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PARLIAMENTARY DEBATES

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Tuesday 8 December 2015

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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

JUSTICE

The Secretary of State was asked—

Torquay Magistrates Court

1. **Kevin Foster** (Torbay) (Con): What recent progress his Department has made on consulting on the future of Torquay magistrates court. [902593]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): The Courts and Tribunals Service is evaluating all responses to the consultation, and no decisions have been made. An announcement on the future of Torquay magistrates court will be made in due course.

Kevin Foster: I thank the Minister for his answer. At the end of this month, a successful turnaround integrated offender management team that is based at the court building is due to be evicted. Can he confirm that this is not a sign that the decision has already been taken, and that the Government are still considering options to keep justice local in the bay?

Mr Vara: May I first thank my hon. Friend for the submission that he made to the consultation? I am also grateful to him for raising this point so that I can clarify the issue. I can confirm that no decisions have been taken. Moreover, the arrangement for the turnaround IOM team to use the building was always due to come to an end this month. I understand that alternative arrangements have been made for it to continue to provide its very valuable services locally.

Parole Hearings: Victim Statements

2. **Tom Pursglove** (Corby) (Con): What steps he is taking to promote the use of victim statements in parole hearings. [902594]

The Minister for Policing, Crime and Criminal Justice (Mike Penning): The Conservative election manifesto included a commitment to introduce a new victims law enshrining the rights of victims, including the right to a personal statement before the Parole Board decides on a prisoner's release. We will publish details in due course. I recognise and passionately believe in the importance of giving victims a voice.

Tom Pursglove: Anne Forbes, whose son Iain was brutally murdered by five men in Corby in 1993, has this year alone had to go through the ordeal of reading out three of these victim statements. This has taken its toll not only on her family but on her health. Will the Minister meet me and Mrs Forbes to discuss the role of victim statements and how they can work better for victims and their families?

Mike Penning: The whole idea of a victim statement is for the victim to feel that they are part of the process, and not for it to be a burden on them. Naturally I will meet my hon. Friend and Mrs Forbes to see how her experiences, and other victims' experiences, can improve the situation for them. I look forward to the meeting.

Nick Smith (Blaenau Gwent) (Lab): The average time taken from charging to Crown court trial is close to a year. That is lamentable for victims. What is the Minister going to do to bring this time down substantially?

Mike Penning: I fully agree that the length of time between charging and the case coming to court needs to be improved for victims, and that their whole experience needs to be improved within the criminal justice system. The Justice Secretary has already announced measures to speed up the process, and more will be coming forward shortly.

Mr Philip Hollobone (Kettering) (Con): Victims always remain victims, whereas criminals eventually serve their sentence in full, so will the Minister ensure that especially in cases of violent crimes, parole is very rarely given?

Mike Penning: That is obviously a matter for the Parole Board, but my hon. Friend is absolutely right. Victims are victims for life; it is something they have to live with for the rest of their life. That is why the support that the Government intend to continue to give to victims is very important.

Conor McGinn (St Helens North) (Lab): My constituent Marie McCourt's daughter Helen was murdered in 1988 and her body has never been found. Her killer received a life sentence, but despite still refusing to reveal the whereabouts of her remains, he is being considered for parole. Will the Minister look at the guidelines to ensure that this man and others like him are never released until they have given information about the location of their victims' remains?

Mike Penning: Naturally I cannot give a commitment on any individual case, but I would like to meet the hon. Gentleman's constituent if possible to make sure that we can help her and her close family as much as possible. It is imperative that where victims feel that they want to, and that they have the courage to do so, their statements are taken into account by the Parole Board.

Graham Jones (Hyndburn) (Lab): The victims can sometimes be the wider community. When are the wider community going to get a say on parole hearings—for instance, on violent crimes that might afflict a whole community? When are the community going to get a say alongside pre-sentence reports on some of these individuals, so that they are represented and their

voice is heard regarding the criminal actions of those individuals and the impact they have on a wider number of people?

Mike Penning: The hon. Gentleman raises a very important point. We have to be really careful, though, that we do not take away from the individual victims the feeling that they are part of the process, which is something that all Governments have tried to address for many years. We are committed to doing that. We also have to be really careful that we do not create a vigilante situation, but I understand the hon. Gentleman's point. We have to make sure that the criminal justice system works for everybody.

Custodial Sentences: Women

3. **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): What steps he is taking to reduce the number of custodial sentences given to women. [902595]

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): Crime is falling and the female prison population is now consistently under 4,000 for the first time in a decade. Last year, over 70% of women successfully completed their sentence in the community. However, we want to do more, so in partnership with the Government Equalities Office we are making available a £200,000 grant fund to support local areas to pilot the development of multi-agency approaches to female offending.

Drew Hendry: I thank the Minister for that answer, but the number of women in prisons across the UK has doubled since 2000. Many are mothers serving six-month sentences or less for minor offences, and that causes irreparable damage to family life. Will the Minister follow the example of the SNP Scottish Government in working harder to reduce the number of women in prison and give community sentences where possible?

Caroline Dinenage: The hon. Gentleman is absolutely right, and that is what the pilots are about. Female offenders often have very complex needs. They are much more likely to self-harm and to be victims of violence or domestic abuse than their male counterparts. That is why the pilots, which seek to divert women away from a pathway to prison very early on in their offending behaviour, are fantastic. The schemes recognise that sending women to prison can have a devastating effect not only on their lives, but on those of their dependent children.

Philip Davies (Shipley) (Con): Will the Minister confirm that, for every single category of offence, a man is more likely than a woman to be sent to prison, to be sent to prison for longer and to serve more of their sentence in prison? Given this age of gender equality that the Government believe in so much, what possible justification can there be for releasing more women from prison than men, and what assessment has the Minister made of whether or not that breaks discrimination laws?

Caroline Dinenage: I am very happy to have the opportunity to answer that question. Obviously, sentences are based on the individual offence. Male offenders are, and will continue to be, supported through existing processes to address their needs, but let us not forget that our Prison Service and probation service were designed with male offenders in mind, because they make up 95% of their customers.

Ms Margaret Ritchie (South Down) (SDLP): Will the Minister outline what levels of support will be available or are being considered for those women's dependants, many of whom are quite young children?

Caroline Dinenage: The hon. Lady makes an excellent point. That is why our women's prisons have made an enormous effort to engage with families and children, and some of them give women the opportunity to hold overnight visits with their young children. That is what the pilots are about: they are about recognising offending behaviour very early on, so that we can bring in third sector organisations and local authorities to divert women from ending up in prison.

