon. and learned Member for Holborn and St Pancras (Keir Starmer) touched on that point. It concluded that ending support for asylum seeking-families had no influence in encouraging people to be removed from the UK. That view was echoed by Peter Grady from the Office of the United Nations High Commissioner for Refugees, who stated that

"it was noted in our evidence that we had concerns whether removing support would meet the objective of encouraging return, or disincentivising staying, particularly for families of refused asylum seekers."—[*Official Report, Immigration Public Bill Committee*, 22 October 2015; c. 134, Q284.]

The Government's new approach to removing support allegedly differs in three respects from the 2005 pilot study, but aside from moving the onus to prove that a genuine obstacle to their departure exists from the Home Office to the claimant, and hollow promises to work more closely with refused asylum seekers, nothing has really changed. The Government are not learning the lessons from previous pilot studies, and they are bound to repeat the mistakes of the past, with families being forced into a vulnerable and difficult situation as a result.

Amendment 29 seeks to ensure that a right of appeal—surely a basic human right—continues to exist for those whose claim for asylum has been unsuccessful, or whose support has been discontinued. Surely the measure of any society is how we treat the most vulnerable, and it is right that we retain some support for those youngsters who are leaving institutional care. I stated in Committee

that other Departments are calling for more support as part of a leaving care strategy. The Minister for Children and Families described that group as “highly vulnerable”, and as recently as July he stated that it was time to do more for vulnerable youngsters leaving care. It seems that our commitment to providing more care to that vulnerable group depends on where they were born. Amendments 42 to 45 would ensure that the Bill does not fly in the face of that leaving care strategy, and I hope that the Minister will stand by his rhetoric and lobby his ministerial colleague to accept them.

When introducing this Bill, the Home Secretary stated as fact that our public services were being abused by illegal migrants. I accept that some people might be living here illegally, and the authorities should deal with them appropriately. However, the people I have spoken about today are not “abusing” the system. I have spoken about children of asylum-seeking families and youngsters leaving care. Those groups are not abusing the system; those are people who the system is designed to protect. They are vulnerable youngsters who are just looking for the best start in life, and I call on the Government to drop their harmful proposals.

Paul Blomfield: In view of the time and our keenness to hear the Minister respond, I will just raise a couple of brief points. Amendment 7 has not been discussed so far this afternoon, and it is unfortunate that it is being introduced at this stage, because we did not get the opportunity to consider the principles behind it in Committee. Those include fundamental principles about the removal of access to higher education for a significant cohort of young people. The amendment will prevent local authorities from providing funding to facilitate access to higher education for care leavers whom they are supporting but who have limited leave to remain.

In the explanatory notes, the Government say that that measure will be replaced by a requirement to qualify under student support regulations, which implies that that is an easy alternative route. However, they know that that is disingenuous, because under those regulations young people who have not been recognised as refugees qualify for such a loan only if they have had leave to remain for three years, or if they have lived in the UK for more than half their life. In effect, that measure cuts off access to higher education for a significant proportion of young people who will, in many cases, gain leave to remain in the UK and build their lives here. That is not only discriminatory, but it prevents young people at a crucial point in their life from developing the skills that will provide them with productive careers and an opportunity to give back to society.

The Government have also said that they are concerned about an undue burden on local authorities because people in that situation are required to pay overseas student fees. It would be easy to legislate to give them home fees student status, which would be another option for alleviating the burden on local authorities, and one that I am sure universities would be keen to embrace. I raise the point only because I hope that, when the Bill reaches the other place, this issue will be given proper consideration.

The removal of support from refused asylum seekers with families says a lot about the Bill as a good example of bad law making, with measures brought forward that fly in the face of evidence. As other hon. Members have

made clear, all the evidence is that not only is it a harsh measure, but it will be counterproductive to the Government’s objectives. If we want to reduce expenditure on support for asylum seekers, the best way to do so is to conclude cases as quickly as possible. That does not require legislation: it just needs better resourcing and decision making in the Home Office.

In Committee, the Minister argued that asylum support rates are a pull factor for asylum seekers coming to the UK, despite the fact that our rates are significantly lower than those of most other countries in Europe. I challenged him to provide evidence that they were a pull factor, but he was unable to do so. I hope that now, having had the opportunity to consider the issue and to draw on the substantial support that he has, he might be able to provide the evidence that justifies the removal of that support. All the evidence that we received as a Committee suggests that it will drive the issue in the opposite direction to the Government’s objectives. It will make it more difficult for the Home Office to remain in contact with the people liable to removal and, ultimately, undermine efforts to promote voluntary departures. It will not tackle the issue: it will create destitution that will then have to be addressed by local authorities; it will create pressure on mental health services, something that we also heard; and it could leave people vulnerable to labour exploitation by pushing them into the hands of exploitative employers. For all those reasons, I urge the Government to think again on this issue.

James Brokenshire: Again, we have touched on several important themes in the Bill that were debated and examined in detail in Committee. We have also had additional items in new clauses that were not addressed in Committee, including those tabled by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). We understand the depth of feeling about the human suffering in Syria and the UK and we are obviously taking several steps to respond to that crisis. I recognise the contribution that she has made to highlight several issues and concerns relating to that. We do not believe, however—I will explain how this fits into what other European countries are doing—that widening the family reunion eligibility criteria is the appropriate response. We are focusing our efforts on humanitarian aid to help the majority of refugees who remain in the region, and working with international partners to find a solution to the conflict, as well as—of course—the issue of resettlement, including of 20,000 of the most vulnerable refugees over the course of this Parliament.

The right hon. Lady asked about Dublin, and it is important to underline that the UK has fully implemented the Dublin III regulation. Those in Calais are the responsibility of the French authorities, and anyone wishing to benefit from the family unity provision of the regulation must first lodge an asylum claim in France and provide details of their family in the UK. A request will then be made to the UK to accept responsibility for that claim based on the presence of close family members—as I think the right hon. Lady recognises. As part of our joint declaration with the French Government, we continue to work with the French authorities on the overall processing of asylum claims and ways in which we can continue to support their activities. Indeed, some of the numbers they are processing and seeing outside the camps are increasing.

[James Brokenshire]

It is also worth underlining that our family reunion policy is more generous than our international obligations require. As I hinted at, other EU countries impose additional restrictions in their lawful residence requirements. Countries such as Denmark, Sweden and Austria have recently announced they are amending their family reunion policies, while Germany has indicated it will review its policy.

The right hon. Lady asked me about compelling humanitarian cases, and indeed the hon. Member for Belfast East (Gavin Robinson) gave another example. Where a family reunion application fails under the immigration rules, such as in the case of an 18 or 19-year-old applying to join their refugee parents in the UK, the entry clearance officer must consider whether there are exceptional circumstances or compassionate reasons to justify granting a visa outside the rules. I gave another example in relation to elderly parents, so there is that obligation on entry clearance officers. The hon. Gentleman is no longer in his place, but he also highlighted the specific issue of the Belfast harbour police. I am happy to reflect on his point, while recognising that it was established under separate legislation: the Harbours, Docks and Piers Clauses Act 1847. Information-sharing powers exist, but I am happy to look at that in further detail.

My hon. Friend the Member for Christchurch (Mr Chope) highlighted deportation. Our primary sanctions for immigration non-compliance are removal and civil penalties, which is why, in many respects, prosecution numbers are relatively low. Our focus is on removal, therefore, rather than prosecution, which can delay removal and is obviously costly. That is why we have taken this approach.

Mr Chope: Will my right hon. Friend accept that to remove somebody one first has to apprehend them, and that means to arrest them, which is what my amendment was about?

James Brokenshire: Obviously, powers of arrest do reside. Issues of detention came up in the previous debate, and I do not cut across the need to uphold the law and ensure that people are appropriately identified, and I think that removal or a civil penalty for those unlawfully employing them are appropriate measures.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), speaking for the SNP, highlighted an issue to do with the minimum income threshold. A migrant partner with an appropriate job offer in the UK can apply under tier 2 of the points-based system, but overseas employment is no guarantee of finding work in the UK.

In highlighting the issue of destitution, the hon. and learned Member for Holborn and St Pancras (Keir Starmer), who speaks for the official Opposition, said that our arrangements would not work, based on the 2005 pilot. I gave some explanation when I opened the debate, but I would add that there will be focused and targeted engagement with appeal rights-exhausted families together with local authorities. That close engagement with families is in contrast with what happened before. The Local Government Association acknowledges

the need for focused efforts to engage with families and adults to promote returns, and that is precisely what we intend to do.

We are working with local authorities to close the gaps that some have suggested might apply, and, in many ways, the LGA welcomes the steps we have taken to ensure that gaps are closed. On the issue of overseas appeals, obviously this matter has been tested by the Court of Appeal, which recently confirmed that the Government were generally entitled to proceed on the basis that an out-of-country appeal is fair and effective remedy. On access to higher education, we want equality of treatment in respect of the relevant student support regulations. We are requiring that the test should be that which is applied to other migrants and British citizens applying for a student loan under the student support regulations.

Again, there was comment about safeguards for children. I want to underline the duty we have under section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard and promote the welfare of children. That is something we have carefully considered throughout our consideration of these provisions and that we judge provides the necessary support and protection mechanism for children under the Bill.

6 pm

Debate interrupted (Programme Orders, this day).

The Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

Question agreed to.

New clause 3 accordingly read a Second time, and added to the Bill.

The Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 4

DUTY TO PROVIDE INFORMATION FOR THE PURPOSES OF TRANSFERS OF RESPONSIBILITY

“(1) The Secretary of State may direct a local authority in England to provide information of the kind specified in subsection (2) to the Secretary of State for the purposes of enabling—

- (a) arrangements to be made under section (Transfer of responsibility for relevant children), or
- (b) the Secretary of State to exercise functions under section (Scheme for transfer of responsibility for relevant children).

(2) The information mentioned in subsection (1) is—

- (a) information about the support or accommodation provided to children who are looked after by the local authority within the meaning of the Children Act 1989;
- (b) such other information as may be specified in regulations made by the Secretary of State.

(3) A local authority which is directed to provide information under this section must provide it—

- (a) in such form and manner as the Secretary of State may direct, and
- (b) before such time or before the end of such period as the Secretary of State may direct.

(4) In this section “local authority” has the same meaning as in section (Transfer of responsibility for relevant children).”—
(James Brokenshire.)

This new clause enables the Secretary of State to direct local authorities in England to provide information about the support and accommodation provided to children in their care. This will inform arrangements made for the transfer of particular categories of unaccompanied migrant children from one local authority to another.

Brought up, and added to the Bill.

New Clause 5

REQUEST FOR TRANSFER OF RESPONSIBILITY FOR RELEVANT CHILDREN

(1) Subsection (2) applies if—

- (a) a local authority in England (“the first authority”) requests another local authority in England (“the second authority”) to enter into arrangements under section (Transfer of responsibility for relevant children), and
- (b) the second authority does not comply with the first authority’s request.

(2) The Secretary of State may direct the second authority to provide the first authority and the Secretary of State with written reasons for its failure to comply with the request.

(3) In this section “local authority” has the same meaning as in section (Transfer of responsibility for relevant children).”—*(James Brokenshire.)*

This new clause enables the Secretary of State to direct the provision of written reasons as to why a local authority in England refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority.

Brought up, and added to the Bill.

New Clause 6

SCHEME FOR TRANSFER OF RESPONSIBILITY FOR RELEVANT CHILDREN

(1) The Secretary of State may prepare a scheme for functions of, or which may be conferred on, a local authority in England (“the first authority”) to become functions of, or functions which may be conferred on, another local authority in England (“the second authority”) in accordance with arrangements under section (Transfer of responsibility for relevant children).

(2) The scheme—

- (a) must specify the local authorities to which it relates, and
- (b) unless it relates to all relevant children who may be the subject of arrangements under that section between those authorities, must specify the relevant child or children, or descriptions of relevant children, to which it relates.

(3) The Secretary of State may direct the first authority and the second authority to comply with the scheme.

(4) A direction may not be given under subsection (3) unless the Secretary of State is satisfied that compliance with the direction will not unduly prejudice the discharge by the second authority of any of its functions.

(5) Before giving a direction under subsection (3) to a local authority, the Secretary of State must give the authority notice in writing of the proposed direction.

(6) The Secretary of State may not give a direction to a local authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.

(7) The local authority may make written representations to the Secretary of State about the proposed direction within that period.

(8) The Secretary of State may modify or withdraw a direction under subsection (3) by notice in writing to the local authorities to which it was given.

(9) A modification or withdrawal of a direction does not affect any arrangements made under section (Transfer of responsibility for relevant children) pursuant to the direction before it was modified or withdrawn.

(10) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—

- (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
- (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the local authorities to which it applies.

(11) In this section “local authority” and “relevant child” have the same meanings as in section (Transfer of responsibility for relevant children).”—*(James Brokenshire.)*

This new clause creates a mechanism for the Secretary of State to require local authorities in England to co-operate in the transfer of particular categories of unaccompanied migrant children from one local authority to another.

Brought up, and added to the Bill.

New Clause 7

EXTENSION TO WALES, SCOTLAND AND NORTHERN IRELAND

(1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for enabling any of the provisions of sections (Transfer of responsibility for relevant children) to (Scheme for transfer of responsibility for relevant children) to apply in relation to Wales, Scotland or Northern Ireland.

(2) The Secretary of State may by regulations make provision which—

- (a) has a similar effect to any of the provisions mentioned in subsection (1), and
- (b) applies in relation to Wales, Scotland or Northern Ireland.

(3) Regulations under subsection (1) or (2) may—

- (a) amend, repeal or revoke any enactment (including an enactment contained in this Act);
- (b) confer functions on any person (including a power to make regulations).

(4) Regulations under subsection (1) or (2) may not confer functions on—

- (a) the Welsh Ministers,
- (b) the Scottish Ministers,
- (c) the First Minister and deputy First Minister in Northern Ireland,
- (d) a Northern Ireland Minister, or
- (e) a Northern Ireland department.

(5) In this section “enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act or Measure of the National Assembly for Wales;
- (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”—*(James Brokenshire.)*

This new clause enables the Secretary of State to make regulations to extend any of the provisions made by NC3 to NC6 to Wales, Scotland and Northern Ireland. By virtue of amendment 5, such regulations will be subject to the draft affirmative procedure.

Brought up, and added to the Bill.

Amendment proposed: 29, page 40, line 14, leave out clause 37.—(*Keir Starmer.*)

Question put, That the amendment be made.

The House divided: Ayes 259, Noes 313.

Division No. 135]

[6.1 pm

AYES

Abbott, Ms Diane
 Ahmed-Sheikh, Ms Tasmina
 Alexander, Heidi
 Ali, Rushanara
 Allen, Mr Graham
 Anderson, Mr David
 Arkless, Richard
 Ashworth, Jonathan
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 Boswell, Philip
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Burnham, rh Andy
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, rh Yvette
 Cowan, Ronnie
 Cox, Jo
 Coyle, Neil
 Crausby, Mr David
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 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, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fellows, Marion
 Ferrier, Margaret
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harpham, Harry
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran

Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 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, Dr Alasdair
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Shah, Naz
 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
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomas, Mr Gareth
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Mr Mark
 Wilson, Corri
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Wright, Mr Iain
 Zeichner, Daniel
Tellers for the Ayes:
 Sue Hayman and
 Jeff Smith

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 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
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Cameron, rh Mr David
 Campbell, Mr Gregory
 Carmichael, Neil
 Cartlidge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Davies, Byron
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Dodds, rh Mr Nigel
 Donaldson, rh Mr Jeffrey M.
 Donelan, Michelle

Dorries, Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freer, Mike
 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
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 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
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hermon, Lady
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 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
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Liddell-Grainger, Mr Ian
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, 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
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 Offord, Dr Matthew
 Opperman, Guy

Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 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, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 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
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom

Turner, Mr Andrew
 Tyrie, Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, Mr Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather

White, Chris
 Whittaker, Craig
 Whittingdale, Mr John
 Wiggin, Bill
 Williams, Craig
 Williamson, Mr Gavin
 Wilson, Mr Rob
 Wilson, Sammy
 Wood, Mike
 Wragg, William
 Wright, Mr Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Sarah Newton and
 Simon Kirby

Question accordingly negated.

Clause 57

REGULATIONS

Amendment made: 5, page 49, line 24, at end insert—

“() regulations under section (Extension to Wales, Scotland and Northern Ireland)(1) or (2),”. —(*James Brokenshire.*)

This amendment provides that regulations made under the new clause inserted by NC7 will be subject to the draft affirmative procedure.

Clause 59

EXTENT

Amendment made: 6, page 50, line 17, at end insert—

“() “Sections (Transfer of responsibility for relevant children) to (Scheme for transfer of responsibility for relevant children) extend to England and Wales only.” —(*James Brokenshire.*)

This amendment provides that the new clauses inserted by NC3 to NC6 extend to England and Wales only. Regulations made under the new clause inserted by NC7 may be used to apply the provisions in Wales.

Schedule 9

AVAILABILITY OF LOCAL AUTHORITY SUPPORT

Amendments made: 7, page 121, line 40, at end insert—

“After paragraph 1 insert—

“1A (1) A person to whom this paragraph applies is not eligible for assistance under section 23C(4)(b), 23CA(4) or 24B(2)(b) of the Children Act 1989 (grants to meet expenses connected with education or training) which consists of a grant to enable the person to meet all or part of the person’s tuition fees.

(2) The duty in section 23C(4)(b) or 23CA(4) of that Act and the power in section 24B(2)(b) of that Act may not be exercised or performed in respect of a person to whom this paragraph applies so as to make a grant to enable the person to meet all or part of the person’s tuition fees.

(3) This paragraph applies to a person in England who is aged 18 or over and who—

- (a) has leave to enter or remain in the United Kingdom which has been granted for a limited period,
- (b) is an asylum-seeker, or
- (c) has made an application for leave to enter or remain in the United Kingdom which has not been withdrawn or determined.

(4) In this paragraph “tuition fees” means fees payable for a course of a description mentioned in Schedule 6 to the Education Reform Act 1988.”

This amendment prevents local authorities in England from paying the higher education tuition fees of adult migrant care leavers deemed to be overseas students because of their immigration status. Instead, to obtain such support, the person will be required to qualify under the Student Support Regulations.

Amendment 8, page 123, leave out lines 10 and 11 and insert—

“(c) who is not a relevant failed asylum seeker, and”.

This amendment and amendment 9 define those who are or may be supported under section 95A of the Immigration and Asylum Act 1999 and who therefore may not be supported under the regulations made under paragraph 10A of Schedule 3 to the Nationality, Immigration and Asylum Act 2002.

Amendment 9, page 123, line 12, at end insert—

“() A person is a “relevant failed asylum seeker” for the purposes of sub-paragraph (1)(c) if the person is a failed asylum seeker within the meaning of Part 6 of the Immigration and Asylum Act 1999 and—

- (a) the person is receiving support under section 95A of that Act,
- (b) the person has made an application for such support which has not been refused, or
- (c) there are reasonable grounds for believing such support would be provided to the person if an application by the person for such support were made.”

See the explanatory statement for amendment 8.

Amendment 10, page 123, line 23, after “82(1),” insert—

“() the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom.”.

This amendment excludes appeals which must be pursued from outside the UK under section 92(6) of the 2002 Act from the reference in paragraph 10A(3)(b) to an appeal pending within the meaning of section 104 of that Act.

Amendment 11, page 123, line 29, after “that” insert

“a person specified in regulations under this paragraph is satisfied that”.

This amendment clarifies that the local authority or another person specified in the regulations is to be satisfied that condition D in sub-paragraph 10A(5) of Schedule 3 to the 2002 Act is met in order for support to be provided under that sub-paragraph.

Amendment 12, page 123, line 30, at end insert—

“() Regulations under this paragraph may specify—

- (a) factors which a person specified by virtue of sub-paragraph (5) may or must take into account in making a determination under that sub-paragraph;
- (b) factors which such a person must not take into account in making such a determination.”

This amendment provides that the regulations made under paragraph 10A of Schedule 3 to the 2002 Act may specify factors which a local authority or another person may or must, or must not, take into account in determining whether condition D in sub-paragraph 10A(5) is met.

Amendment 13, page 124, leave out lines 16 and 17 and insert—

“(b) who is not a relevant failed asylum seeker, and”.

This amendment and amendment 14 define those who are or may be supported under section 95A of the Immigration and Asylum Act 1999 and who therefore may not be supported under the regulations made under paragraph 10B of Schedule 3 to the Nationality, Immigration and Asylum Act 2002.

Amendment 14, page 124, line 18, at end insert—

“() A person is a “relevant failed asylum seeker” for the purposes of sub-paragraph (1)(b) if the person is a failed asylum seeker within the meaning of Part 6 of the Immigration and Asylum Act 1999 and—

- (a) the person is receiving support under section 95A of that Act,
- (b) the person has made an application for such support which has not been refused, or
- (c) there are reasonable grounds for believing such support would be provided to the person if an application by the person for such support were made.”

See the explanatory statement for amendment 13.

Amendment 15, page 124, line 31, after “82(1),” insert—

“() the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom.”.

This amendment excludes appeals which must be pursued from outside the UK under section 92(6) of the 2002 Act from the reference in paragraph 10B(3)(c) to an appeal pending within the meaning of section 104 of that Act.

Amendment 16, page 124, line 36, at end insert—

“() Regulations under this paragraph may specify—

- (a) factors which a person specified by virtue of paragraph (b) of sub-paragraph (4) may or must take into account in making a determination under that paragraph;
- (b) factors which such a person must not take into account in making such a determination.”

This amendment provides that the regulations made under paragraph 10B of Schedule 3 to the 2002 Act may specify factors which a local authority or another person may or must, or must not, take into account in determining whether support needs to be provided under sub-paragraph 10B(4).

Amendment 17, page 125, line 19, at end insert—

“(1) Paragraph 15 (power to amend Schedule 3) is amended as follows.

(2) After paragraph (a) insert—

“(aa) to modify any of the classes of person to whom paragraph 1 applies;”.

(3) In paragraph (c) after “remove” insert “, or modify the application of;”.

(4) After paragraph (c) insert—

“(d) to enable regulations to be made providing for arrangements to be made for support to be provided to a class of person to whom paragraph 1 applies;

(b) to apply paragraph 1A in relation to Wales;

(c) to make provision which has a similar effect to paragraph 1A and which applies in relation to Scotland or Northern Ireland.”

In paragraph 16(2)(d) (power for regulations or order under Schedule to make consequential provision) after “amending” insert “, repealing or revoking”.—(*James Brokenshire.*)

This amendment amends paragraphs 15 and 16 of Schedule 3 to the 2002 Act so that regulations made under them may apply, or make equivalent provision for, the changes made to that Schedule by Schedule 9 in Wales, Scotland and Northern Ireland.

Clause 25

SEARCH FOR NATIONALITY DOCUMENTS BY DETAINEE CUSTODY OFFICERS ETC

Amendments made: 3, page 32, line 20, leave out “strip” and insert “full”.

This amendment and amendment 4 replace the term “strip” search with “full” search to reflect more appropriately the nature of the power.

Amendment 4, page 33, line 10, leave out “strip” and insert “full”.—(*James Brokenshire.*)

See the explanatory statement for amendment 3.

Clause 34

APPEALS WITHIN THE UNITED KINGDOM: CERTIFICATION OF HUMAN RIGHTS CLAIMS

Amendment proposed: 27, page 39, line 6, leave out clause 34.—(*Stuart C. McDonald.*)

The House divided: Ayes 260, Noes 304.

Division No. 136]

[6.16 pm

AYES

Abbott, Ms Diane	David, Wayne
Ahmed-Sheikh, Ms Tasmina	Davies, Geraint
Ali, Rushanara	Day, Martyn
Allen, Mr Graham	De Piero, Gloria
Anderson, Mr David	Docherty, Martin John
Arkless, Richard	Dodds, rh Mr Nigel
Ashworth, Jonathan	Donaldson, rh Mr Jeffrey M.
Bailey, Mr Adrian	Donaldson, Stuart Blair
Bardell, Hannah	Doughty, Stephen
Barron, rh Kevin	Dowd, Jim
Beckett, rh Margaret	Dowd, Peter
Benn, rh Hilary	Dromey, Jack
Berger, Luciana	Dugher, Michael
Black, Mhairi	Durkan, Mark
Blackford, Ian	Eagle, Maria
Blackman, Kirsty	Edwards, Jonathan
Blackman-Woods, Dr Roberta	Efford, Clive
Blenkinsop, Tom	Elliott, Julie
Blomfield, Paul	Ellman, Mrs Louise
Boswell, Philip	Esterson, Bill
Bradshaw, rh Mr Ben	Evans, Chris
Brennan, Kevin	Farrelly, Paul
Brock, Deidre	Ferrier, Margaret
Brown, Alan	Fitzpatrick, Jim
Brown, Lyn	Fiello, Robert
Brown, rh Mr Nicholas	Fletcher, Colleen
Bryant, Chris	Flint, rh Caroline
Buck, Ms Karen	Flynn, Paul
Burden, Richard	Fovargue, Yvonne
Burgon, Richard	Foxcroft, Vicky
Burnham, rh Andy	Gardiner, Barry
Butler, Dawn	Gethins, Stephen
Byrne, rh Liam	Gibson, Patricia
Cadbury, Ruth	Glass, Pat
Cameron, Dr Lisa	Glindon, Mary
Campbell, rh Mr Alan	Godsiff, Mr Roger
Campbell, Mr Gregory	Grady, Patrick
Campbell, Mr Ronnie	Grant, Peter
Champion, Sarah	Gray, Neil
Chapman, Douglas	Green, Kate
Chapman, Jenny	Greenwood, Lilian
Cherry, Joanna	Greenwood, Margaret
Coaker, Vernon	Haigh, Louise
Coffey, Ann	Hamilton, Fabian
Cooper, Julie	Hanson, rh Mr David
Cooper, rh Yvette	Harman, rh Ms Harriet
Cowan, Ronnie	Harpham, Harry
Cox, Jo	Harris, Carolyn
Coyle, Neil	Hayes, Helen
Crausby, Mr David	Hayman, Sue
Crawley, Angela	Healey, rh John
Creagh, Mary	Hendrick, Mr Mark
Creasy, Stella	Hendry, Drew
Cruddas, Jon	Hepburn, Mr Stephen
Cryer, John	Hermon, Lady
Cummins, Judith	Hillier, Meg
Cunningham, Alex	Hodgson, Mrs Sharon
Cunningham, Mr Jim	Hosie, Stewart
Dakin, Nic	Hunt, Tristram
Danczuk, Simon	Huq, Dr Rupa

Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Paisley, Ian
 Paterson, Steven
 Pearce, Teresa

Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Pound, Stephen
 Powell, Lucy
 Pugh, John
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robinson, Gavin
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Shah, Naz
 Shannon, Jim
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Simpson, David
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Corri
 Wilson, Phil
 Wilson, Sammy
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Ayes:
 Marion Fellows and
 Owen Thompson

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 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
 Borwick, Victoria
 Bottomley, Sir Peter
 Bradley, Karen
 Brady, Mr Graham
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burns, rh Sir Simon
 Burrowes, Mr David
 Burt, rh Alistair
 Cairns, Alun
 Cameron, rh Mr David
 Carmichael, Neil
 Cartledge, James
 Caufield, Maria
 Chalk, Alex
 Chishtii, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Costa, Alberto
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Davies, Byron
 Davies, David T. C.
 Davies, Glyn
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Donelan, Michelle
 Dorries, Nadine
 Double, Steve
 Dowden, Oliver

Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Elliott, Tom
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Mr Nigel
 Evennett, rh Mr David
 Fabricant, Michael
 Fallon, rh Michael
 Field, rh Mark
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, Lucy
 Freer, Mike
 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
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Richard
 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
 Harris, Rebecca
 Haselhurst, rh Sir Alan
 Hayes, rh Mr John
 Heald, Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 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
 James, Margot

Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Boris
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kennedy, Seema
 Kinahan, Danny
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lancaster, Mark
 Latham, Pauline
 Leadsom, Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lilley, rh Mr Peter
 Lopresti, Jack
 Lord, Jonathan
 Loughton, Tim
 Lumley, Karen
 Mackinlay, Craig
 Mackintosh, David
 Main, Mrs Anne
 Mak, Mr Alan
 Malthouse, Kit
 Mann, Scott
 Mathias, Dr Tania
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, 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
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 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
 Perry, Claire
 Phillips, Stephen
 Philp, Chris
 Pickles, rh Sir Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Mr Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Mr Desmond
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Turner, Mr Andrew
 Tyrrie, rh Mr Andrew
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin

Wallace, Mr Ben
 Warburton, David
 Warman, Matt
 Watkinson, Dame Angela
 Wharton, James
 Whately, Helen
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill

Williams, Craig
 Williamson, rh Gavin
 Wilson, Mr Rob
 Wood, Mike
 Wragg, William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Sarah Newton and
 Simon Kirby**

Question accordingly negated.

Third Reading

6.29 pm

The Secretary of State for the Home Department (Mrs Theresa May): I beg to move, That the Bill be now read the Third time.

We have heard considerable debate and lively discussion as the Immigration Bill has been discussed today and at the various other stages. A range of views and concerns have been expressed and considered amendments have been voted on. As we come to Third Reading, it is important that we remember why the Bill is so necessary, so I want to reflect on what we believe the Bill will do.

As I said on Second Reading, we must continue to build an immigration system that is fair to British citizens and people who come here legitimately to play by the rules and contribute to our society. That means ensuring that immigration is balanced and sustainable and that net migration can be managed.

I am sure that the whole House will agree that, without immigration, this country would not be the thriving multiracial, multifaith democracy that it is today. Immigration has brought tremendous benefits—to our economy, our culture and our society—but, as I have said before, when net migration is too high, and the pace of change too fast, it puts pressure on schools, hospitals, accommodation, transport and social services, and it can drive down wages for people on low incomes. That is not fair on the British public and it is not fair on those who come here legitimately and play by the rules. So since 2010 the Government have reformed the chaotic and uncontrolled immigration system that we inherited, and instead we are building one that works in the national interest.

This Bill will ensure that we can go further in bringing clarity, fairness and integrity to the immigration system. I would like to thank right hon. and hon. Members on both sides of the House for their constructive contributions in shaping this Bill during its parliamentary stages, and all those who have been involved in working on it: the members of the Committee, the House authorities, the organisations who gave evidence to the Bill Committee, and those who responded to all the consultations and provided briefing on the Bill. I thank and commend my right hon. Friend the Minister for Immigration for the thoughtful way in which he has steered the Bill through the House. It has been important and substantial work. I want to highlight briefly some of the measures in the Bill.

The exploitation of vulnerable people by unscrupulous employers is an issue that has been raised by victims' campaign groups, charitable organisations and Members

[Mrs Theresa May]

in this House many times before. We know that labour market exploitation can be committed by organised criminal gangs, and it is clear that workers' rights need to be enforced more effectively, and that the current regulatory framework needs improvement. This Bill will create a new statutory director of labour market enforcement to oversee and co-ordinate the drive for more effective enforcement across the spectrum of non-compliance.

The House will appreciate that illegal working remains one of the principal pull factors for people coming to live in the UK illegally, so we are taking the necessary step of making illegal working a criminal offence. This addresses a genuine gap in our ability to use proceeds of crime powers to seize and confiscate the profits made by those who choose to break our immigration laws. But we should be clear that this measure is not intended to—nor will it—punish the vulnerable, such as those who are trafficked here and forced to work illegally. The safeguards provided in the Modern Slavery Act 2015 will continue to protect people in those circumstances. Instead, we want to deal with those illegal migrants who choose to work here illegally when they should, and could, leave the UK. But we must also target the employers who facilitate illegal working. The Bill will allow us to strengthen sanctions for employers who knowingly turn a blind eye to the fact that they are employing illegal workers.

We also know that a great deal of illegal working happens in licensed sectors. The Bill will ensure that those working illegally or employing illegal workers cannot obtain licences to sell alcohol or run late night take-away premises. Similarly, we will be requiring licensing authorities to check the immigration status of taxi or private hire vehicle drivers. The message is simple—illegal working is wrong, and it will not be tolerated.

Too often, illegal migrants ignore the law, remain illegally in this country and take advantage of our very generous public services. That cannot be allowed to continue, so we will further restrict access to services. We will make it easier for landlords to evict illegal migrants while also introducing new offences for rogue landlords who repeatedly rent to illegal migrants. We will crack down on those driving while in the UK illegally by ensuring that, if they hold UK driving licences, their licences can be seized and taken out of circulation. We will also strengthen the consequences for those continuing to drive without lawful immigration status, including powers to detain their vehicle.

We will create a duty on banks and building societies periodically to check the immigration status of existing current account holders so that accounts held by illegal migrants can be closed or frozen following a court order.

It is right that we address the appeals issue so that we can remove people with no right to be in the UK. In 2014 we introduced our deport now, appeal later scheme, which has helped us to deport over 230 foreign national offenders. In our manifesto, we committed to extending that to all human rights cases, provided it does not breach human rights. The Bill allows us to do just that, to ensure that illegal migrants who have not been offered leave to remain cannot frustrate the removal process.

We will also ensure as a result of the Bill that when foreign criminals are released on bail we can place a satellite tag on them so that we know their whereabouts and can improve public protection.

The Government are clear that we have a duty to offer support to those who come to the UK and seek our protection while their claim is being assessed. But it cannot be right for that support to continue once it has been established and confirmed by the courts that an individual has no need of our protection and could, and should, leave the UK. Such individuals are illegal migrants, and to support them further would be unfair on those who do need our protection and our support to establish a new life here. The Bill redresses that balance and removes incentives to remain here illegally.

Two other aspects are important. Controlling our borders is vital in protecting national security. It is imperative that we know who is seeking to enter the UK and that we are able to stop them if they seek to do us harm. The Bill gives Border Force officers more powers to intercept vessels at sea, increase penalties for airline and port operators who fail to present passengers to immigration control, and automatically apply UN or EU travel bans to stop dangerous individuals coming to the UK.

Secondly, in line with our manifesto, we will ensure that customer-facing public sector workers are able to speak English. Where communicating with the British public is a vital part of the job, fluent English should be a prerequisite, and through this Bill we will legislate to ensure that this becomes a reality.

When the Government first came to power in 2010, the immigration system that we inherited was chaotic and uncontrolled. Over the past five years we have taken great strides forward in reforming it. We have tightened immigration routes where abuse was rife, shut down more than 920 bogus colleges, capped the number of non-EEA migrant workers admitted to the UK, reformed family visas, and protected our public services from abuse. These reforms are working, but we must go further. This Bill will build on our achievements and ensure that we have an immigration system that is firm and effective, fair on the British public and on those who come here legitimately, and, most importantly, serves the national interest. I commend this Bill to the House.

6.37 pm

Andy Burnham (Leigh) (Lab): As the Home Secretary said, we have had a lively and thorough debate, if not a genuine dialogue, as the movement from the Government has been minimal. We have not won many amendments but we have certainly won the argument. For that, I thank my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) for the assured and expert way he led for the Opposition on the Bill. He was, of course, our star summer signing and, like one of Mr Wenger's best from the old days, he has managed to outshine his considerable reputation already, with more to come.

I would also like to thank my hon. Friend the Member for Rotherham (Sarah Champion), who brought an invaluable insight from her outstanding work on tackling the exploitation of children, and my hon. Friends the Members for South Shields (Mrs Lewell-Buck), for

Workington (Sue Hayman), for Sheffield Central (Paul Blomfield) and for Blackburn (Kate Hollern) who served on the Committee. Our thanks go too to the co-Chairs of the Committee, my hon. Friend the Member for Ynys Môn (Albert Owen) and the hon. Member for Wellingborough (Mr Bone), and to the third-party organisations that the Home Secretary referred to, which made a very important contribution.

Figures were published last week that I believe set the context for this Third Reading debate. The ONS reports that net migration has reached a record high of 336,000—up 82,000 from last year and 101,000 higher than the level it was when the Prime Minister came to office. I heard the Home Secretary's comments about the record of the previous Government. She needs to have a look at her own record before she comes to this House and points the finger in this direction. That is the record of her Government. Let us set it against what they promised.

The Conservatives' 2010 manifesto made a solemn pledge to reduce net migration to "tens of thousands". "If we don't meet it, boot us out," said the Prime Minister. The 2015 manifesto made the same pledge—and we now know that, rather than reducing net migration, the Government are increasing it by tens of thousands. That is the Home Secretary's record, and it is lamentable even by the standards of the Government. The Home Secretary likes to go to the Conservative party conference and talk a tough game, but the truth is that she cannot escape her own record. The very scale of the gap between her rhetoric and the reality continues to erode public trust on this most important and sensitive of issues.

As I made clear on Second Reading, I will always support practical measures to deal with the public's legitimate concerns about immigration, and there are some measures in the Bill that we support—particularly the emphasis on labour market enforcement and English language requirements in public services. What I will not do, however, is lend our name to desperate attempts to legislate in haste and to half-baked measures that owe more to a PR exercise to camouflage a record of failure than a considered attempt to create the firm but fair immigration system of which the Home Secretary spoke.

We will refuse to give the Bill a Third Reading tonight because the Government have failed to listen in Committee and failed to produce any meaningful evidence that the measures in the Bill will have any more success than the steps that they took in the last Parliament. Worse, by legislating in this ill-conceived way, they have produced a Bill that could have a number of unintended and pernicious consequences, as my hon. and learned Friend the shadow Immigration Minister so skilfully exposed in Committee.

First, the Bill could undermine all the progress made on tackling modern slavery and human trafficking—for which, actually, the Government deserve some credit. Secondly, the Bill could leave desperate children utterly destitute. Thirdly, it could lead to discrimination in the workplace and the housing market and erode important civil liberties and human rights. I shall take each issue quickly in turn.

I have real concerns that the creation of a new offence of illegal working could deter vulnerable people, such as trafficked women and children, from having the courage to come forward to report rogue employers and

criminal gangs. Those unscrupulous individuals already hold the whip hand; the tragedy is that the Bill will strengthen their grip over these most vulnerable of people. The House should reject the Bill. Working to put food in your kids' mouths should never be a criminal offence. More broadly, if employees fear losing wages or even imprisonment by coming forward to report employers, might not the effect of the Bill be the reverse of what the Home Secretary wants? Might it not actually increase the size of the black market?

Those are genuine concerns and I have not seen any convincing evidence from the Government to suggest that they are misplaced. Although the Government have remained unmoved during the Bill's passage through this House, I feel sure that their lordships will wish to push them hard on this issue in another place.

Steve Rotheram (Liverpool, Walton) (Lab): Does my right hon. Friend agree that the Government are focusing on the wrong party in the Bill? They should be concentrating—[*Interruption.*] They should be concentrating, as the Home Secretary should while I am speaking, on clamping down on unscrupulous employers who prey on the misery of people forced into terrible conditions, such as those exploited on Britain's building sites. I have actually seen that with my own eyes.

Andy Burnham: My hon. Friend has more experience than anybody in the House of the workplaces that might be most affected by the Bill. He is absolutely right to say that unscrupulous employers—sadly, they do exist in the construction industry—will feel emboldened by the Bill. They will know that exploited people on building sites will no longer have the courage to report them to the authorities. [*Interruption.*] The Home Secretary says that is "desperate", but those people are desperate and she is putting them in a worse position. She needs to think about that before she puts the Bill into law.

Another concern is about clause 34, which removes support from families—a power that the Home Office has long sought; the proposal was put to me as a Minister and piloted under the last Labour Government. The official evaluation of that pilot found no evidence of increased removals but plenty of families going underground and losing touch with the authorities. As my hon. Friend the Member for Sheffield Central said in the debate, there is also the shunting of costs from the Home Office to local authorities.

In the end, however, the question we need to ask ourselves is much more fundamental: should any child—whatever they are, wherever they come from—be denied food and clothes while they are on British soil? I do not think so and I would venture to say that most Members on both sides would, in their heart of hearts, think the same. The great irony is that it was the then Conservative Opposition—specifically, the shadow Home Office team—in the last but one Parliament who led the charge against what was then known as clause 9. They were right to force the then Government to pilot this change, and we were right to drop the whole idea once the results of the pilot were clear. If what they said was right then, why is it not right now?

I congratulate my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) on raising widely held concerns about the need for

[*Andy Burnham*]

immigration rules that allow for the reunification of refugee families. She spoke powerfully about that. I hope that the Government will continue to look at this, particularly at new clause 11, which calls for a review of the rules.

Finally, I turn to the concern about the potential of the Bill to increase discrimination and erode basic rights and liberties. We live in the most challenging of times when there is no shortage of people with extreme views who seek to set race against race and religion against religion. We are legislating in a febrile climate in which discrimination can easily flourish, and this House must take great care that nothing we do adds to that. The right response to these challenges is not to erode important rights and liberties but to do the exact opposite—to protect and champion them. Given the huge backlog in the Home Office and its consistently poor record on initial decisions, the deport first, appeal later approach could undermine Britain's position in the world as a bastion of fair play and higher ideals. Despite the evidence published by the Government, I remain concerned that the threat of imprisonment to landlords who rent flats or houses to people without immigration status could lead to discrimination in the housing market, and a greater sense among black and Asian young people that they are being victimised.

Let me end on a more positive note that gives us a glimmer of hope for the Bill's onward passage to another place. I am pleased that the Minister, whom Labour Members have time for, has conceded significant ground on immigration detention. That has had strong support from Members on both sides, including the hon. Member for Bedford (Richard Fuller), who has Yarl's Wood detention centre in his constituency and has long called for a more humane system.

Paula Sherriff (Dewsbury) (Lab): Last Thursday, I attended Yarl's Wood having spoken to a number of charities that are assisting people there. I met a young lady of about 25—she does not know exactly how old she is because she is an orphan—who was trafficked from her home country of India. She has now been taken into detention at Yarl's Wood and does not know when she will get out. She is 25 weeks pregnant and absolutely terrified. She spoke to me about many basic healthcare services being denied to her. [*Interruption.*] I appreciate that the Minister has said that this will be looked into, but does my right hon. Friend agree that it is a matter of extreme urgency?

Andy Burnham: I do agree with my hon. Friend, who puts her point very well. There are obviously concerns about the case she mentions given the question of the inappropriateness of detention for children, pregnant women, and victims of rape and torture. The Minister acknowledged the issue of minimising the time spent on administrative detention, and the effectiveness of administrative detention, and we are grateful for his recognition of that.

It is reassuring that on this issue, at least, the Government have shown a willingness to listen, but that is only the start of what they need to do. They will need to do a lot more listening, particularly to their lordships, before this Bill is in a fit state to reach the statute book.

6.48 pm

Stuart C. McDonald: I, too, place on record my thanks to all the organisations that have supported and advised MPs during the passage of this Bill. We have had a passionate and thoughtful debate and we have one final, brief chance to debate further, so I intend to take it.

Some would wish to criticise the Immigration Minister in the light of the latest abject failure to make any progress on the net migration target, but not us: we are critical of the net migration target itself, which long precedes the Minister. On Second Reading, I described the net migration target as unhelpful and unachievable. Last week's announcement suggests that my description was far too understated. The immigration target is, frankly, total bunkum, complete baloney, and utterly bogus. There is no research or plan that explains why tens of thousands is the right target or an achievable target. Indeed, we learned today that the Chancellor's spending plans appear to depend entirely on the net migration target being spectacularly missed. Without forecast inward migration, we will not be able to see through the spending plans that he set out last week. It is time for an honest debate on immigration about what is desirable and what is achievable.

Patrick Grady (Glasgow North) (SNP): Week after week at my constituency surgeries, I am left speechless as I try to explain to people coming from the most difficult of circumstances and wanting to seek a fresh home, make a fresh start and contribute to our society and economy, why this Government refuse to let them in. Does my hon. Friend agree that the net migration target is completely ideological and has nothing to do with what is actually good for the country?

Mr Speaker: I could never imagine the adjective "speechless" being applied to the hon. Gentleman.

Stuart C. McDonald: I agree with my hon. Friend.

Such an honest debate must include discussion of how we assist communities that face challenges because of significant levels of migration. It must be about how we incentivise migrants to live in the parts of the United Kingdom that most need them and can most easily accommodate them. It should be about whether and how we can properly count those coming in and out, and how we can enforce the rules we already have, rather than create endless new rules. The debate must no longer proceed on the basis of the vicious climate of hostility policy that the Government pursue, and which affects all of us. We need a better approach to migration than the ludicrous one-size-fits-all target, which actually incentivises—my hon. Friend alluded to this—the exclusion of husbands and wives, the persecuted and the bright young students who will be the leaders of tomorrow.

We should reject this flawed Bill, which is designed to pursue a flawed target. Indeed, saying that it seeks to pursue that flawed target is in itself almost certainly being too kind, because it has zero chance of getting us anywhere near the target. This is not pursuit, but pretence. The Bill has been well described as "immigration theatre". That is the fundamental flaw at the heart of the Bill, but there are so many problems with its pernicious clauses that it is not possible to do them all justice in the time available.

The Government may feel compelled to be seen to do something about net migration, but in reality the Bill will do nothing to resolve the challenges of migration, nor to maximise its benefits, and it will not certainly achieve the bogus target. However we look at it—from the perspective of the rule of law, human rights, the best interests of children, or just simple common decency—the Bill is pretty desperate stuff. I encourage Members to vote against it on Third Reading.

6.52 pm

Keith Vaz (Leicester East) (Lab): I will speak only very briefly. Unfortunately, the Home Affairs Committee sitting has prevented me and other members of it from being in the Chamber, though the hon. Gentleman for Cumbernauld and the rest of the places he represents—

Mr Speaker: The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald).

Keith Vaz: I knew you would remember, Mr Speaker. The hon. Gentleman did tell me that he would be in the House to speak on behalf of his party, which of course he does so very eloquently.

I join the shadow Home Secretary and the Home Secretary in welcoming all the good work done by Members on both sides of the House in scrutinising the Bill, particularly the new shadow Minister for Immigration. The shadow Home Secretary has stolen him from the Home Affairs Committee. He says he is the star striker—he is not yet the Jamie Vardy of the team, but he is going that way. Sorry, I could not think of an Arsenal player; otherwise I would have mentioned him.

I think that I have served longer than any other Member in the Chamber at the moment, with the exception of the right hon. Member for Gordon (Alex Salmond), who had a short gap to be the First Minister of Scotland. In the 28 years I have been in the House, we have had about 20 immigration Bills. Every time we have one, the Home Secretary in successive Governments has got up at the Dispatch Box and said that, as a result of passing the Bill, immigration will be kept under control, the system will be much better, illegal migration will be reduced and that is the end of the show as far as such matters are concerned. Unfortunately, it never ends up like that: we pass legislation, and I am afraid that at the end of the day we have to come back again to pass another Bill.

I hope that that will not be the case with this Immigration Bill, because during the next four years until the next election I do not want the Home Secretary—either the right hon. Lady or her successor, although I am sure she will be in office for a long while—to have to come back and tell the House, “Well, it didn’t quite work, so we’re going to try something new.” My concern is not with passing legislation, although that is of course what the House is for, but with the way in which we administer the legislation. As reflected in the reports of the Home Affairs Committee, my concern has always been with the administration of the Home Office.

The Home Secretary has taken great strides. She has abolished the UK Border Agency and replaced it with a much more effective organisation. Sarah Rapson and her team are doing a much better job than their predecessors. However, there are always examples of situations in which illegal migration is not under control.

Only yesterday, as a result of work done by the BBC in the south-west, undercover reporters posing as illegal migrants went to various places in Kent and Sussex and offered themselves as employees—[*Interruption.*] I can send the Home Secretary the video. They offered themselves as employees to work illegally in those two counties, and they were offered jobs at £2.80 an hour. They were also given advice by the employers on how to evade enforcement officers.

So no matter what legislation we pass here, at the end of the day we need an administration that is fit for purpose. I hope that, as a result of passing this legislation, we will get more focus on how we enforce the law, to ensure that those who wish to come to this country legally—students and others who genuinely want to study and work here—can do so, and that those who want to come here illegally will not be allowed to do so and will not be allowed to offer themselves for employment and to be put at risk by unscrupulous employers. There is a huge job of work to be done on the way in which we deal with enforcement, and if we can get the enforcement section of UK Visas and Immigration up to the same standard as the other parts of the organisation, it will make a huge difference. I hope that the Home Secretary will take that message with her as she continues her long journey running the Home Office.

The Select Committee heard today from the head of the UK Border Force, Sir Charles Montgomery, that he had not yet been told what his allocation was to be following the cuts—or should I say the austerity measures—at the Home Office. The Home Secretary fought a good fight with the Chancellor to protect the budget for counter-terrorism and policing, but she obviously did not win the fight in respect of the Home Office’s other functions. I hope that Sir Charles will be given that information as soon as possible, because protecting our borders, especially in the current climate, is one of the key concerns of the House and, I know, of the Government.

6.57 pm

Richard Fuller: I am grateful to you for calling me to speak, Mr Speaker, particularly as it was not possible for me to be here for the majority of the Front-Bench speeches. I want to follow on from some of the comments of the Chair of the Select Committee, the right hon. Member for Leicester East (Keith Vaz), about the passage of the Bill.

To be honest, I am interested not so much in what is in the Bill as in two important things that have been revealed by our discussions. The first is that there exists across Parliament a wish to see fundamental reform of the way in which we manage immigration and detention, and that wish is shared by people of all political views, from those who take a hard line on immigration to those who take a more lenient view. Secondly, there are indications—the early green shoots of spring—that the Home Office recognises the existence of that cross-party consensus. This is a tribute not only to Members of the House but to the all-party group and to Sarah Teather, the former Member for Brent Central, who instigated it. I appreciate being able to put this on record.

6.58 pm

Christopher Pincher (Tamworth) (Con): I am grateful to you, Mr Speaker, for allowing me to speak briefly in this important debate.

[Christopher Pincher]

My hon. Friend the Member for Bedford (Richard Fuller) said that it is important that this House reaches a consensus on immigration and on this Bill. It is also vital that the country recognises that there is a consensus about dealing with the immigration challenge. When all of us, a few months ago, stood on the doorsteps talking to our constituents, many of them said, "First and foremost, you must deal with the challenge of immigration."

The right hon. Member for Leicester East (Keith Vaz) says that we must not keep legislating and I suppose he is right, but I believe that this Bill will play a significant and signal part in signalling to our constituents that we are serious about dealing with the challenge. This Bill will deal with the challenge and I commend it to the House.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 307, Noes 245.

Division No. 137]

[6.59 pm

AYES

Adams, Nigel	Chalk, Alex
Afriyie, Adam	Chishti, Rehman
Aldous, Peter	Chope, Mr Christopher
Allan, Lucy	Churchill, Jo
Allen, Heidi	Clark, rh Greg
Amess, Sir David	Cleverly, James
Andrew, Stuart	Clifton-Brown, Geoffrey
Ansell, Caroline	Coffey, Dr Thérèse
Argar, Edward	Collins, Damian
Atkins, Victoria	Colville, Oliver
Bacon, Mr Richard	Costa, Alberto
Baker, Mr Steve	Cox, Mr Geoffrey
Baldwin, Harriett	Crabb, rh Stephen
Barclay, Stephen	Davies, Byron
Baron, Mr John	Davies, David T. C.
Barwell, Gavin	Davies, Glyn
Bebb, Guto	Davies, Dr James
Bellingham, Mr Henry	Davies, Mims
Benyon, Richard	Davies, Philip
Beresford, Sir Paul	Dinenage, Caroline
Berry, Jake	Djanogly, Mr Jonathan
Berry, James	Dodds, rh Mr Nigel
Bingham, Andrew	Donaldson, rh Mr Jeffrey M.
Blackman, Bob	Donelan, Michelle
Blackwood, Nicola	Dorries, Nadine
Blunt, Crispin	Double, Steve
Boles, Nick	Dowden, Oliver
Borwick, Victoria	Doyle-Price, Jackie
Bottomley, Sir Peter	Drax, Richard
Bradley, Karen	Drummond, Mrs Flick
Brady, Mr Graham	Duncan, rh Sir Alan
Brazier, Mr Julian	Duncan Smith, rh Mr Iain
Bridgen, Andrew	Dunne, Mr Philip
Brine, Steve	Elliott, Tom
Brokenshire, rh James	Ellis, Michael
Bruce, Fiona	Ellison, Jane
Buckland, Robert	Ellwood, Mr Tobias
Burns, Conor	Elphicke, Charlie
Burns, rh Sir Simon	Eustice, George
Burrowes, Mr David	Evans, Graham
Burt, rh Alistair	Evans, Mr Nigel
Cairns, Alun	Evennett, rh Mr David
Campbell, Mr Gregory	Fabricant, Michael
Carmichael, Neil	Fallon, rh Michael
Cartledge, James	Field, rh Mark
Caulfield, Maria	Foster, Kevin

Fox, rh Dr Liam	Lee, Dr Phillip
Frazer, Lucy	Leigh, Sir Edward
Freer, Mike	Leslie, Charlotte
Fysh, Marcus	Letwin, rh Mr Oliver
Gale, Sir Roger	Lewis, Brandon
Garnier, rh Sir Edward	Liddell-Grainger, Mr Ian
Garnier, Mark	Lilley, rh Mr Peter
Gauke, Mr David	Lopresti, Jack
Ghani, Nusrat	Lord, Jonathan
Gibb, Mr Nick	Loughton, Tim
Gillan, rh Mrs Cheryl	Lumley, Karen
Glen, John	Mackinlay, Craig
Goldsmith, Zac	Mackintosh, David
Goodwill, Mr Robert	Main, Mrs Anne
Gove, rh Michael	Mak, Mr Alan
Graham, Richard	Malthouse, Kit
Gray, Mr James	Mann, Scott
Grayling, rh Chris	Mathias, Dr Tania
Green, Chris	May, rh Mrs Theresa
Green, rh Damian	Maynard, Paul
Grieve, rh Mr Dominic	McCartney, Jason
Griffiths, Andrew	McCartney, Karl
Gummer, Ben	McLoughlin, rh Mr Patrick
Gyimah, Mr Sam	McPartland, Stephen
Halfon, rh Robert	Menzies, Mark
Hall, Luke	Mercer, Johnny
Hammond, Stephen	Merriman, Huw
Hancock, rh Matthew	Metcalfe, Stephen
Hands, rh Greg	Miller, rh Mrs Maria
Harper, rh Mr Mark	Milling, Amanda
Harris, Rebecca	Mills, Nigel
Haselhurst, rh Sir Alan	Milton, rh Anne
Hayes, rh Mr John	Mordaunt, Penny
Heald, Sir Oliver	Morgan, rh Nicky
Heapey, James	Morris, Anne Marie
Heaton-Harris, Chris	Morris, David
Heaton-Jones, Peter	Morris, James
Henderson, Gordon	Morton, Wendy
Hermon, Lady	Mowat, David
Hinds, Damian	Murray, Mrs Sheryll
Hoare, Simon	Murrison, Dr Andrew
Hollingbery, George	Neill, Robert
Hollinrake, Kevin	Nokes, Caroline
Hollobone, Mr Philip	Norman, Jesse
Holloway, Mr Adam	Nuttall, Mr David
Hopkins, Kris	Offord, Dr Matthew
Howarth, Sir Gerald	Opperman, Guy
Howell, John	Parish, Neil
Howlett, Ben	Patel, rh Priti
Huddleston, Nigel	Paterson, rh Mr Owen
Hurd, Mr Nick	Pawsey, Mark
Jackson, Mr Stewart	Penning, rh Mike
James, Margot	Penrose, John
Javid, rh Sajid	Percy, Andrew
Jayawardena, Mr Ranil	Perry, Claire
Jenkyns, Andrea	Phillips, Stephen
Jenrick, Robert	Philp, Chris
Johnson, Boris	Pickles, rh Sir Eric
Johnson, Gareth	Pincher, Christopher
Johnson, Joseph	Poulter, Dr Daniel
Jones, Andrew	Pow, Rebecca
Jones, rh Mr David	Prentis, Victoria
Jones, Mr Marcus	Prisk, Mr Mark
Kawczynski, Daniel	Pritchard, Mark
Kennedy, Seema	Pursglove, Tom
Kinahan, Danny	Quin, Jeremy
Knight, rh Sir Greg	Quince, Will
Knight, Julian	Raab, Mr Dominic
Kwarteng, Kwasi	Redwood, rh John
Lancaster, Mark	Rees-Mogg, Mr Jacob
Latham, Pauline	Robertson, Mr Laurence
Leadsom, Andrea	Robinson, Gavin

Robinson, Mary
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Solloway, Amanda
 Soubry, rh Anna
 Spelman, rh Mrs Caroline
 Spencer, Mark
 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
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward

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

Tellers for the Ayes:
 Sarah Newton and
 Simon Kirby

NOES

Abbott, Ms Diane
 Ahmed-Sheikh, Ms Tasmina
 Ali, Rushanara
 Allen, Mr Graham
 Arkless, Richard
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Black, Mhairi
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blenkinsop, Tom
 Blomfield, Paul
 Boswell, Philip
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 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
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, rh Yvette
 Cowan, Ronnie
 Cox, Jo
 Crausby, Mr David
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 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, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Fellows, Marion
 Ferrier, Margaret
 Field, rh Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glass, Pat
 Glindon, Mary
 Godsiff, Mr Roger
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harpham, Harry
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hosie, Stewart
 Hunt, Tristram
 Huq, Dr Rupa
 Hussain, Imran
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, rh Alan
 Johnson, Diana
 Jones, Gerald
 Jones, Helen
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Kaufman, rh Sir Gerald
 Kerevan, George
 Kerr, Calum
 Khan, rh Sadiq
 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
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 McCaig, Callum
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, Dr Alasdair
 McDonnell, John
 McFadden, rh Mr Pat
 McGarry, Natalie
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 Meale, Sir Alan
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mulholland, Greg
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Pound, Stephen
 Powell, Lucy
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Ryan, rh Joan
 Salmond, rh Alex
 Saville Roberts, Liz
 Shah, Naz
 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
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Streeting, Wes
 Stuart, rh Ms Gisela
 Tami, Mark
 Thewliss, Alison
 Thompson, Owen
 Thomson, Michelle
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek

Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Weir, Mike
 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 Noes:
 Sue Hayman and
 Jeff Smith

Question accordingly agreed to.

Bill read the Third time and passed.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith (Standing Orders No. 15(2)(a) and No. 41A(3)),

That, at this day's sitting, the Motion in the name of Chris Grayling relating to sittings of the House may be proceeded with, though opposed, until any hour, and Standing Order No. 41A relating to Deferred Divisions shall not apply.—(*Stephen Barclay*.)

Question agreed to.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Priti Patel relating to Social Security.—(*Stephen Barclay*.)

Question agreed to.

Social Security

7.13 pm

The Minister for Employment (Priti Patel): I beg to move,

That the draft Welfare Reform (Northern Ireland) Order 2015, which was laid before this House on 26 November, be approved.

The order will ensure that the people of Northern Ireland can benefit from the radical programme of welfare reforms enabled by the Welfare Reform Act 2012 in Great Britain. That landmark act ushered in a new welfare contract with the British people. It said to those who are able to work, "Work will always pay." It said to the most vulnerable in society, "We will continue to provide you with the support you need", and it said to the taxpayer, "Your hard-earned money will be spent responsibly."

This new contract reflects principles which continue to guide our welfare reform programme—that work is the best route out of poverty, that spending on welfare should be sustainable, that people on benefits should face the same choices as those in work, and that the most vulnerable should be protected. Those are the principles that underpin the Welfare Reform Act 2012, and they are the principles that underpin the Order in Council before the House today.

Before I turn to the specifics of the order, I want to remind the House of the desperate need for welfare reform in Great Britain and Northern Ireland. When we took office in 2010 nearly 1 in 5 households had no one working, the number of households in which no one had ever worked had nearly doubled, and nearly 1.5 million people had been on benefits for most of the previous decade. The welfare system, with its byzantine complexity and perverse incentives, had allowed people to become detached from the rest of society, trapped in worklessness and dependency.

Over the past five years, we have stuck to our economic plan, delivered welfare reform and seen great progress: employment is up over 2 million; there are over 680,000 fewer workless households; and the number of people claiming the main out-of-work benefits has fallen by 1 million. In Northern Ireland, too, there have been improvements in the labour market, with 33,000 more people in employment than in 2010 and the claimant count down nearly 30% over the same period, but there is still much more to do. Northern Ireland has a lower proportion of its working age population in work than any other country or region of the UK; 130,000 households have no one in work; and 5% of those claiming the main out-of-work benefits across the UK as a whole are in Northern Ireland, which is well above its share of the UK working-age population.

In rebalancing Northern Ireland's economy to meet the challenges of today's global economy, we are tackling these challenges and creating jobs. Economic reforms, such as the proposed corporation tax reduction, will be vital, but economic reforms alone will not create a more prosperous society or improve the life chances of people trapped in dependency. As my right hon. Friend the Secretary of State for Work and Pensions has said many times in this House, economic reform must be complemented by social reform. We must ensure that people are supported and incentivised to take advantage of the opportunities that economic growth can create, and that is what the order does.

Improved incentives are at the heart of universal credit. The single taper rate ensures that work will always pay, and the stronger conditionality framework encourages claimants to do everything they reasonably can to find or prepare for work.

Lady Hermon (North Down) (Ind): The Minister will know that the Belfast agreement created two statutory organisations: the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland. What consultation have the Government conducted with them on these welfare reforms?

Priti Patel: Full and public consultation has taken place, and all the information has been made available repeatedly.

Early evidence suggests that universal credit is making a difference. Compared to current jobseeker's allowance claimants, universal credit claimants look for work more, enter work faster and earn more. The benefit cap is also having a positive impact in Great Britain, with capped households 41% more likely to go into work than similar uncapped households. It must be right that the people of Northern Ireland benefit from these reforms, so the order provides the legislative framework to implement them in Northern Ireland, as well as replacing disability living allowance with the personal independence payment, which helps towards additional living costs associated with a long-term health condition or disability and is based on how a person's condition affects them, not on the condition they have; reforming contributory benefits so that they align with universal credit conditionality, including through the introduction of a claimant commitment as a condition of entitlement; time limiting employment support allowance to underline the principle that with the right support claimants are expected to return to work; and introducing tougher penalties for benefit fraud.

The transitional provisions in the order allow the Secretary of State to exercise the vast majority of regulation-making powers in the first instance, and our intention is to introduce the regulations in the early new year, working with colleagues in Northern Ireland. It will be for the Northern Ireland Executive, however, to implement the changes, and regulations relating to the top-ups outlined in the Stormont House and fresh start agreements will be taken forward by the relevant Northern Ireland Department in the Assembly.

It is important to remember what the order is about and what it is not about. It is not intended to diminish Northern Ireland's devolution settlement. As my right hon. Friend the Secretary of State for Northern Ireland has made clear, the legislative approach we are taking has arisen at the request of the Northern Ireland parties, and the Assembly has given its consent. The order also reflects the draft Northern Ireland Welfare Reform Bill, which has been debated at great length in the Assembly over the past three years. Accordingly, the order includes a number of amendments that reflect the will of the Assembly, including an 18-month limit for higher level sanctions and discretionary payments.

This order is about building and delivering the fresh start agreement. It is about supporting hard work and aspiration, and creating the right incentives for people to fulfil their potential and create a safe, secure and self-sufficient life, supported by, but independent from,

the state. It is about making sure that spending on welfare is sustainable and fair to the taxpayer, while at the same time protecting the most vulnerable. Building an economy based on higher pay, lower taxes and lower welfare is both right for the UK and right for Northern Ireland. I commend the order to the House.

7.20 pm

Emily Thornberry (Islington South and Finsbury) (Lab): It is important to be mindful throughout today's debate of the events that have led us to this point. It is now almost a full year since the Stormont House agreement was finalised, after months of negotiation between five Northern Irish political parties, involving representatives of the UK, US and Irish Governments. Those negotiations sought to reach a lasting solution to some of the problems that have afflicted Northern Ireland not just in recent years, but throughout its history. The agreement made a substantial amount of progress on some of the most contentious issues, including flags, parades and dealing with the past, while also seeking a way forward on issues such as welfare reform and the devolution of corporation tax.

The Stormont House agreement marked a turning point, but in the longer term it has not provided a conclusive resolution to most of the issues that the parties sought to address. Divisions have remained in the 12 months since and have escalated at frequent intervals. On more than one occasion this year, it appeared that there was a genuine risk not just that the devolution settlement might collapse, but that we might see a return to direct rule for the first time in almost a decade. Whatever their disagreements, it has always been clear that none of the parties wanted that. Neither, of course, did hon. Members on either side of this Chamber.

My hope is that today marks the end of a difficult process that none of us wants to see repeated. The Northern Ireland (Welfare Reform) Act 2015, which received Royal Assent this week—together with this order, which it enabled—takes an important step towards bringing the events of the last 12 months to a close. I suspect that no one will see this order as a perfect solution. Most will nevertheless regard it as necessary at least, in so far as it paves the way for an end to financial penalties and a return to stable government. The Opposition will not, therefore, be voting against the order today, just as we did not vote against the enabling Bill, which became law last week.

We have serious concerns about many of the Government's welfare reforms and, as the Minister knows, we have not held back from expressing them at the appropriate time. We have also, however, been consistent in our view that these debates are not the right forum for rehearsing the arguments we have been making elsewhere. We sincerely hope that, in bringing recent disagreements over welfare reform in Northern Ireland to a close, this legislation will mark the beginning of a new chapter in its history. It is hoped by many that it will pave the way for progress on long stalled issues, including the devolution of corporation tax, as I mentioned, as well as a voluntary redundancy scheme to mitigate the impact of recent civil service cuts on Northern Ireland's workforce.

We particularly welcome the provisions made for transitional protections, extending over a number of years, to help to mitigate the impact of some of the

[Emily Thornberry]

most significant changes. These include important protections for existing claimants affected by the bedroom tax and the transition from disability living allowance to the personal independence payment. I understand that agreement has also been reached for a number of changes to be made to the way that universal credit will be implemented in Northern Ireland, which include exemptions from the requirement for single household payments, provisions to allow the housing costs element to be paid directly to landlords and protections in the sanctions regime for lone parents seeking work.

These are all welcome compromises on the part of the Department for Work and Pensions. Although they may not address all the concerns that have been raised about welfare reform in Northern Ireland, they will nevertheless go some way towards mitigating the impact on some of the most vulnerable among those affected.

Mr Gregory Campbell (East Londonderry) (DUP): The hon. Lady is rightly outlining some of the beneficial mitigating measures that will come into effect in Northern Ireland. As a Member of Parliament in this part of the United Kingdom, does she perhaps look on the package in Northern Ireland with some shades of envy for her own constituents?

Emily Thornberry: I appreciate that some of the compromises that the DUP have reached for Northern Ireland are not outcomes that we have managed to achieve on the mainland. Many of the policies that I see in front of me are certainly things that the Labour party has called for, so I congratulate DUP Members. Let us call a spade a spade. These are all welcome compromises on the DUP's part. Although they may not address all the concerns, they nevertheless go some way towards mitigating the impacts on some of the most vulnerable among those affected.

We must remember that the divisions that recent negotiations have sought to heal go far beyond welfare reform alone. As such, finalising this agreement will allow progress to be made in other areas, making available additional funding for the Police Service of Northern Ireland to step up its efforts to fight terrorism. There will also be new funding for community initiatives, among them efforts to bring down the peace walls that have historically divided Northern Ireland's communities. The compromises reached on the part of the DUP helped to get the exceptional circumstances of Northern Ireland recognised. Disagreements no doubt remain, but the settlement reached between Stormont and Westminster nevertheless presents an opportunity to draw a line under the difficult events that we have lived through in recent months.

7.26 pm

Dr Alasdair McDonnell (Belfast South) (SDLP): I rise to speak briefly on this vexed issue because, quite simply, all that has to be said and can be said on the issue has been said. My hon. Friends and I have made our position abundantly clear on many occasions, but I could not let this statutory order pass without expressing my regrets. It is entirely regrettable that the role and responsibility of the Northern Ireland Assembly has been eroded and undermined as it has by the Government, by the DUP and by Sinn Féin.

It is not clear to me whether Sinn Féin and the DUP did not realise the implications of locking into the Welfare Reform and Work Bill in the legislative consent motion, or whether they did not care. That is the situation we are in. It is particularly odd when the DUP actually voted against the Bill in this House, but then signed up to it in the Assembly.

Jim Shannon (Strangford) (DUP): I have listened with some incredulity to what the hon. Gentleman has said. Does he not accept that the Welfare Reform and Work Bill and the agreement for Northern Ireland represent a better deal for Northern Ireland than any other part of the UK has received? Indeed, the Labour party has already indicated its envy of the Northern Ireland deal, so will he not accept the good deal that we have—one that beats anywhere else in the United Kingdom?

Dr McDonnell: The hon. Gentleman makes a very good point. The difficulty about it is that the DUP would have settled for a lot less. DUP Members argued for less time and again. Quite simply, I agree. The SDLP feels that, although the deal has its merits in some places, there are big gaps in it in others. Quite frankly, what we need to ensure is that those gaps are filled.

Ms Margaret Ritchie (South Down) (SDLP): Does my hon. Friend recall meetings we had with the noble Lord Freud in the other place back in February 2012 and in November 2012, when he indicated to our party delegation that those mitigations were then in place? Does my hon. Friend agree that it took some time for the then Minister for Social Development to come to his senses and realise that those mitigation measures would be in place?

Dr McDonnell: I thank my hon. Friend for her comments. I agree. I recall the meeting she mentions. In my opinion, what she is reflecting is the fact that it was a complex issue and it still is a complex issue. What comes to mind immediately—and I am glad that the hon. Member for Strangford (Jim Shannon) drew my attention to it—is that the negotiation skills of Sinn Féin and the DUP have been very flawed. Quite simply, they were prepared to settle for a very bad deal, and now they are settling for just a bad deal.

I believe that we in the SDLP were right to argue that the Chancellor would have to introduce mitigation in relation to tax credits, and in due course he did, thus making that part of the debate redundant. Indeed, the £60 million top-ups are not only redundant but unnecessary. There must now be a debate about exactly where the money will be reallocated, because that is not clear. The SDLP believes that, instead of carving up poverty, we must establish a clear strategy that will relieve our present situation and enable us to concentrate on prosperity rather than welfare. However, that is a discussion for another time and another place.

Our party has argued for legislation in the Assembly but, failing that, while we have a high regard for the Secretary of State in many respects, we have been honest and open about the fact that, in this instance, we want to curb her influence and the undermining of the spirit of devolution. It is just a pity that Sinn Féin Members are not present to vote either with or against the Conservative Government. I do not know how they

would vote on this occasion, but it is disappointing for us that DUP Members are being gung-ho here and voting in favour of these measures.

Mr Laurence Robertson (Tewkesbury) (Con): The hon. Gentleman is an extremely valuable member of the Select Committee. Does he accept that, in the spirit of devolution, which involves a power-sharing rather than a straight democratic arrangement, it is necessary for parties to make compromises? Yes, they can state what they really believe in, but at the end of the day they must make compromises in the spirit of devolution, because failing to do so could risk bringing down the devolution settlement itself. Indeed, that nearly happened.

Dr McDonnell: I fully respect our learned and hon. Friend and the issue that he has raised, but I put it to him that no party has been more willing to compromise on a whole range of issues than the SDLP. We were there at the beginning, we are there in the middle, and we will be there at the end, working to create consensus and partnership.

7.32 pm

Sammy Wilson (East Antrim) (DUP): I want to make it clear that the responsibility for this matter being debated in the House today lies fully with the SDLP and with Sinn Féin—and the Greens: the wee Green man in the Assembly. They used the powers that were available to block the legislation, created a constitutional and financial crisis in the Assembly, and hurt the many hundreds of thousands of people who found that for the last year the budget of the Assembly had been in disarray. The only way out of the impasse that had been created by the SDLP and Sinn Féin was to bring the legislation here. At the end of the day, common sense prevailed, and that is why we are in our present position.

Mr Gregory Campbell: Does my hon. Friend recognise that, on top of the problems that have been caused by the SDLP and Sinn Féin, more than £100 million-worth of fines were levied on the Assembly as a result of that intransigence?

Sammy Wilson: Of course, that £100 million-plus could have been used to deal with many of the pressing problems faced by my hon. Friend's constituents and mine, and, indeed, the constituents of all of us in the House tonight. They could not benefit from hip operations, eye operations or special needs provision in schools because money had been drained from the Northern Ireland budget unnecessarily. Let us be clear about this. The responsibility for the legislation being brought here rests with those who took the view that they did, even after concessions had been made. I want to thank the Ministers on the Treasury Bench who listened to the special case in Northern Ireland, albeit that they made us pay for the changes ourselves. Nevertheless, they recognised that there were special conditions in Northern Ireland and they were prepared to be flexible. I suspect that caused some difficulty for them with their constituents, because the same arrangements were not available here on the mainland. Nevertheless, they were made available in Northern Ireland—although, as I said, the Northern Ireland Executive had to pay for the changes made.

This was always going to be a difficult issue because of the parity principle. It is one of the reasons why at the very beginning when devolution was being set up we questioned whether welfare should ever be devolved; departure from the parity principle was always going to be very difficult. The arrangement was that, so long as Northern Ireland stayed in line with tax changes and benefit changes in the rest of the UK, through the annually managed expenditure, whatever the cost of welfare would be, it would be met by the Exchequer; it would not have to be found locally, but would be met by the Exchequer. It was perfectly legitimate to say, "We're not going to allow you to go and do your own thing and then expect the Treasury to pick up the bill." We expect there to be that parity principle and, that being the case, the devolution of welfare to the Northern Ireland Assembly was always going to create difficulties if parties decided to dig their heels in and ask for radically different arrangements.

It has been mentioned that my party voted against some of the things contained in the Bill at Westminster. That is true, but there are many things we voted for. We supported the benefit cap. We supported the move to universal credit and the simplification of benefit arrangements. We supported the principle that benefits should be set at a level to make work pay, and not to penalise people who went out and worked. We supported all those things, but there were things we were not happy with. We voted against them here. In some cases we were able to negotiate differences in Northern Ireland, and in some cases we were not, but we faced up to the reality that once the legislation had passed through Westminster the Northern Ireland budget was not going to be able to bear the cost of not implementing it in Northern Ireland.

It is ironic, however, that the SDLP should say that Sinn Féin and the DUP rolled over to the Government on welfare reform. Let me give one example. When the hon. Member for South Down (Ms Ritchie) was Minister for Social Development, she put through a lot of statutory instruments that simply reflected welfare changes here and were introduced in Northern Ireland, very often without any debate. Indeed, it was her successor who introduced in Northern Ireland the removal of the spare room subsidy for the private rented sector, and then railed against it when it was introduced for tenants in the public rented sector. There was not a word about it in the Northern Ireland Assembly when her colleague Mr Attwood introduced that. So we can see a certain amount of conflict between the anti-welfare rhetoric of the SDLP and its willingness on many occasions to introduce welfare changes through the Assembly.

Lady Hermon: Instead of concentrating only on the SDLP, I would be intrigued to find out what persuaded Sinn Féin, after months and months of saying no to welfare reform, to agree with the DUP—and do not tell me it was the charm of the DUP; just explain why they changed their mind.

Sammy Wilson: As I have mentioned to the hon. Lady before, because she has asked me this previously, Sinn Féin has on many occasions adopted an intransigent attitude. It said it would never turn its back on the IRA, but at St Andrews we insisted that it had to turn its back on associations with all those who were involved in criminality before we were—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Obviously, we are broadening the debate into other areas we are not expected to deal with, and I do believe we could have quite a bit more business to come.

Sammy Wilson: Thank you, Mr Deputy Speaker. The hon. Member for North Down (Lady Hermon) is now going to have to do without an answer to that question because you have made it clear—

Mr Deputy Speaker: I am sure you can have a cup of tea later in order to answer it.

Sammy Wilson: Mr Deputy Speaker, you have made it clear to the hon. Lady that I would be digressing if I went down that route. The good thing is that Sinn Féin did face up to the reality that we could not go along a route where we did not have a sustainable budget and could not deliver services in Northern Ireland, we were going to hit a constitutional crisis and the devolution settlement was going to be under threat if we did not deal with this issue. I do not see what happened as a cop-out on our part, because we had always advocated that, if this matter could not be dealt with in the Assembly, it should be dealt with here—my only regret was that the Secretary of State did not take the powers earlier. Perhaps it is better that the powers were handed to her by the Northern Ireland Assembly and therefore we have this order tonight.

Ms Ritchie: Does the hon. Gentleman not recall that, when I was Minister for Social Development, I facilitated the request by the Social Development Committee, under the chairmanship of the hon. Member for East Londonderry (Mr Campbell)? He and others asked me whether it would be possible for money to be paid directly to the landlord rather than the tenant as part of housing allowance, in order to ensure the protection of tenants, and I was very glad to do it. Does the hon. Member for East Antrim (Sammy Wilson) also agree that the whole purpose of those statutory instruments was to ensure that money was got to people as quickly as possible, in order to take them out of poverty and into a situation where they had money?

Sammy Wilson: The whole point of the order before us is that it allows for those changes to be made in Northern Ireland. The range of the changes has been highlighted here tonight: the exemption from the spare room subsidy changes; the direct payments to landlords; the split payments to households; and additional funding for those who would be affected by housing benefit changes to their rates. All those have been facilitated as a result of the negotiations that took place—under the auspices of a Democratic Unionist party Minister; the DUP negotiated many of those changes. As I say, we were pleased that the Government were prepared to be flexible, albeit that their largesse did not extend to funding those changes and those had to be funded from the Northern Ireland budget.

The good thing about this order is that it removes something that was toxic in the Assembly. Until December next year, any welfare changes will be done through this House and therefore the kind of impasse that we have experienced before will be removed. That is good for the stability of the Assembly. It is good that we have an order that reflects some of the changes that we believe

were necessary and some of the amendments we wish to have in the legislation. Overall, it is a good part of the package. We are not ashamed of it. We do not believe it dilutes devolution. It is a recognition that the current blocking arrangements in the Assembly created problems that we had to find a way around.

Lady Hermon: I am very grateful to the hon. Gentleman for allowing me to intervene again. I am sure that he would like to correct the record. Instead of describing an Assembly Member as a “little Green man”, perhaps he could explain that that Member of the Legislative Assembly is in fact a member of the Green party, and one of the six MLAs in North Down. I am sure that he would like to correct the record.

Sammy Wilson: The MLA is a man. He is quite small, and he sits in the corner of the Assembly, and he is also a member of the Green party. Members can take from that what they wish. He and I have a long record of conflict in the Assembly.

I welcome the order before us tonight. There is other welfare legislation that will have to come before this House. I look forward to it going through, so that the problems that welfare was causing in the Northern Ireland Assembly should not cause an impasse in the future.

7.45 pm

Ms Margaret Ritchie (South Down) (SDLP): Tonight we are dealing with the Welfare Reform (Northern Ireland) Order, which implements provisions contained in the Welfare Reform Act 2012. Specific changes include top-up powers and a different sanctions regime.

Unfortunately, owing to the actions of the Democratic Unionist party and Sinn Féin, we see the surrender and return of these welfare reform powers to Westminster, and the reintroduction of the undemocratic Orders in Council, which we thought we had consigned to the legislative dustbin when devolution returned on 7 May 2007. Orders in Council are undemocratic, because no provision is made to allow amendments. I do not think that anyone would deny that.

As Members are aware, last week the SDLP tabled a number of amendments to the enabling Bill at Committee stage which dealt with the detail of this Order. Although I do not intend to reiterate our rationale, I will say this: the amendments would have restricted the Secretary of State's powers to interfere with Northern Ireland's welfare system.

On one amendment in particular, namely the sunset clause, the Secretary of State for Northern Ireland and the Minister made no attempt to justify voting it down. That sunset clause was set at 31 December 2016—

David Simpson (Upper Bann) (DUP): Will the hon. Lady give way?

Ms Ritchie: If the hon. Gentleman will let me complete my point, I will come back to him.

There was no response to the point made by my hon. Friend the Member for Foyle (Mark Durkan) when he asked why the sunset clause should not be made more temporary, and set at 1 June 2016. That would have reflected the new mandate following the elections in May.

The arbitrary date seems to have been chosen more for neatness than for any consideration of the processes and structures in the Assembly.

David Simpson: I have the greatest respect for the hon. Lady. I wish to give her an opportunity to express her regrets—or does she, along with her party, in fact express any regrets?—that £100 million was sent back to the Treasury, which could have been used for the benefit of the people of Northern Ireland. Will she express that regret?

Ms Ritchie: On that point, I can well recall that there was robust opposition to those fines by my colleagues in the Assembly. Let me ask the hon. Gentleman this: do he and his colleagues regret the fact that there was an in-and-out approach to ministerial office by the DUP back in September, which resulted in very long waiting lists for health and in many people still having to wait for surgical procedures?

This debate and this order reflect the Government's attitude and the disregard for the Assembly's democratic processes on the part of the Government and Sinn Féin and the DUP. This sunset clause has been presented by other parties as the cut-off point in the Secretary of State's interference in our welfare system, but of course that is not the case. The legislative consent motion voted through by the DUP and Sinn Féin locks Northern Ireland into the welfare provisions.

May I remind you, Mr Deputy Speaker, that DUP Members walked through the Lobby with us to vote against the provisions, yet they have joined Sinn Féin in signing up to this? My colleague in the Assembly, Mr Attwood, received a letter from the DUP Minister for Social Development last week, confirming that our constituents would face a benefit freeze for four years up to 2020 and that Westminster would have the power to impose an even lower benefit cap—lower than £20,000 for the North. That is what the DUP and Sinn Féin have locked us into. Such a four-year freeze will mean real reductions year on year for people on income support, jobseeker's allowance, employment and support allowance and universal credit. It will mean a freeze for constituents, whether those of my hon. Friend the Member for Foyle (Mark Durkan), of the hon. Members for East Derry (Mr Campbell), for East Antrim (Sammy Wilson) or for Upper Bann (David Simpson), or of the right hon. Member for Belfast North (Mr Dodds).

Sammy Wilson: Does the hon. Lady accept that most people in Northern Ireland do not regard a benefit freeze on the scale that she suggests, which is equivalent to take-home pay of £37,000 for someone in work, as unreasonable, and that if we are talking about making work pay, such a benefit freeze is essential?