Legal Aid

4. **Mike Kane** (Wythenshawe and Sale East) (Lab): What plans he has to reintroduce the residence test for legal aid. [902596]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): The Government are committed to the civil legal aid residence test and are planning the next steps following the success in the Court of Appeal. Individuals should have a strong connection to the UK to benefit from the civil legal aid scheme.

Mike Kane: The Minister was forced to admit last year that there were no precise figures for any savings from this policy area. The policy was also criticised by the Joint Committee on Human Rights and is subject to further legal scrutiny under the Supreme Court. Is it not time that the Minister gave up the ghost on this failed area of policy?

Mr Vara: Given the Court of Appeal judgment on 25 November, when it sided with the Government, we have no intention of giving up on this. It is important to remember that people who seek to have benefit from UK taxpayers should show some connection to this country. It is perfectly reasonable to expect people to have continuous 12-month residency in the UK before they benefit from UK taxpayers' money for their legal aid.

Gavin Robinson (Belfast East) (DUP): On legal aid and any potential change, has the Minister turned his mind to the disparity involved when one parent abuses the legal aid available to them in order to get an upper hand in contact cases with their children while the other parent has to self-finance?

Mr Vara: There are, of course, rules and regulations as to who qualifies and who does not. I cannot comment on specific individual cases, but the Legal Aid Agency does try to make sure that it is only those who qualify who get the assistance it provides.

Karl Turner (Kingston upon Hull East) (Lab): In June, the Justice Secretary criticised what he called the two nation justice system, but restricting civil legal aid

according to how long an individual has lived in this country clearly widens the gap between those afforded access to justice and those not. The residence test would have denied justice to the family of Jean Charles de Menezes. Does the Minister think that that is right, and if not, will he drop the two nation justice policy of the Justice Secretary's predecessor?

Mr Vara: The hon. Gentleman needs to appreciate that we have had to take tough measures. It is vital, and the British people in their millions rightfully say that they want overseas people to have some connection with the UK before getting use of the taxes that they pay. The residence test has gone through the court process to the Court of Appeal, and if it goes further, the Government will object and robustly defend our stance on the residence test.

Criminal Courts Charge

5. **Tulip Siddiq** (Hampstead and Kilburn) (Lab): If he will make an assessment of the effect of the criminal courts charge on access to justice; and if he will make a statement. [902597]

The Lord Chancellor and Secretary of State for Justice (Michael Gove): Last week, I announced that the Ministry of Justice will review the entire structure and purpose of the financial penalties and orders handed down by courts to offenders, with a view to considering options for simplification and improvement. The Government have listened carefully to the concerns raised about the criminal courts charge, and in the light of those concerns, I decided to pause the imposition of the charge while the wider review is carried out.

Tulip Siddiq: May I take the opportunity to congratulate the Secretary of State on scrapping yet another proposal put forward by his predecessor, but may I also remind him that he was Chief Whip at the time and voted for the policy? Individuals have incurred high levels of personal debt, which they are unlikely to be able to pay back, because of this cost. Bearing that in mind, will the Secretary of State review and waive the outstanding payments, which do nothing but blight the finances of our justice system and place an administrative cost on the taxpayer?

Michael Gove: I am grateful to the hon. Lady for her kind words, and for reminding the House that, while I was not an unprecedented success as Chief Whip, I did manage to vote with the Government the majority of the time while I was in that post. It is the case that people will have paid penalties under the criminal courts charge. That was the law at the time, and it will be the law until 24 December. After that, people will not pay the criminal courts charge.

Mike Wood (Dudley South) (Con): Members on both sides of the House will be pleased that the fixed charge will no longer apply from later this month, but does the Secretary of State agree that it is right that convicted criminals should contribute not only towards supporting victims, but towards the running costs of our criminal courts?

Michael Gove: My hon. Friend makes a very important point. One of the reasons why we are reviewing the way in which the court orders penalties and fines to be paid is that there is at least a triple purpose: of course penalties need to be paid in order to ensure that people recognise that they have crossed the threshold of the law and need to be punished, but the money raised also goes to help with both the administration of justice and the support of victims.

20. [902613] **Helen Jones** (Warrington North) (Lab): Until 24 December, magistrates will be forced to impose what is now a discredited charge, which has caused many of them to resign. What advice does the Secretary of State give those people in the meantime?

Michael Gove: To obey the law of the land. It is my responsibility to uphold the rule of law. We sought to take steps as quickly as possible after a proper review of the criminal courts charge and after the spending review to suspend the operation of the charge. Twenty-one days after the requisite statutory instrument was laid—that is, on 24 December—there will be no further imposition of the charge.

Andy Slaughter (Hammersmith) (Lab): May I, too, welcome the Lord Chancellor's fifth U-turn—or is it his sixth? I note that it is somewhat unorthodox to rehabilitate one's own reputation by trashing one's predecessor. Will he now clean up the mess his Government have made, rather than walk away from it? When will the charge be repealed by primary legislation? Why is it still being imposed —it does not have to be—up to Christmas? Will the charges already imposed be remitted? Will the magistrates who resigned in protest be reinstated? Will he tell us the cost of the debacle, and how much it adds to the £15 million he has already wasted on the privatisation of fines collection and the secure college?

Mr Speaker: Order. That was something of a multifaceted question, but I think we can rely on the Secretary of State to respond with his customary elegant simplicity.

Michael Gove: Thank you, Mr Speaker. You are quite right that there were more questions in that sally than in a multiple-choice maths GCSE paper.

Guy Opperman (Hexham) (Con): The hon. Gentleman still wouldn't know the answers.

Michael Gove: Yes; I hesitate to say what the mark would be.

We moved as expeditiously as possible to suspend the charge. The best legal advice available to the Department suggested that this was the most effective way of relieving magistrates of the obligation to impose it.

HM Courts and Tribunals Service

6. **Huw Irranca-Davies** (Ogmore) (Lab): What plans he has to reform HM Courts and Tribunals Service. [902598]

10. **Henry Smith** (Crawley) (Con): What plans he has to modernise the courts and tribunals system. [902602]

17. **Alex Chalk** (Cheltenham) (Con): What plans he has to modernise the courts and tribunals system. [902610]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): I am delighted that we have secured over £700 million of funding to invest in our courts and tribunals. We have worked closely with the senior judiciary to develop a plan to reform our courts system so that it delivers swifter and fairer justice for everyone in England and Wales at a lower cost.

Huw Irranca-Davies: My constituents in Ogmore face the closure of two local courts: one at Pontypridd in the neighbouring constituency and one in Bridgend. How does the Minister respond to the president of the Law Society, Jonathan Smithers, when he warns that:

"Combined with the further planned increases in court fees and reductions in eligibility for legal aid, many of the proposed closures will serve to deepen the inequalities in the justice system between those who can and cannot afford to pay."?