Ms Ritchie: May I suggest to the hon. Gentleman that the standard of living in Northern Ireland is much higher and that we are talking about a benefit cap. I remind the hon. Member for East Antrim not to lead people in a slightly different direction by confusing a freeze with a benefit cap. The debate on this Order in Council, which has 140 clauses, is really about the needs of families and individuals who need to access the benefits system. People do not do that because they

want to; they are forced into it because they cannot find a job, have lost their job or they live in an area where there have been considerable job losses. In Ballymena, in the constituency of the hon. Member for North Antrim (Ian Paisley), there will be considerable job losses as a result of closures at Michelin.

We are all united in a desire to build a more united society where there will no longer be peace walls, and we have a stable economy with plenty of economic growth and productivity and stable political institutions. We want to ensure that we can live, and people with families can rear them, in relative comfort. It is not a lifestyle choice to be in receipt of benefits; as I explained, many people are forced into such circumstances because they do not have a job or they have some form of disability.

I would like the Minister responding on behalf of the Department for Work and Pensions to explain the calculation of the top-ups and which budget they will come from. Will they come out of the existing Department for Social Development budget or the Social Security Agency budget, or will there be a raid on the discretionary fund, which will disadvantage other people?

I take on board the fact that there is a top-up regime, and I hope that that money will be safeguarded by the Treasury to ensure that money flows to people. We do not want to see a sanctions regime lead to youth homelessness, which has been an emerging phenomenon in Germany and here in England and Wales, where benefits sanctions are in operation. Such sanctions can often bear down on the individuals and families least financially able to tolerate them. None of us, no matter what our political perspective or affiliation, would want that to happen to any of our constituents.

In conclusion, I would like to touch on a rather bizarre criticism levelled at my colleagues by hon. Members representing the DUP. They suggested that there was some contradiction in our argument that Northern Ireland's welfare powers should be legislated for in Northern Ireland and, in the absence of that, our attempt to protect claimants through our amendment put to this House last week. There is no contradiction. We believe in democracy and in the processes of both the Northern Ireland Assembly and this House to scrutinise and amend legislation. Just because the DUP and Sinn Féin undermined the processes of the Northern Ireland Assembly, the SDLP will not undermine the role, duty and responsibility of this Chamber.

To my knowledge, Sinn Féin has been oddly quiet on this issue. Its only response to the trade unions protesting outside its offices on the issue at the weekend was that it supported the unions in

“directing united opposition against the Tory government in London”—

by handing over powers to that same Tory Government. That is rather bizarre and ludicrous.

The most important thing is that we are able to build on the political institutions and on sound economic growth and productivity in a balanced way throughout Northern Ireland, and that people are not worse off as a result of this measure—that is, people who are forced into the benefits system because of a lack of opportunity and jobs.

7.57 pm

Mr Nigel Dodds (Belfast North) (DUP): I shall contribute briefly to the debate. I welcome what the hon. Member for South Down (Ms Ritchie) said about wanting to move Northern Ireland forward, building the economy and creating peace and stability in Northern Ireland. We have common cause in that. That is precisely why we believe that the fresh start agreement, including this welfare element, is so important. Without it, Northern Ireland would have gone backwards. We would, in effect, have gone back to direct rule. It would have taken many years once again to get devolution up and running, with all that would result from that.

There is no point adopting the self-indulgent, luxurious position of wishing that circumstances were different. That is the fact of the matter. We had to address a very difficult situation. The rule of parity was implemented by Ministers when I first became Social Development Minister back in 1999. I remember that the first thing we discussed with the civil servants was the issue of parity. Revisiting this point, it is interesting to note that it is cited specifically in the Belfast agreement, which the SDLP was instrumental in agreeing. That principle is enshrined in section 87 of the Northern Ireland Act 1998. Parity is important. Without maintaining parity, the Northern Ireland Executive can make changes. The Northern Ireland Assembly can depart from legislation and provisions passed here, but on the principle that any additional costs would fall to be met by the Northern Ireland Executive out of the block grant. To close our eyes to that reality and pretend that things are otherwise and wish them so is simply not sensible, rational politics.

We faced up to the issue. As my hon. Friend the Member for East Antrim (Sammy Wilson) eloquently set out, we voted against but we also clearly supported some elements because we believed that they were best for the Government's welfare agenda. We opposed others and then made a strong effort in the Assembly and in direct negotiation. I pay tribute to Nelson McCausland, the previous Department for Social Development Minister, for getting mitigations, which the Government accepted. We then put those forward in the Assembly. The Bill was first introduced in October 2012 and reached its final stage in May 2015. It still did not get through because of SDLP, Sinn Féin and Green party opposition.

The process is not undemocratic; remember that the Northern Ireland Assembly passed a legislative consent motion on 18 November by 70 votes to 22. The principle of devolution has been observed and the integrity of the Northern Ireland Assembly's right to legislate has been specifically preserved. The Assembly has given its consent through that motion.

Finally, I want to put on the record the improvements and additions that Northern Ireland now has compared with elsewhere. There are the top-ups, which amount to many hundreds of millions of pounds, and the exclusion of the so-called bedroom tax. As has been outlined, we have seen the end of fines. I will not go into the figures, but those fines were having a detrimental effect on ordinary people and services in Northern Ireland and we have put a stop to them. Given their previous attitude, if the SDLP and Sinn Féin had had their way, they would continue.

We are also getting £25 million of new ring-fenced funding per year for five years to address welfare error and fraud in Northern Ireland. The UK Government

have agreed that half of any savings generated in the next five years can be reinvested by the Northern Ireland Executive. Those are just some of the improvements on the welfare side as well as all the other advantages from the fresh start agreement, building on the Stormont House agreement.

We would prefer the legislation to have gone through the Assembly—of course we would. However, we faced up to the reality: if we had gone on the way we were, we would have ended up making suffer those we most wanted to protect.

Tom Elliott (Fermanagh and South Tyrone) (UUP): I am not arguing against the legislation by any means, but I seek clarification. The top-ups available under the disability living allowance and the personal independence payment through the Stormont House agreement are not available under these proposals—instead, they are down to the three-person panel. This is just a matter of clarity. Obviously, Sinn Féin has a different perspective from that of Stormont House.

Mr Dodds: As I understand it, the Executive are establishing a small working group under the leadership of Professor Eileen Evason to bring forward proposals within the financial envelope set out by the Executive, including administrative costs, to maximise the use of additional resources. The issue will be for the Executive to determine following Professor Evason's recommendations.

I thank the Government for the expeditious way in which they have brought this matter through the House of Commons at the request of the Northern Ireland Assembly. This is a good day for Northern Ireland, and I certainly support this legislation.

8.3 pm

Mark Durkan (Foyle) (SDLP): I have to start by disagreeing with the very last point made by the right hon. Member for Belfast North (Mr Dodds). I am not here to thank the Government for introducing, by a direct-rule-style Order in Council, legislation that I opposed. The Democratic Unionist party may be happy to endorse by fiat direct rule legislation, parts of which they supposedly opposed; earlier, the hon. Member for East Antrim (Sammy Wilson) was honest enough to concede that his party had supported parts of the original legislation in 2011 and 2012.

I want to correct the misrecord that has come from some of the hon. Members behind me. Whenever the legislation was going through, we, as part of due diligence, were trying to get the Assembly to address properly and anticipate the implications of the legislation that passed through this House, precisely to make sure that we could mitigate and influence it and anticipate what mitigation measures and top-ups were needed to maximise whatever bit of discretion devolution could give us. DUP Members voted the proposal down in the Northern Ireland Assembly. They said that we were scaremongering. They said, "Leave it till we see how the legislation comes through and then our Minister will be able to negotiate some mitigation." The mitigation that their Minister produced—we have heard Members repeat it tonight—was basically the same mitigation that Lord Freud told us in February 2012 would be available, so no additional concessions were got.

We wanted additional concessions. We said in the Assembly that concessions were available and that we needed to advance further mitigation, but DUP Members stalled. Yet now they make a virtue out of saying that their Minister manfully negotiated and pulled a rabbit out of a hat on concessions that were available all along anyway.

That is a dereliction on the part of DUP Members, because they did not get anything that was not already available in February 2012. We put it on the record that it was available then, and we could and should have got more if the Assembly had combined in that effort. DUP Members decided that they had sufficient confidence in the legislation that was being put through by the coalition Government here and in themselves not to create an all-party approach. An all-party approach should always have been created. I previously understood that Sinn Féin believed in such an all-party approach, but of course that tune has changed several times in the course of this whole exercise.

Let us be very clear about the content of the order: it gives effect to the 2012 Act. It basically introduces the Northern Ireland version of the 2012 Act with tweaks and adjustments, some of which were always going to be available anyway. When we first said that we were getting these concessions in 2012, the DUP said that we were scaremongering about the Bill and that we did not need to be looking to concessions. *[Interruption.]* The hon. Member for Strangford (Jim Shannon) is chuntering away, not content with making his usual intervention; he is apparently the only Member of this House who would intervene on himself. Let us be very clear: we are told here that these concessions were got by the DUP, and at home that they were got by Sinn Féin. We have to ask, “Where are the additional concessions beyond those that Lord Freud told us were available in February?”

Ms Ritchie: Does my hon. Friend well recall the meeting with Lord Freud in February 2012 at which he stated quite clearly that these, shall we say, mitigations would include a slightly different sanctions regime and the ability for welfare payments to be paid to claimants fortnightly rather than monthly? Does he agree that those sanctions were agreed at that time and there was perhaps an unwillingness by the DUP to bring them forward through the welfare reform legislation in the Assembly?

Mark Durkan: I fully concur with my hon. Friend’s memory of that meeting. Let us be clear, because we dealt with this in the previous debate as well: at the time, the DUP Minister indicated that the computer system would easily facilitate fortnightly payments, or even weekly if it came to that, and that continuing direct payments to the landlord would not be a problem. He also said that the first time he had heard about Northern Ireland’s particular issue with the bedroom tax was from us, and that his officials had not had it raised in any of their meetings with the Department for Social Development. Of course, at that stage he had had no meetings with the DSD Minister and had none planned. When we consider who was doing due diligence in relation to staking out these issues and seeking these concessions, we should remember that that was the situation.

Tom Elliott: As I understand it, last December’s Stormont House proposals were accepted by the SDLP as well as Sinn Féin. Is the hon. Gentleman now saying that this is a worse deal or a better deal than the Stormont House proposal?

Mark Durkan: I will answer the right hon. Gentleman’s question: I think it is a worse deal. We not only have this order to transpose the 2012 Act—all the parties in Northern Ireland said they had difficulties with that legislation—but the way in which this is being taken forward means that the Government in Whitehall now have the power, by order, to transpose the Welfare Reform and Work Bill currently going through Parliament. That needs to be understood, because the legislative consent motion passed by the Assembly endorsed all the welfare clauses of the current Bill, as originally tabled. DUP MLAs voted to endorse all the clauses, even though they had voted for amendments to delete some of them or to insert additional clauses. Within a period of weeks, they voted with an entirely different attitude in relation to the Welfare Reform and Work Bill, hiding behind direct rule. I therefore think that the deal is worse.

We must remember that the order will not only have the immediate effect of transposing most of the 2012 Act as implemented in Great Britain, but also provides a power, simply by virtue of regulations, to change a lot of the terms and conditions of the benefits, and can almost disappear some categories of benefits in the 2012 Act. In essence, we are being signed up to that without so much as a provision stating that when this direct-rule power is exercised, there must still be a legislative consent motion in the Assembly. We have been treated to the fiction that while we have direct rule, we have not lost any devolution because all the powers still exist on paper in the Assembly. That means it will supposedly be entirely in order for MLAs to table motions in the Assembly to amend such areas or to come up with their own private Members’ Bills, so we will have the nonsense of parallel, competing legislative strands. That is the sort of fiction and nonsense to which we are being treated.

Let us be very clear that the problem does not relate to the political or legislative processes; the real problem is the potential impact on people whose benefits and living standards will be affected as a result. Let us remember that when the Welfare Reform and Work Bill goes through—it has now been endorsed by a legislative consent motion—it will change the limited work capability element of universal credit for new claimants from April 2017. It is quite clear that although the decision-making power, which the Secretary of State has under the enabling legislation that went through over a week ago, will end in 2016, the effect of the decisions made under that power will not die with the power. The changes in relation to the limited work capability element of universal credit for new claimants will come in, meaning a reduction in the value of current payments of almost £30 a week—from £102.15 to £73.10. That is why all the health charities and disability campaign groups are so opposed to clauses 13 and 14 of the Welfare Reform and Work Bill. Unfortunately, Northern Ireland is now sealed into that by virtue of the legislative consent motion and the measure previously passed by Parliament.

[Mark Durkan]

There will be a similar reduction in the amount paid to those in the employment and support allowance work-related activity group. We know from hon. Members representing constituencies in Great Britain that that is one of the notorious vexations. We have heard about just how the work-related activity group has been treated in practice, and about some of the bizarre interpretations, decisions and procedures that people have had to go through. We are now locked into a lot of that courtesy of both the legislative consent motion and this order. We do not have reason to be happy if we take seriously what our friends in all parties across the House are saying in raising their valid concerns. That also goes for some aspects of the sanctions. The time limit on the sanctions is different, courtesy of the efforts that we all made in relation to Stormont House.

I want to make it quite clear that we were signed up for Stormont House in December 2014, because the terms of the agreement stated that the proposals would be developed and brought to the Assembly. When the Bill was brought to the Assembly, however, nothing in it had changed. That is why we tabled a series of modest amendments, which would not have shattered the Stormont House agreement in any way, and which the British Government confirmed would not have stretched or undermined their understanding of what was operable under the agreement. But no, the DUP decided to veto the proposals and, on top of that, Sinn Féin decided to vote down the amendments even though the Tories had voted down similar amendments here in the original 2012 legislation. So those were the people who decided that we were not going to take Stormont House forward on an all-party basis, as had been agreed. I want to put this on record, because I do not think that enough people have understood what happened.

I will make one concession to the Government. A lot of the wriggle room that we had in the Stormont House agreement came about as a result not only of the top-up mitigations from the Executive's own budget but of the understanding that the Department for Work and Pensions and the Treasury were going to allow the Social Security Agency in Northern Ireland a certain amount of leeway in the interpretation and operation of some of the measures. That is one reason why the big money that it was thought would be needed to make good some of Sinn Féin's demands was not actually needed after all. The funds did not need to come out of the Executive's budget because of that leeway being allowed.

However, some of us recognised that the arrangement was time-limited. We were worried that the effects of the welfare cap—which is not to be confused with the benefit cap—would, over time, squeeze and reduce that comfort. We said that we had to be honest about that. The SDLP was also very clear about saying at Stormont House that we had to be up front and public about the fact that, when the next wave of cuts came, we would not be in a position to say that they could be sustained out of the Executive's budget and that we could not make a claim on the block grant to try to make good those claims. We said that we had to say that up front so that people understood it. Sinn Féin did not want to acknowledge that fact because it was still locked into the pretence that it could say it was protecting all existing claimants and all future claimants for ever more, amen. We never joined in that pretence, but no

other party joined us in making that candid declaration that we could not constantly find more and more hard shoulder to run on.

That brings me to the points that were made earlier about the fines. We were asked whether we regretted the fines. We resented those fines, those penalties, those levies, those savings forgone. We have been told by the Secretary of State that they are not fines but savings forgone. I notice that the right hon. Lady did not contradict DUP Members when they were calling them fines; it is only me who gets contradicted. Whatever they are called, we resented them because they were an exercise in budget bullying. The DUP never objected to that budget bullying; indeed, one might think that they were actually in on the tactic, and in on the threat about not renewing the computer system.

The fact is that the Assembly was being bullied. I have said before that I do not believe that the Treasury will treat the new suite of devolved capacities for Scotland in relation to welfare reform in this way. I know that Scotland's deal on welfare is not perfect. Its operation will be problematic, but I am pretty sure that the Treasury will not resort to the kind of tactics that it used against the Northern Ireland Assembly when it comes to dealing with clear differences of view between the Scottish Parliament and the Westminster Government. I believe that it will take a different course.

If we are to be honest about this issue, we must be clear that there is a need to consider whether we need to realign the devolution of welfare in future so that the situation is sustainable. When the sunset clause in this legislation kicks in, and if there is some other mid-term welfare reform package in this Parliament, we do not want the Assembly to spasm into crisis for exactly the same reason.

We said at Stormont House and elsewhere that perhaps we should realign towards something more akin to the Scottish model of devolution. In Scotland, the burden is to take an interest in the benefits that people rely on if they have disabilities and long-term conditions. That points towards a way that we could go that would allow us to be more complete in the protections that we say we are offering people and perhaps provide a more sustainable course for the future.

That answers the point that the hon. Member for East Antrim (Sammy Wilson) made about the architecture of the Good Friday agreement and devolution in the first place. There might be a need to look at realignment, as we have declared. Indeed, I declared that a number of years ago. However, we have not had any takers at any of the talks. If people want to do that, they will find that it could go ahead.

The way in which the implications of this order and the orders to follow are being sold is wrong. Remember that this is only the first of a number of orders that we will get, courtesy of direct rule. Indeed, it is more direct direct rule than we had before, because when a lot of the Northern Ireland social security legislation was passed under the old style of direct rule, it was taken through the House by Northern Ireland Office Ministers. Now, we have direct rule by the DWP, thanks to the way in which Sinn Féin and the DUP have decided it will happen.

It is wrong for parties that oppose these changes to benefits and sanctions to say in respect of making sure that these cuts and changes will happen by direct fiat

and by the hand of a direct-rule Minister in the DWP, “Well, that was a good deal because we saved devolution.” Who was threatening devolution? The only parties that were threatening devolution and the institutions were Sinn Féin and the DUP. They contrived the brink and we all had to teeter on it. When they were saved from themselves in the end, they said that they had done a good job by getting concessions that were available anyway—they were not concessions at all.

That is the nonsense and dishonesty that lies at the centre of the politics of this. We are not one bit happy or content. We are not thankful to the Government for this at all. There were ways of dealing with these issues. They should have been taken in a mature way by devolution—

Sammy Wilson: Mature?

Mark Durkan: They should have been taken in a mature way by devolution, using the Assembly to anticipate when the legislation which has come through here—*[Interruption.]* The hon. Member for East Antrim is one of the people who said that we did not need to worry about the implications of the Welfare Reform Bill when it was here in 2011. He said that we were scaremongering and he voted down moves to deal with the issue in the Assembly. Now he is saying that we should be happy with what direct rule will do over the next 13 months. That will have an effect on benefits and people’s living standards for a long time to come, not least people with disabilities and long-term health conditions.

Those people are not just worried about the implications of the Welfare Reform (Northern Ireland) Act 2015 and dissatisfied about the arrangements for personal independence payment, which need to be improved on the basis of the experience in the pilot areas in England, but they are also very concerned about the implications of the Welfare Reform and Work Bill, which will change a lot of the terms and conditions attaching to universal credit. The very basis on which the original 2012 Act was sold here and the very basis on which the DUP tried to retail that Act in the Assembly was the prospectus for universal credit. Already, those terms and conditions are being changed adversely. As we pass this order, other legislation is coming through that will fundamentally change them. That is not a good deal for the people who are on these benefits.

Question put and agreed to.

Resolved,

That the draft Welfare Reform (Northern Ireland) Order 2015, which was laid before this House on 26 November, be approved.

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL: INSTRUCTION (NO. 5)

Ordered,

That it be a further Instruction to the Select Committee to which the High Speed Rail (London - West Midlands) Bill is committed—

(1) that the Select Committee have power to consider—

(a) amendments, to accommodate the requirements of landowners and occupiers and changes to the design of the works authorised by the Bill, relating to:

- i. the London Borough of Hillingdon;
- ii. the parishes of Denham, Grendon Underwood, Hogshaw and Stone with Bishopstone and Hartwell in the County of Buckinghamshire;

- iii. the parish of Greatworth in the County of Northamptonshire;
- iv. the parish of Middleton in the County of Warwickshire;
- v. the parishes of Drayton Bassett, Hints with Canwell, Longdon and Weeford in the County of Staffordshire;
- vi. the parish of Bickenhill in the Metropolitan Borough of Solihull;

(b) amendments for purposes connected with any of the matters mentioned in sub-paragraph (a);

(2) that any petition against amendments to the Bill which the Select Committee is empowered to make shall be referred to the Select Committee if—

(a) the petition is presented by being deposited in the Private Bill Office not later than the end of the period of four weeks beginning with the day on which the first newspaper notice of the amendments was published, and

(b) the petition is one in which the petitioners pray to be heard by themselves or through counsel or agents.

That these Orders be Standing Orders of the House.—*(Mr Goodwill.)*

SITTINGS OF THE HOUSE (2 DECEMBER)

Ordered,

That, at the sitting on Wednesday 2 December, notwithstanding the provisions of paragraphs 1 and 2 of Standing Order No. 21 (Time for taking Questions) and Standing Order No. 23 (Motions for leave to bring in bills and nominations of Select Committees at commencement of public business), no Questions or Motions for leave to bring in bills shall be taken; and after Prayers, the House shall proceed immediately to the Motion in the name of the Prime Minister relating to United Nations Security Council Resolution 2249.—*(Chris Grayling.)*

Business without Debate

DELEGATED LEGISLATION

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

NATIONAL HEALTH SERVICE

That the draft National Health Service (Licensing and Pricing) (Amendment) Regulations 2015, which were laid before this House on 2 November, be approved —*(Stephen Barclay.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6), and Order of 24 November)

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

That an humble Address be presented to Her Majesty, praying that Her Majesty will appoint Sir Robert Owen and John Thurso to the office of ordinary member of the Independent Parliamentary Standards Authority with effect from 1 January 2016 for the period ending on 31 December 2020.—*(Stephen Barclay.)*

Question agreed to.

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

RATING AND VALUATION

That the draft Non-Domestic Rating (Levy and Safety Net) (Amendment) (No. 2) Regulations 2015, which were laid before this House on 26 October, be approved.—*(Stephen Barclay.)*

Question agreed to.

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

NATIONAL ELECTION EXPENDITURE

That the draft European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015, which was laid before this House on 21 October, be approved.—(*Stephen Barclay.*)

Question agreed to.

Madam Deputy Speaker (Mrs Eleanor Laing): With the leave of the House, we shall take motions 11 to 14 together.

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

TAXES

That the draft Double Taxation Relief and International Tax Enforcement (Canada) Order 2015, which was laid before this House on 27 October, be approved.

CORPORATION TAX

That the draft Double Taxation Relief and International Tax Enforcement (Jersey) Order 2015, which was laid before this House on 27 October, be approved.

That the draft Double Taxation Relief and International Tax Enforcement (Guernsey) Order 2015, which was laid before this House on 27 October, be approved.

CAPITAL GAINS TAX

That the draft Double Taxation Relief and International Tax Enforcement (Kosovo) Order 2015, which was laid before this House on 5 November, be approved.—(*Stephen Barclay.*)

Question agreed to.

Madam Deputy Speaker: Order. There are a large number of petitions to be presented, and I hope that it will be of assistance to the House if I set out how we shall proceed. Once the first petition relating to school funding model has been read to the House, with its prayer—I am looking for Mr Graham Stuart—subsequent petitions on the same topic should not be read out in full. Members should give a brief description of the number and location of the petitioners, and state that the petition is “in the same terms”. Members presenting more than one petition should present them together.

When Mr Stuart has presented his petitions, which will not be possible if he is not here within the next few seconds—

Sir Edward Garnier (Harborough) (Con): On a point of order, Madam Deputy Speaker. I wonder if I could seek your advice. I believe that I am the third or fourth named Member in the list of those presenting a petition, and I know that my hon. Friend the Member for Beverley and Holderness (Graham Stuart), to whom you have referred, has kindly offered to present petitions on behalf of quite a number of other hon. Members. What would be the procedure for him, when presenting all the other petitions on behalf of other hon. Members who are unable to be here this evening? I know that my right hon. Friend the Member for Meriden (Mrs Spelman) intends to present a petition after my hon. Friend the Member for Beverley and Holderness and before me, and the process could become quite complicated unless fully and clearly explained by you, Madam Deputy Speaker.

Madam Deputy Speaker: I thank Sir Edward for his beautifully, and slowly delivered, point of order, which was a master of theatricality. The answer to his perfectly reasonable question, which I am also delivering *lente*, is that the next person on the list, the right hon. Member for Meriden (Mrs Spelman), who is in her place—if somewhat out of breath—will present the first petition.

Mr Robin Walker (Worcester) (Con): On a point of order, Madam Deputy Speaker. I know that a huge number of Members are waiting to present their petitions tonight and I do not therefore wish to detain the House too long. I also know that the petitions are on an extremely important matter. However, given the huge interest in tomorrow's debate, I wonder if you can give any guidance on the amount of time for which Members might be able to expect to speak in that debate.

Madam Deputy Speaker: That is a most interesting point of order, and I can tell the hon. Gentleman and the House that, as far as I am aware, a very large number of Members have indicated that they wish to speak in tomorrow's debate. I cannot at this point give any indication as to how much time will be available for each Member, but I have every confidence that Mr. Speaker, at the very beginning of the debate, will—in his usual way—be likely to give an indication that if all Members are as brief as they can be, it would be courteous to other hon. Members who wish to speak.

Geoffrey Clifton-Brown (The Cotswolds) (Con): Further to that point of order, Madam Deputy Speaker. Given the interest in the proceedings that will take place in the House tomorrow, in which it is likely that a very large number of right hon. and hon. Members will wish to take part and given that the motion provides that the House should finish at 7 pm, can you give the House some guidance? If an extremely large number of Members wish to speak, can that time be extended to, say, 10 pm?

Madam Deputy Speaker: I can answer the hon. Gentleman on that point most readily, because the House is already aware of a motion allowing the House to sit tomorrow until 10 pm.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): Further to that point of order, Madam Deputy Speaker. I wonder if you could help me on the debate tomorrow. It is obvious from these points of order that there will be a large number of people who want to speak in that debate. Would it be possible for the Chair to indicate to those people the timeframe within which they may be able to speak—[*Interruption.*] My point of order is popular with the House—[*Laughter.*] That would be most helpful to Members who have many duties to fulfil, so attending the Chamber can be difficult as far as timing is concerned.

Madam Deputy Speaker: Your point of order is indeed popular, Mrs Gillan. I can answer it in the same way that I answered the previous point of order. I would estimate that Members could calculate that some 90 or 100 colleagues will wish to speak tomorrow, and they should therefore consider the amount of time that will be available for the debate, from 11.30 am until 10 pm; subtract from that the amount of time that is likely to

be taken by the Prime Minister, who I am sure will take many interventions, and by the Leader of the Opposition, who I am sure will take just as many interventions; and divide the remaining time by about 80 or 90. That will give hon. Members an indication of the time. Anyone who cannot do arithmetic can come to see me at some time tomorrow and I will work it out for them.

I trust that the variety and slowness of these points of order have given a certain hon. Gentleman enough time to get his breath back. When I explained to the House, some time ago, how the large number of petitions would be dealt with, most Members were not present. For the convenience of the House, therefore, and with my apologies for repeating myself, I will explain once again.

Once the first petition, relating to the school funding model, has been read to the House, with its prayer, subsequent petitions on the same topic should not be read out in full. Members should give a brief description of the number and location of the petitioners and state that the petition is in the same terms. Members presenting more than one petition should present them together.

When Mr Stuart has presented his petitions, he should proceed to the Table and hand his first petition to the Clerk, who will read out the title in the usual way. For subsequent petitions, Members should proceed directly to the petitions bag at the back of the Chair. I will call the next Member immediately after the previous Member has finished speaking. At the expiry of half an hour, no further petitions may be presented orally, but they may be placed in the petitions bag and will be recorded as formally presented. I call Mr Graham Stuart to present his petition.

PETITIONS

School Funding Model

8.36 pm

Graham Stuart (Beverley and Holderness) (Con): Thank you, Madam Deputy Speaker, for a verbosity that one does not usually associate with you. I am also grateful to colleagues who have filled in the time after this unexpected collapse of business.

I am grateful for the time we have been given to present petitions calling for fair school funding from more than 100 constituencies right across England and the House. The current funding system is arbitrary and unfair. It penalises urban and rural alike, affecting both Labour and Conservative constituencies. We welcome the announcement of the new national funding formula for schools that the Chancellor mentioned in the comprehensive spending review last week, and we will continue, across the House, to make the case for reform, as the Government consult on their proposals. I will read out the full text of the petition, but, as you have said, Madam Deputy Speaker, other Members need not do so.

In addition to presenting a petition on behalf of 2,287 people in Beverley and Holderness, I am also presenting petitions from the constituencies of Aylesbury, Bethnal Green and Bow, Buckingham, Central Devon, Chelsea and Fulham, East Devon, Forest of Dean, Grantham and Stamford, Haltemprice and Howden,

Kingston upon Hull North, Kingston upon Hull West and Hessle, Ipswich, Lewisham, Deptford, Loughborough, Meon Valley, New Forest West, Newton Abbot, Oxford East, Penrith and The Border, South Holland and The Deepings, North Swindon, South Swindon, Tatton, Thornbury and Yate, Wantage, West Suffolk, Wimbledon and York Central. In addition, I am presenting a petition on behalf of the shadow Home Secretary, the right hon. Member for Leigh (Andy Burnham), who gave me his petition earlier. He was unable to be here, but would have liked to have been. I thank all those who have signed from across the country.

The petition states:

The petition of residents of Beverley and Holderness,

Declares that the petitioners believe the existing school funding model in England is arbitrary and unfair; further declares that the ten best funded areas of England have on average received grants of £6,300 per pupil this year, compared to an average of £4,200 per pupil in the ten most poorly funded areas of England; and further declares that the petitioners welcome the Government's commitment to introduce fairer school funding.

The petitioners therefore request that the House of Commons supports the earliest possible introduction of a new National Funding Formula for schools in England.

And the petitioners remain, etc.

[P001559]

Mrs Caroline Spelman (Meriden) (Con): I rise to present a petition on behalf of 649 of my constituents in Meriden in the same terms as presented by my hon. Friend the Member for Beverley and Holderness. Madam Deputy Speaker, may we express our thanks through you to the Clerk of Public Petitions in the Journal Office of the House of Commons?

The Petition of the residents of Meriden.

[P001554]

Sir Edward Garnier (Harborough) (Con): I wish to present a petition on behalf of many hundreds of residents of my Harborough constituency in exactly the same terms as my right hon. Friend the Member for Meriden (Mrs Spelman) and my hon. Friend the Member for Beverley and Holderness. Leicestershire has always been at the very bottom, if not penultimate, in the Whitehall funding system. We hope this petition will move the Government to improve things.

The Petition of the residents of Harborough.

[P001557]

Geoffrey Clifton-Brown (The Cotswolds) (Con): I am grateful to you, Madam Deputy Speaker, for allowing me to present a petition of approximately 2,000 signatures on behalf of my constituents in The Cotswolds. That demonstrates the strength of feeling in my constituency that the current funding mechanism is inequitable. I hope the petition will change the situation.

The Petition of the residents of The Cotswolds.

[P001563]

Helen Jones (Warrington North) (Lab): I rise to present a petition on behalf of many hundreds of people in Warrington North in the same terms as the hon. Member for Beverley and Holderness.

The Petition of the residents of Warrington North.

[P001564]

Rebecca Pow (Taunton Deane) (Con): I rise to present a petition on behalf of the residents of Taunton Deane in the same terms as my hon. Friend the Member for Beverley and Holderness, which 1,387 highly concerned residents have signed.

The Petition of the residents of Taunton Deane.

[P001565]

John Howell (Henley) (Con): I present a petition on behalf of the residents of the Henley constituency, 592 of whom have signed it, in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Henley.

[P001567]

Richard Drax (South Dorset) (Con): I rise to present a petition on behalf of constituents in South Dorset and also in West Dorset. I pay tribute to my hon. Friend the Member for Beverley and Holderness for his huge effort to get fair funding for Dorset, which has been at the bottom of the pile for far too long.

The Petition of the residents of South Dorset.

[P001568]

David Mowat (Warrington South) (Con): I rise to present a petition on behalf of 2,916 constituents in Warrington South in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Warrington South.

[P001569]

Madam Deputy Speaker (Mrs Eleanor Laing): I call Mr Christopher Chope. *[Interruption.]* Now that is very unusual: Mr Christopher Chope is not present.

Andrew Bridgen (North West Leicestershire) (Con): I rise to present a petition on behalf of my constituents in North West Leicestershire asking for fairer school funding. Leicestershire has for many years been the second-lowest funded of all areas in the UK, receiving some £500 per pupil less than pupils in Leicester and an amazing £1,000 per year per pupil less than pupils in Birmingham. The petition is signed by 664 of my constituents and is in the same terms as that presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of North West Leicestershire.

[P001575]

James Heapey (Wells) (Con): I rise to present a petition on behalf of the pupils, parents and teachers of schools from across the Wells constituency in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Wells.

[P001576]

Mr Laurence Robertson (Tewkesbury) (Con): I rise to present a petition on behalf of very many of my Tewkesbury constituents to campaign against unfair education funding in the same terms as those expressed by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Tewkesbury.

[P001577]

Michael Tomlinson (Mid Dorset and North Poole) (Con): I rise to present a petition on behalf of many residents of Mid Dorset and North Poole in the same terms as my hon. Friend the Member for Beverley and Holderness. If necessary, I declare an interest as a school governor—and my delight in this result.

The Petition of the residents of Mid Dorset and North Poole.

[P001578]

David Warburton (Somerton and Frome) (Con): I rise to present a petition on behalf of many hundreds of residents of Somerton and Frome in exactly the same terms as those expressed by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Somerton and Frome.

[P001580]

Karl McCartney (Lincoln) (Con): I rise to present a petition on behalf a number of my constituents in Lincoln in the same terms as my hon. Friend the Member for Beverley and Holderness. I declare an interest, in that I have been a school governor for many years. I am a board member and former chairman of the Priory city academy “Career Ready” scheme and I have two sons who attend school in the rural county of Lincolnshire.

The Petition of the residents of Lincoln.

[P001585]

Jeremy Lefroy (Stafford) (Con): I rise to present a petition on behalf of the residents of the Stafford constituency in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Stafford.

[P001582]

Pauline Latham (Mid Derbyshire) (Con): I rise to present a petition on behalf of the residents of Mid Derbyshire in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Mid Derbyshire.

[P001583]

Victoria Prentis (Banbury) (Con): I rise to present this petition on behalf of many of the residents of Banbury in the same terms as was set out by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Banbury.

[P001584]

Henry Smith (Crawley) (Con): I rise to present this petition on behalf of many of the residents—indeed, over 750 of them—in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Crawley.

[P001586]

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I rise to present this petition on behalf of many residents of Shrewsbury in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Shrewsbury and Atcham.

[P001587]

Neil Carmichael (Stroud) (Con): I rise to present this petition signed by some 2,000 of my Stroud constituents. This is a significant figure and shows the force of feeling in my patch. I do so in the same terms, of course, as my hon. Friend the Member for Beverley and Holderness, who is also my predecessor as Chairman of the Education Committee.

The Petition of the residents of Stroud.

[P001588]

Kevin Foster (Torbay) (Con): I rise to present my petition on behalf of the residents of Torbay, calling for fair funding for our schools, in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Torbay.

[P001589]

Gavin Williamson (South Staffordshire) (Con): I rise on behalf of 1,705 of my constituents who are campaigning for a fairer deal for schools in Staffordshire. The petition is in the same terms as those of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of South Staffordshire.

[P001590]

Victoria Atkins (Louth and Horncastle) (Con): I rise to present this petition in the same terms as my hon. Friend the Member for Beverley and Holderness on behalf of the many residents in Louth and Horncastle who feel strongly about fairer funding for schools.

The Petition of the residents of Louth and Horncastle.

[P001591]

Stephen Phillips (Sleaford and North Hykeham) (Con): I rise to present this petition on behalf of a gross of residents of the Sleaford and North Hykeham constituency in the same terms as the petition presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Sleaford and North Hykeham.

[P001592]

Andrew Percy (Brigg and Goole) (Con): I rise to present this petition on behalf of 713 Brigg and Goole constituents in the great counties of East Riding of Yorkshire and North Lincolnshire. In so doing, I declare a relevant interest as chairman of the governors at Goole academy.

The Petition of the residents of Brigg and Goole.

[P001593]

Helen Whately (Faversham and Mid Kent) (Con): I rise to present this petition on behalf of the residents of Faversham and Mid Kent, whose children are affected by the vagaries of the current funding system for schools. It is in the same terms as that presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Faversham and Mid Kent.

[P001594]

Fiona Bruce (Congleton) (Con): I rise to present this petition on behalf of the residents of the Congleton constituency, signed by over 620 of those residents, in the same terms as that presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Congleton.

[P001595]

Alex Chalk (Cheltenham) (Con): I present this petition for fair school funding on behalf of 1,151 parents, teachers and school children in Cheltenham in the same terms as my hon. Friend the Member for Beverley and Holderness. It is time for fair funding for Cheltenham.

The Petition of the residents of Cheltenham.

[P001597]

James Cartlidge (South Suffolk) (Con): I rise to present this petition on behalf of the residents of South Suffolk in the same terms as my hon. Friend the Member for Beverley and Holderness. There are so many signatures that I cannot even count them.

The Petition of the residents of South Suffolk.

[P001598]

William Wragg (Hazel Grove) (Con): I rise to present this petition on behalf of the residents of the Hazel Grove constituency in the same terms as my hon. Friend the Member for Beverley and Holderness. I declare a tenuous interest as a former teacher.

The Petition of the residents of Hazel Grove.

[P001599]

Sir Edward Leigh (Gainsborough) (Con): It is a great honour on this historic occasion to present this petition on behalf of the great county of Lincolnshire. It has some of the best schools in the country, but they are sadly underfunded. I present the petition in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Gainsborough.

[P001600]

Antoinette Sandbach (Eddisbury) (Con): I rise to present this petition on behalf of hundreds of concerned residents from Eddisbury in the same terms as that presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Eddisbury.

[P001601]

Julian Knight (Solihull) (Con): I rise to present this petition on behalf of many hundreds of residents in Solihull in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Solihull.

[P001604]

Peter Heaton-Jones (North Devon) (Con): I rise to present this petition on behalf of many residents of North Devon. In doing so, I applaud this Government for pledging to put right this historic wrong. This petition is in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of North Devon.

[P001602]

Matt Warman (Boston and Skegness) (Con): I rise to present this petition on behalf of the residents of Boston and Skegness, completing the county of Lincolnshire—meaning that all Lincolnshire MPs have submitted this petition in the same terms as my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Boston and Skegness.

[P001603]

Marcus Fysh (Yeovil) (Con): I rise to present a petition on behalf of 584 residents who are passionate about fair school funding in the Yeovil constituency, written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Yeovil.

[P001610]

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): I rise to present a petition for fairer school funding on behalf of my constituents, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Central Suffolk and North Ipswich.

[P001611]

Michelle Donelan (Chippenham) (Con): I rise to present a petition on behalf of the many residents of my constituency, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness, to rectify the present ludicrous funding system.

The Petition of the residents of Chippenham.

[P001609]

Mark Garnier (Wyre Forest) (Con): I rise to present a petition on behalf of 535 residents of Wyre Forest. It also includes 20 signatures from the Christopher Whitehead Language academy in the constituency of my good and hon. Friend the Member for Worcester (Mr Walker), and is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Wyre Forest.

[P001608]

Mrs Cheryl Gillan (Chesham and Amersham) (Con): I rise to present a petition on behalf of the residents of Chesham and Amersham against the existing school funding model in England. Of the 10 lowest-funded schools in the country, the seven lowest-funded are in Buckinghamshire, and the lowest-funded in the country is also in the county. The petition is in the same vein as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Chesham and Amersham.

[P001613]

Lucy Frazer (South East Cambridgeshire) (Con): I rise to present a petition on behalf of the residents of South East Cambridgeshire, which is written in terms similar to those of the petition presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of South East Cambridgeshire.

[P001614]

Rishi Sunak (Richmond (Yorks)) (Con): I rise to present a petition on behalf of the residents of Richmond, North Yorkshire, which is written in the same terms as that presented by my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Richmond (Yorks).

[P001621]

David Rutley (Macclesfield) (Con): I rise to present a petition on behalf of the residents of Macclesfield, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness. I have a similar local petition, which has many signatures of constituents.

The Petition of the residents of Macclesfield.

[P001651]

John Redwood (Wokingham) (Con): I rise to present a petition on behalf of the electors of Wokingham, and, in particular, the signatories who constitute a majority of the members of our unitary council and local education authority, requesting fairer funding for our schools, which need it greatly. The basis of the petition is similar to those of the petitions that we have already heard.

The Petition of the residents of Wokingham.

[P001624]

Jo Churchill (Bury St Edmunds) (Con): I rise to present a petition on behalf of the residents of Bury St Edmunds, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Bury St Edmunds.

[P001623]

Richard Graham (Gloucester) (Con): The petition that I rise to present has been signed by 1,335 residents of the city of Gloucester, and is, I trust, supported by all who yearn for fairer funding for schools in the city. It is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Gloucester.

[P001647]

Bill Wiggin (North Herefordshire) (Con): I rise to present a petition on behalf of the residents of North Herefordshire, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of North Herefordshire.

[P001648]

Julian Sturdy (York Outer) (Con): I rise, as a fellow Yorkshire Member, to present a petition on behalf of many York Outer residents, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness, to deliver fairer school funding for all.

The Petition of the residents of York Outer.

[P001649]

Mr Christopher Chope (Christchurch) (Con): I apologise for having missed my place in the queue, Madam Deputy Speaker, but it gives me great pleasure to present a petition on behalf of residents of Christchurch. It is written in terms identical to those of the petition presented by my hon. Friend the Member for Beverley and Holderness. I know that my constituents are confident, as I am, that the Government will honour their commitment to introducing fairer school funding.

The Petition of the residents of Christchurch.

[P001656]

Madam Deputy Speaker (Mrs Eleanor Laing): I have been given no notice that any further petitions are about to be presented.

Kevin Hollinrake (Thirsk and Malton) (Con) *rose*—

Madam Deputy Speaker: Sir!

Kevin Hollinrake: Madam Deputy Speaker, I rise to present a petition on behalf of several hundred residents of the beautiful constituency of Thirsk and Malton, which is written in the same terms as that of my hon. Friend the Member for Beverley and Holderness.

The Petition of the residents of Thirsk and Malton.

[P001656]

Stephen Pound (Ealing North) (Lab): On a point of order, Madam Deputy Speaker. I know my hon. Friend the Member for Cambridge (Daniel Zeichner) was seeking to be present this evening for obvious reasons. Has the Deputy Speaker received any information regarding difficulties in accessing the estate due to the activities taking place outside?

Madam Deputy Speaker (Mrs Eleanor Laing): I have received information that there are a great many people outside and that it is possible that some people leaving this building—I have been particularly concerned about junior and female members of staff trying to get out of this building this evening—are having difficulty in doing so. I have heard that it could also be difficult to gain access to this building, which is a very great pity. I am grateful to the hon. Gentleman for raising that point of order because when assiduous Members of Parliament are not in their places when they are expected to be, there is usually a very good reason for it.

Richard Graham (Gloucester) (Con): On a point of order, Madam Deputy Speaker. May I ask if during your time in this House there has ever been more mention of the hon. Member for Beverley and Holderness (Graham Stuart) and in more glorious a context?

Madam Deputy Speaker: I am very happy to tell the hon. Gentleman that I have never heard quite so much mention of the hon. Member for Beverley and Holderness, and I am sure he has done a sterling piece of work—and it is just as well that the injury to his leg healed so he could run here from far away.

Pre-payment Meters

Motion made, and Question proposed, That this House do now adjourn.—(Stephen Barclay.)

8.56 pm

Dawn Butler (Brent Central) (Lab): There is a prediction that we are about to experience the longest winter in 50 years. Now is the time to consider what that will mean for the most vulnerable in our society. We know that in 2014 there were 43,900 excess winter deaths in England and Wales, and if the predictions translate into a long period of harsh weather, that figure could rise for 2015-16 unless we act to mitigate the effects.

The UK Association for the Conservation of Energy estimated that almost 14,000 deaths over the last winter could be due to people living in cold homes. Therefore, the most obvious area where we can act is energy consumption, and particularly the cost of pre-payment meters and how they are put into people's homes, especially for those already experiencing fuel poverty. If we tackle that issue, we can alleviate part of the problem of excess winter deaths.

More than 2,000 new PPMs are being installed every day. I would like to put on record my thanks to Citizens Advice for its “fair play for prepay” campaign. It is clear from my constituency of Brent Central how unfairly the costs of PPMs bear on poorer residents. My constituency has one of the highest numbers of people on PPMs in the country—at 26%, it is 10% above the national average—and those on PPMs pay on average £226 more a year than those with the cheapest direct debit deals. We can get an idea of the scale of the impact from the fact that it costs £3 million to the local economy.

What is worse is that 80% of PPMs are used to collect debt for the energy companies. So the energy companies subject poor people to higher rates, and there is also the cost of installing PPMs. It is almost as if these people are being punished again and again and again.

Stephen Pound (Ealing North) (Lab): My hon. Friend is raising an extremely important point, particularly for those of us in London. She says PPMs are being “put into” people's homes. Is she stating to the House that the people living in these properties have no say in that, and are being forced to accept these PPMs?

Dawn Butler: That is what sometimes happens. Some people come home, as Mr Hamilton in my constituency did, to find a PPM has been installed without their knowledge, which should never happen. It is a disgrace that the energy companies do that.

The poorest 10% spend almost 10% of their total household expenditure on fuel, whereas the figure for the richest 10% is just 3%. That is why fuel poverty is a recognised term. According to Ofgem, those on pre-payment meters pay on average £80 more than those on direct debit. Although that figure has reduced, the differential can be reduced much further. As the Minister will know, the Competition Markets Authority's provisional findings on the energy market, released this July, raised concerns about the affordability of domestic energy prices, as they have continually outstripped inflation over the past 10 years. Yet, at the same time, standards of service have dropped and complaints have risen.

[Dawn Butler]

Under the Labour Government pre-payment bills rose on average by just over £17.50 a year, whereas during the past four years annual bills have risen on average by £63. The Government should make it clear to the big six energy companies that they must reduce the amount that those on pre-payment meters pay for their gas and electricity. After all, these are vulnerable people who can least afford that amount of money and those higher costs.

British Gas has sort of led by way, levelling out the amount its customers on pre-payment meters pay to the same amount as for those on cash and credit, but I have been advised that those paying by direct debit will still be incentivised and pay a little less because of the reflectivity requirements. That is understandable, but more should still be done—all that is needed is the will power of these energy companies.

Stephen Pound: Has my hon. Friend made any calculation about the amount of profit made by the big six energy companies? It seems to me that we have a case of Robin Hood in reverse here: the poorest in our society are having to pay to subsidise the wealthiest. Has she done any work on or made any estimate as to the amount of profit accruing to the big six?

Dawn Butler: I thank my hon. Friend for his intervention. The big six make about £600 million a year in profit, which is an enormous amount, and they can afford to treat the most vulnerable in our society much better than they do.

Chris Stephens (Glasgow South West) (SNP): The hon. Lady is making a number of excellent points and I thank her for raising this important issue. I am aware of constituents who are paying more in standing charges for pre-payment meters than they are for the actual energy consumption. That should be regulated a lot more toughly.

Dawn Butler: I agree that the standing charges need to be regulated, as does the whole industry. It can do a lot more, especially given that, as I have said, we are about to enter the longest winter in 50 years.

I urge the Minister to encourage energy companies to follow in the footsteps of ScottishPower, which suspends the debt of its customer during the winter months so that anything they put into the meter goes directly on their usage of fuel. Let me put that into context: my constituent Mr Hamilton would put £5 on his meter and the energy company would take £3, so he had only £2-worth of fuel. If the Minister was able to encourage the energy companies, they could do this straightaway and with very little effort, but it would make a big difference to the people in the country.

As the Minister will know, in 2016, we enter the enduring phase, which will ensure that all meters are smart meters by 2020. Therefore, it is important that we help to inform people who are fuel poor. After all, energy companies will be making £12 million-worth of savings with the implementation of smart meters, so surely we can look after the 2.3 million fuel-poor households in this country. The energy companies are making enough money to be able to look after those who are fuel poor.

I expect the Minister will tell us that energy companies are not allowed to disconnect customers during the winter months, but they still install pre-payment meters, which means that people self-disconnect because they cannot afford to pay. They are, in effect, still being disconnected, they are still getting cold and, unfortunately, some still die.

Stephen Pound: I really am grateful to my hon. Friend for giving way. I will try not to trespass on her patience for much longer. On the subject of disconnection, is she aware that, in some cases, there can be long-distance disconnection? People can be disconnected without a magistrate having to sign an order for the company to enter the premises physically to disconnect. In other words, if it is possible to disconnect a power supply without even entering the premises, one of those vital layers of protection for the consumer, particularly the vulnerable consumer, has been removed.

Dawn Butler: Absolutely. The installation of smart meters will make such remote disconnection even easier to carry out. Energy companies have said that they will not do that, but do we trust them enough to believe them? That is why we must safeguard and protect the most vulnerable in our society. It also means that magistrates have to be given clear information. As a magistrate myself, I can tell Members that we normally get lots of warrants to sign off at the beginning of a sitting. Magistrates clearly ask whether the energy company has gone through all the safeguards with regard to vulnerable adults, people with mental health problems or children at the property. On some occasions, I was not always convinced that the energy company did its due diligence when asking for a warrant to enable it to enter a property forcefully to install a pre-payment meter, which will be more expensive for that person who is least able to pay the bill.

I have talked about the high cost of pre-payment meters and the matter of self-disconnection, which happens quite a lot but which is not often mentioned by the energy companies or by this House. Recent research undertaken by E.ON highlighted that seven in 10 people with pre-payment meters had accidentally self-disconnected even when they were not expected to do so. That is a very high number. Over the winter months, we expect that figure to rise.

Pre-payment meters are being installed way too early in the debt plan. Energy companies are supposed to go through a whole plan of what they can do to help their customer to avoid fuel poverty. As we are entering the enduring phase—smart meters will be rolled out by 2020—surely now is the time to slow down and end the installation of pre-payment meters.

Chris Stephens: I thank the hon. Lady for giving way; she is being very generous. In my experience the fuel regulator has no teeth and is effectively powerless in stopping energy companies installing pre-payment meters early on. Does she agree that the fuel regulator should be given more powers?

Dawn Butler: I agree. Not only should the fuel regulators be given more powers, but a closer eye should be kept on what the energy companies are doing. I also think that the magistrates courts play a huge role in ensuring

that the energy companies pass all the necessary tests before installing pre-payment meters. The amount is currently set at something like £150, but £500 is the amount set to stop people switching to another energy company. The £500 figure should be the figure that an energy company has to reach before applying for a warrant to install a pre-payment meter, because it is just too easy to get such a warrant, which means that the customer plummets into more and more debt, as they cannot afford the amount that they have to pay.

Record profits are being made by the big six energy firms year on year. Does the Minister agree that the increases in charges and complaints are simply not good enough? Further action to protect the consumer, as my hon. Friend the Member for Glasgow South West (Chris Stephens) mentioned, is necessary.

Does the Minister agree that, when DECC's own fuel poverty records show that 22% of pre-payment meter users are in fuel poverty, something needs to be done and quickly, especially with winter fast approaching, if we are not already in it? We could well witness a rise in self-disconnections and fuel poverty-related deaths if we do not do something in the next few weeks.

I am sure that the Minister and I are on the same page on this issue. To help her with her response, I would like to summarise some of my requests. It would really help the estimated 11 million people on pre-payment meters if energy companies brought the cost of pre-payment meters into line with those on the cheapest direct debit. It would also add £2.5 billion into the economy. I would also like to see greater protection for vulnerable adults and children when pre-payment meters are installed. That would mean giving clear instructions to the magistrates court. I would like to see no pre-payment meters fitted during the winter months. As previously said, that leads to self-disconnections. So in effect the energy companies are still disconnecting vulnerable people during the winter months. There should be a suspension of debt during the longest winter in 50 years—this year, 2015 leading into 2016. All the above is completely doable, and a letter from the Minister could make it happen.

Lastly, we are all aware that food banks have become a godsend to many in our country and some people would be having a pretty lousy Christmas if it were not for food banks. I wish that they did not have to use them, but that is the situation. I thank the Trussell Trust and E.ON, which have teamed up to provide credit for struggling families who use pre-payment meters. I know that, in my constituency of Brent Central, we will be grateful for their services. I hope that the Minister and I will agree that this country can do more to help those who are fuel poor.

9.12 pm

The Minister of State, Department of Energy and Climate Change (Andrea Leadsom): I genuinely congratulate the hon. Member for Brent Central (Dawn Butler) on securing this debate on the cost of pre-payment meters. I can assure her that the Government are committed to helping households with their energy bills, and a great deal of the focus in my Department in recent months has been on how to reduce consumer bills for everyone. It is an incredibly important point, and the hon. Lady has made it well.

We know that it is often some of the most vulnerable in our society who can end up with a pre-payment meter. While we are working with Ofgem to provide greater support specifically for those consumers—I will come on to exactly what we are doing on pre-payment meters—it is also important to point out that we have also implemented a range of measures to help vulnerable households to reduce their energy bills, including the warm home discount scheme, which provides direct assistance on energy bills to more than 2 million low-income and vulnerable households each year.

The Government are also determined to help vulnerable consumers take advantage of the best deals available. We know that many vulnerable consumers need additional help and advice to engage with the market and take action to switch and save. That is why DECC has been providing nearly £3 million over the last three years to fund the big energy saving network. The network is designed to help vulnerable consumers take action to reduce their energy costs, with around half of participants reporting that they now spend less on heating their home because of their engagement with the network. It has reached around 220,000 people over the last two years, and we aim to reach a further 100,000 vulnerable consumers this winter.

Helping people to insulate their homes is one of the best ways to help keep energy bills down; 1.3 million homes have benefited from energy efficiency measures, such as insulation and efficient boilers, under the energy company obligation between January 2013 and September 2015. The current phase of ECO will run to March 2017, but in the spending review the Government announced a long-term successor to ECO that will continue for an additional five years from 2017, at £640 million a year, rising with inflation. That new supplier obligation will run from April 2017 to March 2022, reducing the impact of the obligation by around £30 for the average household from 2017-18, compared with current projections. It will also upgrade the energy efficiency of well over 200,000 homes per year, tackling the root cause of fuel poverty. We will set out our plans for the scheme early in the new year.

The hon. Lady has raised a very important issue. A significant proportion of households—about 17%—use pre-payment meters. Although not all pre-payment meter consumers are financially vulnerable, more than 60% of those meters have been installed as a result of debt. For some consumers in difficult circumstances, they offer an alternative to disconnection for non-payment of energy bills, although we recognise that those consumers would rather not be in that situation. Still others prefer pre-payment meters because they find that that allows them to budget for their energy expenditure and to keep track of what they are using. Consumers can build up credit in the summer months to reduce their expenditure over the winter.

We know that paying by pre-payment can be more expensive than paying by direct debit. That is because there are further costs to install pre-payment meters, as well as additional services provided. But there are safeguards in place to prevent suppliers from charging unjustifiably high tariffs for a particular payment method. Suppliers are required to ensure that differences in charges really reflect the costs they face to provide that payment method. Across the market the cost of paying for the energy by pre-payment meter is similar to the cost faced by customers paying by standard credit.

[*Andrea Leadsom*]

The majority of suppliers offering pre-payment meters do not charge when consumers agree to the installation. That includes the big six energy companies. Other companies, however, as the hon. Lady points out, do pass on the charges they incur from meter operators for installation. These consumers can also face costs to have the meter removed, once they are able to go back to having a credit account. That cost, on average, is between £160 and £180. Ofgem is currently working with suppliers to identify and extend good practice to end charges for installing and removing pre-payment meters.

What should suppliers be doing? We expect to see suppliers meeting the obligations under their licence only to install pre-payment meters where it is safe and reasonably practicable for the consumer to use a pre-payment meter. Suppliers must take into account a customer's ability to repay when setting instalments to repay gas and/or electricity debt. I am pleased to say that there is evidence to suggest that suppliers are fulfilling this obligation: first, Ofgem keeps weekly repayment rates under review, and they have fallen on average in recent years; and, secondly, the majority of indebted customers are on standard credit, not pre-payment meters, and repay through a variety of means, which suggests that repayment is indeed being tailored more to suit the needs of individual customers.

We know that some customers who are concerned about their energy bills will self-disconnect by deliberately choosing not to top up, meaning that their supply will stop. In those circumstances, it is vital that they seek help from their supplier as soon as possible. I expect suppliers to have in place appropriate arrangements to protect their most vulnerable consumers, and systems to identify any potential problems so that they can be rectified early. The hon. Lady made that point very well.

Dawn Butler: I want to make a couple of points. The rate of complaints about energy companies has increased exponentially because they are not taking into consideration the circumstances of vulnerable people who are unable to heat their homes. With regard to switching, people on pre-payment meters have very little to switch to, so the benefit to them is about 8%, whereas the benefit for those on direct debit is about 22%.

Andrea Leadsom: I am grateful to the hon. Lady for raising those points. I will certainly look into her first point: she believes there is evidence that suppliers are not taking into account individual circumstances. As I said, I expect suppliers to have appropriate arrangements in place. If she wants to raise individual cases with me, I will look into them. I can tell her that today a dual fuel pre-payment consumer with average consumption living in London could save about £130 by moving to the cheapest dual fuel pre-payment deal in the market. There is merit in switching and I urge all consumers, including those on pre-payment meters, to shop around.

My absolute focus remains on getting the best deal for consumers. I expect suppliers to treat their consumers fairly and we expect suppliers to make sure that any reductions in the costs of supplying energy are passed directly to consumers. Strong competition in the energy supply market is the best way to keep prices down. The Government are committed to ensuring that the market works effectively for consumers.

Chris Stephens: I want to come back to the issue of self-disconnection. Have there been any discussions with her Department and the Department for Work and Pensions about emergency help that can be given to someone in those circumstances?

Andrea Leadsom: Those conversations happen regularly. I will write to the hon. Gentleman with any specific changes that we intend to make or consult on. I absolutely assure him that suppliers are required to take into account consumers' specific circumstances. Ofgem is looking into the cost of having pre-payment meters removed and whether that should continue for pre-payment consumers.

I move on briefly to the investigation into the retail energy market currently being conducted by the Competition and Markets Authority. The CMA published its provisional findings and remedies in the summer. It found that customers on standard variable tariffs are being charged unjustifiably high prices; the majority of pre-payment customers, of course, are on those standard variable tariffs. We are committed to acting on the CMA's recommendations and to ensuring fair prices for all consumers, including standard variable tariff customers using pre-payment meters.

The CMA also found that pre-payment customers have fewer tariffs to choose from than customers paying by direct debit. There are indications, though, that that is beginning to change. We are starting to see the development of smart pre-pay meters. E.ON is currently piloting a smart pay-as-you-go tariff for consumers using a smart pre-payment meter who then pay the same prices as the company's standard credit customers. It expects to make the tariff more widely available to new and existing customers from next year.

With OVO's pay-as-you-go tariff, pre-payment meter consumers receive an in-home display that enables them to see how much energy they are using and when, and how much credit they have left. Consumers can also add credit to their pre-payment meter anywhere via app, text or online. We are also seeing examples of good practice by suppliers. For example, there is SSE's support for its vulnerable pre-payment consumers that includes monitoring those on the priority services register to identify self-disconnection. The company will then call the consumer to check the situation and to make the offer of extra assistance, where appropriate.

The Government have a manifesto commitment to "ensure that every home and business in the country has a Smart Meter by 2020, delivered as cost effectively as possible".

The roll-out of smart meters is an important national modernisation programme that will bring major benefits to consumers and the nation as a whole. Domestic customers will be offered an in-home display enabling them to see what energy they are using and how much it is costing.

Smart meters have the potential to transform the experience of being a pre-payment customer. Customers can top up more conveniently through a range of channels. Topping up smart meters in pre-pay mode should become as easy as topping up a mobile phone. They are likely to herald greater and cheaper tariff choices for these customers, as the cost differential will be reduced. Smart meters will enable energy suppliers remotely to take action to avoid disconnection—for example, through switching consumers to credit mode, setting non-disablement periods, and configuring debt recovery amounts to be small.

A customer's ability to pay their energy costs while keeping warm is among the top concerns of my Department, and we are fully committed to tackling these issues through a range of innovative policies. I thank the hon. Lady and the other hon. Members who contributed to this very important debate.

Question put and agreed to.

9.24 pm

House adjourned.

Westminster Hall

Tuesday 1 December 2015

[GRAHAM STRINGER *in the Chair*]

Armed Drones

9.30 am

Mr David Davis (Haltemprice and Howden) (Con): I beg to move,

That this House has considered the rules of engagement and the use of armed drones.

It is a pleasure to serve under your chairmanship, Mr Stringer. In all my time in the House of Commons, this is the first time that I have proposed a motion in Westminster Hall, so I beg your indulgence for any errors of procedure that I make.

The issue before us is hugely topical, particularly given the debate on Syria in the House tomorrow. Armed drones, unmanned aerial vehicles or unmanned combat aerial vehicles have been described by some as just another weapon system—a modern version of the rifle or the missile—and by others as offering unparalleled operational potential, but with associated strategic risks.

In the recently published strategic defence and security review, the Government proposed 20 new Protector armed drones to

“enhance our...global strike capability”,

by which I assume the Government mean inside and outside war zones. That distinction will come up time and again in what I have to say and, I hope, in the Minister’s response.

Reconnaissance drones—I will deal with these for a second without going into the armed element—give troops enormous advantages. They are an unblinking eye in the sky for 24 hours a day, with a very wide angle of view and great precision. They are enormously valuable to special forces and in counter-insurgency operations, let alone in conventional warfare. They are reliable, give real-time intelligence, and are able to replay events quickly so that troops can know what has just happened.

Last week, the all-party parliamentary group on drones and the Royal United Services Institute had a conference on drones, at which we were addressed by probably the greatest warrior of modern times, General Stanley McChrystal, and his English counterpart, Graeme Lamb, both of whom devised and operated the strategy against al-Qaeda in Iraq and destroyed that organisation. In doing so, one of the primary tactics involved using a drone to backtrack any suicide bomb attack on the green zone, signals intelligence to follow up on the origin of it, and special forces to arrest and stop the instigators. That allowed us pretty much completely to eradicate al-Qaeda in Iraq, so it was an incredibly important element of our operation there.

McChrystal talked about the use of drones as a force multiplier. For example, if 20 people were sent in to make an attack, 80 or 100 force protection soldiers were needed. Those are no longer needed because of the reconnaissance sight capability, so drones are an incredibly important weapon system, even just as a reconnaissance system. They are also incredibly precise strike weapons. They are apparently largely riskless, with very little

chance of loss of human lives on our side, and have pinpoint-accurate strike capability. The use of drones can therefore provide a never-ending threat inside and outside war zones. I will come back to the difference between the never-ending threats in those two categorisations in a moment.

Drones consist of relatively accessible technologies. As a result, we might take it that proliferation is inevitable. That is one of the strategic risks that I want the Government to consider. Beyond that, there are other genuine concerns. The first was made clear by General McChrystal last week: on one hand, drones lower the threshold for and make it easier to enter into armed conflict, and appear to remove the risk to our personnel and to render warfare almost like a video game; on the other hand, there is an illusion of precision. For those reasons, drones make the propensity to go to war far greater for countries that are worried about, say, their casualties. Most countries will concern themselves about casualties. Casualties are the political price paid for going to war and, as we will see with the Chilcot inquiry shortly, they create a great back pressure against war. As I said, there is an illusion of precision. One forgets that many of the reasons for imprecise targeting are not the drones or the weapon system, but the intelligence on which the targeting is based. Very often there is a precise weapon system, but it is not more precise than the intelligence can make it.

The other point made by General McChrystal that is worth considering is that the use of drones may make accidental conflict more likely. He cited the example of the Turkish air force shooting down a Russian aircraft a week or so ago, and said that had the incursions by the Russians into Turkish airspace been made by drones, they would have been shot down much earlier because the price of the action would have been smaller. That may lead to a lower threshold for an aerial conflict, so there are other ways that the use of drones can reduce the threshold. As such, one of the strategic risks of the use of armed drones is an increased risk of armed conflict.

The second point that came up, which is not really a strategic risk but is a matter of concern, was the effects on drone pilots. There was a great deal of concern about the fact that drone pilots, as it were, go home to their families each night with no time to decompress after effectively being in the war zone all day. They witness the violence, whereas most people who are involved in a war are distanced, at least to some extent, from the people who suffer from their weapon system. The sheer fidelity of the drone systems makes the witnessing very close and personal, in some senses. The sheer number of kills that some armed drone squadrons achieve increases the stress. One squadron was attributed with 1,626 kills, which is far more than any normal aircraft squadron would carry out. There is a long-distance version of post-traumatic stress disorder.

However, one other element worried me even more than that. It comes back to the legalities, to which I will return in a minute in putting a question to the Minister. If we undertake drone attacks outside a defined war zone, the location from which those attacks are operated may become part of a war zone, and we may legitimise a counter-attack on that area. Since many of those places are in rear areas, that has real issues for the operation of our RAF bases, such as RAF Waddington.

[Mr David Davis]

The big strategic risk that was raised by a number of people, particularly McChrystal, at the RUSI conference was the damaging impact on hearts and minds in battle. For those suffering drone attacks, there is an inability to strike back, a fear of constant danger, and a never-ending threat that is always there. There is strong evidence that this syndrome radicalises and militarises civilians, and unites militants. Drones can act as a recruiting sergeant. The most obvious example is the American drone operation in Pakistan, which, although it has taken out a lot of Taliban leaders, has also acted to recruit a number of others to their cause. Again, I suspect that will manifest itself in the battle against ISIL, because such organisations recruit worldwide. Last year, ISIL's estimated recruitment was 30,000, having climbed from 15,000 during the course of the American attacks in Syria. That is an incredibly serious element of the strategic risk of using drones. From that point of view, drones are perhaps the biggest risk that we undertake.

Kevin Brennan (Cardiff West) (Lab): Was there any discussion at the conference of how soon it will be before terrorist organisations are able to organise attacks using drone technology, or at least a modified version of it?

Mr Davis: No, not particularly. There was a reference to it, but it was a throwaway line, and I cannot tell you the originator of the reference because of Chatham House rules. As I said earlier, plainly the nature of the technology involved in drones is awfully straightforward: the aerodynamics are straightforward; the motive power is straightforward; and the guidance systems are straightforward. Of course, lots of commercial drones are now available. Making an attack drone would take more than that, but it is pretty straightforward to achieve almost every element of building a drone—perhaps not a terribly sophisticated Predator or Reaper drone, or whatever, but a drone that might be used for a single-shot attack, or that could get to a location that is otherwise well protected against terrorist attack. It is absolutely clear that, if that is not possible now, it will be possible in the extremely close future. Drones are an element of proliferation that I suspect is already out of the bag. There is not much that we can do about it except plan our defences against drone attacks. That is too big a story for this debate, but the hon. Gentleman makes a good point.

I now come to the nub of this debate. The legal framework we create for drones has implications for strategic risk, for the way drones are used, and for whether their use acts as a recruiting sergeant. All the elements that I have talked about can be affected by the legal framework, which needs clarity to maintain the UK's international standing and to protect the pilots and the armed forces from prosecution. It is not fair to ask our soldiers to carry out tasks without absolute legal certainty. Most of us do not know the exact background of some of the recent drone strikes—I am sure the Minister knows, but I do not. After the Khan strike, a headline in *The Sunday Times* stated "Army chief demanded legal cover for killing". The article claimed that the director of special forces asked for specific legal advice on the strike. I do not know whether that is true, but it highlights one of the issues

for me, which is that when we are going into a controversial military technology, we must absolutely ensure that the officers who use it are properly protected and clearly understand the limits of its use and where they might cross the rules of war, international law and so on. That is one of the major drivers of my argument.

When Reyaad Khan and Ruhul Amin were targeted in Syria by a UK drone on 21 August 2015, the Government claimed:

"This airstrike was a necessary and proportionate exercise of the individual right of self-defence of the United Kingdom."

The Government also said that there was "clear evidence" that these individuals were planning and directing armed attacks against the United Kingdom. There was a lot of debate about that at the time, and there were questions about how imminent the attack might be, and how it was possible for there to be an imminent attack when these individuals were in Syria and the attack was cited as being in the UK. Some of the events that were cited happened in advance of the air strike, so it is not obvious how they could have been prevented by it. There was a series of arguments, but the basic argument was imminent self-defence.

In a letter to the United Nations, the Government cited the collective self-defence of Iraq as the second argument for the strike. I am not a lawyer, but it seems self-evident that this is a little like someone turning up in court to face an assault charge and saying, "I wasn't there, but if I was there, he started it." One argument undermines the other. The presentation of two arguments to the United Nations weakens, rather than enhances, the claim. I do not know why that was done, but again it highlights why we need absolute clarity on such matters. This is not an area in which we can risk having doubt—in the interests of our officers, let alone in the interest of our national reputation—about whether we have done the right thing.

As it stands, an armed attack must already have been launched, or at least be imminent, in order for states to resort to force in individual or collective self-defence; that is one element. Action against past attacks, if not done during the course of a war, risks being categorised as reprisal, which is unlawful in peacetime. Action against future attacks, which might be considered pre-emptive or preventive, is also considered unlawful. There is quite a narrow gap for strikes, which must be necessary and proportionate.

The concern raised by the Khan attack, and indeed by the subsequent attack by the Americans, relates to what we might call "targeted killing"—some have used the phrase "extrajudicial killing." The concern, which again was raised by General McChrystal, among others, was that that could be seen as an easier alternative to arrest or prosecution when dealing with terrorists. We had that argument in Northern Ireland 30 years ago, when we were accused of hard arrests, as it were. We do not want to revisit that argument, because it was pretty unedifying at the time. If we give in to temptation and such strikes happen, it may be morally right in the case of the individuals concerned, but it would be legally dubious. At the very least, it would amount to a significant change in the Government's stance on what is legal and what is not, and it therefore requires careful consideration.

Those concerns are amplified by the recent change in the ministerial code relating to international law. I happen not to think that the change has any legal standing but, from a political point of view, it raises

concerns that, again, could be used against us by our opponents. I have argued time and again that one of our strongest counter-terrorism weapons is the fact that we abide by a high moral standard. If we do not abide by a high moral standard, we lose one battle to our opponents straightaway.

I am driving towards the relationship between the rules of engagement and the legalities I have just mentioned. This is my direct question to the Minister; I understand that she may not be able to answer it today, but hopefully she will be able to indicate where she is going towards on this question. If the rules of engagement are properly drawn up, they must be within the law, within declared Government policy and within any parliamentary limits that have been set. The Syria debate will address the limits set by Parliament, but action must fit within all three areas. I would normally assume that to be the case but, after our conference last week, I got a memo from somebody who does not want to be identified, so forgive me if I do not identify him. The memo encapsulates the problem about which I am worrying:

“Following the conference last week, I came away with the distinct impression that the MoD is using a different lexicon to the APPG and academe resulting in us talking at cross purposes. Where the APPG and Human Rights Select Committee...are talking about war zones and so forth the MoD have very carefully couched their wording in terms of RoE and operational areas.

Typically RoE have an opening preamble covering the legitimacy of the operation involved... The wording for this will be sanctioned by the MoD legal advisers and endorsed by the law officers’ staff. The RoE then set out the area of operations and it was clear to me from the comments at the conference that this area included parts of Syria—hence everything being done (including 21 Aug) was within the RoE. Typically the MoD and lower formations take the law officers’ confirmation of legitimacy as gospel. They also then seek to make the rules as flexible as possible to allow commanders the greatest possible latitude.”

Essentially, he is saying that the MOD is using a set of language to explain the rules of engagement and the area of operation that is not the same as the law officers’ definition of what is and is not a war zone and the like. That seems important.

The relationship between the rules of engagement, international and national law and policy is the point where the rubber meets the road. One can expect soldiers and airmen to operate on the basis of the rules of engagement only, and nothing else. We must be very clear in this area.

The Joint Committee on Human Rights has begun an inquiry on the legality of the drones policy. There are three pages of questions—I will not read them out—that crystallise the inquiry. They are all good questions, but I finish on the point that drones are not just another weapons system; they are an incredibly effective weapons system subject to legal and technical proliferation, and to change in the behaviour patterns of both politicians and senior commanders. There is a great risk of acting in a way that is tactically incredibly successful but strategically dangerous. It seems to me that we need a clear and unambiguous legal policy, in the interests of our soldiers, our citizens and our allies.

9.52 am

Kirsten Oswald (East Renfrewshire) (SNP): It is a pleasure to serve under your chairmanship, Mr Stringer. I am pleased that the Backbench Business Committee agreed that this was an important debate to have, and I thank them for that. I also thank the right hon. Member

for Haltemprice and Howden (Mr Davis) for his contribution. He made highly relevant and pertinent points, some of which I might repeat. I make no apology for that, because we are discussing a serious matter. I also hope to consider the use of drones from the human perspective, including that of our service personnel.

I echo the sentiments of the right hon. Gentleman, who raised significant concerns about the operational parameters, thresholds and legal framework for the use of drones. Like him, I note the killing of UK citizens by British drones in Raqqa earlier this year. The UK Government have a clear desire at the moment to engage in a campaign of air strikes, which reinforces the importance of having debates such as this fully at the appropriate time. We need proper and clearly understood parameters and a legal basis for any military action that we take. Those parameters are most appropriately discussed and agreed before and not after we ask our service personnel to undertake action.

It is vital that we take the time in this debate to consider and assess the use of armed and unarmed drones and the legal and structural frameworks within which they are used. Because we are responsible for their use, we must also consider the impact upon the people against whom such weapons are used and understand that sometimes they are not the desired or intended target. We must also consider the impact on those whose job involves operating drones.

Clearly, technology is moving fast. Not only are military drones available to our armed forces and those of other nations, but the technology is becoming more accessible and advanced all the time. I understand that companies such as DHL and Amazon are beginning to research the deployment of commercial delivery drones for business purposes. We must assume that such technology will be available not only to our friends but, as the hon. Member for Cardiff West (Kevin Brennan) noted, to those who wish us ill. We must consider that. I know that technology to counter such a situation is under development too.

We must consider those whom we ask to operate drones. It is our duty to look after military personnel operating within a conflict zone; that is equally relevant whether crews are miles away or have not moved from their desks during their deployment because they are engaging in the conflict by operating a drone. Clearly, a key decision-making factor will be the fact that the use of drones does not directly endanger our service personnel, which is important. The ability to control drones remotely means that our personnel can operate effectively out of harm’s way, and we must see the positive in that. However, Chris Cole of Drone Wars UK strikes a cautionary note:

“Drones swing the balance away from engaging in the often difficult and long-term work of solving the root causes of conflicts through diplomatic and political means, towards a quick, short-term ‘fix’ of ‘taking out the bad guys’.”

However, it may not be the bad guys who end up on the receiving end of drone strikes, which is surely a cause for concern and another reason to consider legality. Studies on US targets have revealed a number of flaws in how targets are identified, including during a number of strikes resulting from electronic communications that officials subsequently acknowledged as unreliable.

David Cortright, the policy director of the Kroc Institute for International Peace Studies, also raises ethical questions about drone use as a means of combating

[Kirsten Oswald]

terrorism. He cautions that after 10 years of combat in Afghanistan and given the current high levels of threat from terrorist attacks, of which we are all aware, we ought to know better. We may need to consider that point. Additionally, former Pentagon adviser David Kilcullen has testified that drone strikes arouse anger, which coalesces populations around extremists. As we have heard, recent terrorist attacks in Pakistan are seen as a direct response to drone attacks. Reports from the federally administered tribal areas in Pakistan suggest that it is a matter of honour under the tribal code for the families of drone attack victims to seek revenge. The US drone programme, operating largely in declared war zones, counts nearly 90% of people killed in recent drone strikes in Afghanistan as not the intended targets of those attacks.

From a legal perspective, such statistics and reports cause concern. Yasmine Ahmed, director of Rights Watch UK, told the Joint Committee on Human Rights that clarity is required about the framework on which the UK Government rely in their use of targeted drone strikes, and I agree. Although the UK Attorney General suggested in September this year that UK Government actions on targeted drone killings complied with humanitarian law, serious questions still remain, including on the definition of a combatant and the assessment of those killings as militarily necessary.

In 2010, Sir Gus O'Donnell presented the parliamentary convention on when the UK Government are expected to provide Parliament with the opportunity to debate decisions to use military force. Except in an emergency, approval in advance is required. It is therefore concerning that the unprecedented use of a drone strike to kill a UK citizen in Syria outside the context of war was not notified to Parliament in advance. The facts of the incident have not yet emerged into the public domain, leaving the parameters within which the Government are working unclear to us.

The use of drones must also be considered in relation to those whom we deploy to operate them. I am pleased that we have discussed mental health provision for service personnel in this House recently; the issue deserves scrutiny, understanding and resource. In such discussions, it is imperative that we also fully consider the impact on mental health of being a drone operator.

In 2013, the US Armed Forces Health Surveillance Centre published a report noting that operators of unmanned drones can suffer the same psychological problems as operators of manned drones and similar problems to aircrew. In addition, it said that the negative psychological impacts do not present themselves only as post-traumatic stress disorder. Because of the level of emotional distance between operators and the reality of the human targets that they are pursuing, there are concerns that it might remove the human aspect of their work.

Last month, *The Guardian* published an article in which a number of former air force drone operators and technicians had come to the paper to discuss their opposition to the ongoing reliance on unmanned drones. One ex-operator described his experience this way:

"Ever step on ants and never give it another thought? That's what you are made to think of the targets—as just black blobs on a screen. You start to do these psychological gymnastics to make

it easier to do what you have to do—they deserved it, they chose their side. You had to kill part of your conscience to keep doing your job every day—and ignore those voices telling you this wasn't right."

Questions have been raised about the psychological effects of the very real distance between operator and target, which has sometimes been described as encouraging a PlayStation mentality amongst drone operators. That is a danger in having to remotely control the aircraft separately from the events on screen, as operators can disconnect from the reality of their control over the drones. The UN special rapporteur on extrajudicial, summary or arbitrary executions raised the concept of a videogame mentality in a 2010 report to the UN Human Rights Council.

Recently, the BBC also highlighted the impact of the job upon the mental wellbeing of drone operators. It reported on the RAF's 13 Squadron, which operates drones from an aircraft hangar in Lincolnshire. The operators there, who are all qualified and experienced military pilots, work in shifts, controlling aircraft thousands of miles away. The preparation and processes that they undergo are exactly the same as those required for flying a conventional aircraft, and once the door to the workspace is closed the pilots report that it puts them psychologically in that airspace, with all the emotions and thought processes being exactly the same as on manned planes.

One RAF crew member is reported as saying that the potential for psychological and emotional impact on drone operators was

"far greater than it ever was with a manned cockpit".

He explained that the impressive resolution of drones such as Reaper means that operators know exactly what is on the other end of their crosshairs, and that this immediacy of targeting is also magnified by the fact that the drone crews are "airborne" for hours and hours. Also, unlike conventional crews, they do not have four-month tours but a year-round job, with a proportionately greater risk of suffering post-traumatic stress disorder.

Similar issues are being reported in the USA, with concerns regarding the psychological impact of drone crew experience, and difficulties with crew retention and recruitment. These difficulties are becoming a significant issue, with drone crew members keen to transfer to conventional crews, and consideration now being given to financial incentives to persuade pilots to remain on drone crews, where numbers are becoming critical because three times more pilots are aiming to leave drone crews than conventional crews. Studies have also indicated a concern about psychological numbing, which is attributed to crew seeing the very clear, direct video feed.

Mr David Davis: The hon. Lady is very eloquently laying out one of the major areas of concern about the use of this weapons system. Does she think that if the drone operators know unequivocally that what they are doing is legal, it would make their job easier and their chance of suffering stress lower?

Kirsten Oswald: I thank the right hon. Gentleman for his intervention; he makes a very important point. If we expect our service personnel to go into any conflict situation, whether they are in a conventional aircraft or operating a drone, it is our responsibility to make sure that there is a legal basis for that action.

There is an ethical dilemma when drone operators are faced with their targets. In the USA, it is being considered whether it might be better to replace the images that crew members see with modified interfaces. It is possible to do that, but of course the concern then arises that it would potentially introduce an unethical level of emotional distance, which could lead to a lack of recognition of those affected by strikes as people, dehumanising them. I note that the right hon. Gentleman had heard General McChrystal express similar concerns.

That disconnect has also been reported as causing operators challenges in coming to terms with the effects of their actions on both combatants and civilians, and their working environment can contribute to that. After their shift, operators head home in their cars, thousands of miles from the results of their day's work and—crucially—remote from the opportunity to assimilate their experiences with those of colleagues, as would be the case in a more conventional setting.

Looking to the future, it was recently disclosed that the United States military are using civilian operators to fly drones that are tracking suspected militants and other targets across the globe. This is part of a privatisation of job roles that were previously exclusively undertaken by military personnel. The *Los Angeles Times* reports that civilian pilots operate combat air patrols that daily fly through areas where military operations are taking place. These civilian operators provide video and collect sensitive information for the United States air force. Although they are not permitted to pinpoint targets or fire missiles at them, they are clearly operating military drones, which is prompting questions, because they are now part of what the USAF refers to as the “kill chain”, which starts with surveillance and ends with the launching of missiles.

That is not the situation that we are faced with now in the UK, but we are faced with a situation in which the thresholds of operation—the legalities and the parameters—are unclear. It is also a situation where, notwithstanding the potential for use of drones, unintended consequences reign supreme. For these reasons, I call upon the Government to debate this issue further, and I would be delighted to hear further information from the Minister about the points that I have made.

Several hon. Members *rose*—

Graham Stringer (in the Chair): Order. I intend to call the Front-Bench spokespersons at 10.30 am. There are 25 minutes left for other speakers, so I hope you can do the arithmetic yourself.

10.4 am

Mark Field (Cities of London and Westminster) (Con): I thank my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) for securing the debate. As ever, he made a thoughtful and insightful contribution. He is also a man of boundless optimism—after all, he suggested that we would hear from the Chilcot inquiry “shortly”.