Mr Vara: It is important in the 21st century that we recognise that a third of the 460 court and tribunal buildings are utilised at a rate of less than 50%. Many of the buildings are not fit for purpose, are listed or are not in compliance with equalities legislation. There is a host of problems and the cost of running the buildings is phenomenal. We need a reformed, up-to-date and modern courts system, and I assure the hon. Gentleman that it will provide access to justice for all.

Henry Smith: I thank the Minister for his answer. Does he agree that it is high time, as we are in the 21st century, that we updated outdated court practices, with particular regard to the way in which those with learning disabilities are treated in the system?

Mr Vara: Absolutely. As a consequence of the £700 million investment that we received in the spending review, we have a once-in-a-generation opportunity to create a modern, user-focused and efficient Courts and Tribunals Service. Reform of the service is crucial to enable much more efficient access to justice for everyone, including people with learning difficulties. In the one nation Britain that we seek, we want to ensure that everyone has access to all the public facilities on offer.

Alex Chalk: As part of the Government's welcome courts modernisation plans, Cheltenham magistrates court can expect to hear cases from across Gloucestershire, not just from Cheltenham. What measures will be taken to ensure that such courts have the physical and staffing resources they need to deal with the increased case load?

Mr Vara: It is already the case that all magistrates court work in Gloucestershire that requires custodial facilities is heard at Cheltenham magistrates court. Should more work be moved to Cheltenham following the outcome of the consultation, the Courts and Tribunals Service will continue to assess the resources that are available at the court to ensure that they meet operational requirements. I should, however, emphasise that no decisions have yet been taken regarding magistrates courts in Gloucestershire.

Andrew Gwynne (Denton and Reddish) (Lab): My constituents in Stockport would probably understand where the Minister is coming from, were their courthouse not down for closure. It is one of the busiest in Greater Manchester, was refurbished as recently as 2010 and has specialist facilities for witness support and protection. Is this not a short-sighted move by the Ministry of Justice? Will he now save Stockport courthouse?

Mr Vara: There is nothing short-sighted about having a consultation, the purpose of which is to allow people such as the hon. Gentleman and his constituents to have their say and try to persuade us that, all things considered, the court should be retained. As I said, no decisions have been taken and we are carefully considering all the submissions.

Mr Dennis Skinner (Bolsover) (Lab): I listen to Tory MPs and Ministers talking constantly about localism. How can this be a form of localism, when people are having to travel 50 or 60 miles to get justice, instead of going to the local court? It is nothing but hypocrisy.

Mr Vara: I have the utmost respect for the hon. Gentleman, but may I gently bring him into the 21st century, which he may not be familiar with? We will ensure that with modern technology such as video-conferencing and telephone facilities, people will have access to justice without having to go to court. Access to justice does not mean simply attending a court and the physical building that it represents.

22. [902616] **Mary Robinson** (Cheadle) (Con): I understand the rationale behind court modernisation, as it will help to create a more streamlined and responsive justice system while generating substantial savings for the taxpayer, and I am grateful to the Minister for meeting me to discuss the proposed closure of Stockport court, which is a mutual interest. Following our conversations, will he provide an update on that court's future, and say whether the proposals that I presented to him, which would mean that that court remained viable, have been considered?

Mr Vara: My hon. Friend is right to say that we have met. With this proposed closure of 91 courts, I have tried to make myself available to as many colleagues as possible—as far as I am aware, I have met every person who wanted a meeting. I am seriously considering my hon. Friend's proposals, and I am grateful to her for submitting them.

Prisons' Engagement with Employers

7. **Andrew Stephenson** (Pendle) (Con): What steps his Department is taking to improve prisons' engagement with employers; and if he will make a statement. [902599]

12. **Sir David Amess** (Southend West) (Con): What steps his Department is taking to improve prisons' engagement with employers; and if he will make a statement. [902604]

13. **Rebecca Harris** (Castle Point) (Con): What steps his Department is taking to improve the employment prospects of prisoners. [902605]

The Lord Chancellor and Secretary of State for Justice (Michael Gove): The investment in prison reform announced by my right hon. Friend the Chancellor of the Exchequer in the spending review is designed to make it easier to get prisoners learning and working. As a result, I recently met the Employers' Forum for Reducing Re-offending to discuss how we can improve employment opportunities for ex-offenders.

Andrew Stephenson: New Call Telecom in Pendle is working with Spacious Place, a social enterprise, to help young offenders at Forest Bank prison with training and employment opportunities. Will my right hon. Friend join me in welcoming New Call Telecom's work to improve rehabilitation and get young offenders back into society and into employment?

Michael Gove: I wholeheartedly welcome its work, and I commend its efforts to other companies. About 20% of companies employ ex-offenders, but as many as 90% of companies have expressed an interest in doing so. I suspect that the example set by the employer in my hon. Friend's constituency will inspire more companies to support ex-offenders into work.

Sir David Amess: Given that prison is an expensive option, does my right hon. Friend agree that it makes moral sense to give people who wish to turn their lives around the opportunity to work? Does he also agree that that makes sound business sense, because those people are often hard-working and very loyal employees?

Michael Gove: My hon. Friend makes a powerful point. It is economically sensible to ensure that ex-offenders are in work—about 22% of those in receipt of out-of-work benefits are ex-offenders—and it makes moral sense to give people dignity and a chance to redeem themselves by contributing economically to society.

Rebecca Harris: My right hon. Friend will be aware of my interest in the work of the Cascade Foundation, which was founded by my constituent Jackie Hewitt-Main, and does amazing work in educating and rehabilitating offenders with learning needs. Will he meet me and the Cascade Foundation so that it can share some of its observations about ways we could further improve and streamline rehabilitation through education in prison and on release?

Michael Gove: I would be delighted to meet my hon. Friend and her constituent. Many outstanding firms, from Cisco Systems to Greggs the bakers, Halfords and DHL, are doing more and more to employ offenders, and we must reduce the bureaucratic burdens standing in their way.

Nick Thomas-Symonds (Torfaen) (Lab): When I sat on the Justice Committee earlier this summer, I visited Holloway prison and saw how release on temporary licence allowed women to carry out jobs that led to employment on the outside, and to stability. That worked extremely well in Holloway because the transport links are so good, but how can the Secretary of State ensure that such facilities are consistently good across all women's prisons in the UK?