Unmanned aerial vehicles, or drones, have undoubtedly proved devastatingly effective. Militarily, as my right hon. Friend pointed out, their use has assisted in expelling al-Qaeda from large tracts of Pakistan—albeit not without some cost, and I agree precisely with what he and General McChrystal had to say—and from Yemen. Politically, drones have allowed the US in particular

to pursue strategic objectives without needing to put boots on the ground in an era when, as we all know, there is very little appetite among western electorates for their countries to engage in further overseas military adventures.

Without doubt, the development of drone technology will continue apace in the years ahead. Drones will assuredly be an essential part of the furniture of international warfare and, as a consequence, their use will require a thorough overhaul of international law and regulation. That overhaul is still to come.

In the euphoria that surrounds the decisive deployment of drones to eliminate terrorist leaders from afar, it is also worth reflecting—as the hon. Member for Cardiff West (Kevin Brennan) did earlier—that before the world is too much older our enemies will also enjoy access to this technology, with potentially calamitous effect. Terrorists and even criminal extortion gangs will soon be able to operate hardware of this sort, the cost and capability of which is rapidly coming within their range.

The use of drones by the UK military was first avowed as recently as September, when the Prime Minister announced the extrajudicial killings of two UK citizens, Reyaad Khan and Junaid Hussain, who had joined ISIL in Syria and featured prominently in a propaganda video that promoted and encouraged terrorist attacks on UK soil. Of course, the UK Government wished to place those deaths on the record lest details seeped out via a freedom of information inquiry, as happened in July regarding joint US-UK air strikes over Syrian airspace. Moreover, the US policy of routine avowal of fatal drone attacks created the risk that eagle-eyed observers might notice that the two operations resulting in the deaths of Khan and Hussain had not been similarly gazetted. It is better to take the initiative rather than allow lurid conclusions to be drawn. In November, Mohammed Emwazi—alias “Jihadi John”—was similarly dispatched in co-operation with the US military.

For as long as such ISIL-supporting British terrorists were at large on Syrian soil, it would evidently have been impossible to bring them to trial. To be fair, there is a distinction between the situation today and that in Ulster some 40 years ago. Of course there were ungoverned spaces in parts of Londonderry and Belfast, but there are massive tracts within Syria that make it impossible to bring people to trial. None the less, their terrorist activity was designed to cause mayhem on UK soil. We are de facto at war with the so-called Islamic State, and as a consequence Khan and Hussain might properly be regarded as combatants. However, the strong inclination in the post-Iraq war era to provide watertight legal cover for all military operations led, as my right hon. Friend the Member for Haltemprice and Howden said, to the drone raid being classed as “self-defence” under article 51 of the UN charter.

That has opened up a series of contentious issues. For example, were the primary subjects of the drone attack “directing an attack”, and was such an attack “imminent”? As a consequence, our intelligence agencies will need to show after each drone strike that they have carefully considered the operation of article 51, unless we have the change in law that I will come on to. We need to keep the terms of such drone operations under regular, if not constant, review.

Mr David Davis: My right hon. Friend makes an incredibly important point. One of the difficulties with such a legal basis is the requirement of imminence,

[Mr David Davis]

which gives us an evidential problem. Presumably there was some sort of terrorist cell in this country that was about to carry out a terrorist action, and the Government have failed or refused to answer questions about whether there have been any arrests in the follow-up to that strike. That gives us a problem. The Government may have good reason for not giving us the information, but when drone strikes are carried out they will have to be ready to provide an evidential chain of some sort to show that what they did was correct.

Mark Field: I very much agree with my right hon. Friend's comments. It seems to me that we need to keep the terms of drone use under regular, if not constant, review, and that before seeking ministerial authorisation the intelligence agencies would have needed to conclude that the individuals posed an imminent and clear threat to national security. It is also essential that our security services satisfy themselves that a drone strike, rather than any attempt at apprehension, is both necessary and proportionate. The issue of collateral damage—the impact of a strike upon innocent civilians in the vicinity—has been incredibly controversial, especially in Pakistan and Yemen, where it has often been recognised that US strikes have necessitated discreet co-operation with host Governments.

In truth, the increasingly sophisticated monitoring of mobile phones, other telephony and emails has enhanced the ability to target suspects with virtually pinpoint accuracy—it was notable that the only other fatalities in the two UK strikes this summer were associates. That is a good thing; we should try as far as possible to minimise collateral damage.

Nevertheless, I agree with other contributors to the debate that there is now an urgent, and possibly unanswerable, case for updated legislation to govern the use of—not to mention the continued reliance upon—new drone technology. That would allow the Prime Minister and the Government of the day to act with the timing and precision required to wage effective operations, without first having to consider how to navigate the complex labyrinth of precedent, law and parliamentary approval that currently blunts us. The US War Powers Act goes some way to providing a template in that regard, bestowing on the Executive branch the ability to give the green light to action without congressional approval, while maintaining a series of vital checks, safeguards and balances.

It is worth recalling that US legal justification in relation to the use of drones on overseas targets has historically been markedly less strenuous. That has arguably caused difficulties in the ungoverned parts of the world where “Five Eyes” co-operation is often strongest—Iraq, Pakistan, Afghanistan and, more recently, parts of Syria. The UK security services’ knowledge that intelligence passed to their US counterparts is used to launch drone strikes without, for example, any clear imminent threat to national security, potentially places the UK military, and our own workers, in a legal quagmire.

Although a common protocol among western allies would be ideal, that would necessitate an open political debate about the desirability of adopting the hit list approach that the US military have for selecting drone targets. For the Obama Administration, that approach has essentially involved a rolling update of named

individuals, with the list being refreshed whenever there is a successful drone attack involving the assassination of terrorist targets. Needless to say, such an approach is far removed from the necessity for the prior legal approval of each and every step under British law as it currently stands.

Thank you, Mr Stringer, for allowing me to speak for rather longer than my requisite minutes, but I did take some interventions. I very much look forward to the Minister's response to the debate, and to her recognising that we need new legislation and some genuine thought about the matter, not just in the context of what is happening in Syria but, I suspect, for many years to come.

10.12 am

Kevin Brennan (Cardiff West) (Lab): I broadly agree with all the contributions made so far, by Members on both sides of the House. My interest in the matter was sparked when the Prime Minister announced to the House that drones had been used by the UK in Syria to kill Reyaad Khan—a UK citizen, albeit one who had been radicalised and had chosen to go and fight for ISIL/Daesh in Syria. I realised that I had met the young man many years previously, during a discussion about politics with a group of young people at a youth forum in my constituency. At that time, he was an engaging young man who was interested in politics, and whose political views seemed perfectly normal. When he was a teenager, there was no sign that he would end up being radicalised, choose to go to Syria and join ISIL/Daesh, and come to the end that he did, perhaps inevitably. It provides food for thought when a constituent one happens to have met ends up meeting such a fate.

I will not go into too much detail, because that is not necessarily within the wishes of Reyaad Khan's family, but I should make it clear that the radicalisation horrified his parents. Many months before the outcome that eventually befell Reyaad Khan, I had written to the Foreign and Commonwealth Office to ask, at the family's request—his parents thought he was in Turkey, perhaps on his way to Syria—for any assistance the FCO could possibly provide, through our consular services in Turkey, in finding a reason to intercept the young man and return him to the UK. I want to make it absolutely clear that the family, who were desperately concerned, were making efforts to prevent the young man from travelling to Syria. That is a tale for us all; as Members of Parliament, we need to be aware of what can happen to our constituents.

Our sympathy should, of course, principally be with the victims of ISIL/Daesh, but extremely difficult and concerning questions of ethics and legality are raised when the UK Government use a remote drone to kill a UK citizen in a country with which, technically, the UK is not at war, even if that citizen has participated in actions carried out by a non-state actor, such as ISIL/Daesh, that undoubtedly presents a direct threat to the UK's security. Many of the legal issues have already been mentioned, and because of the time I will not go into any great detail. I am not naive enough, however, to believe that the justification used by the Government, and cited by the Prime Minister in the Chamber of the House of Commons, tells us the full story about what legal advice has been given to the Government, and what the justification for the targeting of Reyaad Khan and others has been.

I know that the Minister will not be able to respond to this—I have put it directly to Ministers before—but I have to put on the record that in my view there is in the Ministry of Defence a list of names of UK citizens for whom there is, in effect, a pre-authorisation in place. There would have to be a final signing off, but if those individuals became available to be targeted, they could be targeted. That does call into question, under article 51 of the United Nations charter, the justification on the basis of the imminence of attacks.

Several hon. Members *rose*—

Kevin Brennan: I will give way to the right hon. Member for Haltemprice and Howden (Mr Davis).

Mr David Davis: The hon. Gentleman makes an important point, which impinges on the speech made by my right hon. Friend the Member for Cities of London and Westminster (Mark Field). One of the most worrying things for me about American policy is the idea that the President approves a kill list every Thursday morning, or whenever it is. That is the kind of area in which I do not think we want to go in the direction of the Americans. Politicians should not have the right to strike someone from the face of the earth, no matter what the logic. Does the hon. Gentleman agree?

Kevin Brennan: I do agree.

Kirsten Oswald: Will the hon. Gentleman give way?

Kevin Brennan: I will just make a little progress. That is why it is so important that we have this debate, and why the Joint Committee on Human Rights inquiry is so important. I understand that my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), who is not here today, has written to the Secretary of State for Defence expressing her concern about the Ministry's lack of co-operation with that inquiry. Will the Minister, in her response, confirm that the Committee will get the Ministry's full co-operation, obviously within the parameters of what it can say on this matter?

Mark Field: Will the hon. Gentleman give way?

Kevin Brennan: I will, briefly, but I am conscious of time. If the hon. Member for East Renfrewshire (Kirsten Oswald) will forgive me, I probably will not give way a further time.

Mark Field: If article 51, which states that there has to be an imminent threat, is to mean anything, the security services—and, indeed, Ministers who are considering the issue—need to be in a position to update such a list constantly. The notion that an individual is on a list until such time as they are eliminated or assassinated seems to be at odds with article 51. There needs to be a process whereby the question of whether a person is still an imminent threat to the UK is regularly turned over in people's minds.

Kevin Brennan: I agree with the right hon. Gentleman. I will be interested to see whether the Minister illuminates that issue further in her response to the debate.

I want to raise one other issue, which is whether there should be an inquest into the death of Reyaad Khan. The case, it is fair to say, is fairly unique, but it has

possibly led to similar cases. To some extent, an inquest might help establish some of the legal parameters in such cases. I have received representations on this—not from constituents, but from others. As I understand it, section 9 of the Offences Against the Person Act 1861 effectively grants global jurisdiction in respect of the potential unlawful killing of a British citizen. There is no question but that the issue of legality has been raised, and is under debate; we would not be here today if there was not a question mark about the legality. Can the Minister tell us whether the Government have a view on whether an inquest would be appropriate, if it is correct that the 1861 Act has global jurisdiction, and that the action that led to the death of this British citizen, albeit one who was acting in such a way as to be an enemy of the UK, was physically initiated in the UK, although the weapon used to carry it out was physically located elsewhere? Given the time constraints, I will not go on much longer, but I am interested to hear her response.

10.21 am

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I thank the right hon. Member for Haltemprice and Howden (Mr Davis) for bringing the issue to the House and for putting a clear analysis on the record. Drones have become an increasingly integral part of defence, and their capabilities have gone far beyond surveillance. We have the ability to use drones for combat purposes, which is what the debate is all about. We have concerns about drones being indiscriminate, and worries about whether we can be specific in our targeting using such automated systems. However, while military systems have an increasing range of automated functions, no fully autonomous systems are in use. The operation of a drone still needs human input, so it is fair to say that there is still a large enough degree of control. There is no reason why drones should be more indiscriminate than air strikes, boots on the ground or any other method of combat. Humans control drones and work within the rules.

When it comes to surveillance, there is no doubt that drones have revolutionised our ability effectively to gather intelligence across all corners of the globe. We have already seen drones take out incredibly dangerous individuals and gather the intelligence required for forces to go in at ground level and take targets out. Clearly there have been positives resulting from drone use, but that does not mean we should not be mindful of the concerns about their use expressed by some Members. We can do more to address such concerns by taking formal steps better to educate stakeholders and the public as to what drones actually are. Contrary to popular belief, they are not indiscriminate, pilotless killing machines, but state-of-the-art, precise and remotely piloted military systems, controlled by highly professional, highly trained individuals. Decisions about how a drone behaves when on an operation are made by pilots, analysts and a whole team in real time, just like the crew of a traditional aircraft. All UK drone pilots have to follow the law of armed conflict and the rules of engagement in exactly the same manner as pilots of traditional manned aircraft.

The decision-making process leading to the identification and engagement of targets is identical to that for conventionally manned aircraft. More than that, as our

[Jim Shannon]

drone pilots have greater access to information, through a combination of the aircraft's on-board sensors and the ability to access off-board information, they are the best informed and least pressurised of all our aircrew who have to make critical decisions about when to strike.

In the real world, drones' capabilities save the lives of our personnel, allies and civilians daily. The vast majority of civilian casualties in the middle east are caused by insurgents, terrorists and truly indiscriminate murderers. It is our remotely piloted aircraft that the terrorists fear most. They know just as well as we do that these systems contribute massively to our identifying them and their weapons.

In the time remaining, which I wish to share with the hon. Member for Foyle (Mark Durkan), I want to get to the facts. As of January 2014, Reaper has flown for more than 54,000 hours over Afghanistan. In that time, it has fired just 459 precision weapons. The sophistication of the weapons means that they can change course after release if innocent civilians stray into a strike area. That is one example of the many safeguards in place. We need to be able to harness that effectiveness in future conflicts, including those currently spiralling out of control in the middle east.

We know of one highly regrettable incident in which civilians were killed by a weapon deployed from a UK Reaper. Of course that is one incident too many, but in that case, a strike on two trucks carrying insurgent explosives resulted in four civilian casualties, in addition to the death of the insurgents.

This exceptionally useful tool contributes greatly toward protecting and defending UK forces and civilians. The Government's use of unmanned and remotely piloted aircraft means that we have to safeguard information relating to our targeting and intelligence capabilities, and that applies across the board. The debate has given us an opportunity to provide the public with more information about drones and how, in reality, they are far from indiscriminate killing machines; rather, they are important and life-saving assets.

10.25 am

Mark Durkan (Foyle) (SDLP): I congratulate the right hon. Member for Haltemprice and Howden (Mr Davis) on securing this important debate; I supported him in doing so at the Backbench Business Committee. He set out a number of concerns, which I hope the Minister will address, not least of which is the question of why Parliament was told that the reliance was on self-defence of the UK, when the message to the UN relied on collective self-defence of Iraq. People might say that that is an arguable or pedantic point, but the fundamental principle matters; it should matter to us in Parliament, and those of us with any concern for international law and the standing of the UN.

Members have touched on a number of issues. Some suggested that we should not relate the issue too much to the experience in Northern Ireland, but when we consider some of the decisions made in the formative years of the involvement in Northern Ireland of the British Army and the intelligence services in the early '70s, and what then became normative, questions do

arise for us. We cannot just casually accept, whenever we ask questions about this matter, people saying either "Don't ask" or "Don't expect a full answer." The real answer is, "We know, and it is okay." Many hon. Members accepted that sort of line down the years when we raised questions about the nature of operations in Northern Ireland; and many of them then declared themselves shocked when they read in the de Silva report that something close to a kill list was operated in Northern Ireland, and that Parliament was being misled. It is still not clear whether Ministers were misled or were part of the misleading. That experience of sleepwalking through the formative stages of a new situation or operational vista, and of other standards becoming normalised, means that we need to ask questions at parliamentary level.

We should also remember that the Prime Minister told us about this extrajudicial killing in the context of a wider statement about Syria and refugees. It is not clear whether we would have had a statement just on the killing. That sad statement came at the end of a recess, and it is not clear what the standard would be in future. The hon. Member for Strangford (Jim Shannon) said that the standards to be followed and the decision-making processes are identical to those for manual aircraft, but I do not think that, in parliamentary terms, we do know that. He may have been briefed to that effect, but we have not been told that. Many of us have asked questions, including on the all-party group on drones, and have not received full information. Let us remember that manual aircraft would not have been sent in to kill Reyaad Khan, so we are not talking about like-for-like at all.

The hon. Member for East Renfrewshire (Kirsten Oswald) raised the question, as did the right hon. Member for Haltemprice and Howden, of the protection of operators and of knowing exactly where they stand in the system. There is not clarity on any of those issues. If the hon. Member for Strangford is so confident of the answers, he should join us in calling for a much fuller clarification of the policy and practices, so that when we have a system, moving forward, it is not determined by default and drift, but by real deliberation, real design and proper delineation of standards, principles and procedures.

Graham Stringer (in the Chair): Before I call the Front-Bench spokespeople, I hope to be able to give the proposer two or three minutes to respond to the debate.

10.30 am

Martin John Docherty (West Dunbartonshire) (SNP): It is an honour to serve under your chairmanship, Mr Stringer, in this timely and critical debate on the rules of engagement and use of armed drones. I am sure all Members here will agree that the right hon. Member for Haltemprice and Howden (Mr Davis) and members of the all-party group on drones have ensured an in-depth and robust debate on matters of ethics, morality and fundamentally political choice.

My hon. Friend the Member for East Renfrewshire (Kirsten Oswald), the right hon. Member for Haltemprice and Howden and others who have participated in the debate have made a convincing case for further debate, scrutiny and holding the Government to account for the political choices they make in deciding the role of

the state in surveillance and in ending lives, especially the lives of UK citizens living in other countries. I take the point made by the hon. Member for Cardiff West (Kevin Brennan) about future drone use and, as mentioned by others, their use by extremists and criminals. That needs to be looked at in depth to perhaps inform future policy.

As has been outlined, for some Members, the present lack of information relating to the rules of engagement leaves much to be desired, and for many it highlights our inability to comply with international human rights law—critically, particularly with regard to seeking to understand whether the European convention on human rights applies when physical power and control is exercised over a person via an automated vehicle controlled by a UK citizen. This is exacerbated, as was mentioned, by the Secretary of State's lack of response to the Joint Committee on Human Rights. If the Secretary of State were able to attend the Committee, we could perhaps get a resolution and some clarity. I am sure that the Minister will wish to address that when she responds.

The efficiency of the present systems is an important issue. In some cases in the past decade in Afghanistan, drones did not hit their target. Given the increase in the use of drones in Afghanistan under the leadership of President Obama, this must surely throw into doubt their efficiency, and the ability of Government policy to limit the power of extremists at home and abroad, both now and in future. The Government's present approach could arouse feelings of anger and lead to local populations coalescing around extremists, rather than removing them from the overall picture.

Fundamentally, this physical disengagement—the move from traditional warfare in the field, mentioned by my hon. Friend the Member for East Renfrewshire, to being based in a bunker thousands of miles away—is a Pandora's box that has been opened and will not be shut. If in the weeks and days ahead we find ourselves involved in an aerial bombardment over Syria, the use of drones, not only in surveillance but in the delivery of hardware, will be a military choice, not a political one.

The need for at least a statement or summary on the legal use of drones and supporting rules of engagement need to be published, as well as a definition of areas of operation. Now more than ever, my constituents—I am sure that I speak for my hon. Friend the Member for East Renfrewshire, too—seek a detailed policy and operational guidelines. We accept that those guidelines should recognise the security implications for our armed forces.

In addition, we hope that the Government will clarify the use of civilian operators and their possible role in delivering ordnance to the end point—that is, in using the firing button—in present and future operations. We also hope that mental health will be considered. In a recent Adjournment debate, we discussed mental health and the impact on veterans, military personnel and their children.

The Government must clarify our limitations. In which countries do we use drones? Will we become another United States, targeting countries such as Pakistan? If we do, we must consider the ramifications for some of our partners—including, critically, the Commonwealth family—and their relationship with the UK. Holding the Government to account requires us to have the

ability to ensure that evidence is challenged and proven, and that includes the ability to prove the effectiveness of drones in military use.

I have a feeling that no matter the number of deaths, civilian or otherwise, the use of drones will continue and increase. In the light of that, will the Government consider that recent research has revealed that over the past 10 years, 61% of CIA air strikes have hit domestic buildings?

Kirsten Oswald: It is crucial that drone strikes are made with the utmost accuracy if they are to take place, and civilian casualties must be avoided. Is my hon. Friend aware of cases such as that of Fahd al-Quso, who was killed apparently in Yemen and Pakistan? Similarly, there are others who have been targeted by the United States who have apparently been killed several times. What assessment does my hon. Friend make of that in relation to accuracy and reporting?

Martin John Docherty: I am grateful for my hon. Friend's intervention. Her point recognises the limitations on intelligence. I will cover that in a moment.

An estimated 222 civilians have been killed in United States strikes, including the American and Italian hostages killed in recent drone strikes in compounds. The use of drones without robust and accountable rules of engagement removes not one additional extremist or terrorist, but acts as a recruiting sergeant for the most heinous of blood cults. The present policy of power to kill anyone anywhere in the world without oversight or safeguards is a failed strategy that perpetuates the illusion that military force is effective in combating extremists.

Mark Field: Will the hon. Gentleman accept that, as I suggested, part of the issue is that in Pakistan and Yemen there is co-operation between whatever authorities there are—I would not say there is a functioning Government in either of those countries—and the US military? That is part of the problem. Drones are a recruiting sergeant because of the anger in what is essentially a collection of civil wars with a lot of militias in place.

Martin John Docherty: Strangely, I would not disagree or agree. We are seeing the continued emergence of extremists. The recent dreadful attacks in Paris and Beirut show the exacerbated position that we find ourselves in.

As my hon. Friend the Member for East Renfrewshire said, our mistake could be in believing that electronic communication or signals intelligence is infallible. We know from experience that this is not the reality we wish it to be. This was mentioned in detail by the right hon. Member for Haltemprice and Howden. Our ability to scrutinise and inform the policies that improve intelligence should be welcomed—I hope the Minister will welcome that—as it seeks to improve conditions for armed forces and civilian staff who are at the coalface of engagement.

Finally, the future development of this technology will challenge our military planning and, critically, our own use of drones, especially the development of autonomous drones. Although there is a policy not to develop that technology, I urge the Government to agree to the UN resolution for a moratorium on the development of such technology until we better understand the ramifications on our society.

10.37 am

Mr Kevan Jones (North Durham) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I congratulate the right hon. Member for Haltemprice and Howden (Mr Davis) on securing this debate. We have had contributions from the hon. Member for East Renfrewshire (Kirsten Oswald), the right hon. Member for Cities of London and Westminster (Mark Field), my hon. Friend the Member for Cardiff West (Kevin Brennan), and the hon. Members for Strangford (Jim Shannon), for Foyle (Mark Durkan), and for West Dunbartonshire (Martin John Docherty).

The right hon. Member for Haltemprice and Howden explained the use of UAVs. We must recognise that they are a new technology in a long list. The history of development goes back to Zeppelins and other types of weapons. He highlighted the issue of how UAVs are used. In my experience, for the majority of the time, they are a valuable tool in surveillance and intelligence gathering. However, as he rightly says, in some cases they have a capacity to deliver weapons to a target. He highlighted the issue of Baghdad, the defeat of al-Qaeda and the use of UAVs in operations, but he then made a very important point that we should not forget. That battle was won not only through the use of UAVs but by the brave servicemen of the US and the UK, and also—the important point he made—by the use of good intelligence. Much of it was secured not through UAVs but from other sources.

A number of speakers mentioned the legal framework for the use of UAVs, which is important. It is no different—nor should it be—from the framework for an attack by a conventional aircraft or, for that matter, UK forces on the ground. It is important that that legal framework is in place. If someone joins Her Majesty's armed forces, one of the first things they are taught in basic training is the rules of engagement for self-defence. It is clear that even the most junior members of the armed forces know when they can and cannot use force by, for example, discharging their weapons. Whether delivered by a UAV or a conventional aircraft, the use of weapons is covered by a legal framework.

As a former Ministry of Defence Minister, I know that the same rules of engagement are used whether we are talking about a UAV or a Tornado using conventional weapons against a target. I accept that there is a lot of misinformation, and perhaps some ignorance, which the MOD needs to address. The idea is out there that the people operating UAVs are somehow isolated from the decision-making process. They are not. As I understand it, they are just as much part of that process as someone flying a Tornado would be. There are suggestions that they do not know the legal ramifications of what they are doing or about the intelligence around it, but that is not the case.

I know from my experience in the MOD that on a number of occasions in both Afghanistan and Iraq legal authority was given, whether in the form of advice given to the chain of command or an agreement by Ministers, but even when the missions had been agreed they were aborted. That was not because of an intervention in the chain of command, but because the operator saw that the situation on the ground was such that they would have to abort to avoid civilian casualties, or for some other reason. We need to be clear that UAV operators are not sitting in isolation. They have not just

been given a set of instructions to carry out without any thought process; they are clearly thinking, which is important.

The hon. Members for Strangford and for West Dunbartonshire mentioned the idea of the autonomous use of UAVs. That is an entirely different situation from the current one. I agree that if technology goes down that route, we will require a new set of laws for how we set rules of engagement. An important point about the legal framework is that the MOD needs to do more to explain the rules of engagement.

The right hon. Member for Haltemprice and Howden spoke about the legality of using the rules of engagement outside a conflict zone, which is a legitimate point to address. During my time in the MOD, the use of UAVs was confined to Afghanistan and Iraq, and the main bulk of their work was in surveillance and intelligence gathering—vital tools for the fight in Syria.

My hon. Friend the Member for Cardiff West made an interesting point about the fact that the threshold for access to UAV technology is getting lower. There is, I think, already some information about terrorist groups acquiring the technology, which means that we will need to develop ways to counteract it—for example, through jamming.

The hon. Member for East Renfrewshire made an interesting point about mental health. A lot of anecdotal evidence has come forward, some of which she mentioned. Perhaps the MOD needs to look at that, because we have new technology. For example, the defence medicine department at King's College might want to consider doing a longer-term study of the effects on those who are operating UAV systems.

In closing, I am confident in the legal framework around the people who operate these systems. Is it important to have this debate? Yes, it is. Should the MOD do more, not only by explaining the rules of engagement but by actually answering questions when challenged? I think it should.

10.45 am

The Minister for the Armed Forces (Penny Mordaunt): I thank my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) for securing this important and extremely interesting debate, and I thank all the other Members who spoke and attended. I also thank my right hon. Friend for recognising that this new technology has great potential to keep our armed forces safe and reduce civilian casualties. He and other Members spoke about its capacity to be a decisive tool and a force multiplier, about its precision, and about its role in keeping our armed forces safe. An important point that has not been touched on is that because the crews who operate armed drones are not themselves in a combat zone—although there are unique stresses, which I will address later in my speech—and may build up many hours of experience in operating and flying missions, they might actually make better judgments.

I shall first try to answer some of the technical legal questions that my right hon. Friend focused on, after which I will address the other points that Members have made. Our doctrine and rules of engagement are compliant with international law—including international humanitarian law—and underpinned by the principles of distinction, humanity, proportionality and military

necessity. We are confident that the existing provisions in international law are sufficient to regulate the new weapons systems.

Our rules of engagement—as opposed to our static doctrine—are tailored to specific missions and will include policy, legal and operational guidance. They are typically given in a series of permissions and prohibitions that must be followed during a particular operation. We do not put the rules of engagement in the public domain, because it would give our opponents a considerable advantage if they understood that aspect of our operations.

A lot of what my right hon. Friend was driving at and a lot of the assurances he wants are contained in our doctrine. In 2011, the Development, Concepts and Doctrine Centre produced a joint doctrine note on our approach to unmanned air systems, to capture some of the issues we knew about at the time. Although it was a thorough piece of work, it was meant to be only a temporary document. There has clearly been a huge evolution in our understanding of unmanned air systems and the related issues, some of which were touched on earlier. That document initiated a debate about a whole range of legal and ethical issues. The original note was agreed by a wide stakeholder group in 2011, and the next version, to be called the UK air power doctrine, is anticipated towards the end of next year. It will develop the concepts and framework that will underpin our rules of engagement and policy development, and will be the receptacle for a lot of the issues raised by my right hon. Friend.

This whole subject area is clearly complicated by the current wider debates about international humanitarian law, where it applies and in what situations. We are used to dealing with state-on-state conflicts, but we are moving into very different territory these days, and that is becoming the norm. I devote a large proportion of my time to the subject, and one of the first meetings I had as Armed Forces Minister was with the International Committee of the Red Cross, to look at how we secure the primacy of international humanitarian law and deal with the questions around non-state conflicts.

Mr David Davis: Will the Minister give an undertaking that the MOD will co-operate fully with the Joint Committee on Human Rights, which will hopefully provide information about exactly that issue?

Penny Mordaunt: Yes, I can give my right hon. Friend that assurance. If we have been tardy in responding to the Committee, I apologise, and I am very happy to follow that up. The Secretary of State is due to speak to the right hon. and learned Member for Camberwell and Peckham (Ms Harman) shortly, and I will follow that up after the debate. We certainly wish to co-operate, because putting more information into the public domain about the seriousness with which we take such issues will reassure hon. Members.

We have focused on air systems, but there are all sorts of other systems. We are investing massively in underwater systems, for which there is another set of legal requirements. My right hon. Friend the Member for Haltemprice and Howden referred to operational areas and war zones. Clearly, we might have to use these systems and others to respond to a range of situations, including hostage situations and so forth. The picture is complex, but we take it extremely seriously. An enormous amount of

time is going into developing the doctrine as the technology develops. We want to operate in a good framework with best practice, and we want our allies to do the same. There is wide international consultation, and we will be playing a full role in helping others to raise their game.

Let me turn to some of the other points that hon. Members have made. The particular weapon or platform type that we use has no bearing on our decision about whether to use force. I assure the hon. Member for Foyle (Mark Durkan) that the targeting boards and processes are identical for these and other weapon systems.

Several hon. Members focused on the effect on pilots. That issue is often framed in terms of the emotional effect of taking a life on the pilots conducting the strike activity, whether they become detached from the situation and whether they have access to the same support—decompression and so forth—that people on more conventional operations can access. It is often about not what people do, but what they see. I have spoken to pilots who have said that most distressing and frustrating thing is to see something take place that they are unable to prevent, in part because of the strict restrictions placed on them, which cause stress. Of course, the health and wellbeing of our armed forces personnel is of the utmost importance, and we are mindful of the pressure and stresses that such operations cause. The personnel involved are carefully monitored and, where appropriate, have access to the highest levels of military physical and mental healthcare. Looking after them is key, and that is one of the main roles that our front-line commanders are tasked with.

The RAF stress management and resilience training team has delivered stress awareness briefs to units operating these systems, to make personnel aware of the subject and of the range of assistance and support that is available to them. We recognise the unique nature of such operations, and we have embedded TRIM—trauma risk management—providers in RAF Reaper squadrons. As hon. Members know, TRIM provides a model of peer group mentoring and support for use in the aftermath of traumatic events.

My right hon. Friend the Member for Cities of London and Westminster (Mark Field) and the hon. Member for West Dunbartonshire (Martin John Docherty) asked about others having access to such systems and our ability to combat that. I assure all hon. Members that that was a key strand of our recent strategic defence and security review, and there will be ongoing work to ensure that the right defensive systems and practices are in place to prevent such technology from being used against us.

Hon. Members spoke about the effect on hearts and minds. We understand that whatever means we use to deliver precision weapons in conflict zones—air strikes, operations on the ground or remotely piloted air systems—there will be a negative effect on the civilian populations in the vicinity. However, we do not take the decision to conduct strikes lightly, and we take every step to minimise the impact on civilian populations, including using precision-guided munitions.

Kevin Brennan: Before the Minister finishes, do the Government have a view about whether it is appropriate to hold an inquest if a UK citizen has been killed in that way?

Penny Mordaunt: I was coming to that point, but I will answer the hon. Gentleman's question now. He dealt with the issues he raised in a sensitive manner. The Prime Minister was clear that in circumstances in which we have no alternative—hon. Members have outlined why we had no alternative in that situation—and we think we can prevent and disrupt an imminent threat, we will take action. I think that is the right thing to do. In the specific case that the hon. Gentleman asked about, there will be no inquest. Because it is outside the coroner's jurisdiction, there will not be a coroner's inquest either. The answer to his question is no, there will not be either an inquest or a coroner's inquiry.

It is, of course, the terrorists who target civilian populations and induce suffering. That is why we have and use these systems. All civilian deaths are regrettable, but in more than 80,000 hours of UK Reaper remotely piloted aircraft system operations, only one known incident has resulted in civilian deaths. UK forces have strict operating procedures to minimise the risk of casualties.

Finally, like all hon. Members, no matter what their views on this technology, I pay tribute to the pilots and crews who keep our country safe.

10.57 am

Mr David Davis: Thank you very much for chairing this debate, Mr Stringer. It has been a privilege to serve under your chairmanship. I thank the Backbench Business Committee, and I hope we have justified its decision to give us this debate.

Let me quickly pick up a couple of points. I thank the Minister, who answered many of our questions well. My right hon. Friend the Member for Cities of London and Westminster (Mark Field) argued that we need a

new law. Given that the UK air power doctrine will be published in 2016, what we really need more immediately is a robust and clear public application of the current law. That would be the most important outcome of this debate.

Some hon. Members argued that this is a new system, but it is operated in the same way as existing systems. The principle is the same, but the practicalities are different. To put it in physical terms, a Tornado can cross the length of a football field in one third of a second, but a drone can watch the same football field in orbit for eight hours. Clearly, there are differences in precision.

The rules of war were built around the fog of war and the doubt that it creates, so we have an opportunity to make them more precise and humane. However, as the hon. Members for West Dunbartonshire (Martin John Docherty) and for East Renfrewshire (Kirsten Oswald) said, in American strikes, each kill of a terrorist is claimed three times. That implies that at least two innocent people die as a result of failures of intelligence, so there are areas of concern.

That brings me to the most important aspect of this debate, which is the blurring of the area between war and peace. Drone operations in war zones worry me much less than drone operations outside war zones. That is where Governments will be tempted to do things that are beyond what we normally expect of a civilised western Government. I will look very carefully at the 2016 UK air power doctrine for an answer to that issue.

Question put and agreed to.

Resolved,

That this House has considered the rules of engagement and the use of armed drones.

Small Business Saturday

11 am

Ronnie Cowan (Inverclyde) (SNP): I beg to move,
That this House has considered Small Business Saturday

It is a pleasure to serve under your chairmanship, Mr Stringer. I thank the powers that be for selecting this topic for debate. I am delighted that we have the opportunity to discuss how vital small businesses are to the prosperity of the UK's nations.

The importance of small businesses should be self-evident. Indeed, 99% of businesses in the UK have fewer than 49 employees, accounting for 48% of total employment and 33% of turnover. That amounts to 15 million people in the UK being directly employed by small businesses, with a turnover of £1.75 trillion. They are the drivers of economic growth, creating jobs and serving the requirements of our communities. Whether they are—in no particular order—local tradesmen, retailers, service providers or catering outlets, the benefits of small businesses extend beyond the employees they hire. Just under a fifth of all small and medium-sized enterprises in the UK operate in the construction sector and 15% operate in the professional, scientific and technical sectors, and those businesses complement the success of associated industries such as manufacturing. We should therefore recognise that the influence of SMEs cannot easily be quantified simply by looking at their own output as it extends into the wider economy and communities.

In bringing forward this debate, I wanted to stimulate the discussion around how we can continue to support small businesses and to highlight the challenges that they face. For the last three years, Small Business Saturday has provided the opportunity to focus the minds of consumers, business people and policy makers on the indispensable contribution made by small businesses.

David Simpson (Upper Bann) (DUP): I congratulate the hon. Gentleman on obtaining this debate. One issue that our small businesses, whether they are on the high street or are another form of SME, face today is that of business rates, which are crippling many companies. I am sure he would agree that they need to be looked at.

Ronnie Cowan: I certainly do, and that is a topic that I hope to cover later on.

Last year, 16.5 million UK adults supported a small business on Small Business Saturday, and I am sure that this year's campaign will be equally successful when it takes place on Saturday 5 December. However, although it is important to raise awareness of the challenges small businesses face on the first Saturday of every December, we must ensure that the campaign leaves a positive and lasting impact on small businesses all year round.

Mr Chuka Umunna (Streatham) (Lab): I congratulate the hon. Gentleman on securing this debate. I want to pay tribute to the others, along with myself, who instigated the bringing over of Small Business Saturday from the US to the UK, including the Federation of Small Businesses, the Institute of Directors, the British Chambers of Commerce and the British Independent Retailers Association, and to thank Michelle Ovens and the team at Small Business Saturday UK above all for setting it

up. Does the hon. Gentleman agree that it is important to acknowledge that Small Business Saturday is not all about shopping? Our small businesses do a lot more than just provide retail services and products and do so much more for our economy. Small Business Saturday is as much about people outside of retail as it is about those within it.

Ronnie Cowan: I absolutely agree. It is easy for us to focus on shopping and the high street, particularly pre-Christmas when that is what it is all about. Retail is a large part of it, but small businesses employ people in all sorts of sectors and many of them, such as my business in my previous existence, which I hope to touch on later, do not have the high visibility of the high street.

Other hon. Members will be able to relate to concerns about decline, as shop closures and empty retail units are an issue that stretches right across the UK. As in other constituencies, the situation in Inverclyde varies considerably. The largest town of my constituency, Greenock, is primarily served by an enclosed shopping centre populated by larger retail outlets which has struggled in recent years with closures and has failed to live up to the potential that the centre of Greenock has to offer. In other parts of my constituency, the smaller towns of Gourock and Kilmacoll have been comparatively successful in maintaining more vibrant town centres, mainly populated by small, independent businesses. However, they are not helped when large banks withdraw their high street presence and contribute to the reduction in footfall.

There are no easy answers when it comes to regenerating our high streets, but Inverclyde provides a valuable lesson: smaller, independent retailers are an integral part of creating thriving town centres.

Nicola Blackwood (Oxford West and Abingdon) (Con): I congratulate the hon. Gentleman on securing this important debate. Small Business Saturday is an opportunity to highlight the vital work of local authorities in supporting high streets. His point about empty shops is important and I congratulate the Vale of the White Horse District Council, which has halved the number of empty shops in Abingdon and has put on free parking for Small Business Saturday. It also helps to throw the important Abingdon extravaganza to support local shops. Does the hon. Gentleman agree that Small Business Saturday's message is that we will see lasting improvements for small businesses only when local communities support them, whether retail or not, throughout the year?

Graham Stringer (in the Chair): Order. I remind hon. Members that interventions should be short and to the point.

Ronnie Cowan: I thank the hon. Lady for her point.

One business in my constituency that is contributing to the success is the Pirate and Bluebelle, a gallery operated by Heather McCulloch and Nick Summers. It is a small business in the very literal sense of the word. Their shop is just 2 metres by 4 metres and is one of the smallest galleries in Scotland, if not the UK. Heather and Nick established the business in order to sell artistic photographic prints and by doing so they are now supporting a number of emerging local artists and crafters. Like many small business owners, Heather and

[Ronnie Cowan]

Nick are self-motivated, have been prepared to take risks and are driven by a desire to benefit not only themselves, but their local community. In the words of Heather herself:

“We feel that the rewards far outweigh the cash.”

I hope other Members today will join me in commending Heather and Nick’s community spirit in creating a successful small business. Their experiences should be noted by policy makers in this Parliament and elsewhere. For example, Heather and Nick are concerned that the business registration process was difficult to understand and noted that the guidance on what was expected of them on tax and national insurance contributions could have been more clearly stated. Furthermore, Heather and Nick feel that the personalised support from Business Gateway made a positive contribution to the establishment of their gallery. An adviser has been available to answer questions specific to their circumstances and that specialised knowledge has assisted in developing the business in its first year of operation. I would echo that sentiment as I ran my own small IT business for 12 years and the burden of the paperwork required by Her Majesty’s Revenue and Customs distracted from the enjoyment of being self-employed.

The UK has an annual business death rate of 10% and the Pirate and Bluebelle is an example of why pre-planning is so important. Heather and Nick tested the market by attending local fairs and measuring the reception of their product with customers. They followed that up by securing premises on a shopping strip suitable for a small independent retailer and the type of products they wanted to sell. Many businesses fail within the first five years, and it is vital that potential business owners undertake the necessary preparation before fully committing.

Hannah Bardell (Livingston) (SNP): I congratulate my hon. Friend on securing such an important debate ahead of Small Business Saturday. Does he agree that it is important to encourage more women to start their own businesses, as they often fail sooner than their male counterparts? As the world of work changes, we must ensure that businesses such as Decadently Pure in my constituency, which is run by Ros Milligan who recently won a West Lothian chamber of commerce award, are able to develop and flourish.

Ronnie Cowan: I would not for one minute believe that women were more likely to fail at small business than men—certainly that is not my experience in my community, where many of the businesses are run by strong, vibrant and intelligent women. I am surprised to hear that. Despite the challenges, long hours and potential risks of running a small business, Heather is optimistic about her future operating an independent business in Inverclyde. She said:

“Setting up and running a small business has been one of the most challenging things we have ever done but also the most rewarding.”