Michael Gove: I am grateful to the hon. Gentleman for that point. I would like to see an expansion of release on temporary licence across the prison estate, not just in women's prisons. We must ensure an appropriate assessment of the risk posed by releasing offenders in such a way, but we must also reinforce the initiative of prison governors who want people out there working and accustoming themselves to life on the outside.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I beg the Secretary of State not to forget what has worked in the past? Will he look at the experience of British Gas, Ford and a cluster of companies in the very famous Reading prison, which I believe is due for closure, working with young offenders? The employment rate was amazingly successful. Let us make sure that that model is not forgotten.

Michael Gove: I am grateful to the hon. Gentleman for making that point. In my constituency, HMP Coldingley works with a group of disparate employers to provide offenders with the chance to contribute again. He makes a very important point.

Tom Elliott (Fermanagh and South Tyrone) (UUP): What specific measures are being put in place to reduce the bureaucracy that companies have to overcome to employ offenders?

Michael Gove: The first thing we need to do is give governors a greater sense of freedom so that they are able to invite employers in, ensure they can make use of prisoners while they are still on the prison estate and employ them through the gate. Specific reforms we hope to bring forward in the new year will give more governors precisely that freedom and flexibility.

21. [902615] **Nigel Huddleston** (Mid Worcestershire) (Con): Does the Secretary of State agree that the key to improving employment in prisons is giving more power and control to governors over what goes on in their prisons, including the accountability and control to ensure that the quality is appropriate?

Michael Gove: I absolutely agree. I think many Members will be aware of the Clink Restaurant social enterprise. A visionary prison governor at High Down in Surrey and a succession of great governors at HMP Brixton have helped it to expand. One of the most impressive prisons I have visited, HMP Parc in Bridgend, is also part of this initiative—all because of great governors leading institutions that we can learn from.

Military Veterans

8. **Graham Evans** (Weaver Vale) (Con): What support his Department provides to military veterans in prison. [902600]

The Minister for Policing, Crime and Criminal Justice (Mike Penning): The Government are determined to help all offenders, including ex-armed forces personnel who enter the criminal justice system, to turn their lives around and move away from crime. I was surprised, when I took over as Veterans Minister, to learn that we

were not asking prisoners when they came in whether they had served in Her Majesty's armed forces. We are now doing that when they enter the criminal justice system, so we know better how to help them.

Graham Evans: The vast majority of military personnel successfully transition back into civilian life, having left the armed forces. However, veterans represent the largest single cohort in our prisons. Will my right hon. Friend join me in praising the excellent work of Care After Combat, whose Phoenix project aims to reduce reoffending rates by mentoring veterans both in prison and on release?

Mike Penning: I would like to take this opportunity to praise all those in the voluntary sector who help in the criminal justice system for the work they do, particularly for veterans. The Phoenix project, piloted in February last year by Care After Combat, seems to be very successful. We look forward to seeing exactly what is going on, but it was successful in getting £1 million from the LIBOR fund in the autumn statement and I wish it every success.

Mr David Hanson (Delyn) (Lab): With the Ministry of Defence, will the Minister look at what the stresses are when members of the military leave the armed forces, so we can help to reduce reoffending in the first place, rather than just dealing with it in prison? Will he undertake this important task to identify those causes?

Mike Penning: The right hon. Gentleman makes a very good and important point. As someone who served in the armed forces but left fairly early on—I did not do 22 years—I found that the support was very minimal. We need to make sure that we support our heroes, who have fought for us, in a way that keeps them out of the criminal justice system and gives them the help they need.

Danny Kinahan (South Antrim) (UUP): On a similar note, will the Secretary of State for Justice work with the Secretary of State for Defence and the Ministry of Defence to review the transition process, so that we really understand why so many veterans are going to prison?

Mike Penning: The Government brought in the Act establishing the military covenant to deal with exactly this sort of situation. I have the honour and privilege of sitting on the Prime Minister's military covenant committee, where such discussions take place regularly.

Prison Initiatives and Programmes

9. **Charlotte Leslie** (Bristol North West) (Con): What assessment he has made of the potential merits of increasing the use of sport-based initiatives in (a) rehabilitation and (b) counter-extremism programmes in prisons. [902601]

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): We are interested in developing and testing sports-based initiatives as part of our approach to rehabilitation, and remain committed to using evidence to drive better outcomes and value for money. In October this year, we part-funded an initiative called the National Alliance of Sport for the Desistance of Crime, which will provide further evidence for whether and how sport may assist desistance.

Charlotte Leslie: The often troubled young men and women who, instead of having their anger and drive directed elsewhere, fall prey to manipulative and destructive extremist ideology are to be pitied. Is the Minister aware of the success of boxing in rehabilitation and helping to prevent extremism, including in prisons such as HMP Doncaster, and will he consider piloting non-contact boxing schemes in more prisons and for more categories of offender?

Andrew Selous: My hon. Friend, who has been persistent on this issue, is right that there is promising evidence for the positive influence of sport in rehabilitation. Across prisons in England and Wales, we have 183 different sports-based interventions, although not all of them are available in all prisons. The National Alliance of Sport for the Desistance of Crime will go further in this area, but I would be happy to meet her to talk further about the initiatives she mentions.

Keith Vaz (Leicester East) (Lab): I am not convinced that teaching potential jihadists boxing or table tennis will form an essential part of a de-radicalisation programme, but I am ready to be convinced on the pilot. Does the Minister agree that one way to do this is to appoint an extremism officer to monitor radicalisation in prison and ensure that people are de-radicalised when they leave prison?

Andrew Selous: We will of course proceed according to the evidence from the initiative we have just launched. The right hon. Gentleman will also know that the Secretary of State has launched an independent review of extremism across the prisons estate. Yesterday, I met the excellent former governor who is conducting the review, and we will report in due course.

Jenny Chapman (Darlington) (Lab): I am afraid there is an ever-widening chasm between what the Secretary of State and the Minister say about what is happening in our prisons and the reality. I do not doubt that the Minister is sincere in his belief that improvements are being made, but, given that in most prisons exercise in the fresh air, which the hon. Member for Bristol North West (Charlotte Leslie) so wishes to see, is limited to just 30 minutes a day and purposeful activity outcomes are currently at the lowest level inspectors have ever recorded, owing to understaffing, how can he suggest that there is anything other than a crisis in our jails?

Andrew Selous: I genuinely respect the hon. Lady's experience in this area, but we have been extremely successful in getting a lot more prison officers on to the landings up and down the country. In the year to 30 September, we saw a net increase of 540 prison officers, meaning less restrictive regimes and more activities. The good news is that we will carry on recruiting at that number up to the end of March next year, when we are seeking an additional 1,700 to 2,000 prison officers.

Legal Representation: Children

11. **Anna Turley** (Redcar) (Lab/Co-op): What assessment he has made of the ease of access for children to appropriate legal representation. [902603]

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): The Government believe it is important for children and young people to have access to justice. That is why we have made sure that legal aid funding is available for the highest priority cases, including many that are of relevance to children.

Anna Turley: The director of the Youth Justice Legal Centre has said that many children are more reliant on the advice and support of their security guard than on their solicitor or legal team. What other steps are the Government taking to ensure that children and young people have access to proper support so that they can participate in a process that could affect the rest of their lives?

Caroline Dinenage: We are monitoring closely the impact of any changes—we keep this constantly under review—and we would be very concerned if there was any evidence that vulnerable children were not getting the help they needed.

Legal Aid

14. **Mims Davies** (Eastleigh) (Con): What plans he has to reform legal aid; and if he will make a statement. [902606]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): In the past five years, we have taken action to put the country's finances back on track, while protecting legal aid for those who need it the most. Legal aid remains a vital part of our justice system, and we must ensure that it is sustainable and fair for those who need it and those who provide legal services, and fair for the taxpayer. I am pleased that the recent spending review led to no further reductions in criminal legal aid.

Mims Davies: All victims of domestic violence must be fully supported in freeing their lives from this menace. Does the Minister agree that it is vital to maintain full access to justice for victims of domestic violence all the way through the legal system?

Mr Vara: Yes, I do agree with my hon. Friend, and we have made sure that legal aid remains available for victims of domestic violence who need it. We have also made recent changes making it easier to obtain legal aid in cases where domestic violence is a factor, and we have made sure that once legal aid is granted, no further applications need be made for the duration of the case.

Christian Matheson (City of Chester) (Lab): Chester is a city for the legal industry and the legal sector. I am told that numerous criminal legal aid solicitors have been forced out of business or forced to amalgamate with large national firms, while barristers on the Chester circuit are being forced to subsidise access to justice in legal aid cases because they are not getting paid enough through the current legal aid system. Will the Minister review his changes to legal aid, and perhaps deal with them in the same way as the criminal courts charge—by reversing the disastrous changes made in the first place?

Mr Vara: We have a legal aid budget of £1.6 billion, which is one of the largest in the world. By comparison with other common law jurisdictions such as Australia, Northern Ireland and Canada, we have double the expenditure per inhabitant. We have started a process and we will see it through. I can assure the hon. Gentleman that those in need of legal aid will be able to have it where it is necessary.

EU Convention on Human Rights

15. **Neil Carmichael** (Stroud) (Con): What the Government's policy is on the UK remaining party to the European Convention on Human Rights. [902608]

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): We cannot rule out ever withdrawing from the ECHR, but our proposals for a Bill of Rights are focused on remaining within the convention, which contains a common-sense list of rights.

Neil Carmichael: Does the Minister agree that a constitutional court could have primacy over decisions in Strasbourg and that such a possibility should be at the heart of any further consultations?

Mr Raab: My hon. Friend makes a powerful point. We respect the fact that the convention includes a common-sense list of rights, and we want to ensure that we have the proper interpretation of those rights. We also want to ensure that we have a Supreme Court that remains supreme. It should be said that where the goalposts of human rights shift, it should be elected Members here that have the last word.

Joanna Cherry (Edinburgh South West) (SNP): It was reported last week that the long-awaited consultation on the Government's plans to scrap the Human Rights Act would not be published until the new year. Will the Secretary of State confirm when he intends to bring forward a British Bill of Rights, and will he commit to ensuring a full consultation on these proposals and that adequate time will be given to consider and answer any responses to the consultation?

Mr Raab: We have made it clear that the proposals will be brought forward in the new year for full consultation. One area that we want to look at a bit further is the impact of the jurisprudence of the Court of Justice in Luxembourg as well as the Court of Justice in Strasbourg. I can reassure the hon. and learned Lady that we will take the Scottish view very seriously. I have already met the Scottish Justice Minister, Alex Neil, and a range of Scottish practitioners and non-governmental organisations. I look forward to continuing that consultation.

Joanna Cherry: In June the Secretary of State assured this House that, in his view, human rights were a reserved matter. Last week, however, he told the House of Lords Constitutional Affairs Committee that legislation regarding human rights is neither reserved nor devolved. Does he therefore now accept that any legislation

repudiating the Human Rights Act and introducing a British Bill of Rights will require the consent of the Scottish Parliament? Is he aware that there is no question of such consent being given?

Mr Raab: As we have said many times before, revising the Human Rights Act can only be done by the UK Government, but implementation of many human rights issues is already devolved. I have to say that the SNP's policy on this issue is rather "cake and eat it". SNP Members suggest that Westminster is attacking Scottish human rights, but the SNP continues to agree that it does not want to give prisoners the vote. After the Scotland Bill becomes law, the Scottish Parliament will be able to decide who votes in Scottish elections, so the only way that the SNP will be able to maintain the bar on prisoner voting in Scottish elections is by relying on Westminster legislation. Can the hon. and learned Lady confirm that that is her intention?

Mr Speaker: Order. The hon. and learned Lady has no responsibility to confirm anything. The Minister is a dextrous fellow, engaging in a certain amount of rhetorical pyrotechnics, but I do not think we need a treatise on Scottish National party policy on these important matters on this occasion. He should keep it for the long winter evenings that lie ahead.

Mr Peter Bone (Wellingborough) (Con): The Government's policy of bringing in a British Bill of Rights will, I am sure, be welcomed across the House. Will the Minister confirm that rather than rushing through the proposal, we should get it right and bring it forward when everyone has had their say and it can stand the test of time?

Mr Raab: My hon. Friend is absolutely right. We make no apology for thinking through tricky constitutional issues. If only the last Labour Government had done the same—but we were saddled with the Human Rights Act 1998. Tony Blair claimed that he had secured an opt-out from the charter of fundamental rights of the European Union, only to find that it leaked like a sieve. It may take a little longer to clear up the constitutional mess, but that is what we intend to do.

Mr Speaker: I call Daniel Zeichner.

Daniel Zeichner (Cambridge) (Lab) *rose—*

Mr Speaker: Order. I do apologise. I think we nearly missed the hon. Member for Caerphilly (Wayne David). We must hear from the hon. Gentleman first; let's hear the feller.

Wayne David (Caerphilly) (Lab): You are very kind, Mr Speaker. Thank you very much. May I return to the issue of Scotland and human rights? Clarity on that issue is now extremely important. The Deputy Leader of the House said that human rights were

"reserved for the UK Parliament and not a devolved matter."—[*Official Report*, 15 June 2015; Vol. 597, c. 132.]