I am aware that a range of support is already available to small businesses such as the Pirate and Bluebelle—I should point out that Inverclyde and, indeed, Gourock have many other good small businesses dealing in fine art. Assisting SMEs must be a collaborative effort across

different tiers of government and various other organisations. In Inverclyde small businesses have access to a variety of support, including from Inverclyde Council, the Scottish Government, Riverside Inverclyde, Skills Development Scotland, Business Gateway and Scottish Enterprise.

At local authority level, businesses in my constituency have access to grants that assist with capital expenditure, staff training and structural improvements to business premises. Inverclyde Council provides a small business loan scheme to improve the small business start-up rate. A west of Scotland loan fund is also available, providing loans of up to £100,000 for established businesses operating for more than two years, while newer businesses may borrow up to £30,000 through the same fund.

Such schemes emerged in response to the small business concern of finding credit increasingly difficult to secure. Another local organisation, Riverside Inverclyde, has complemented the work of Inverclyde Council to tailor solutions specific to my constituency. It has promoted the establishment of small businesses by providing quality office space, which is an important task, because Greenock, formerly a town of heavy industry, did not have enough office space suitable for a modern, digitally connected business. In establishing or refurbishing six offices and business centres, Riverside Inverclyde has helped to secure more than 850 jobs.

Bill Esterson (Sefton Central) (Lab): I congratulate the hon. Gentleman on securing the debate. He is talking about the support needed by small business, which, as he said, is vital all year round. Does he agree that the Small Business Saturday team is becoming more of an all-year-round support and is securing support, not least with its bus tour, which has travelled throughout the country for many weeks, to show that support is needed every day of the year, not only on 5 December?

Ronnie Cowan: Absolutely. This coming Saturday is a focal point, which is all about raising awareness, as is the debate. As the hon. Gentleman says, it is all year round, because it is sometimes a day in, day out struggle for businesses to keep their head above water.

At national level small businesses have been eligible for the Scottish Government’s small business bonus scheme since 2008. Almost 100,000 businesses now benefit from having their business rates reduced or completely removed—a record amount since the introduction of the scheme. The scheme has provided indispensable assistance to businesses throughout extended periods of difficult economic circumstances. Since its 2008 introduction, the amount of money being saved by businesses throughout Scotland has more than doubled and because of that competitive advantage, businesses in Scotland can this year save up to £3,200 more under the scheme than equivalent businesses in England can. I welcome the First Minister’s commitment that the scheme will continue throughout the next Parliament, should the current Scottish Government be re-elected.

Cross-border collaboration also benefits small businesses, in particular on important infrastructure projects such as improving access to superfast broadband. Federation of Small Businesses research found that 99% of small firms rate the internet as “highly important” to their business. I note that the Scottish Government are ahead

of schedule in meeting their target of 95% of premises covered by superfast broadband by 2017, so we can see in practical terms how collaboration between levels of government and other organisations is critical to giving small businesses the support they need to thrive.

If I may be allowed to indulge myself, I cannot end my speech without mentioning that Inverclyde has many advantages as a place to do business. It is within commuting distance of Glasgow, is a short distance from Glasgow airport and enjoys excellent rail connections. Anyone wishing to start a business in the area can expect excellent tailored support from Inverclyde Council and Riverside Inverclyde, in addition to the wider benefits that the Scottish Government provide.

George Kerevan (East Lothian) (SNP): I, too, commend my hon. Friend for securing this important debate. He talks about collaboration between different agencies of government, but does he accept that one agency, HMRC, has not been helpful to small businesses recently? It is planning to close down offices throughout the UK, making it much more difficult for small businesses to get their tax forms correct.

Ronnie Cowan: I touched on HMRC earlier and I echo my hon. Friend's sentiments.

In the lead-up to this year's Small Business Saturday my message is clear: let us create more local jobs and vibrant town centres, and invest in the future of our communities by backing our SMEs.

Graham Stringer (in the Chair): Before I call John McNally, may I check with the Minister that he has had permission to speak?

The Minister for Small Business, Industry and Enterprise (Anna Soubry) *indicated assent.*

11.14 am

John McNally (Falkirk) (SNP): Thank you, Mr Stringer. I also thank my hon. Friend the Member for Inverclyde (Ronnie Cowan) for securing the debate on a subject that is close to my own heart.

As a small business owner, being a hairdresser and running a business employing staff, I appreciate the commitment and training that goes into running a small business for more than 50 years. I appreciate the trials and tribulations of people running their own business and what a powerful driver the small business sector is for growth and competition across the economy.

As the vice-chair—soon to be the chair, hopefully—of the all-party group on the hair industry, I fully appreciate the work that has gone into the Hair Council, which I believe includes more than 250,000 hairdressing businesses in Britain. It supplies a huge amount of effort and employment, especially in support of local town centres. I welcome the opportunity to support the Small Business Saturday campaign and to highlight the business successes in my constituency and throughout Falkirk district.

Over the past two years alone, more than 1,057 new businesses in my constituency have been registered at Companies House. Falkirk has benefited from the steady increase in successful entrepreneurship and business development, with many successful businesses supplying other local businesses in the area. That is in no small part due to initiatives such as Small Business Saturday, a grassroots, non-commercial campaign that highlights

small business success and encourages consumers to shop locally and support small businesses in their communities.

As my hon. Friend said, Small Business Saturday takes place on the first Saturday in December. It is my hope that the campaign will have a long-lasting effect on businesses and shopping habits in Falkirk and towns throughout the district, as well as Scotland-wide. Nationally, our small businesses are well supported by the Scottish Government's small business bonus scheme, which has benefited more than 99,000 commercial properties in Scotland and helped the number of small businesses in Scotland to increase by more than 50% over the past 15 years.

Locally, Falkirk benefits from an excellent district business improvement team in the form of Falkirk Delivers, headed by Alex and Sarah. Their team have a similar ethos to that of Small Business Saturday and have the mantra of keeping things local, which is more than a "use it or lose it" message. It is about supporting businesses that have supported the town and have evolved the way in which they do business to benefit our communities and local people. It is about appreciating local knowledge, providing excellent customer service, and retaining money within our local economy to ensure that our towns are a thriving and vibrant place to shop, live and work, and providing a feel-good factor about them.

Falkirk benefits from a diverse range of businesses located at its core. The town has two covered shopping centres, Howgate and Callendar Square, in which national retail businesses are located, but what distinguishes Falkirk from other, larger towns is the diversity and range of smaller independent businesses. Falkirk also has a renowned and award-winning night-time economy, with a variety of pubs, cafés, restaurants and nightclubs, many of which are independently owned and managed.

Falkirk town centre, like many, has seen a change in the landscape over the past few years, as my hon. Friend the Member for Inverclyde mentioned. Some of our national retailers have moved away from their traditional high street presence, and vacancy rates have hovered around the national average, but our small retailers seem to have weathered the economic downturn of the past few years better than most. I will keep supporting those small businesses in the best way I can.

Small Business Saturday, on 5 December, is an ideal vehicle to remind people to shop locally—at Stenhousemuir, Larbert, Denny, Dunipace, Bonnybridge, Laurieston and Polmont. I hope I have not left anywhere out, or there will be hell to pay when I get home.

The Falkirk Delivers team has a marketing campaign using print and social media that features many of our local independents. For example, we have Gems Sweets, where we can still buy Spanish Gold, Chelsea Whoppers or Lucky Tatties—perhaps that does not fit well with yesterday's debate about the war on sugar, but they are quite tasty. A fixture in our town for more than 100 years has been G.W. Smith cycle shop. We have Coffee on Wooer, a trendy new artisan coffee shop that always has a space for local musicians, poets and writers to do their thing. The town's Howgate centre recently launched INDY, an independent marketplace with small unit space, ideal for the have-a-go entrepreneur. It offers the best of both worlds, because it is located in a busy shopping centre but is aimed at encouraging and growing unique and individual independent businesses.

[John Mc Nally]

Such businesses are the heart of our town centre community. They are known, loved and trusted by locals and visitors alike. However, Small Business Saturday is not only about retail. Falkirk town centre is home to lawyers, accountants and translators—and we even have a 3D printer—all of whom rely heavily on local businesses, so Small Business Saturday and the wider “keep it local” campaign play a part for those services as well.

Falkirk Delivers and its partners are working on a range of projects and initiatives to continue to support the town centre during a time of change. With the £5 million-plus investment through the Townscape Heritage initiative, the successful launch of our “can do” space and projects such as the Carnegie Trust’s TestTown, the message is that Falkirk is very much open and ready for business. I totally support my hon. Friend the Member for Inverclyde on this issue.

11.21 am

The Minister for Small Business, Industry and Enterprise (Anna Soubry): It is a pleasure to serve under your chairmanship, Mr Stringer. I pay tribute to the hon. Member for Inverclyde (Ronnie Cowan) for securing the debate and to everyone who has contributed to it. I will begin with some stats: 99.3% of United Kingdom businesses are small businesses. Small businesses employ 12.4 million people, which is 48% of total private sector employment. They have a combined annual turnover of £1.2 trillion, which is 33% of turnover in the private sector, and there are a record 5.4 million private sector businesses in 2015, which is an increase of 908,000 from the start of 2010. I say that to give context and to show that we should never underestimate the huge importance of our small businesses.

I also pay tribute to the hon. Member for Streatham (Mr Umunna) and others who brought Small Business Saturday to this country. It is a welcome American import that has been hugely successful. I was honoured to go to the launch of this year’s Small Business Saturday in July, where I learned a great deal. I was already a fan of it—it has been in place for a couple of years—but I had not appreciated this annual event’s importance for small businesses not just in having customers going along to celebrate and put their money where their mouth is, but in their relationships with each other. I was really struck by the fact that Small Business Saturday is a great opportunity for small businesses to develop and expand their networks and to learn much from each other.

The hon. Member for Inverclyde made the good point that Small Business Saturday is not just about celebrating retail, though there is nothing wrong with that. Small businesses in our high streets and towns encompass IT firms, accountants, solicitors, health providers and leisure providers—there is a long list.

Mr Umunna: I thank the Minister for her kind words. It is important to state that Small Business Saturday is not about being against our large businesses, because the relationship between our small and bigger businesses is symbiotic—they depend on each other. Small businesses are an important part of larger businesses’ supply chains, so overall this is a pro-business campaign for every business, whether big or small, because everyone benefits in the end.

Anna Soubry: I completely endorse everything the hon. Gentleman says. We should not forget that some small businesses are sole traders, while many will employ just one or two people. However, they are a critical part of the supply chain. Indeed, we should not forget the support that accountants and solicitors give to larger companies.

One of the downsides of being a Minister is that I am constrained about speaking in glowing terms about my constituency. All of us love to come to this place and champion our constituents, and rightly so. If I may, I will indulge my businesses and constituents with what I shall do this Saturday in celebration of Small Business Saturday, which is supported by the Government—goodness me, we all know that this is not a party political issue.

I shall probably begin at Bardills, which is an excellent garden centre—we forget how many garden centres are important small businesses—where I will order my Christmas tree. Then I shall go into Kimberley, which is one of three excellent towns. I shall enjoy a cup of coffee in Rumbletums and probably some cake over at Madhatters. I will go to a flower shop—I will be in trouble, because I could go to a number of good flower shops in my constituency, but the one in Kimberley is particularly good. I can buy fruit and vegetables in yet another great small business that, like so many, is family-run. Fred Hallam Ltd in Beeston goes back many generations, and while such families are running businesses they are providing a real service to their communities. We should not forget that.

When I go to the great shops and small businesses in my constituency, I really notice the level of care they give to customers. They know their customers and look after them by making sure that whatever they want is available. Such businesses are particularly keen to ensure that they provide an excellent service to older customers.

I will go into Beeston. The town unfortunately suffered because of the tram works that blighted it, but it is on its way up. Now we have got the tram, and we look forward to more people coming into the town and other people who previously shopped there coming back.

My hon. Friend the Member for Oxford West and Abingdon (Nicola Blackwood) made a good point about the need for free parking. She talked about her own constituency, where there will be free parking this Saturday, and I am pleased that my borough council will have free parking throughout December. I have quite controversial views on parking, which we will not go into, but let me put it this way: the more towns that embrace free parking, the better. As I said, I shall go into Beeston and enjoy Fred Hallam Ltd—it has a fishmonger, which is rare.

Bill Esterson: To show the cross-party consensus on this issue, may I congratulate Sefton on providing free parking throughout December for the very purpose that the Minister describes?

Anna Soubry: I completely endorse that.

I will go to the deli and buy, if not fine cheese, some Blue Monkey beer called BG Sips, which I recommend to everyone. Microbreweries are another type of small business that employ people and contribute hugely to the local and national economy. Many are now stepping

into exports, and the Government are keen to ensure that UK Trade & Investment looks at the benefits it can provide to small businesses.

No doubt I shall go into Relish, where I will have to have another bacon butty or some similar delight. That is another good example of a small business that is doing well. I shall finish in Stapleford, where I will go to an excellent small business that alters clothes—it has been going incredibly well and is now growing and leading the town team. No doubt, I will end up in Shabbylicious with yet another excuse to drink more tea or coffee and indulge in more cakes and mince pies.

I hope I have made a serious point. Small business are important to the economy, and the statistics show it. I want to finish on a hopefully positive note, which is about business rates: small businesses now pay less tax. We are supporting them by extending the doubling of small business rate relief in England to April 2017. More than 400,000 small businesses will pay no rates at all as a result of that welcome extension.

I know that all Members will be out there on Saturday celebrating Small Business Saturday. I am grateful to the Federation of Small Businesses, which brought the event to my constituency. I pay tribute to it, and to the Institute of Directors, the British Chambers of Commerce and everyone who supports this excellent initiative.

Question put and agreed to.

11.29 am

Sitting suspended.

Employment Tribunal Fees

[MR GARY STREETER *in the Chair*]

2.30 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I beg to move,

That this House has considered the effect of the introduction of fees for employment tribunals.

It is a pleasure to serve under your chairmanship, Mr Streeter. An essential part of any democracy is an economy that works for the whole population. That means there should be not only full employment, or as close to that as can be managed, but opportunities for everyone to make the most of that economy. There should be no glass ceilings. People from different backgrounds should all have the same chance of making it into their chosen job. Crucially, in the context of this debate, an individual should have the security of knowing that if things go wrong, they have a realistic avenue through which to seek redress.

To my mind, we have a system in place that puts security near the bottom of the pile in terms of priorities. Security should be the cornerstone of any settlement on how the workplace operates. No matter how imperfect the current system is, if there are workplace rights and protections that this place has deemed a necessary part of the social contract between Government and the country, we should be absolutely sure that those rights can be genuinely enforced, if we are not to have an illusory scheme of protection.

The employment tribunal system has a social benefit for everyone and should therefore be accessible to all members of society. It is worth reminding ourselves that tribunals took on their present character as employment courts to resolve disputes between employers and workers in 1971, as part of that year's Industrial Relations Act, largely arising from the recognition that unresolved workplace grievances had led to a proliferation of official and unofficial industrial action. Those origins should serve as a clear warning that if we are to live in a just society, we need an accessible and fair system for resolving disputes.

Ian Lavery (Wansbeck) (Lab): I congratulate my hon. Friend on bringing this important issue to the Chamber. Does he agree that the introduction of these fees disproportionately affects women, particularly those who are pregnant or in part-time employment? That issue must be addressed.

Justin Madders: I thank my hon. Friend for his intervention. I will address later some of the disproportionate impacts of the fees, but they are part of a bigger picture: they are part of a sustained attack on working people in this country. A lot of the legislation in the previous Parliament and currently going through the House is nothing more than an attack on basic workplace rights and protections. If our ambition is to have an economy and country where everyone has a stake in their prosperity, we should value the security and sustainability of jobs as much as the means of creating them.

It is widely recognised that losing a job is one of the major occasions in life on which people face extreme pressure and stress. Obviously, it is not quite as significant

[Justin Madders]

as some other issues, but for many, it can be a pretty traumatic experience. It can affect a person's marriage, health, home, finances and, of course, family, yet we seem to be fostering a culture in which an individual is considered a disposable item to be cast aside with barely a second thought. While that culture exists, it is important that we have strong protections in place and—this relates to today's debate—an effective and accessible system enforcing those protections.

Let us look first at the stark data, which show that the number of tribunal claims lodged has fallen off a cliff since the introduction of fees in July 2013.

Chris Stephens (Glasgow South West) (SNP): I congratulate the hon. Gentleman on securing this important debate. One of the reasons given for the introduction of these fees was to protect hard-working taxpayers from having to contribute to the cost, ignoring the fact that the people bringing these claims are hard-working taxpayers. Does he agree?

Justin Madders: I thank the hon. Gentleman for his intervention; his record on representing working people is one of note. He is absolutely right that everyone who takes part in the system contributes already through their taxes. As I will go on to demonstrate, there is little sign of any wider benefit to society. In fact, it could be argued that the fees are creating more problems than they solve.

Between October 2013 and September 2014, there were 32,671 fewer single claims brought by individuals than in the previous 12 months. That is a decrease of 64%. Over the same period, the number of multiple claim cases—those brought by two or more people against the same employer—was down by 3,527. That is a decrease of 67%. Comparing different periods can produce different figures, and an awful lot of different comparisons can be made. Indeed, some comparisons show up to an 80% drop in claims lodged. Whatever the comparisons or periods used, there is an average drop of around 70% in the number of claims lodged. It is therefore indisputable that there has been a significant drop in the number of claims since the introduction of fees.

Ruth Cadbury (Brentford and Isleworth) (Lab): I congratulate my hon. Friend on securing this debate. I held a debate in this room a few weeks ago on women and low pay, an issue that my hon. Friend the Member for Wansbeck (Ian Lavery) just raised. The tribunal process is an important mechanism through which women can secure equal pay in their place of work, because if the claim is successful, their employer is instructed to carry out an equal pay audit. The financial barrier, however, means that many women are not getting to that stage, and therefore fewer equal pay audits are being done than could be done. Does my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) agree that tribunal fees represent a barrier to equality in the workplace for not only the women making claims, but those in workplaces where claims could be made but are not?

Justin Madders: I pay tribute to my hon. Friend's excellent contribution in the debate she referred to. She is, of course, right that there are significant issues of

barriers to justice, and of employers not learning lessons about inequality; that needs to be put right. She makes a valid point about equal pay audits. Tribunals have additional powers beyond simply awarding compensation. We hear a lot of rhetoric from the Government about cutting down on the compensation culture, but tribunals have important powers that go beyond compensation. They also, for example, have the power to make a statement of an employee's terms and conditions. That is absolutely basic, bread-and-butter stuff that we should expect to happen in an employment relationship, but occasionally it is necessary for an employee to go to a tribunal to get that basic statement of terms and conditions.

We can bandy the figures around in a number of ways, but the common thread is that there has been a 65% to 70% drop in the number of claims lodged. It is little wonder that, with such overwhelming evidence, Lord Justice Underhill stated the following when he considered in the High Court Unison's judicial review of the fees regime:

"It is quite clear from the comparison between the number of claims brought in the ET before and after 29 July 2013 that the introduction of fees has had the effect of deterring a very large number of potential claimants."

That is a very clear statement.

There has no doubt been a reduction in the number of claims made. Have employers suddenly started treating their employees better? [*Laughter.*] I do not think there is any suggestion among Opposition Members that that is the case. It is worth remembering that since the introduction of fees, the general trend has been an increase in the number of people in work, so the proportion of people in employment who are bringing tribunal claims is actually decreasing even more than is suggested by the raw data.

Margaret Greenwood (Wirral West) (Lab): I congratulate my hon. Friend on securing this important debate. I would like to make reference to the TUC's submission to the Select Committee on Justice inquiry on tribunal fees, which stated:

"The EHRC and BIS recently funded a large-scale survey of the experiences of new mothers in the workplace...The survey findings suggest that 54,000 women a year (one in nine new mothers) are dismissed, made redundant when no other employee is, or are treated so badly while pregnant or on maternity leave that they are forced to leave their jobs."

Indeed, I know women who have suffered exactly that. That is happening at a time when, despite all the joy of adding a new member to their family, they are under a huge amount of pressure. In 2012-13, prior to the introduction of fees, there were 1,593 claims for pregnancy-related detriment or dismissal.

Mr Gary Streeter (in the Chair): Order. Interventions should be brief. The hon. Lady might wish to make a speech later, but for now, perhaps she will conclude.

Margaret Greenwood: I am sorry, Mr Streeter. There was half the number in the following year—790 claims. Does my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) agree that that is an unacceptable level for our society?

Justin Madders: I thank the hon. Lady for her intervention and I understand the passion that led her to speak for slightly longer than is the norm. She is

absolutely right that pregnancy discrimination is still rife in the workplace. Figures that I have seen suggest that of the 54,000 women who are dismissed on the grounds of pregnancy each year, only 1.5% proceed with a tribunal claim. Is that not a damning indictment of the difficulty that people have in accessing justice?

We need to examine the supposed reasons that the Minister may put forward for why the number of claims has dropped. I am sure that the Government would like to claim that the success of the Advisory, Conciliation and Arbitration Service early conciliation scheme is part of the explanation, but we should remember that the scheme was not in place for the period immediately after fees were introduced, so that cannot explain the number of claims dropping so dramatically immediately after fees were introduced. The figures that we have seen on early conciliation provide little comfort for those seeking to explain the reduction; indeed, as I will argue, the fee system can be seen as an impediment to effective early conciliation.

The figures on early conciliation tell us that of the 60,800 notifications made to ACAS in April to December 2014 as part of the early conciliation scheme, 15% were formally settled by ACAS and 22% progressed to an employment tribunal claim. That leaves a massive 63% that were not formally settled through ACAS but did not progress to an employment tribunal. Of course, it is not possible to identify how many of those claims had merits, but it is too large a figure to ignore, and the similarity between that figure of 63% and the figures that I have already referred to is too much of a coincidence for us to ignore.

Jo Stevens (Cardiff Central) (Lab): Interestingly, if we look at employers taking up early conciliation through ACAS, we find that Government Departments are some of the worst offenders for not participating in early conciliation; that includes the National Offender Management Service, which is very poor at engaging. Does my hon. Friend have any comments on that?

Justin Madders: My hon. Friend, of course, has great experience in this area. The Government should be setting an example. They should be leading from the front and be seen to be engaging in the processes that promote and encourage good workplace relations. Is it not really something when we have a Government Department potentially discriminating against someone or impinging on their workplace rights, then refusing to engage with the systems that that Government have set up to try to resolve that dispute? And then the Government charge that person to force their rights. What kind of situation is that? It is not a fair, equitable or just way of dealing with matters.

Let me turn to the significant amount of evidence submitted to the Justice Committee. I think my hon. Friend the Member for Wirral West (Margaret Greenwood) has referred to evidence that was given to the Justice Committee in respect of NOMS, and I recommend anyone who has not read those transcripts that look at that evidence. In it, multiple witnesses demonstrate the deterrent effect that fees have had; that evidence goes well beyond the data that have been referred to.

Chris Stephens: The hon. Gentleman is making a number of excellent points. On fees, does he agree that there will be an impediment to cases in which a worker

brings a case for an illegal deduction of wages, because the fee will be higher in some cases than the amount that the worker is looking for in their claim?

Justin Madders: The hon. Gentleman is absolutely right on that point, which I will come to later. Speaking from personal experience as a lawyer before I entered this place, I have a number of examples of such situations, and that cannot be right in a fair and just society. Returning to the Justice Committee, it received evidence from Citizens Advice, which published a report called "Fairer Fees" in January 2015. It stated that 82% of its clients said that the fees deterred them from bringing an employment tribunal claim.

All the Government talk at the introduction of the fee regime was about weeding out vexatious claims. As I will go on to demonstrate, there has been no convincing evidence put forward that this system has done anything to reduce such claims, in stark contrast to the significant body of evidence suggesting that people with genuine complaints have not been able to pursue their rights as a result of the fee system. It may be that part of the Government rationale is that those who use the system should contribute to it, in which case far more equitable solutions can be found. It may be that despite everything else, it is and always was part of the Government's plan to reduce the number of claims being made, in which case they have succeeded.

Richard Arkless (Dumfries and Galloway) (SNP): I thank the hon. Gentleman for securing this very important debate. Does he agree that one of the reasons given in the Beecroft report, which initiated the imposition of tribunal fees, was the desire to make business more efficient, and that the very notion that people being prevented from having access to justice within the workplace would increase productivity and make a business more efficient is completely misguided?

Justin Madders: The hon. Gentleman is absolutely right. The suggestion that workplace rights and treating people with respect and decency is somehow an impediment to a business running well is the stuff of nonsense. Having a stable and well-motivated workforce actually helps to improve productivity. The Beecroft report is really where all this is coming from. There is a view that employment rights are somehow an impediment to the good operation of business. If someone has the misfortune of having worked somewhere for less than two years, they effectively have no employment rights, so that has been got through almost by the back door.

Let me return to the reduction in the number of claims. Undoubtedly, that has been stark, and if that is the Government's intention, it has been successful, but it is unfair, crude and a denial of basic justice. The Citizens Advice report stated that 47% of its clients who were potential type B claimants—those bringing unfair dismissal or discrimination claims—said that they would have to save all their discretionary income for six months in order to be able to proceed with a type B claim. And those are the lucky ones—many who have lost their job have no discretionary income. Keeping a roof over their head and putting food on the table will always take priority over pursuing a claim for which the outcome is uncertain and which will not be resolved for months.

Margaret Greenwood: Somebody facing a situation in which they may want to go to an employment tribunal is stressful enough, and they may well be thinking that they might lose their job or have to leave their job because they are so unhappy. With that in mind, there was the figure from Citizens Advice that four out of five clients they dealt with felt that the current levels of fees would deter them from even bringing such a claim. Does my hon. Friend think that is an acceptable state of affairs?

Justin Madders: No, it is not an acceptable state of affairs. My hon. Friend makes a really pertinent point: if somebody is still working for an employer, the last thing that they want to do is take them to a tribunal. It does not help the employment relationship to improve, and it almost certainly leads to a parting of the ways one way or another. We should be there to help people if they have had a violation of their rights. There should be an easily accessible system to enable them to resolve things.

Let me go back to the startling statistic that those bringing type B claims would have to wait six months in order to afford the fee. Does that not tell us something? When the time limit for bringing such claims is three months, the fact that a person would have to wait six months in order to afford the fee is a complete exposé of how wrong-headed and unjust the system is, so if the Government are minded to make any changes, at the very least, they should look at the level at which fees are set.

I will say a few words on remission, because no doubt that will be used to justify the level of fees. However, do not forget that the comments that I just referred to have been made by people at a time when fee remission is available, so it obviously is not working for many. It is worth noting that when the Government first looked at the fee remission system, they estimated that about 63% of claimants were predicted to benefit from fee remission in whole or in part, but in reality, only about 21% have. The average monthly take-home salary in this country is just under £1,800. Remission is not available to people on that salary, but they are asked to stump up two thirds of that sum just to pursue a tribunal claim. Does that not highlight how unrealistic the fee remission system is?

We also have the completely indefensible situation in which an employer does not pay their staff, which is one breach of the law, but that is then compounded by the fact that the employer does not issue payslips and, because the individuals have not received payslips, they cannot access the remission system. How can that be a just situation?

If the objective of introducing fees was to weed out unmeritorious claims, the policy has been a failure. The success rate has not really changed, and I argue that the employment tribunal structure has plenty of well-developed measures to deal with unmeritorious claims, such as deposit orders, strike-outs and costs awards. Indeed, over the last decade or so, there has been a general ratcheting up of measures designed to deter and weed out frivolous, vexatious and misconceived claims. The rules are there, are clear and are perfectly capable of being applied, so I suggest that that is the route to go down if the concern is really about stopping people pursuing claims unreasonably or vexatiously.

Karl Turner (Kingston upon Hull East) (Lab): While my hon. Friend is on that point, I want to mention the fact that under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, legal help was available to advise clients on whether they had a claim that was worth pursuing at a tribunal. Would it not have been better for the Government not to mess around with legal help under that Act, and to allow people the opportunity to receive that legal advice, which often acted as a safety net?

Justin Madders: I thank my hon. Friend the shadow Minister for his intervention. Of course he is absolutely right: that advice is an important safety net. I know from experience that the majority of people who are advised that they do not have a claim will take that advice on the chin and will not pursue the claim, so the fact that we have not been able even to maintain levels of access to advice has probably only made the situation worse.

As I was saying before the intervention, there are rules to deal with unmeritorious and vexatious claims. I want the Minister to tell us today whether he considers that those rules are effective, and if he does not, what he will do to change them.

Denying access to justice via a high fee level is arguably making no difference at all to the number of vexatious claims being lodged, because if this system was weeding out vexatious claims, the success rate would increase. The fact that it has not suggests that the fee system is a deterrent to all. Ministry of Justice statistics indicate that success rates have in fact remained broadly the same, rather than increasing. In the four quarters before fees were introduced, success rates ranged between 10% and 9%. In the four quarters after fees were introduced, success rates were broadly similar at 9%, 9%, 5% and 13%. Even the president of the employment tribunals, Mr Brian Doyle, suggested that only a very small percentage of claims can be identified as weak or unmeritorious and that we need to be careful about the way in which we bandy around the term “vexatious” when it comes to claims.

Chris Stephens: Can the hon. Gentleman confirm that those workers who have the benefit of trade union membership will find that a trade union also has a test as to whether to proceed with a claim to a tribunal?

Justin Madders: I thank the hon. Gentleman for his intervention. He is of course absolutely right. Trade unions play a vital role in ensuring that justice is served for their members, but they also play a wider role by not supporting or endorsing claims that are considered vexatious or weak. We really should mark out that contribution that is made. Of course the vast majority of people who work in this country are not trade union members. Perhaps that is one reason why the figures have not substantially changed as a result of these initiatives from the Government.

The myth that there is a vexatious culture out there has been perpetuated by parts of this Government and certain sections of the media. It is almost as if they believe that there is an army of litigious individuals out there who are routinely fleecing employers with spurious claims. That view has no basis in fact. As I said, there are already rules to stop vexatious claims proceeding.

Each case is considered by a legally qualified judge. Most employers have access to professional advice on their case and far more are legally represented at tribunals than claimants—and all of that in a country that regularly appears near the bottom of the pile in any OECD studies of the strength of employment protection across the planet. It is far from the easy ride for employees that some people would portray.

In addition, it is simply not the case that there are hundreds of no win, no fee lawyers out there ready to exploit employers by bringing forth spurious claims. The clue is in the title: “no win, no fee”. If the lawyer does not think that the claim will win, they will not get paid for it, so why would they waste time pursuing a claim that they know will ultimately be unsuccessful?

The idea that employers are a soft touch in these matters is simply untrue. Most are professionally represented and should be able easily to spot someone trying it on. There is a question about how those who are not members of trade unions access affordable representation. We have dealt with that in some of the interventions today. Of course I would say that the best thing that anyone can do to protect themselves in the workplace is to join a trade union, but that is not a substitute for basic advice and support for people who find themselves in these very difficult situations. The Government have pulled the rug out from under them.

This system not only prevents access to justice, but feeds the myth that employment rights are some sort of undesirable impediment to properly functioning businesses. At its worst, it acts as encouragement to those rogue employers who think that employment protection and workplace rights are an optional extra to be ignored whenever possible.

There is plenty of evidence from those representing individuals in employment tribunals, including those who gave evidence to the Justice Committee, that some employers will deliberately decide not to engage in any kind of discussion about resolution of a claim until the very end of the process, even when they may very clearly be in the wrong. The pre-claim conciliation process run by ACAS can be and often is met by employers refusing to engage at all. They know that if they have dismissed an employee, they may not have the funds to pay for a tribunal claim. Even when one is under way, they still hold off until the hearing fee is paid before seriously considering whether they should engage in settlement negotiations. That can be as little as three weeks before the tribunal hearing. That wastes everyone's time and the tribunal's and the taxpayer's resources. There is a category of employers who will not engage with anything unless they know that the employee has paid their £1,200, but even in the cases in which the lower fee applies, there is now a real dilemma facing employees, who are asking themselves, “Can I afford to take this on even though I know I am in the right?”

The starkest example—I referred to this earlier—is one from my own experience shortly before I was elected to this place. It involved an employer systematically refusing to pay their staff over a period of weeks. They refused to engage with ACAS in early conciliation and decided instead to sit back and wait for the tribunal claims that never arrived. The people affected whom I saw were all women and had all lost several weeks' wages. There was no doubt that money was owed, but all of them questioned spending £390 to recover a

similar amount and some of them were actually seeking to recover less than their initial outlay in fees, so for them the dilemma was even greater. Of course, there was no reason to suppose that they would not succeed in their claims, but it is a sad fact that employers, even if they do lose, do not actually pay the compensation due to the employee more than 50% of the time. Given the intransigence shown up to that point, I could not criticise those people at all for not wanting to take that risk.

How can anyone defend the bad employer playing the system and preventing very basic employment rights, including the right to be paid, from being enforced? It does not take a great feat of imagination to see how that attitude can inform an employer's thinking on whether they should, for example, take steps to dismiss an employee fairly in the first place. After all, if they want rid of someone, why waste too much time on that process if they think that the person will not have the resources to challenge it afterwards? Far from the picture painted by some, this Government are actually creating a culture in which an employer can hire and fire with impunity.

Then there is the situation in which the employer becomes insolvent. The claimant has to apply to the Redundancy Payments Service for redundancy pay, but if there is no employer left to order reimbursement from and it is not recoverable from the national insurance fund, the claimant never recovers their fees. How can it be right that the state can profit from that situation? What kind of situation allows an employee to be, in effect, fined for attempting to exercise their rights in the already difficult situation in which there is an insolvency?

The GMB union has provided a very clear example of what amounts to a significant profit made off the backs of trade union membership fees. It was involved in a claim in Sheffield against a company that in February 2015 went into administration. The business was later sold to new owners, with the original company being wound up. There were redundancies, and the employment tribunal found in favour of the 48 people who brought claims in respect of a failure to consult and unfair dismissal. The claimants were supported by the GMB and three other unions, with fees totalling £13,200 being paid to issue the claims and have them heard. Although the tribunal ordered the respondent to refund the fees, there was virtually no chance of recovering them, as the legal entity had been wound up. Notably, it was only possible for those employees to bring their claims because they were supported by a union to get their case before the tribunal. That is a tribute to the importance of trade union membership, but it cannot be right that trade unions or individuals have to make such payments with no avenue for recovering the cost. In that situation they were completely blameless, so why should the state penalise them?

On the question of costs, it has been suggested that one of the justifications for the fee system is that it will recoup some of the costs of the tribunal system. If that was the intention, the system has been a failure. The latest accounts from the Ministry of Justice show that in 2014-15, the net income from employment tribunal fees was £9 million and expenditure on employment tribunal services overall was £71.4 million, which means that the increase in net income from fees covers 12.5% of the cost of running the employment tribunal service. The Government seem to have been unable to quantify, in response to written questions, the extra administration

[Justin Madders]

and staffing costs in the tribunal service of having to administer the fees and the remission system. In reality, the gain in revenue is probably lower than 12.5%, and it has been achieved at the expense of a 69% drop in the number of claims.

There is no mention anywhere in any of the documents I have seen of the benefit to the taxpayer from the application of the recoupment regulations, which can result in an employer paying back to the taxpayer thousands of pounds—for example, in jobseeker's allowance already paid to the claimant—which is offset against the claimant's compensation. Such repayment is normally ordered where a tribunal has made a finding of unfair dismissal. Why is that clear benefit to the taxpayer not included in any considerations, and has anyone stopped to consider that the level of recoupment will have reduced as the level of claims has reduced—

Mr Gary Streeter (in the Chair): Order. I am reluctant to intervene, because the hon. Gentleman is making a fine speech, but he has been speaking for half an hour. He might want to take into account the fact that several colleagues want to catch my eye.

Justin Madders: I will be brief, Mr Streeter. As we have discussed, do not the participants contribute to the system through their taxes anyway? Is it not simply part of the cost of a civilised society? In the long run, we all benefit from stable and balanced employment relations. If the Government are so determined to recoup costs and if they are genuinely interested in ensuring access to justice, surely the obvious way to deal with the matter is to levy a fee or apportion a percentage of compensation at the end of the process, not at the beginning.

At the moment, if a claimant is successful, they can recover their fee from the respondent, but what is the respondent's contribution to the costs of the tribunal? It is nothing. I suppose it could be argued that they indirectly contribute by recovering the fee and repaying it to the employee, but as we have seen, that outcome is not certain, and the burden disproportionately falls on those who seek to enforce their rights.

Employment tribunals play a vital role in ensuring the effectiveness of basic rights, such as the rights to the minimum wage, paid holiday, time off and maternity leave, and the right not to be unfairly dismissed or discriminated against. If we value those rights and think that they are important, we should also value the ease with which people are able to exercise them. Those rights are not just about individual dignity and respect in the workplace; they bring with them important social and economic benefits for the country. They ensure that most people can participate in the labour market without facing unfair discrimination. They give vulnerable workers more job security and stability of income than they would have. They encourage a committed and engaged workforce and the retention of skilled workers. They allow people to plan their lives and plan for the future, knowing that if they do a good job and their employer runs its business well, they are likely to remain in work. Employment rights are, ultimately, of benefit to everyone. The fee regime not only undermines those rights but actively encourages rogue employers to flout the law, and I say that the regime should be scrapped.

Several hon. Members *rose*—

Mr Gary Streeter (in the Chair): Order. The wind-up speeches will begin at 3.30 pm.

3.3 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Ellesmere Port and Neston (Justin Madders) on making an excellent contribution. Like him, I believe it is clear that the introduction of fees for employment tribunals has led to a reduction in claims, and we can only conclude that that is denying workers access to justice. In April to June 2014, the first three months after the introduction of fees, there was an 81% drop in claims. Discrimination claims, for which a £1,200 fee is required, have fallen, and sex discrimination cases were down by 91% in the first year. As indicated earlier, unpaid wages claims, which attract a fee of £390, are down, often because in those cases the fee is more than the amount sought by the worker.

There is no evidence that fees are needed to prevent unfounded claims from being made; on the contrary, evidence gathered by the Trades Union Congress, Citizens Advice Scotland, Citizens Advice England and Wales, the Law Society of Scotland and Bristol and Strathclyde Universities shows that workers with genuine cases are being prevented from lodging their claims by their inability to pay the fees. That can only mean that a growing number of unlawful employment practices are going unpunished, which is detrimental to the achievements of a fair workplace. As the general secretary of Unison, Dave Prentis, said recently:

“There is stark evidence that workers are being priced out of justice and it is women, the disabled and the low-paid who are being disproportionately punished.”

Dr Rupa Huq (Ealing Central and Acton) (Lab): Does the hon. Gentleman agree that we are also talking about gender discrimination, because women who are suffering from pregnancy discrimination or maternity discrimination will be afraid to take cases with a price tag of £1,200, so they will suffer in silence?

Chris Stephens: I agree with that, and there has been growing evidence in the last few years of pregnant workers being dismissed unfairly. The hon. Lady is absolutely correct to say that the fee of £1,200 would be a natural barrier for women workers, particularly in sectors of the economy that are traditionally low paid, such as the retail sector. It would be very difficult for someone in such circumstances to progress. The hon. Lady's statements are backed up by the legal affairs spokesperson of Citizens Advice Scotland, who has said:

“Employment Tribunals regularly include cases where people have been un-paid or under-paid for work they have done, or cases where they have been mistreated—including bullying, racism, sexual harassment. People who have suffered such treatment surely have a right to justice, and that right should not be based on their ability to pay.”

All the evidence suggests that the review of employment tribunal fees should include an equality impact assessment. As I have indicated, I am concerned about the divisive rhetoric that we sometimes hear on workplace and trade union issues. We are told that fees were introduced to save the hard-working taxpayer money, but those who are chasing a tribunal or who wish to submit a tribunal claim are, indeed, hard-working taxpayers.

In Scotland, the administration of employment tribunals is due to be devolved under the Scotland Bill. In the Scottish Government's programme for government, First Minister Nicola Sturgeon said:

"We will abolish fees for employment tribunals, when we are clear on how the transfer of powers and responsibilities will work. We will consult on the shape of services that can best support people's access to employment justice as part of the transfer of the powers for Employment Tribunals to Scotland."

That proposal is supported by Scotland's "workers' parliament"—the Scottish TUC's annual congress—and by Citizens Advice Scotland. I will end with the words of the latter in welcoming the Scottish Government's intention to abolish tribunal fees:

"So we are delighted that the government has addressed this issue, and has seen the urgency in putting it right. These fees should never have been introduced, and they need to be scrapped as soon as possible."

I could not agree more.

3.8 pm

Jo Stevens (Cardiff Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter. May I refer the House to my entry in the Register of Members' Financial Interests regarding my previous occupation as a director of Thompsons Solicitors, which is a national firm of employment law specialists that conducts a substantial number of employment tribunal cases on behalf of trade unions and their members?