Will the Minister say quite clearly that she was wrong?

Mr Raab: I have made the position very clear; we have consistently made it very clear. Only the UK Government can revise the Human Rights Act, but the implementation of human rights issues in many areas is already devolved.

Civil Court Fees

16. **Daniel Zeichner** (Cambridge) (Lab): What assessment he has made of the effect on court users of recent changes in civil court fees. [902609]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): The Government are monitoring data on case loads and fee income from the civil courts, but it is too early to draw any firm conclusions. We will continue to keep the impact of fee changes under review. We recognise that fee increases are not popular, but at every stage we have sought to protect the most vulnerable by ensuring that they will not have to pay new and higher fees. In the current financial climate, it is only right that we are considering every option to raise fees to meet the budgetary challenges that we face.

Daniel Zeichner: In March 2015, the court issue fee for a £200,000 claim was raised by more than 600%, from £1,500 to £10,000. Does the Minister appreciate the impact of that on small start-up companies, of which there are many in my constituency, and will he assure those companies that there will be no further rise after the current consultation?

Mr Vara: It is important for the hon. Gentleman to recognise that the court system needs to be properly funded. However, we have a very effective remission system, and those who cannot afford the fees do not have to pay them. He should also bear in mind that court fees amount to a tiny fraction of the total amount of legal fees that are incurred.

Topical Questions

T1. [902583] **Valerie Vaz** (Walsall South) (Lab): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Michael Gove): With your permission, Mr Speaker, let me say that I hope the whole House agrees that we are all in the debt of the dedicated prison officers and prison staff who will be working on Christmas day and over the Christmas season. In that spirit, let me also congratulate the newly elected leader of the Prison Officers Association, Mr Mike Rolfe. My Department looks forward to working with him to improve the situation of all prison officers. They do an invaluable job, and we should support them in every way we can.

Valerie Vaz: I associate myself with the Justice Secretary's remarks. Secure colleges, criminal court charges, court fine enforcement and Saudi Arabian contracts—£40.7 million has been wasted so far. Will the Justice Secretary reveal to the House the full costs of those policy changes, and will he tell us which Minister is responsible for that waste of public money?

Michael Gove: The hon. Lady started very well, in a bipartisan way. The point about each of the policies that she mentioned is that we made those decisions in both the national interest and the taxpayer's interest.

T3. [902585] **Mr Nigel Evans** (Ribble Valley) (Con): Paul Gambaccini, Jim Davidson and Jimmy Tarbuck have all spoken about the appalling trauma and stress

involved in the conducting of an investigation, following allegations, in the full glare of publicity, and then the closing of the case because no further action has been taken. That is quite apart from the appalling collusion of the BBC and the police over the investigation of Cliff Richard. Have the Government given any consideration to turning the clock back, so that such investigations can be conducted with no publicity until the person concerned has been charged?

Michael Gove: I absolutely take account of my hon. Friend's point. The Government's position is that, in general, there should be a right to anonymity before the point of charge, but the decision to release the name or details of a suspect in an investigation is an operational one for the police to make. Ministers should not interfere in the operational independence of the police, but I think that the case made by my hon. Friend and others is important. It is vital for us to recognise that the right to be regarded as innocent should be respected by everyone involved in the administration of justice.

Andy Slaughter (Hammersmith) (Lab): Working Links, which runs three community rehabilitation companies in Wales and the west of England, is announcing redundancies of up to 44% of staff—some 600 jobs. If these redundancies go ahead, what will the Secretary of State do to ensure that standards of service and the safety of the public are maintained?

Michael Gove: The transforming rehabilitation reforms, which were introduced in the last Parliament by my predecessor, have enhanced the quality of probation support that offenders enjoy, and we needed to make sure the improvements that have been made are built on. Each of the individual community rehabilitation companies will make their own decisions about the mix and qualifications of staff required in order to enhance that service, but these transforming rehabilitation reforms are welcome and are in the interests of offenders and of community safety.

Andy Slaughter: The Lord Chancellor will have seen the reports today of the outrageous treatment of Andrew Waters, whose right to a private life under article 8 of the European convention on human rights was breached by East Kent Hospitals University NHS Foundation Trust, which placed a "do not resuscitate" order on him, listing his Down's syndrome and learning difficulties among the reasons. Given that these are exactly the rights the Government wish to opt out of, is it not time, in the week we celebrate international Human Rights Day, for the Lord Chancellor to do another of his famed U-turns and keep the Human Rights Act?

Michael Gove: The case the hon. Gentleman raises is indeed very serious, and I cannot imagine any human rights legislation, or indeed any legal architecture that any of the parties in this House would subscribe to, which would in any way countenance the sort of behaviour he has described.

T5. [902587] **Craig Tracey** (North Warwickshire) (Con): A recent report revealed there had been nearly 400 illegal Traveller encampments across Warwickshire in the last three years, including four in Alveston and Bedworth in my constituency this summer alone, and these are costing the taxpayer hundreds of thousands of pounds. The previous Justice Secretary pledged to address this issue, so will my right hon. Friend meet me to discuss what progress has been made, and how the rights of local businesses and residents can always be put first?

The Minister for Policing, Crime and Criminal Justice (Mike Penning): These illegal encampments cause real worry to communities, and I fully understand where my hon. Friend is coming from. I am more than happy to meet him, but I should also say the police and local authorities have substantial powers already. He might look at what happened in Harlow, where we had a very similar situation that has been completely resolved, because there was some backbone in the local government, which actually brought in orders, with the help of the police.

T2. [902584] **Kevin Brennan** (Cardiff West) (Lab): Many magistrates resigned over the fees that the Secretary of State has now reversed his decision on, partly because they felt people were pleading guilty when they were innocent, as the fees would be excessive. In taking his decision, what estimate did the Secretary of State make of how many innocent people pleaded guilty during that time?

Michael Gove: I take account of the hon. Gentleman's point. In the circumstances, we have to let the judgment of those courts rest, but I invite every single magistrate who felt, for whatever reason, that they could not sit on the bench as a result of that policy to reconsider and revisit their decision.

T7. [902589] **Stephen Hammond** (Wimbledon) (Con): Wimbledon is the home of one of London's probation service resource centres, where there is a real focus on providing ex-offenders with the education and skills they need. Given the importance of education and skills to the rehabilitation of ex-offenders, does the Minister agree that it is essential that the next head of the probation service is someone who can really concentrate on that and on vocational training, as that is what the service needs?