I congratulate my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) on securing the debate. Like him, I am deeply concerned about this issue. As he outlined, the impact of the coalition Government's tribunal fees has been to price people out of access to justice. The Conservative party calls itself the party of working people, but if there is one single policy that totally exposes that statement as a myth, it is the introduction of employment tribunal fees. The Conservatives knew exactly what the impact of the policy would be, because they and their Liberal Democrat coalition partners at the time were told repeatedly and forcefully that the proposal would decimate access to justice. Just as with legal aid cuts, civil court fee increases, restrictions on judicial review, the Trade Union Bill, the proposal to repeal the Human Rights Act and the intended increase to the small claims limit that the Chancellor announced in last week's spending review, employment tribunal fees were not introduced to solve a real problem. They were introduced to diminish the voice of ordinary working people, of trade unions and of their members.

I am sure the Government will try to say that the rationale for introducing the fees was to defray the cost of the Courts and Tribunals Service. If that really was the rationale, it has failed spectacularly, because so few people can afford to bring claims that the revenue has not been generated, as my hon. Friend the Member for Ellesmere Port and Neston said.

The Minister for the Cabinet Office and Paymaster General openly stated that the purpose of the fees was to deter people from bringing employment tribunal claims. In an article for *The Telegraph* website in March 2014, he wrote:

"Unscrupulous workers caused havoc by inundating companies with unfounded claims of mistreatment, discrimination or worse. Like Japanese knotweed, the soaring number of tribunal cases dragged more and more companies into its grip, squeezing the life and energy from Britain's wealth creators."

He went on to say that the tribunal system had

"become a system that in too many cases was being ruthlessly exploited by people trying to make a fast-buck."

Where is the evidence for that? If the situation really was as he stated, the success rate in employment tribunal cases brought after the introduction of fees would have risen significantly, because the fees would have acted as a disincentive for unmeritorious claimants. What has actually happened? The success rate has stayed at the level it was at before the introduction of fees.

Preventing access to justice through high fees, therefore, weeds out not just unmeritorious cases—I accept there will be a few of those—but nearly all cases. In that respect, the policy has been tremendously successful. Fees have had a severe negative impact on the ability of people—particularly those on low and average household incomes and the more vulnerable in society—to access the justice system. That was a shameful intention. We had a Minister openly stating that he and his coalition partners wanted to prevent members of the public from accessing the justice system.

Ian Lavery: My hon. Friend will not be surprised by that attack on hard-working people in the workplace who want to seek justice. Like me and other Members, she has experienced the gagging Bill part 1, the gagging Bill part 2 and what is classified as a trade union Bill. All in all, they are a concerted attack on people who just want to get on in life. If there is a problem with justice in the workplace, they want to be able to challenge it.

Jo Stevens: My hon. Friend is absolutely right. I could not have put it better myself.

As we have heard, there has been a 69% drop in single-applicant cases since the introduction of fees. However, I want to comment on a couple of other statistics. There has been a 90% drop in sex discrimination cases and a 45% drop in pregnancy-related unfair dismissal cases. That is yet another example of the Prime Minister's problem with women. He does not want public money spent on women, so they bear the brunt of 75% of his Government's public sector spending cuts. He does not want to do anything about the grossly unfair VAT regime—the tampon tax. Instead, he cuts funding for domestic violence refuges and rape counselling services, and he makes women pay for those services themselves through the VAT on sanitary products. Furthermore, if any of us is subject to sex discrimination at work or sacked because we are pregnant, he prices us out of access to an employment tribunal to challenge that unlawful treatment.

Dr Huq: Does that not make a mockery of the claim the Prime Minister made to me at Prime Minister's questions that he is now a feminist? How does all this marry up with that statement?

Jo Stevens: My hon. Friend makes a valid point. Irony is alive and well in this House. I do not quite know where to start with my thanks to the Prime Minister for the way he treats women.

I turn to what I expect the Minister to refer to as the Government's mechanism to mitigate people's being priced out of justice: the fee remission system. Given that the affordability of fees is a central issue in the debate, the remission system's effectiveness in addressing

[Jo Stevens]

it is important. However, the reality is that the system is little more than a fig leaf. For each separate fee incurred, a separate application for fee remission, with detailed evidence of income, must be provided. The booklet to guide people through the process is 31 pages long, and the preparation of applications can take up to 30 minutes, increasing the costs of the case every time a court fee is incurred. That work also has an impact on the time of court and tribunal staff. It represents unnecessary bureaucracy, as well as a backward step in the Government's stated intention to move towards deregulation, efficiency and cost cutting.

In a speech to the Engineering Employers Federation in November 2011, the then Business Secretary, Vince Cable, said:

"I want to make it very clear that for those with a genuine claim, fees will not be a barrier to justice. We will ensure that there is a remissions system for those who need help."

The latest available information on remission comes from statistics issued by the employment tribunals. They show that, from July 2013 to June 2015, only 17.7% of issue fees requested were remitted.

My hon. Friend the Member for Ellesmere Port and Neston commented on the redundancy fund. Claimants are forced to pay tribunal fees out of their redundancy pay. I really hope the Justice Committee will address that issue in its report on access to justice. I also hope it will look specifically at the terrible problem of employment tribunal fees, which affect women in particular. I ask the Minister to take those comments back to his colleagues to ensure that fees are scrapped.

3.16 pm

Richard Arkless (Dumfries and Galloway) (SNP): Like my colleagues, I can confirm that it is a pleasure to serve under your chairmanship, Mr Streeter. Special thanks to the hon. Member for Ellesmere Port and Neston (Justin Madders) for securing what I, like his colleagues, consider to be an extremely important debate.

I rise as a member of the Scottish National party to put the SNP's case, and I want to start by putting the issue in a Scottish context. The issues of employment law and employment tribunal fees are reserved to the Westminster Parliament. There is an expectation that clause 37 of the Scotland Bill will devolve the financial arrangements and management of employment law tribunals to Scotland. The Scottish Government have a clear policy of abolishing the fees as soon as we have the power to do so. To quote the Scottish programme for government, as my hon. Friend the Member for Glasgow South West (Chris Stephens) did, that will be done

"when we are clear on how the transfer of powers and responsibilities will work."

The devolution of any part of the administrative justice sphere in Scotland is done through a separate Order in Council. We are yet to see whether the Government will sign off the relevant Order in Council and whether it will include the right to adjust employment tribunals, but we are working on the basis that that is what will happen.

Why does Scotland have an interest in this issue? We could argue that, if these issues are devolved, it will be for Scotland to decide whether to abolish fees. Of course, that disregards the funding arrangements between the

UK and Scotland. If fees are abolished in the rest of the UK, Scotland's funding mechanism will be increased by the extra amount the Scottish Government will have to spend in future years on employment law tribunal fees. While we have a commitment to abolish fees, therefore, unless the fiscal arrangements are correct, Scotland will have to find the money to do so from the remainder of its budget—which we are willing, at this juncture, to do, because that is clearly the moral thing to do.

As I said earlier, the imposition of employment law tribunal fees follows from the Beecroft report. The premise on which it was based was high-handed. The report stated that business must be allowed to grow and to be more efficient, but that employment law impedes that. That statement is very contentious. As I said in my intervention, simply stripping a firm of its cost liabilities and potential need to spend money does not, in itself, make that business more efficient. I would argue that if a business treats its staff correctly, the staff will treat the clients correctly, and that will make the business more productive and efficient. The premise on which the imposition of the fees was based is therefore flawed at best. This is all being done to save the £82 million or so a year that was spent on employment tribunal cases.

The upshot is that someone with a simple claim for being refused time off, or for a breach of working time regulations, faces a £160 issue fee and a £230 hearing fee. For a more serious case of discrimination for wrongful dismissal, there is a £250 issue fee and a whopping £950 hearing fee. God forbid that anyone would ever need to go to appeal, as the combined cost is £1,600 on top of what has been paid for the previous hearing. It does not take a rocket scientist to figure out that this will be a material deterrent to claimants bringing their cases.

Every litigator worth their salt—I speak with some credibility as I used to be a litigator—understands acutely that quite often the way to win a case is not to win a substantive argument, but to pile cost pressure on the other side. This is the Government trying to use a litigious tactic to pile cost pressure on claimants who, ordinarily, just want their grievances heard. It is a disgraceful course of action. The result in Scotland has been a 92% reduction in redundancy claims, an 81% reduction in sex discrimination claims, and a 90% reduction in claims for breaches of working time regulations.

Legally, through free access to employment law tribunals, we went as far as we could in making rights that protect workers absolute; now, they are not absolute. The right to not be unfairly dismissed, to be free from sex discrimination, and to be consulted on redundancy is no longer absolute. I asked the Minister what kind of message this sent out. It sends out a message that it is okay to abuse workers because, essentially, they have no course of redress, and that it is okay for the rest of the workers in that organisation to feel that their fellow workers have been marginalised. That has a direct impact on their productivity levels, wellbeing, morale and, ultimately, the financial success of the organisation for which they work. With these changes, it appears that the lower someone is on the income scale, the more inaccessible justice becomes.

I will pick up on points made by previous speakers. The hon. Member for Ellesmere Port and Neston was right to highlight that tribunals do not just award compensation. They can provide a statement of fact—of

terms and conditions that give vulnerable workers clarity about their position in a company. He is also right that there has been substantial evidence to the Justice Committee—which, as a member of that Committee, I have heard—highlighting how much of a deterrent the fees are. He is right to point out that some employers will not even consider the claim until the issue fee is paid. That is piling even more cost pressure on to the vulnerable workers and works in favour of the employer. It tips the balance away from justice and towards employers for no good reason, as far as I can see.

My hon. Friend the Member for Glasgow South West rightly made the point that workers have been priced out of justice. The changes disproportionately affect women, minorities and those at the lower end of the income scale. He is also right to point out that there is wide support in Scottish civic society for the Scottish Government's policy of abolition.

The hon. Member for Cardiff Central (Jo Stevens) made some excellent points very well. She is right to say that the policy completely makes a mockery of the Conservative party's claims to be the party of working people, and it is not evidence-based. As with much of the legislative agenda that I have witnessed since becoming a Member in this House, particularly the Trade Union Bill, this seems to be an ideological attack with no evidence base whatever. That follows a consistent theme in the legislation that I have seen come before Parliament since joining the House in May.

Chris Stephens: The hon. Member for Cardiff Central (Jo Stevens) also mentioned the wealth creators. Does my hon. Friend agree with me that the genuine wealth creators in this country are low-paid, long-hours workers—many of them women—who are helping to keep the economic wheels turning, yet they are the ones under attack?

Richard Arkless: I completely agree with that. Any business that sees its staff as disposable units of production is headed for disaster. I go back to what I said: if businesses treat their staff properly, the staff treat customers properly. If customers are treated properly, the business will be successful. If a business is successful, there is a dividend for shareholders, which, no doubt, is the motivation of the Conservative party.

In conclusion, I urge the Minister to persuade the Government, when he takes this information back to them, that their review should conclude what the Scottish Government, Scottish civic society and Opposition party Members conclude: that they should abolish these draconian fees without delay.

3.25 pm

Karl Turner (Kingston upon Hull East) (Lab): It is always a pleasure to serve under your chairmanship, Mr Streeter. I congratulate my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) on securing this very important debate. He speaks with huge experience—far more than me. He was, I think, an employment solicitor from 1998. I ought to declare my interest: I am a lawyer. Prior to my election to this House, I was a barrister at Wilberforce Chambers in Hull. Since then, I have been admitted to the roll of solicitors, practising only occasionally on a completely pro bono basis. As we are discussing tribunals, including employment tribunals, I ought to declare the fact that my wife is a fee-paid judge in the social entitlement

tribunal, and a legal aid lawyer. She does not practise employment law. If she did, she would not do so through public funding, because the Government took away the little public funding that there was for employment law in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Since the introduction of employment tribunal fees in 2013, there has been a massive decline in the number of cases brought to tribunals. The number of single employment tribunal claims has fallen by 69%, and the number of discrimination cases has fallen by a massive 80%. It cannot be said that that is a result of weeding out unmeritorious claims. It is beyond what is reasonable to suggest that the Ministry of Justice could have calibrated fees perfectly to deter 50,000 or more vexatious cases every year while ensuring that all meritorious cases were heard before tribunals.

It is important to look at a couple of cases that have come to my surgery. One is the case of Steve, who is a full-time forklift truck driver in Hull, working for a builders merchant. He had worked five consecutive Saturdays but had not been paid. A simple wage claim amounted to £280, but the fee was £390—completely prohibitive. He would have been entitled to fee remission had he been advised, but as the Minister knows, there is no longer legal help for employment law. In any event, the procedure for claiming fee remission is so complex and long-winded that it would put anybody off. The suggestion that a layperson could tackle the complexities thrown at them in applying for the fee remission is just ludicrous, and the Minister probably knows that. He might not accept or want to concede that, but it happens to be absolutely right.

There are three problems. One is the possibility that fee remission is not brought to the public's attention. I do not think that people know about it, and even if they did, it is too complex to tackle without some legal help. The fee remission scheme is an absolute minefield. I looked at it briefly today. [*Interruption.*]

Mr Gary Streeter (in the Chair): Order. We have a fourth problem: there is a Division in the House, so the sitting is suspended. I understand that we are expecting possibly two votes, so we will suspend for 25 minutes. If it is only one vote, please come back as quickly as possible, as we will suspend for 15 minutes.

3.29 pm

Sitting suspended for Divisions in the House.

3.55 pm

On resuming—

Karl Turner: Before the short suspension for us to run along to the Division Lobby, I was explaining that there is a difficulty with the Government suggesting that the fee remission scheme is the answer to employment tribunal fees. I said that there were three problems. First, there is the possibility that the remission scheme is not being brought to public attention. As far as I understand it, most people do not know it exists. I have spoken to various law centre staff and citizens advice bureau advisers who have said that people genuinely do not know that the scheme exists and are sometimes surprised to find that it does. Secondly, the fee remission scheme is an absolute minefield. Thirdly and lastly, how

[Karl Turner]

can any individual without legal help know what their own legal position is and whether they might be entitled to a fee remission?

I mentioned the first case study, but another one has come to me as an MP. It is the case of Mary, who was employed as a personal assistant. She brought a sexual discrimination claim when her employer was not happy that she had become pregnant. She left the job and immediately found other employment. Even with the fee remission, she was still required to find £840. It is fair to say that she begged and borrowed to come up with that money. However, she said to me that if she had not had family members and friends who were prepared to help her out financially, she would have had a problem. She could not have gone to a loan shark, and clearly she did not want to borrow money, but she considered it and eventually borrowed from friends and members of her family. But for that, she estimated that it would have taken her three months, even on a reasonable salary, to save the money to pay for the fee. We know that the statutory bar for bringing an employment case is three months. Clearly, people are not managing to get the money together to get an application in on time.

Such examples show that since 2010 the Government have attacked the rights of workers. Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, employment cases were taken completely out of the scope of legal help; the Government have increased the time required to gain employment rights from 12 months to two years; we have seen the introduction of employment tribunal fees; and we have also seen the introduction of the Trade Union Bill, which further dramatically undermines the rights of working people. Any claim that this Government are on the side of working people is utterly disgusting, and I put that in the strongest possible terms. It is absolutely disgusting to suggest that this Government are on the side of working people.

The Government argued that the reason for introducing fees was to prevent vexatious claims, and then they argued that it was mainly to recover the cost of running the employment tribunal service from users who could afford to pay. However, the latest accounts from the Ministry of Justice show that in 2014-15 the net income from employment tribunal fees was £9 million, while the expenditure on the service was £71.4 million. That means that the increase in net income from fees covers 12.5% of the cost of running the service. That 12.5% gain in revenue was achieved at the expense of a 69% overall drop in people bringing claims to employment tribunals—tens of thousands of workers deterred from seeking justice for breaches of their employment rights. The evidence must suggest that the Government's introduction of tribunal fees is purely ideological. It is punitive and shuts thousands of workers out of accessing justice.

[MRS CHERYL GILLAN *in the Chair*]

I am conscious of the time, and I am keen for the Minister to reply to hon. Members who have spoken. As I said at the outset, they are probably an awful lot better informed on the subject than I am. I do not want to take up too much more time, but I have some questions that I hope the Minister will make a note of and try to answer.

What is the Minister's assessment of the high expenditure of the employment tribunal service? If it is terribly difficult for him to come up with a full answer immediately, I am happy for him to write to me. Given that the volume of cases is down massively, will the Minister explain why there has not been a corresponding drop in running costs? We are all keen to save money—we all want to make efficiency savings wherever possible—but the evidence seems to suggest that there is no genuine saving from the completely unfair introduction of fees.

Jo Stevens: I just want to provide an anecdote. I was talking to an employment tribunal panel member last week. He is supposed to sit for 31 days a year, but in the past 12 months, because of the paucity of cases being brought to the tribunal, he has been able to sit for only nine. We have some expensive people sitting in employment tribunals having to string cases out because people cannot afford to bring claims.

Karl Turner: I said that Opposition Members have a great deal of knowledge and experience in the field, and my hon. Friend has just highlighted that. Employment judges, who are paid—I will guess at the amount—probably upwards of £140,000 a year often sit idly without any work, as a result of what the Government have done with fees.

Finally, if, as the Government have claimed, the dramatic fall in the number of cases is down purely to the removal of vexatious claims, why have we not seen an increase in the percentage of successful claims? If the necessity to introduce the fee scheme was about preventing vexatious and unmeritorious claims, surely the success of the claims that are in the tribunal system should be going through the roof, but that is clearly not happening.

4.3 pm

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): It is a pleasure to serve under your chairmanship, Mrs Gillan.

I congratulate the hon. Member for Ellesmere Port and Neston (Justin Madders) on securing the debate. It is an important subject, and I know that in his case it is particularly so, given his background as an employment solicitor. I thank the other contributors, the hon. Member for Glasgow South West (Chris Stephens) and the hon. Member for Cardiff Central (Jo Stevens), and the two Front-Bench spokespeople, the hon. Member for Dumfries and Galloway (Richard Arkless) and the hon. Member for Kingston upon Hull East (Karl Turner). I also thank the hon. Member for Ellesmere Port and Neston for allowing me the opportunity to put on record the Government's position.

The Government recognise the crucial service that employment tribunals provide to those employees who have serious disputes with their employers. It is vital that people in that position have meaningful access to justice and an effective way to remedy their problems.

Ian Lavery: If it is that vital for ordinary people in the workplace to access justice, will the Minister explain why his Government introduced a £1,200 tribunal fee?

Mr Vara: I ask the hon. Gentleman to bear with me, as I will turn to that issue, and also to the issue of working people that has been mentioned by a number of colleagues.

Hon. Members will be aware that the Government were elected as a majority Government with a clear mandate to eliminate the budget deficit during this Parliament. That requires a responsible approach to funding public services, which must include the courts and tribunals, both now and in the future. When the Government introduced fees in employment tribunals in 2013 it was estimated that the cost of running the service was about £84 million per year. Before the introduction of fees, the whole burden of that cost was met by taxpayers. Fees were introduced to reduce the burden, and to ensure that those who were using the service and benefiting directly from it were making a reasonable contribution to the cost, when they could afford to do so.

At the time the fees were introduced, we also applied Her Majesty's Courts and Tribunals Service fee remissions. That scheme is there to ensure that those on low incomes are not prevented from lodging a claim. Under the scheme, those who qualify may have their fees waived, either in part or in full, depending on their financial means. I am a little disappointed that although much has been made of the employment tribunal fees, only a passing reference was made to the conciliatory scheme introduced by ACAS, to which I will turn shortly.

As far as remissions are concerned, I am grateful for, and have very much taken on board, hon. Members' practical comments, and I can assure colleagues that my officials are looking at how applications are made to see how the process can be made simpler and more user-friendly.

Chris Stephens: Will the Minister reassure us that he will pay particular attention to cases in which there is a claim for an illegal deduction of wages, the amount of which is lower than the fee demanded by the service?

Mr Vara: I will not make any instantaneous decisions. I will look at everything in the round. We are considering the matter, and the hon. Gentleman will be aware that we are undertaking a review—which I will come on to—of the whole employment tribunal fees structure, of which I am sure that matter will be a part.

Jo Stevens: The Minister mentions the review that is under way. The terms of reference for the review make no reference whatsoever to the question of whether the fees should be abolished. They simply say that the review will make

“recommendations for any changes to the structure and level of fees”.

Will the Government reconsider the terms of reference, and think about whether the fees should be scrapped?

Mr Vara: The terms of reference are a little broader than the hon. Lady says. They are “to determine how successful” the employment tribunal fees have been in achieving “the original objectives”. There were three original objectives. One was financial, to consider transferring

“a proportion of the costs from the taxpayer to those who use the tribunal where they can afford to do so”.

The second objective was to consider any behavioural aspects,

“to encourage parties to seek alternative ways of resolving their disputes”,

and the third was to ensure that we maintained “access to justice”. We are carrying out the review in terms of those three broad original objectives.

Jo Stevens: May I take it from the Minister's reply that the question of abolition of fees is not ruled out, in the context of the review?

Mr Vara: As I said in reply to an earlier intervention, I am not making any decisions on the spot, much as the hon. Lady would like to tempt me into those waters.

Justin Madders: I do not wish to labour the point, but the question is simple. We are not asking the Minister to make a decision today; we are simply seeking clarification and confirmation that he is not ruling out the abolition of fees altogether as part of the review.

Mr Vara: It is important to appreciate that once the Government website publishes terms of reference, which have been there for many weeks, it is not appropriate to seek to change those terms of reference simply because one is in a debate, no matter how many times colleagues try to press me to respond in that way.

Karl Turner: I will give the Minister one last opportunity: is the possibility of the complete abolition of the fees in the review?

Mr Vara: I refer the hon. Gentleman to the answer I gave setting out the three objectives against which we are basing the review.

It is important to note that the introduction of fees was designed to encourage parties to use alternative ways of resolving their disputes. Colleagues will appreciate that such means can often be more effective, less stressful and less expensive than formal litigation. For that reason, the previous Administration introduced the new early conciliation service, under which anyone contemplating bringing a complaint to an employment tribunal must first contact ACAS, which will offer conciliation that is free of charge.

ACAS's evaluation of the scheme during its first year shows that the early results are promising. Although participating in early conciliation is not compulsory for either party, the vast majority do so. In 75% of cases, both parties agree to participate. The scheme was used by more than 80,000 people in its first year. Recent research by ACAS shows that more than 80% of participants in early conciliation were satisfied with the service. Much has been said so far about lawyers acting for people, so it is important to note that we have a free option, without lawyers who charge fees, that will also be less stressful and in an environment that is constructive to arriving at a solution. Sadly, it is often the case that when lawyers are involved, it can be antagonistic. That is not always the case, but it can be the case when two sets of lawyers are acting.

I assure colleagues that it was always our intention to carry out a post-implementation review of the impact of fees on employment tribunals. As Members will be aware, we announced that review in June. The aim of the review is to look at how effective fees have been in meeting the original objectives, as I mentioned. Following their introduction, there has been some concern—it has been expressed today—about the impact fees have had

[Mr Vara]

on people's ability to bring claims before the tribunal. Those criticisms have tended to focus on selected statistics, taken in isolation and out of context. In particular, the fall in the volume of claims issued in the employment tribunal has been pointed to as proof that people are being denied access to justice. That is too narrow a perspective when considering this rather broader issue. The fall in the number of claims is likely to be the result of a number of factors. Crucially, there is a failure to take account of the significant increase in the take-up of conciliation.

Justin Madders: The Minister will be aware that conciliation was introduced some time after the fees were introduced. Will he explain why there was such a significant drop immediately after fees were introduced?

Mr Vara: I maintain that it is too simplistic to say that the fees were responsible for the drop. If the hon. Gentleman will bear with me for just a moment, I will explain the other reasons that may have contributed to the decline in the numbers. As I have already mentioned, ACAS's evaluation of the service suggests that the early results are promising. It is noteworthy that the trend was that the number of claims was declining before fees were introduced. It is likely that that was related, at least in part, to the improving economy, which has delivered higher levels of employment. The economy and employment have continued to improve, and it is therefore likely that we would have continued to see a trend of falling claim numbers, irrespective of whether fees were introduced.

Ruth Cadbury: The Minister says that there was a decline for other reasons. The figures that we heard earlier in the debate were of 60% drops and even a 90% drop in certain types of cases. Was the level of drop in claims that the Minister saw of that order?

Mr Vara: I am giving a general analysis of the number of claims that were made to the employment tribunal. The trend of the total number of claims was declining. The hon. Lady seeks to talk about specific types of cases, and I am not going to go into that. I am talking about the general trend, because the debate and the numbers given so far have been broad and have related to the total number of applications received to employment tribunals.

Chris Stephens *rose*—

Richard Arkless *rose*—

Mr Vara: I will give way first to the hon. Member for Glasgow South West.

Chris Stephens: Is the Minister casting doubt on the specific research on this matter carried out by Citizens Advice Scotland, Citizens Advice for England and Wales, the TUC and others? Will he write to me with the figures on the declining number of employment tribunals prior to the introduction of fees?

Mr Vara: I am certainly not casting doubt on research. If the hon. Gentleman recalls, I said that I was not going to discuss specific issues and specific types of case. It is important to take things in the context of how the debate has been going so far. The hon. Member for

Ellesmere Port and Neston spoke in broad-brush terms about the fees coming in and the total number of reductions.

Richard Arkless: I politely ask the Minister, when he takes the information from this debate back to the Government and his colleagues, to point out to them that although there may arguably have been a small decline or a trend before the imposition of fees, since then the numbers have fallen off the edge of a cliff. The trend has not continued.

Mr Vara: I take on board what the hon. Gentleman says. As I have said, we are undertaking a review at present.

Other policy reforms, including changes to employment law, which the hon. Member for Ellesmere Port and Neston referred to, are also likely to have had some impact on the figures. It is clear, therefore, that a wider range of factors needs to be taken into account if we are to have a proper assessment of the true impact that fees have had, and that needs to be considered in the round. That is why we are doing a review, and that is what the review will seek to evaluate. If, after the review has reported, the Government believe that there are compelling arguments for changes to the fees structure or to the operation of the fee remissions scheme, we will, of course, bring forward proposals for a consultation, to which Members may wish to contribute.

We recognise that fees are never popular, but in the current financial climate we have a duty to consider all possible ways of ensuring that the courts and tribunals are adequately funded, so that access to justice is protected in the long term. Let me be absolutely clear, however, that at every step we have ensured that the most vulnerable are protected through the fee remissions scheme, so that the burden falls on those who can afford to pay. The conclusions of the review will provide us with a clearer picture of how fees have affected the way people seek to resolve their disputes.

Turning to some of the issues that were raised by colleagues in the debate, there was a charge that the fees were a sustained attack on working people. [HON. MEMBERS: "Yes."] I do not accept that for one moment. I refer to something that the hon. Member for Ellesmere Port and Neston said in his speech—I will more or less quote him—which was along the lines of, "If you are still working, taking your employer to a tribunal is the last thing you want to do."

That is exactly why an ACAS proposal and early conciliation is a lot better than going to the tribunal. I like to think that the proposal for ACAS fits in nicely in the context of that interpretation of his sentence. The conciliation system is free. Colleagues talk about considering the working man but it seems that, by proposing to scrap or not recognise the free early conciliation system, they are showing that they would prefer a system where lawyers are instead paid by the people whom they speak about.

Jo Stevens: I am glad that the Minister has praised ACAS and the service that it provides. On that basis, will he please therefore speak to his colleagues in government about the fact that Government Departments are not engaging in early conciliation via ACAS, and specifically, on the point that I made earlier in the debate, about the National Offender Management Service?

Mr Vara: I take on board what the hon. Lady says, and I will certainly look into the matter further. On the remissions system, I have already said we are looking to see how it can be made more user-friendly, and we will continue to look at it. The hon. Member for Ellesmere Port and Neston also quoted Lord Justice Underhill in the case in which Unison had been involved. I gently point out to him that both the cases brought by Unison to seek judicial review were rejected by the Court of Appeal. Unison is seeking permission to appeal from the Supreme Court, but let me put it on the record that we will object robustly if the appeal process is granted.

Richard Arkless: The Minister is being extremely generous with his time; Opposition Members appreciate that. As part of the brief that he gives back to his colleagues—I am afraid I have had a memory freeze. I will come back to my point. I apologise.

Mr Vara: We still have about three and a half minutes, so I am happy to give way to the hon. Gentleman again if necessary.

On the issue of women and pregnancy discrimination, let me make it absolutely clear that it is unacceptable that women, pregnant or not—indeed, anyone—should be discriminated against when there are laws against it. We have strict laws and the Government take the matter very seriously, as do all Members of all parties. The reviews that have been referred to will certainly be taken into account by my Department's review into the employment tribunals.

The hon. Member for Dumfries and Galloway spoke of the Scottish aspect. I can assure him that my officials are in contact with Scottish officials to ensure that, pursuant to the Smith Commission, there is a smooth transfer in the running of the tribunals. I hope I have managed to persuade colleagues that the matter is not simply about preventing vexatious claims; it is much broader than that and is intended to ensure that where there is a need to reach a settlement with an employer, it is done in an environment that is less stressful than the court environment. Given the financial climate in which we operate, it is right that those who use the court service should in some way contribute to it.

I will conclude by congratulating the hon. Member for Ellesmere Port and Neston on securing this debate. It is absolutely clear from the 90 minutes or so that we have had that it commands a huge amount of interest from colleagues. I am grateful to him for giving his colleagues an opportunity to air their views, and for allowing me to take on board their comments and views and put on the record the Government's view.

4.24 pm

Justin Madders: It is a pleasure to serve under your chairmanship, Mrs Gillan. I will be brief. I am disappointed in what the Minister has said today. I do not believe that he has really taken on board our concerns. I am very disappointed that, despite having had four opportunities to confirm that there is a possibility that the review of the fees will lead to their abolition, he has declined to confirm that. So we have a consultation and a review of the system, but it is nothing more than a comfort blanket to justify the original decision. I am also disappointed that, apart from the Minister, who spoke as best he could in a difficult situation, no one else from the Conservative party was here today to speak up on behalf of the Government's policy. Perhaps they do not want to defend the indefensible.

It is worth bearing in mind that the Government's approach is all part of a strategy in a race to the bottom. It is not a race that we should take part in. In the long run, we will all be the poorer for that kind of mentality. Let us get a system that allows workplace justice. Let us have a proper consultation and take on board all the evidence—the weight of evidence from the Justice Committee that we have heard today—about how the fees have really denied access to justice. Let us get a system that really allows access to justice. The only way to do that is to scrap the fees altogether.

Question put and agreed to.

Resolved,

That this House has considered the effect of the introduction of fees for employment tribunals.

4.26 pm

Sitting suspended.

Post Office Closures

4.30 pm

Huw Merriman (Bexhill and Battle) (Con): I beg to move,

That this House has considered service provision in the event of post office closures.

It is an absolute pleasure to serve under your chairmanship this afternoon, Mrs Gillan. I am grateful for the opportunity to lead this debate about post office provision. I have particular concerns about post offices closing and not being reopened, or not for some significant time. This being a debate about post offices, I very much hope to receive your stamp of approval, Mrs Gillan. I am conscious that other MPs will wish to speak—mail or female—and I will leave plenty of time for them to do so. If I go on for too long, I am sure that Members will tell me in no uncertain terms, “Letters speak!” I shall leave behind the appalling puns and move on to the subject of the debate.

With the Post Office having moved towards a franchise model, local provision is increasingly reliant on private individuals providing a post office as well as running their own business. If those individuals decide to hand in the keys, the Post Office is left to try to find a replacement, and the community is without a post office until it does. I shall explore three areas in my speech. First, I shall provide a brief case study of the closure of my local post office in Heathfield in my constituency, Bexhill and Battle. Secondly, I shall assess whether the Government’s contract with Post Office Ltd obliges the latter to provide replacement post offices following closures. Thirdly, I shall ask the Minister what more can be done to ensure that Post Office Ltd is held responsible for better service provision.

Turning first to the case study on post office closure, Heathfield is a rural settlement serving 12,000 residents. It is the largest parish in the country by population. In most eyes, it is a town, although it is fair to say that I would be run out of town—or, indeed, parish—if I suggested so. As befits a population of that size, Heathfield has a high street with banks, supermarkets, and both national and local shops. Whereas high streets around the country may be struggling, Heathfield’s has strong footfall, with new national retailers opening for business.

In March this year, the postmaster running the post office branch expressed a wish to leave the business. Post Office Ltd identified a potential new postmaster, but he was unfortunately unable to secure a lease agreement on the site. Sadly, the branch closed on 1 April 2015. The Post Office employed an agent postmaster, but he could not agree a lease on the premises either. That leads to my first issue: Post Office Ltd will send in a temporary postmaster to run a post office only from the existing site, so people are at the mercy of the landlord when it comes to making this work. Post Office Ltd will not look at alternative temporary premises for the temporary postmaster, despite there being plenty of premises available in my Heathfield example.

By summer, the pressure applied by the community and our fantastic county, district and parish councillors caused Post Office Ltd to consider a temporary solution in the form of a portakabin post office. Despite the district council offering a berth in the car park adjacent to the existing site, Post Office Ltd decided that that was

not logistically possible, so it opted for a different car park in Heathfield. Having delivered the portakabin via crane, time was taken waiting for BT and other suppliers to kit out said portakabin. That leads to my second issue: Post Office Ltd must have huge buy-in clout when dealing with its vendors, but there appeared to be an institutional unwillingness to drive BT and others to deliver the required capability, or to hold feet to the fire.

When the portakabin was finally ready to go live, Post Office Ltd engineers found that the site was not flat enough to provide safe access for customers. The portakabin was promptly removed, and no temporary solution has been provided. That leads to my third issue: there are more than 11,500 post offices in operation, so if my local one can close, I am sure that others can and have closed.

Mark Pawsey (Rugby) (Con): My hon. Friend makes an important point. I am sad to hear what has happened in Heathfield. I hope that the same will not happen in Bulkington in my constituency, where the Co-op gave notice of withdrawing its post office franchise only last week. That set all sorts of hares running in the village, with talk of the post office closing down. It is not the post office that is closing down; the Co-op has elected to take away the franchise and has not, at this stage, taken any steps to find an alternative site. My hon. Friend has raised an important problem, and I look forward to hearing from the Minister how the Post Office might deal with such matters.

Huw Merriman: I thank my hon. Friend for making that point. Indeed, Co-op was one of the retailers we approached in Heathfield to see whether it would be willing to take on the post office, but that particular Co-op franchise at least made it clear that it was not in the business of post offices anymore. That might add fuel to my hon. Friend’s fire.

David Simpson (Upper Bann) (DUP): I found it humorous when the hon. Gentleman mentioned post offices in portakabins—they would not last too long in certain parts of Northern Ireland. Does he agree that although the Co-op might have had some responsibility, so does the Post Office, because post offices are part of the fabric of the community, and are where pensioners and others meet? Surely the commitment needs to come from the Post Office.

Huw Merriman: I absolutely agree, and will touch on that when I discuss the effect on my constituents.

Karen Lumley (Redditch) (Con): I thank my hon. Friend for securing this debate. I add my concerns to the others expressed, because the post office in Inkberrow in my constituency is up for consultation. The local shop was keen to have it, but the Post Office could not consult properly with local residents. It would be great if post offices could be sited in community facilities such as pubs.

Huw Merriman: I very much take my hon. Friend’s point. One of the challenges we have found has been in trying to find businesses that are willing to take on post office sites. The choice does not seem to be there any longer—at least, not that I can see from the situation in Heathfield.

Andrew Percy (Brigg and Goole) (Con): Will my hon. Friend give way?

Huw Merriman: I will give way one more time, because I am a sucker.

Andrew Percy: I congratulate my hon. Friend on securing this debate. In my constituency we have exactly the same problem, with post offices closing and there being a long gap before they are replaced. There are problems even when people are willing to take on a post office. A sub-postmaster in my constituency wishes to take on a post office in another community, but he cannot because the Post Office demands that he goes through all these hoops, despite being a serving sub-postmaster. Often, because of the processes put in place by the Post Office, willing people will not accept the role, and we end up with no facility at all.

Huw Merriman: I very much agree with my hon. Friend. The compliance process is long and detailed. The current consultation in Heathfield means that we will not see a solution until February at the earliest.

Returning to my story, the portakabin was removed because the Post Office Ltd had no plan in place for portakabin roll-outs. If the closures that I believe will come do come, there needs to be a plan. The councillors realised that a permanent replacement was the only option, so they approached a number of national and local stores in the high street. I will give examples that show how difficult it now is to get businesses to take on a post office. Having previously hosted the post office, Sainsbury's said no, despite losing footfall following the closing of the adjacent post office and having to compete with a new Waitrose. A WHSmith is opening soon, which is a good sign that the town is vibrant; one would think that the business would work well there, but it said no. As I say, Co-op said that it is not taking on post offices. The post office used to be sited in the sorting offices, but Royal Mail refused to accommodate even a temporary outlet. All other retailers declined to apply.

Finally, one local business, an off-licence, was willing to make an application. Thank goodness for that gentleman. That leads me to my fourth issue: the model now seems to be that neither village post offices—often called “locals”—nor main post offices in towns will operate as a stand-alone business now. That would be fine if existing businesses were willing to take on the operation, but as our experience in Heathfield shows, they are not. I question whether the commercial terms will stand the test of time for the other 11,500 post offices when renewal comes up.

As I said earlier, the Post Office is now in consultation with the community until January 2016. The expectation, if all goes well—touch wood—is that the new post office service will be in place in February 2016. That is almost a year after the doors closed to a post office that serves 11,500 to 12,000 residents.

Throughout the period of closure, the vast majority of customers have had to use services at a village a few miles from Heathfield. That is fine for those who have a car and can travel, but like many hon. Members here, I represent a rural constituency in which the bus service has been reduced. The proportion of over-65s in my constituency is 10% above the national average. The elderly cannot jump on a bus and then wait more than an hour in the cold to come back.

That leads me to my fifth issue and my second key question. Does the Government's contract require the Post Office to provide a post office replacement following a closure if the branch serves a significant number of community members, or has been closed for, say, six months? It appears that it does not. Post Office Ltd must meet access criteria, as they are called, and overall branch numbers, but as somebody at the Post Office rather haughtily said to me,

“The way in which the Post Office meets the access criteria and branch numbers is an operational matter for the Post Office.”

That may be so, but it is also of great significance to my constituents and those of other hon. Members. The Post Office currently meets the access criteria, but I question how long it will continue to do so in the marketplace that I have described.

My concluding question is: what more can be done to ensure that Post Office Ltd is held responsible for better service provision? If the Government contract required either a temporary or permanent replacement to be in place within a set period, Heathfield would not have been without its post office for so long. I call for the contract terms to be amended to require a replacement post office to be in place within six months if the previous post office serviced a community of, say, 10,000 residents or more. If a replacement fails to be found, there should be financial penalties and ramifications on the career ladder. Although the Post Office staff have done everything they can, their roles are not subject to incentives, and there are no penalties if a post office closes, provided that the general access criteria are met. Those are the changes I ask for.

Mrs Cheryl Gillan (in the Chair): Four Members have indicated that they would like to speak, and we must accommodate the three Front Benchers' speeches. I will not impose a time limit, but I hope that you will all bear that in mind.

4.42 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak on this issue. I commend the hon. Member for Bexhill and Battle (Huw Merriman) for bringing it to Westminster Hall for consideration. This is a key issue in my constituency—as in, I believe, every other constituency. We have experienced a lot of changes to our post offices over the years, not all of them for the best, although some have been carried out constructively.

The post office is a national institution that has been at the heart of British society since its inception. The post office in my constituency is more than just a post office. The post office is a community hub for people in towns, villages and hamlets up and down the country. It holds together the fabric of society. My post office, although I do not visit it very often, is also a shop, and that is where the change has taken place. It is clearly the thriving centre of the village. For many of the people who go to the post office to post letters or whatever else, the social interaction they get there is vital. Without it, they would suffer.

Mr Gregory Campbell (East Londonderry) (DUP): On the issue of the other services that local post offices provide, over the past 20 years there has been a reduction of almost 50% in the number of branch post offices, and that trend looks likely to continue. We need a fundamental reassessment of the services provided by branch post offices, particularly in rural areas.

Jim Shannon: As always, my hon. Friend sums up the whole debate in about two sentences. He is absolutely right. Those are clearly the issues, and that change needs to take place across the whole Post Office.

Post office restructuring and modernisation will affect different post offices in different ways. In some places, there is concern that the post office, its services and its community value will be lost. In others, including my constituency, the concern is about the staff who face dramatically increased working hours for the same wage. That issue has to be taken into consideration. When post offices, their services and their provisions are lost, our role is to protect those who are adversely affected by those changes. Elderly people can be left vulnerable and isolated by the loss of what for many is a community hub.

Over the years, I have had the chance to work with post office counters. I want to mention Mark Gibson, who has worked hard to make the necessary changes. Over the years, with his help and the help of local people, we were able to move local post offices into shops in several villages on the Ards peninsula: Kircubbin, Cloughey, Portavogie, Ballygowan, Saintfield and Ballynahinch. The Scrabo estate post office was moved into the Ards shopping centre. Those are the things that can be done if we have the co-operation of the post office counters and those who own shops.

Changes can result in job losses in my constituency, as well as the loss of the community value of the post office. We need to put in place mechanisms, to which my hon. Friend the Member for East Londonderry (Mr Campbell) referred, to enable the post office to do more. For example, why cannot every post office deal with vehicle tax? That could be done in every post office across the Province. They could deal with benefits, banking and other things. I spoke to the Minister before the debate, so he knew that that question was coming. I hope for a full answer when he speaks.