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): I very much agree with my hon. Friend and welcome that point. He will be aware of the importance we are placing on improving education in prisons with the Dame Sally Coates review, but it must follow on through the gate, so that, for example, courses started in prison are completed in the community if they have not already been finished.

T6. [902588] **Huw Irranca-Davies** (Ogmore) (Lab): Further to my earlier intervention, may I simply remind the Minister of the tens, if not hundreds, of thousands of pounds that have been spent in recent years on the courts in Pontypridd and Bridgend? He urges me to consider the upgrading. They have been upgraded; do not close them.

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): Access to justice comes in various forms. An African chief justice who visited me earlier this year told me that he wanted a justice system in which the people living in the villages outside the capital city could access their courts through their mobile

phones. That is how the world is progressing, and we have to ensure that we keep pace with it. We will keep the majesty of the court building for those serious cases that require it, but we also need to recognise that modern technology requires different forms of communication, and that access to justice is not what it used to be in the past.

Robert Neill (Bromley and Chislehurst) (Con): The Lord Chancellor's speech to the Magistrates Association last week was very welcome on a number of counts, particularly his reference to the success of problem-solving courts in New York, such as that at Red Hook, which the Justice Committee has looked at in the past. Will he give us further details of his discussions with the Lord Chief Justice and the judiciary on how we can take that process forward? *[Interruption.]*

Mr Speaker: Order. There was rather too little regard being paid to the fact that we were listening to a question from the Chair of the Justice Committee, a point of which I hope hon. Members will take proper note in future.

Michael Gove: There is broad bipartisan support for the idea of problem-solving courts. Lord Woolf, when he was Lord Chief Justice, and David Blunkett, when he was Home Secretary, both agreed that it was important to explore the potential of problem-solving courts, not just to keep our streets safe but to ensure that offenders changed their lives. I had the great privilege of meeting Judge Alex Calabrese last night. He has been very successful in this area, and I know that the Justice Committee has highlighted his work in America. We will make an announcement shortly on the joint work that the current Lord Chief Justice and I will take forward in this area.

T8. [902590] **Helen Hayes** (Dulwich and West Norwood) (Lab): The Government's own figures reveal that the number of serious crimes committed by violent and sex offenders who are being monitored after leaving prison has risen by more than 28%, and that some 222 offenders under supervision in the community were charged with crimes including murder and manslaughter and with sexual offences in 2014-15. The National Association of Probation Officers has said that this is partly due to the privatisation of probation, which means that the exchange of information between agencies is not quick enough. What urgent steps is the Minister taking to address this issue?

Andrew Selous: The hon. Lady is absolutely right to suggest that serious offences are a very serious matter from which we must learn every possible lesson to ensure that there is no repeat, but I do not agree that the transforming rehabilitation reforms are in any way responsible for a degradation of the probation service. I remind her that 45,000 criminals now receive probation supervision who did not get it before, because the last Government brought in probation for those who are sent to prison for less than a year.

Peter Aldous (Waveney) (Con): I would be grateful if the Minister could confirm that his Department is giving full consideration to the compelling, evidence-based and locally produced case for Lowestoft magistrates court to remain open.

Mr Vara: I have met my hon. Friend and debated this matter with him, and I can assure him that we are giving serious consideration to all the information that he and his colleagues have given us regarding his local court.

T9. [902591] **Graham Jones** (Hyndburn) (Lab): Has the Minister read the recent "Locked out" report from Barnardo's, which claims that changes to the incentives and earned privileges scheme mean that a child's right to see their father is being withheld in order to enforce discipline? Does he think that this is good for the 200,000 children who have a parent in jail?

Andrew Selous: I am grateful to the hon. Gentleman for raising this issue. I have met representatives of Barnardo's on a number of occasions, and I pay tribute to the work that they do in this area. The Secretary of State and I place the highest importance on maintaining the family links of prisoners, and we will continue to look at this policy and at all policies that affect strengthening prisoners' family relationships.

Suella Fernandes (Fareham) (Con): On 27 November, a transgender prisoner killed herself while serving in a male jail. What are the Government planning to do to address the concern about another tragic death in this vulnerable group of people?

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): We take every death in custody very seriously. The management and care of transgender people in prison is complex, and the Government take it very seriously. The National Offender Management Service is undertaking a review of the relevant Prison Service instruction to ensure that it provides an appropriate balance between the needs of the individual, and the responsibility to manage the risk and safeguard all prisoners. I can announce today that the review will be widened to consider what improvements we can make across prisons, probation and youth justice regarding the future shape of services for trans prisoners and offenders. The review will engage with relevant stakeholders, and Peter Dawson from the Prison Reform Trust and Dr Jay Stewart from Gendered Intelligence will act as independent advisers to the review, which we expect to conclude next year.

Mr Speaker: I say in a very kindly way to the Minister, whom I much esteem, that sometimes Ministers, who of course are ultimately responsible, must trim the officialese that is penned for them by others. The hon. Lady is her own best judge in these important matters, and I know she is perfectly capable of doing that herself.

T10. [902592] **Mr David Hanson** (Delyn) (Lab): The prison in Wrexham is extremely welcome, but has the Minister had a chance to look at the concerns raised by the First Minister about the healthcare costs for prisoners, many of whom are from England, falling entirely on the Assembly?

Andrew Selous: I had the pleasure of visiting Wrexham a couple of weeks ago, and I can tell the House that the prison is progressing well, and it has excellent work facilities. I am aware of the point the right hon. Gentleman

raises, and we will continue negotiations with the Welsh Government on the issue. That is all I can say to him at this time.

Lucy Frazer (South East Cambridgeshire) (Con): Our courts system not only provides effective justice to us domestically, but is the forum of choice for much foreign litigation. When considering the civil courts charge, will the Secretary of State ensure that our courts remain not only effective places for the resolution of domestic litigation, but at the forefront of international dispute resolution?

Mr Vara: My hon. and learned Friend makes a good point, but I think she also ought to bear in mind that the reason why people come to Britain for their litigation is not because of the fees, but because of the expertise we offer, the impartiality of our judges and the fact that UK law is used by a large part of the world as well.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): How is the transforming rehabilitation programme in Wales likely to achieve its targets if the only CRC—community rehabilitation company—is to base its operations in Middlesbrough and make 200 staff redundant?

Andrew Selous: These reforms give us the opportunity to bring down reoffending rates, which have been stubbornly high for a very long time. We are tracking the performance of the CRCs very closely and we will continue to do so, and in time I think we will see significant results from these reforms.