We have some questions about the post offices in Ballywalter, Portavogie and Killyleagh in my constituency. They are coming into the new system. The postmasters and postmistresses are concerned about how the changes will take place, and the staff are worried about their working hours. Hopefully, relocating staff from closing post offices will alleviate that problem.

It seems that when the individual in charge of a post office decides that they no longer wish to trade, they simply shut up shop. On some occasions, post offices have closed. We were able to move all but one of the post offices I mentioned into other shops in the area. The hon. Member for Bexhill and Battle mentioned a post office that moved into a pub. That is unusual, but it is important that it was retained.

We warned about the drawbacks of the privatisation of the Post Office. Now that it has happened, the Government should do everything they can to ensure that the Post Office has plans in place to make adequate provision. I understand that the contract with the Post Office was geared towards requiring Post Office Ltd to find temporary or permanent replacements for closed post offices. We have to be careful about how the Government push Post Office Ltd. The Government need a hands-on approach to ensure that the major changes happen smoothly, that those who are adversely affected are protected, and that Post Office Ltd fulfils its contractual obligations.

In conclusion, the post office is an integral part of my society—the villages, estates and towns of Strangford, which I represent. People in those villages and estates need post offices for social interaction and for the services they provide. Post offices are the lifeblood of all the villages and estates in my constituency. My plea to the Minister is that he helps them to remain that way.

4.49 pm

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): It is a pleasure to serve under your chairmanship, Mrs Gillan. I congratulate my hon. Friend the Member for Bexhill and Battle (Huw Merriman) on securing the debate. I pay tribute to the hon. Member for Strangford (Jim Shannon), whose remarks, as always, were considered.

I hope to inject some optimism into the debate. Our debates in this place are often full of doom and gloom about issues facing our constituencies. Of course, it is right that we advocate on behalf of our constituents, who need to access local services, but some good things have been happening to post offices that have benefited my constituents. I will refer to a few of those things and talk about the issue, which my hon. Friend the Member for Bexhill and Battle raised, of the challenges that communities face when post offices temporarily close, often due to unforeseen circumstances.

Post offices are the lifeblood of many rural areas and of many of the shopping parades on the periphery of our larger town centres. That is certainly true of my constituency. The service that they provide to older people is particularly important, offering a focus in the village or community for people who have little daily contact and may otherwise be isolated. That is particularly true in rural areas of Suffolk. There is some cause for optimism, however, because the Government have taken supporting post offices seriously. At the beginning of the previous Parliament, as a result of the spending review, £1.3 billion was put into securing a modernisation programme for post offices both large and small, including Crown post offices, main post offices and local post offices. The programme is bringing benefits, certainly to my constituents. A further raft of £640 million was announced in 2013, £20 million of which is specifically for remote rural post offices. Residents in central Suffolk have benefited from that.

One issue that was flagged up when the modernisation programme was taken forward was that the Post Office needed to modernise some of its practices, recognising that we now live in a digital age. We need a Post Office that can benefit from economies of scale and from collocation with other community services. Post offices can benefit village shops by attracting more customers and helping to maintain the viability of shops and services that may otherwise be at risk as people move towards online shopping.

Andrew Percy: I hope my hon. Friend does not think that we are all being negative. The post offices at Pollington, Eastoft, Airmyn and Wrawby were all closed under the previous Government's closure scheme, and we are pleased that that scheme has gone. The concern about the current positive policy is the huge delays when people are told that they are getting a new post office but then it does not open, meaning that people change their behaviour and start using other services or post offices elsewhere. That is the concern, and I would not want

him to think that anyone who is criticising that is at all negative about what the Government have done on post offices. We have protected them in a way that previous Governments did not.

Dr Poulter: My hon. Friend makes a valid point. I am sure that the funding and investment that I have just outlined is welcomed by Members from both sides of the House, because it has gone directly to maintaining the viability of some of the most remote rural post offices. However, the challenge that my hon. Friend throws down, which was also raised at the outset by my hon. Friend the Member for Bexhill and Battle, is a good one.

When a post office is temporarily closed, such as the one that my hon. Friend the Member for Bexhill and Battle mentioned in Heathfield, a village with which I am familiar having spent some of my younger days in his constituency, the problem is that the closure can become de facto permanent. Even when a temporary closure is flagged up to the local community and the Post Office many months in advance, the Post Office does not always act quickly enough to put in place either a temporary or permanent solution. I am lucky to have an engaged parish council that considered a number of options for maintaining the viability of the post office in Stradbroke. I helped in that process, and I am pleased that we still have a functioning post office service.

As my hon. Friend pointed out, the danger, and the evidence from elsewhere, is that a temporary closure can last for many months. The viability of the service is then lost and many customers start to take their custom elsewhere, which can have a knock-on effect on the potentially fragile local economy that benefited from having a post office. When the original £1.3 billion was provided, conditions were imposed to ensure that services remained accessible and viable. I am interested in what the Minister has to say about how we can better work with the Post Office to deal with the issues around temporary closures and to speed up the process, so that such closures do not become de facto semi-permanent and so that services can be put back in place. At the moment, it seems that a good policy that has benefited and encouraged the viability of many rural post offices, particularly through collocation, can be undermined in some communities by temporary closures.

Jason McCartney (Colne Valley) (Con): Will my hon. Friend give way?

Dr Poulter: I will, but I am conscious of the time and the need to close my remarks.

Jason McCartney: I thank my hon. Friend for giving way and congratulate all those who have contributed to the debate. I was not aware that other Members were in the same situation as me. My own village post office in Honley has now been closed for six weeks and I have been struggling to get any explanation from the Post Office as to why. Business has been migrating elsewhere. Only this afternoon, the post office in Meltham, which is where we were supposed to go, has also closed. I thank my hon. Friend for raising this issue, which I am now aware exists across the country, not just in my constituency.

Dr Poulter: My hon. Friend is absolutely right that any community could face temporary closures. The great tragedy of such closures, some of which can be unforeseen and happen at short notice, perhaps due to the death of a long-standing postmaster, is that they are often not sudden and are flagged up many months in advance when a postmaster wants to retire. We need prompter action and early engagement from the Post Office in such circumstances. Given the conditionality of the money in the £1.3 billion modernisation programme, I am interested to hear what further steps the Government can take to ensure that the Post Office gets it right. We do not want temporary closures to become permanent, and we must recognise that temporary closures can have a detrimental effect on the other shops in a village or community that relied on the footfall brought in by the post office.

The Government have taken some promising steps towards reinvigorating the Post Office. I believe that 150 new branches opened last year as a result of the modernisation programme. That is good news, but we need to address temporary closures properly. I look forward to the Minister's remarks.

Several hon. Members *rose*—

Mrs Cheryl Gillan (in the Chair): Order. We still have five speakers left, with half an hour to go. I call Dr Paul Monaghan.

4.57 pm

Dr Paul Monaghan (Caithness, Sutherland and Easter Ross) (SNP): Thank you, Mrs Gillan, for the opportunity to discuss the important issue of service delivery in the event of post office closures. I congratulate the hon. Member for Bexhill and Battle (Huw Merriman) on securing the debate and on highlighting his case study, the features of which I recognise only too well.

Post offices play an enormously important role in the lives of communities across the UK, and nowhere is that more evident than in constituencies such as mine that have many remote and rural communities. Indeed, the post office is the heart and soul of many villages in my constituency, and for many people it is the only means to interact with the outside world. They do so not only through postal services and parcels but through banking and accessing business services, submitting identity documents, obtaining a passport or driving licence, accessing cash, building up a modest savings account, receiving pensions and collecting benefit entitlements. I appreciate the challenges that the Post Office faces in delivering that range of crucial range of services, and I appreciate that it is working hard to ensure that its services remain as accessible as possible, particularly for older and disabled customers.

Between March 2001 and March 2015, 531 of Scotland's post offices were closed. That is equivalent to over 27% of all post offices being lost—more than one in four. Each of those closures is a disaster for the local community, depriving it of the means to interact with the world in the ways that I described. On 8 November 2015, just a few weeks ago, *The Mail on Sunday* published an article stating that there had been a large number of temporary post office closures in rural villages and towns of Scotland. Figures obtained by the paper showed that 90 post offices in Scotland are now officially registered as temporarily closed. I say “temporarily”, although a

[Dr Paul Monaghan]

third have been closed for more than five years. Commenting on that sad fact recently, the consumer spokesman for Citizens Advice Scotland noted:

“Local Post Offices are vital for remote and rural communities as consumers and business there can face difficulty in travelling to alternative branches.”

The paper noted that new figures provided by the Post Office under the Freedom of Information Act demonstrated that as of 31 March 2015 there were 1,492 post offices in Scotland, of which 1,402 remained open. Of the 90 classed as temporarily closed, 77 were in rural areas. Several of those are in my constituency. Of the temporarily closed post offices, 34 have been closed for five or six years, six for four years, two for three years, seven for two years and 14 for one year. Within the past year alone, 27 post offices have closed temporarily throughout Scotland.

The effect of post office closures is dramatic, not least because many of the post offices have evolved to take on responsibility for delivering a range of banking and business functions, in addition to the traditional post office role. That evolution has taken place because many of the banks operating in the UK have implemented a programme of branch closures and reduced opening hours in many communities. In the rural areas of my constituency that often means that the local post office is the only available financial service provider within a 60-mile radius. It goes without saying that where the banks have closed and the post office follows, communities are left in grave circumstances. Such a situation is far too common, as we have heard.

To be clear, accountability for the post office network lies with the UK Government, who have a responsibility to ensure that post office services are available for Scotland's rural communities. In those communities there is no alternative to post office services.

The Postal Services Act 2011 sets out the minimum requirements of the universal service obligation, on which the Post Office must deliver. The requirements are statutory and may be altered only with the consent of the UK Parliament. The minimum requirements are: at least one delivery of letters every Monday to Saturday to every address in the UK; at least one collection of letters every Monday to Saturday; postal services at an affordable, uniform tariff across the UK; a registered items service at an affordable public tariff; an insured items service at an affordable public tariff; a free-of-charge postal service to blind or partially sighted people; and free carriage of legislative petitions and addresses.

The Post Office, posts and postal services are reserved to the UK Government under the Scotland Act 1998, but the Scottish Government are committed to strengthening the long-term sustainability of the post office network in Scotland, consistent with the national performance framework. Recognising the importance of post offices, the Scottish Government have determined to provide funding to local post offices to maintain their crucial service delivery through, for example, the post office diversification fund for Scotland. The objective of the fund is to contribute to the regeneration of deprived urban areas by sustaining and improving post office branches on the margins of viability that provide socially important services and facilities and that act as an anchor for other retail activity. Such objectives clearly

apply to rural areas as well. In 2011-12, for example, 48 post offices throughout Scotland received funding of upwards of £25,000, individually awarded to various outlets for a variety of improvements, including refurbishments, improved security, retail equipment and so on.

The Scottish Government recognise the valuable social role of post offices, particularly in deprived and remote areas of Scotland. That is why the Scottish National party continues to promote innovative approaches to delivering public services through post offices. We want to support local authorities, local enterprise networks and third sector organisations to work together to find sustainable solutions that place post office services at the heart of community-based services.

The UK Government must do all in their power to protect rural communities from the destructive impact of post office closures. Post offices perform a vital service in many areas of the UK. They have a pivotal role to play and are often the only place where letters and packages can be sent and received, bills paid, cash withdrawn and savings deposited. For communities that as often as not do not have internet connections, such services are essential in every meaning of the word.

Scotland has many remote and rural households and communities, and in common with communities in other countries in the UK, they should not have vital services taken away from them. I call on the UK Government to improve strategy and policy and to secure post offices for communities throughout the UK, but particularly in remote and rural areas.

Mrs Cheryl Gillan (in the Chair): I would like to start the wind-ups at 10 minutes past 5, with five minutes for each of the Opposition Front Benchers and, I hope, 10 minutes for the Minister. That is what I am aiming for, so I hope Members will accommodate it.

5.5 pm

Ian Lavery (Wansbeck) (Lab): I congratulate the hon. Member for Bexhill and Battle (Huw Merriman) on bringing this important issue to the Chamber. It is not only important for rural communities, although I understand what hon. Members have been saying.

In August, the shop in which the post office was operating in the community of Newbiggin-by-the-Sea in my constituency went into liquidation—in a flash, just like that, the post office was closed. Newbiggin is a lovely seaside village of about 6,000 people where lots of them depend on the post office services. There is no bank in the area—the village is at least three miles from a bank or any other post office—and the area is in the top 10% of deprived lower layer super output areas, so a lot of people depend on benefits and there are a lot of elderly people in the village. To have the post office taken away means, almost within minutes, a devastating impact on families, individuals and isolated people. As has been mentioned, those people might not be able to jump into a car or have great transport links to get to the next nearest post office and, to be honest, a lot of those elderly or vulnerable people might not have a clue where the next post office is. The issue is really important.

It is easy to criticise the Post Office and everyone else concerned, but we have to think about the communities, the people and the devastating impact on them, not just in Newbiggin in my constituency, but in villages and

towns throughout the country, as has been explained in the Chamber this afternoon. We have got to have some sort of reliable post office provision, and it cannot be that if the old lady or gentleman who runs the post office sadly passes away, that provision is basically withdrawn. People depend on these services and there has got to be some form of contract between the Government and the Post Office so that in the event of a liquidation, a death or something like that, people can still use post office services, the lifeblood of their community.

I urge the Government to think about how we can come together with a strategy—a community contract—between the Government, the Post Office and the community to ensure services whatever happens. Unfortunately, in life things do happen, and post offices have been closed not because of anything that the postmaster or postmistress has done, but because of circumstances outside their control. The Government should be ensuring that that provision cannot, even temporarily, be withdrawn.

5.8 pm

Martyn Day (Linlithgow and East Falkirk) (SNP): I thank the hon. Member for Bexhill and Battle (Huw Merriman) for securing the debate and I am pleased to serve under your chairmanship today, Mrs Gillan.

We have heard a similar story in all parts of the House: how vital post offices are in their communities and the extent to which they are more than just a service—they are about the community hub and their impact on a whole range of different sectors of society. I find myself fully in agreement with the speech just made by the hon. Member for Wansbeck (Ian Lavery). He highlighted the impact on people in deprivation when a post office is closed. Those are often the people who have less access to public transport, the internet and other vital services, which shows how vital post offices are in the community.

My hon. Friend the Member for Caithness, Sutherland and Easter Ross (Dr Monaghan) highlighted the Scottish situation, which I am a bit more familiar with, and the good work done by the Scottish Government through its post office diversification fund. That is an example of what can be done. That fund has been key in saving post offices on the cusp of viability, certainly for larger communities of more than 10,000 people, which is a beacon for the way forward, because it has allowed those post offices to continue and act as an anchor for other services, which gives great vitality.

The hon. Member for Bexhill and Battle (Huw Merriman) talked about the problem of delays in getting temporary offices up and running, while my hon. Friend the Member for Caithness, Sutherland and Easter Ross mentioned the impact of temporary closures that go on way beyond what anyone would think was in the realms of temporary. Upwards of five years is not temporary; that is semi-permanent. Perhaps the Minister might look for a way to address that blight. If we think a closure is temporary, we can accept a bit of grief for a few months, but we cannot accept that for years.

The hon. Member for Central Suffolk and North Ipswich (Dr Poulter) made many valid points, including on the impact of temporary closures. A strong message we can take from the debate is that we need something done about that. The hon. Member for Strangford (Jim Shannon) pointed out how vital post offices are as

community hubs, which is a point everyone has made in the debate. They go beyond a service and while we might now live in a digital age, many elderly people who may not be as digitally competent are utterly dependent on those services, as are businesses who have poor broadband connections and need those services for general business and communication. That covers a huge range. I hope that I have not missed out any contributors to the debate, but I think we pretty much agree with everything said in all parts of the House. I look forward to the Minister's response.

5.12 pm

Yvonne Fovargue (Makerfield) (Lab): It is a pleasure to serve under your chairmanship, Mrs Gillan. I congratulate the hon. Member for Bexhill and Battle (Huw Merriman) on securing this important debate. He is keen to ascertain what the Government will do to ensure that the Post Office has proper plans in place for provision and that, where there are problems, it acts quickly to ensure an available replacement, whether on a temporary or permanent basis.

The hon. Member for Strangford (Jim Shannon) hit the nail on the head and spoke for everyone when he said that the post office is the heart of the community. Post offices are indeed an essential part of British life, providing somewhere for people not only to buy their stamps and post letters and parcels but, as the hon. Member for Caithness, Sutherland and Easter Ross (Dr Monaghan) said, to access many other vital services. As my hon. Friend the Member for Wansbeck (Ian Lavery) said, sometimes they are the only places where people can access such services—it might not be possible to go anywhere else.

Of course, things do change. Quite often that is as a result of technological change. The hon. Member for Central Suffolk and North Ipswich (Dr Poulter) summed that up by saying that we are in a digital age and, as a result, the number of post offices has fallen in recent years. Most post office branches are operated by franchise partners or sub-postmasters who are independent business people, so, in order for their post offices to remain open, they often rely on Government subsidy. Despite some reassurance, clearly there are still real pressures, which have not been helped by the controversy surrounding the Post Office's Horizon accounting system.

Many hon. Members have raised cases in the House in which it appears that honest and hard-working sub-postmasters and sub-postmistresses have had their reputation tarnished and livelihood threatened—in some cases they have lost their liberty—having been accused of improper accounting. Whatever the truth, in those cases computer software was responsible for the loss of large sums of money. Unquestionably, that may have acted as an off-putting factor for those who might have considered running a post office as part of their business.

In addition, as has been pointed out, some post office proprietors have been resigning from the business because they are concerned that their post offices are not financially viable. Local papers throughout the country are full of stories—I see them in my constituency—of postmasters and postmistresses struggling to stay in business. Often, that occurs where Post Office Ltd has changed the status of a local post office as part of national changes to the service, which leaves them having to rely on commission to offer what services they can.

[Yvonne Fovargue]

When that happens, the survival of the post office is dependent on the viability of the shop in which it is contained and some complain that they cannot afford to run the post office, in particular owing to the extended opening hours demanded by Post Office Ltd. Will the Minister tell us how many sub-postmasters have resigned in the past year as a result of being unable to run their business profitably with a post office in their premises? What procedures do the Government expect them to follow when it becomes clear that a post office is in danger of closing?

Without proactive policies, thousands of constituents can be left without a local post office because Post Office Ltd is unable to rely on the good will of an individual operator. Does the Minister believe that Post Office Ltd is taking adequate steps to be proactive in preventing closure and acting swiftly enough to ensure that a replacement is available locally when a post office has to close? Indeed, does he believe that conditions put on replacements, such as very long opening hours, are unreasonable?

Jim Shannon: One thing that has not been mentioned but the Minister could take on board for his response is the possibility of incentivising financially those who want to take over a post office. Perhaps the Government need to offer a small financial bonus or incentive to enable people at least to consider that, based on a contract and proper conditions. That has happened in Northern Ireland and perhaps it should happen here as well.

Yvonne Fovargue: That is certainly something to put to the Minister. The Government have committed £640 million from 2015 to 2018 to fund the network transformation programme and to protect branches where vital services are provided to communities but the post office is not commercially viable. Is the Minister content that sufficient funding is being provided to fulfil that task? What will happen when the subsidy runs out in 2018? Can he guarantee that after that point the transformation programme will have ensured that remaining post offices are commercially viable? I look forward to his response.

5.17 pm

Stephen Barclay (North East Cambridgeshire) (Con): It is a pleasure to serve under your chairmanship, Mrs Gillan. I congratulate my hon. Friend the Member for Bexhill and Battle (Huw Merriman) on securing the debate and the way in which he has championed this issue most effectively since his election to Parliament. He raised a number of points that it may be helpful to address at the outset, on whether this is a new model in the Post Office, to what extent it is commercially attractive and how the Post Office is being held accountable.

Like my hon. Friend, I represent a rural constituency and I have a similar change programme in my area. I am also aware of the challenges in areas such as mine on public transport, to which he alluded. As for whether the franchise model is new, it is not; it has been around since the 1990s and it is long-held practice to collocate a post office and a shop. What is changing to a certain extent is the number and scale of post offices being collocated, and while in the past we had post offices

with shops that sold sweets, birthday cards and various other things—many of us will remember that from our childhood—now we more often have shops with a post office attached to them.

On whether running a post office is commercially attractive, the footfall generated is very attractive to many shop owners. Indeed, having one counter as opposed to two can mean that customers do not have to queue twice and can make managing staff in the shop more efficient. There are therefore commercial attractions to collocating a post office in another business nearby, which is part of the appeal for many taking that approach forward.

The hon. Member for Strangford (Jim Shannon) rightly spoke of the social hub that the post office offers. That is why I hope he will support the Government's manifesto commitment to secure 3,000 rural post offices and, as part of the arrangements with the Post Office, to maintain 11,500 branches as part of the network. The Government recognise, through the funding that has been allocated, the important social hub that post offices provide. Indeed, that is in stark contrast to the previous Labour Government, under which at least 5,000 branches closed as part of their closure programme. The Government have made a commitment to the Post Office in recognition of the exact point the hon. Gentleman raised—that post offices make an important social contribution to communities.

My hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) injected a welcome note of optimism to the debate, recognising that, in securing the network as the Government have done, we have increased significantly the hours that branches are open, often on Sundays, compared with the past.

Alongside the allocated funding, there is a specific £20 million community branch fund, which I urge Members to take advantage of. The fund encourages branches that may be the last shop in their community to bid for things they may need to make their businesses more viable, so measures are available within the funding mechanism to help preserve post offices where they are aligned with the last shop in a village or community. That is part of the wider £2 billion allocated since 2010 as part of this programme.

Before I come to the specific case in the constituency of my hon. Friend the Member for Bexhill and Battle and the chain of events behind the post office's temporary closure there, I turn to my hon. Friend the Member for Brigg and Goole (Andrew Percy), who raised the issue of the hoops that have to be jumped through, causing frustration and adding to the time taken to open a new post office or appoint a new postmaster. I think we all share that frustration, but there are good reasons for it, given the significant position of trust that postmasters and postmistresses hold within their communities and the large sums of money they often handle. It is therefore right that a thorough consultation process is part of those appointments, but that can have an impact.

Andrew Percy: I think any reasonable person would accept that. We could perhaps do better by ensuring that interim measures are in place while something else is being worked on. That is the problem. Everyone understands the importance of a postmaster's job and the compliance regime that must go behind it, but the

length of time between the closure of a post office and the opening of a new one is unacceptable, and we need to smarten up on that.

Stephen Barclay: My hon. Friend raises a valid point. These things are looked at on a case-by-case basis, and each case tends to be different. That is highlighted in the case of the post office in the constituency of my hon. Friend the Member for Bexhill and Battle, where a number of interim measures were tried. He alluded to a portakabin being used and the attempt made to look at whether that could be located close to the store or needed to be further away. The issue of temporary staff was considered. A mobile van was also considered, which is sometimes suitable, but the volume of customers at the Heathfield store was too high. There were specific issues with the portakabin, but that solution was tried.

Attempts are made to mitigate the time taken, but sometimes local factors work against that. Unfortunately, in my hon. Friend's case, a chain of events has made it more difficult to put the interim solution in place. I hope that better news is imminent. I know he supports the proposal for a new permanent host for the post office in Heathfield: Unique Wine Ltd, which is on the high street. The consultation is ongoing, so I hope there is light at the end of the tunnel for him.

In terms of locating a post office in an existing business—in that case, an off-licence—there are plenty of examples around the country of such collocation working well, not least due to the longer hours in which it enables the public to access the post office. I take slight issue with the suggestion from the hon. Member for Makerfield (Yvonne Fovargue) that the Post Office is imposing unfair terms by asking for longer hours. She also suggested that the public are not getting access to post offices. I think most customers will welcome the fact that a post office, through collocation, is open for longer hours. That is part of the public benefit.

Yvonne Fovargue: I will simply give the Minister an example from my constituency, where a local shop has a post office in it but is finding it difficult to maintain a profit with that post office because of the hours for which it has to maintain that particular counter. It is thinking of closing the service, rather than keeping it open for shorter hours.

Stephen Barclay: Indeed, but the proposed new branch in the constituency of my hon. Friend the Member for Bexhill and Battle would be open for 21 hours longer a week than the previous store. Notwithstanding the time taken to put the new branch in place, once it is in place, subject to the consultation, the collocation means that the post office will be open for an additional 21 hours, which I think will be particularly welcome to his constituents.

The Post Office is tasked by Government to maintain a network of 11,500 branches and to meet specific access criteria—for example, that 90% of the UK population live within 1 mile of a post office. The Post Office is meeting those criteria, as set out in the annual report it

publishes. That agreement does not specify that every community must have or retain a post office. That is because the business needs the flexibility to respond to local circumstances in each case. Were we to require the Post Office to maintain individual branches or reopen them within a set period—an issue that my hon. Friend the Member for Bexhill and Battle raised—it could lead, in extremis, to a new post office having to be built if a lease could not be secured on an old site. Such a restriction would be counterproductive to protecting the commercial viability of the network.

The economics of the Post Office is such that with the changes brought about by the internet and the digital world, small stand-alone post offices sometimes do not generate enough business to be sustainable on their own. The modernisation programme that the business has been following for the past few years has been about moving local post offices into a vibrant shop where the overheads of a business, such as property and staff costs, are shared with the host business, which is what we are seeing in my hon. Friend's constituency.

The experience of the Post Office's directly operated branches—the Crown branches—is illustrative. Collectively, those businesses have moved from making an annual £50 million loss to breaking even. That underlines the Government's commitment to the Post Office network and a mix of modernisation, automation, labour reform and, in no small part, the franchising of weaker branches that are not delivering that performance. Were the Post Office to be forced to run more directly operated businesses with weaker turnover than in busy town centres, those branches would not be sustainable without greater public subsidy. Rather than force that on the business, we are allowing the estate to manage itself in a more value-for-money way, while protecting the 3,000 rural branches and the wider network.

It is regrettable that the Post Office has been unable to maintain service provision at Heathfield since April. However, that is not due to a lack of effort or expense by the Post Office. Unfortunately, local circumstances sometimes prevent the ideal outcome, as we saw with the portakabin example. In most cases, the business is able to find a way to maintain provision successfully. I am glad that a potential branch has now been found in my hon. Friend's constituency, which I know he supports.

In seeking a solution at Heathfield, we should not lose sight of the fact that the Post Office is delivering a service that is open for more hours, with less public subsidy, and therefore offers a better, value-for-money service for the taxpayer. That reflects the Government's commitment to maintaining the branch network and recognising the social hub that the hon. Member for Strangford described so well.

Question put and agreed to.

Resolved,

That this House has considered service provision in the event of post office closures.

5.30 pm

Sitting adjourned.

Written Statements

Tuesday 1 December 2015

ATTORNEY GENERAL

Deferred Prosecution Agreement

The Attorney General (Jeremy Wright): Yesterday the Serious Fraud Office (SFO) entered into a deferred prosecution agreement (DPA) with Standard Bank Plc (now known as ICBC Standard Bank Plc) in accordance with section 45 and schedule 17 of the Crime and Courts Act 2013. This was the first time that this new power has been used by a prosecuting authority since the provision came into force on 24 February 2014. The indictment deferred by this agreement comprises a charge under section 7 of the Bribery Act 2010—corporate failure to prevent bribery—the first time this section of that legislation has been charged.

Corporate economic crime damages the British economy in monetary and reputational terms. Since May 2010, we have made structural changes to improve our strategic capability, including introducing deferred prosecution agreements in February 2014. The Government recognised the need for this additional and much-needed weapon in the prosecution's armoury to provide the flexibility to secure appropriate penalties and better outcomes for victims. Yesterday's agreement has resulted in the imposition of a multi-million pound penalty, payable to the Treasury. The DPA goes much further than just addressing the financial impact of the offending. It also regulates the future behaviour of the company, compelling Standard Bank to pay for and submit to an independent review of safeguards put in place to prevent future offending.

A DPA is where an agreement is reached between a designated prosecutor, in this case the SFO, and an organisation facing prosecution for certain economic or financial offences. The effect of such an agreement is that proceedings are instituted by a bill of indictment but then deferred on specific terms such as the payment of a financial penalty, compensation, disgorgement of profit along with implementation of a compliance programme, co-operation with the investigation and payment of costs. There are several stages to the process which include both a private and public hearing before a member of the senior judiciary. If the terms of a DPA and statement of facts is agreed between the parties, and approved by the judge, a declaration that a DPA is in the interests of justice and that its terms are fair, reasonable and proportionate must be given in public. Lord Justice Leveson delivered such a declaration in his judgment of 30 November 2015. Details of this particular DPA and the judgment have been published on the website of the SFO. Should the company not adhere to the terms of the agreement the SFO has the ability to prosecute the company.

[HCWS344]

BUSINESS, INNOVATION AND SKILLS

Accession of Liberia to the World Trade Organisation

The Minister for Small Business, Industry and Enterprise (Anna Soubry): My noble Friend the Minister of State for Trade and Investment (Lord Maude of Horsham) has today made the following statement.

I wish to inform the House that on 3 November 2015 the Government opted in to the Council decision relating to the accession of Liberia to the World Trade Organisation (WTO).

The Council decision has the effect of extending to Liberia the horizontal commitments the UK makes to all WTO members, including in the provision of services by natural persons from third countries, otherwise known as "Mode 4". It is the presence of these Mode 4 commitments in the relevant instruments which triggers the UK Justice and Home Affairs opt-in.

The Government have supported the accession of Liberia to the WTO on the right terms. In acceding to the WTO, Liberia will embrace a series of rules and commitments which form the foundation of an open, transparent and non-discriminatory global trading system and which will provide important guarantees for them and for other WTO members. Accession to the WTO will bring Liberia more firmly into the global economy and help make Liberia a more attractive place to do business.

Liberia's accession to the WTO is consistent with the UK's policy of helping least developed countries (LDC) to take advantage of the international trading system. The Liberian accession, due to be formally agreed at the 10th WTO ministerial conference in Nairobi, will also send a broader positive signal to the wider developing world, with an African LDC acceding to the WTO at the first ministerial conference to be held in Africa.

[HCWS343]

CULTURE, MEDIA AND SPORT

Convention on the Manipulation of Sports Competitions

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Tracey Crouch): On 2 March 2015, the European Commission brought forward proposals for two decisions authorising the EU to sign the Council of Europe's convention on the manipulation of sports competitions on behalf of member states. One decision related to betting and sport, while the other decision related to justice and home affairs (JHA)—the "JHA decision"—covering matters related to co-operation in criminal matters and police co-operation.

The JHA decision cites a legal base in title V of part III of the treaty on the functioning of the European Union, and recognises that the UK's JHA opt-in applies. The convention requires the provision in national law of criminal offences and provisions on co-operation in enforcement as well as provision—which is derogable—for extraterritorial enforcement.

Based on the JHA decision presented by the European Commission, the Government are concerned that opting in will have the potential to prevent the UK from derogating from the extraterritoriality provision. The Government believe that the UK should retain the flexibility to derogate. Taking this into account, the Government decided not to opt in to the European Commission's JHA proposed decision.

These proposals are still being negotiated between the European Commission and member states with no current date scheduled for adoption.

[HCWS346]

FOREIGN AND COMMONWEALTH OFFICE

Foreign Affairs Council (Defence) and General Affairs Council

The Minister for Europe (Mr David Lidington): My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs attended the Foreign Affairs Council on 16 November. My right hon. Friend, Minister of State and Deputy Leader of the House of Lords, Lord Howe attended the Foreign Affairs Council (defence) on 17 November. I attended the General Affairs Council on 17 November and Rory O'Donnell (counsellor regions, agriculture and fisheries) represented the UK at the General Affairs Council (cohesion). The Foreign Affairs Council and Foreign Affairs Council (defence) was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini. The General Affairs Council was chaired by the Luxembourg presidency. The meetings were held in Brussels.

Foreign Affairs Council

A provisional report of the meeting and conclusions adopted can be found at:

<http://www.consilium.europa.eu/en/meetings/fac/2015/11/16-17/>

The Foreign Affairs Council (FAC)

The Foreign Affairs Council (FAC) was overshadowed by the Paris attacks of 13 November. The meeting covered middle east peace process (MEPP), migration and Syria. There were also moments to reflect on the Paris attacks. The discussions on the Eastern Partnership and Libya were postponed to the December FAC.

MEPP

In the presence of EU Special Representative Fernando Gentilini, the Council discussed the situation in the middle east in the light of the increased violence, particularly in East Jerusalem, the west bank and Gaza, focusing on the peace process. member states agreed that the EU should explore what it could do on the ground to help preserve the two-state solution.

Migration

The Council discussed migration, following up on the high-level conference on the western Balkans route held on 8 October and the Valletta summit held on 11 and 12 November. Ministers discussed the follow-up to the decisions already taken on the central Mediterranean route and on the western Balkans. The Foreign Secretary

raised the importance of Turkey as a strategic partner with whom the EU should engage across a broad agenda including migration, foreign policy, security and counter-terrorism, and business.

Syria

Over lunch, Ministers discussed Syria with UN Special Envoy Staffan de Mistura. They discussed the latest developments, taking into account recent diplomatic efforts, including the discussions in Vienna on 23 October and 14 November.

Ministers agreed without discussion a number of measures:

The Council adopted conclusions on Burundi;

The Council adopted conclusions on Sri Lanka;

The Council adopted conclusions on the EU's support to transitional justice;

The Council adopted conclusions on Yemen;

The Council adopted conclusions on the special report entitled: "Report by the European Court of Auditors on the EU police mission in Afghanistan";

The Council extended the mandate of the European Union special representative (EUSR) in Kosovo until 28 February 2017.

The Council reviewed the restrictive measures in view of the situation in Tunisia in light of the information forwarded by the Tunisian authorities concerning the latest developments in the ongoing judicial proceedings in Tunisia against 48 persons listed in Council decision (CFSP) 2015/157. The Council concluded that no changes needed to be made to these designations.

The Council amended the restrictive measures in view of the situation in Afghanistan to implement the decision of the UN Security Council Committee on sanctions against the Taliban, adding one person to the list of individuals, groups, undertakings and entities subject to restrictive measures.

The Council amended the restrictive measures in view of the situation in Somalia to reflect the de-listing by the UN of one deceased person.

The Council adopted the EU's position on the eighth review conference of the convention on the prohibition of the development, production and stockpiling of biological and toxin weapons and on their destruction (BTWC) taking place from November to December 2016.

The Council added Albania to the list of beneficiaries of funding activities to reduce the threat of the illicit spread and trafficking of small arms and light weapons (SALW) and their ammunition in south-east Europe.

The Council adopted the EU's position for the second meeting of the EU-Georgia Association Council.

The Council adopted the position of the EU on the draft declaration of the Union for the Mediterranean (UfM) ministerial conference on the blue economy.

Foreign Affairs Council (Defence) and European Defence Agency (EDA)

The Foreign Affairs Council (Defence) was dominated by discussions about the terrible attacks in Paris on 13 November 2015. At the meeting the French Defence Minister, Jean-Yves Le Drian, confirmed that France was calling for bilateral support from member states under article 42.7 of the Lisbon treaty—the mutual assistance clause. Minister of State and Deputy Leader of the House of Lords, Lord Howe, confirmed the UK's continuing support to France, noting that bilateral contact between our two Governments was already under way. All of the other 27 EU Defence Ministers were unanimous in offering their political support and expressing their readiness to provide practical assistance.

In his address to the FAC (D), NATO Secretary-General, Jens Stoltenberg, emphasised that NATO stood in solidarity with France, while underscoring the importance of greater EU-NATO co-operation.

Minister of State and Deputy Leader of the House of Lords welcomed the European Commission's defence action plan that proposed to bring existing Commission instruments together under a single plan, but expressed caution towards new initiatives, emphasising the need to implement those already agreed. In discussion, the UK also emphasised support for ongoing work on "Capacity Building for Security and Development", given its potential to strengthen a genuinely comprehensive EU approach.

The EDA steering board discussion initially focused on the reform work EDA had undertaken to date, including the presentation of its three-year planning framework. The High Representative and Vice-President of the Commission, Federica Mogherini, then sought Defence Ministers' agreement on the EDA's future programme of work and the 2016 EDA annual budget. The UK noted that it could not agree to any increase in the EDA's budget for next year, but encouraged the EDA to continue with important reforms with a view to reviewing the 2017 budget.

General Affairs Council

A provisional report of the meeting and conclusions adopted can be found at:

<http://www.consilium.europa.eu/en/meetings/gac/2015/11/17/>

The General Affairs Council (GAC) on 17 November discussed: preparation of the agenda for the European Council on 17 and 18 December 2015; the rule of law; the inter-institutional agreement on better regulation; the 2016 Commission Work programme; and the European semester.

Preparation of the December European Council

The GAC prepared the agenda for the 17 and 18 December European Council, which the Prime Minister will attend. The December European Council is expected to focus on: migration; economic and monetary union; the single market; the UK's renegotiation; and external relations issues, likely to include Russia and Ukraine.

In light of the attacks in Paris, I highlighted the importance of further discussion of counter-terrorism issues following the extraordinary Justice and Home Affairs Council on 20 November.

On migration, I stressed the urgent need to make progress on implementing the action plan agreed at the Valletta summit on 11 and 12 November.

On the UK's renegotiation, I underlined the areas where the UK wanted to see reform as set out in the Prime Minister's letter to the President of the European Council on 10 November.

Rule of Law

The Council held the first annual dialogue on promoting the rule of law in the European Union. The theme of this year's dialogue was "rule of law in the age of

digitalisation" and member states were invited to present examples of good practice and challenges at national level.

I highlighted the need to tackle online extremism and set out the successes achieved in the UK through the work of the counter-terrorism internet referral unit and the voluntary participation of online service providers. This has enabled the UK to ensure regular and swift removal of extremist material without the delays and concerns over extraterritoriality that would hamper attempts to achieve the same results through enforcement of legislation.

First Vice-President Timmermans also updated the GAC on October's human rights colloquium, hosted by the European Commission, on combating anti-Semitism and anti-Muslim hatred.

Inter-Institutional Agreement on Better Regulation (IIA)

The GAC received a presentation from the Luxembourg presidency updating Ministers on the progress of the IIA negotiations, including the recent political talks between the Commission, the European Parliament and the Council.

2016 Commission Work Programme

The GAC discussed the 2016 Commission Work programme (CWP): "No Time for Business as Usual" published on 27 October. The UK welcomes and looks forward to working on the Commission Work programme—a step towards a more effective EU.

Annual Growth Survey and Road Map for the European Semester 2016

The Commission outlined that the publication of the annual growth survey (AGS) had been delayed until 25 November. The AGS will mark the beginning of the European semester process and is due to be published alongside the alert mechanism report, the joint employment report and the Commission draft budgetary opinions on eurozone member states. The AGS sets out broad EU level economic and social objectives for the year ahead and is expected to contain a focus on euro area level priorities, as set out in the European Commission's 21 October communication on steps towards completing economic and monetary union.

The GAC received a presentation from the Luxembourg presidency and incoming Dutch presidency on the newly revised European semester road map focusing on the implementation of country specific recommendations (CSRs) and sharing of best practice between member states.

General Affairs Council (Cohesion)

The session of the GAC on 18 November was dedicated to cohesion policy. Ministers agreed Council conclusions on: the contribution of the European structural and investment funds to support the transition to a low-carbon economy; European territorial co-operation (or Interreg) programmes; and steps that might be taken to simply the implementation and administration of European structural and investment funds.

[HCWS345]

Petition

Tuesday 1 December 2015

PRESENTED PETITION

Petition presented to the House but not read on the Floor

School Funding Model

The petition of residents of Bosworth,

Declares that the petitioners believe the existing school funding model in England is arbitrary and unfair; further declares that the ten best funded areas of England have on average received grants of £6,300 per pupil this year, compared to an average of £4,200 per pupil in the ten most poorly funded areas of England; and further declares that the petitioners welcome the Government's commitment to introduce fairer school funding.

The petitioners therefore request that the House of Commons supports the earliest possible introduction of a new National Funding Formula for schools in England.

And the petitioners remain, etc.—[*Presented by David Tredinnick.*]

[P001558]

Petitions in the same terms were also presented by the right hon Member for Leigh (Andy Burnham)

[P001581];

the hon. Member for Hereford and South Herefordshire (Jesse Norman) [P001607];

the hon. Member for Tonbridge and Malling (Tom Tugendhat) [P001612];

the hon. Member for Tamworth (Christopher Pincher) [P001622];

the right hon. Member for East Yorkshire (Sir Greg Knight) [P001653];

and the hon. Member for Huntingdon (Mr Djanogly) [P001654].

Petition was also presented [P001655]

The petition of residents of Cambridge,

Declares that the petitioners believe the existing school funding model in England is arbitrary and unfair; further declares that the ten best funded areas of England have on average received grants of £6,300 per pupil this year compared to an average of £4,253 per pupil in Cambridge; and further declares that the petitioners welcome the Government's commitment to introduce fairer school funding.

The petitioners therefore request that the House of Commons supports the earliest possible introduction of a new National Funding Formula for schools in England.

And the petitioners remain, etc.—[*Presented by Daniel Zeichner.*]

[P001605]

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