Kit Malthouse (North West Hampshire) (Con): I recently wrote to the Lord Chancellor and received an uncharacteristically non-committal reply, unbelievable though that may seem. I therefore ask him again: does he believe the maximum tariff for child cruelty, which is set at 10 years, is too low, and will he use the upcoming criminal justice Bill to raise it to 14 years?

Michael Gove: Normally I like to give my hon. Friend satisfaction, but on this occasion I am afraid I will have to maintain the enigmatic prevarication that characterised my previous communication with him.

Neil Gray (Airdrie and Shotts) (SNP): I hope the Secretary of State will be aware of the High Court ruling of 26 November on the legality of the benefit cap when applied to disabled people and their carers. What advice will the Justice Secretary give the Secretary of State for Work and Pensions in the light of that ruling?

Michael Gove: I will discuss the matter with my right hon. Friend the Secretary of State later today.

NEW MEMBER

The following Member took and subscribed the Oath required by law:

James McMahon, for Oldham West and Royton.

BILL PRESENTED

FRACKING (MEASUREMENT AND REGULATION OF IMPACTS) (AIR, WATER AND GREENHOUSE GAS EMISSIONS) BILL

Presentation and First Reading (Standing Order No. 57)

Geraint Davies, supported by Mike Weir, Jonathan Edwards, Kate Osamor, Tulip Siddiq, Neil Coyle, Caroline Lucas, Chris Evans, Dawn Butler, Mr Mark Williams, Dr Rupa Huq and John Mc Nally presented a Bill to require the Secretary of State to measure and regulate the impact of unconventional gas extraction on air and water quality and on greenhouse gas emissions; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 29 January 2016; and to be printed (Bill 105).

Asylum (Unaccompanied Children Displaced by Conflict)

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

12.36 pm

Tim Farron (Westmorland and Lonsdale) (LD): I beg to move,

That leave be given to bring in a Bill to make provision about the award of asylum seeker status in the United Kingdom to certain unaccompanied children from Syria, Iraq, Afghanistan, and Eritrea displaced by conflict and present within the European Union; and for connected purposes.

Just over three months ago, the tragic death of a little boy and his brother exposed the world to a refugee crisis that Governments, including our own, had been doing their best to avoid. That three-year-old boy was Alan Kurdi and his brother was Galip. Both were Syrian refugees travelling with their parents to seek safety and sanctuary in Europe.

The latest figures for the United Nations High Commissioner for Refugees show that more than 900,000 people have made similar journeys, over sea, to Europe this year and that 23% of them were children. That is more than 200,000 children who have fled their homes in search of a new life in this year alone.

Many of those children have travelled with their families, as Alan and Galip had before they drowned, but tens and thousands of children travel alone, without parents or relatives, and make their way to Europe in the toughest of circumstances. It is that particularly vulnerable group that my Bill addresses.

Over the past few years, Save the Children and other charities have been working across Europe, particularly in Italy and Greece, doing what they can to support unaccompanied children who have made lengthy journeys to seek safety in Europe. Children in this situation become separated from their relatives for a number of reasons. Some have lost family members in their countries of origin, or those closest to them have been victims of violence, leaving the children with little choice but to flee, and to flee alone. Others have lost their family members en route through illness or drowning.

In their desperation, these children put themselves in the hands of people smugglers and criminal gangs to facilitate their journeys. Save the Children in Greece and Italy has spoken to many children about the abuse, exploitation, and physical and sexual violence that they have experienced during their long travels to Europe. Those journeys can last months or even years. Once they arrive in Europe, they are still not safe. There are serious concerns, which have been echoed by Europol's Chief of Staff Brian Donald, that vulnerable, underage refugees are being preyed on by organised criminal gangs intent on forcing them into prostitution and slave labour. Mr Donald also warned that there is a "tremendous amount of crossover" between those smuggling refugees across borders and the gangs trafficking people for exploitation in the sex trade or as forced labour.

When we start to look at the data from last year, the grim truth becomes apparent. According to the Italian Ministry of labour and welfare, of the 13,000 unaccompanied children who were registered there in 2014, almost 4,000 disappeared after arriving. That is

4,000 children who are without official protection of any kind. They have no access to education, welfare, healthcare or a safe home. We do not yet have comparable numbers for 2015, but given the rise in refugees this year, we can expect a much higher number of disappeared children.

This is not a far-off problem to be dealt with by distant Governments. It is here in Europe on our own shores. It is our responsibility to protect all refugees, and none more so than orphaned children with no other hope. It is shameful that this Government have so far ignored these children, and it is time that they did the right thing and helped them.

Three thousand children is just a small part of the overall number, certainly small enough for our local authorities to handle, given the appropriate resources and support, but it will make all the difference to the lives of every one of these desperate youngsters who deserve our help. It amounts to just five children per parliamentary constituency and is less than a third of the number of children taken in during the kindertransport, a programme very similar to this proposal. There is no doubt that it was right to take in those Jewish children in the 1930s, and with the same morals at the core of what it means to be British, there is no doubt that these children are also deserving of our help.

This is not the first time that I have called for this in Parliament, so I can perhaps predict what response this Bill might receive from the Government. They will tell us that they would not want to risk separating children from their families, and that there are some concerns that the proposed programme would do that. That argument is simply not true. Of course all efforts should be made to ensure that children remain with, or are reunited with, their families. However, for the children in this programme, reunification with parents or their primary caregivers is simply not possible. These are children who have been registered by the UN Refugee Agency in Europe as unaccompanied, have no family with them and no known family to be sent back to. From talking to civil society groups, I know that there are enough families willing to foster an unaccompanied child. For example, Home for Good has registered 10,000 prospective adoptive families. Although they will not be ready to step up immediately, if the Government support local authorities and agencies to provide the requisite training, the UK will be well equipped to support these children.

It could not be clearer that these children deserve our support and our help. And any suggestion that they do not is nothing to do with their own safety. It is solely to do with the inability of our Government to act on the values that they claim to uphold—values that include helping seekers of sanctuary and protecting the young.

It is time for the UK to stand up and be a leader. Instead of waiting for something high profile to happen before doing the minimum, as we saw after the tragic death of Alan Kurdi, the Government have the chance now to acknowledge a problem, acknowledge the desperate need of these children, and actually do something about it.

The UK could make a significant difference by working with UN agencies and civil society to put in place a relocation scheme for unaccompanied children in Europe. Under specific criteria and safeguards, relocation is one of the few viable long-term solutions for the protection of the most vulnerable unaccompanied children in Europe. If the UK were to initiate this programme, other EU countries would follow, and many thousands of children would reach the safety and security they so desperately deserve. Given the opportunity, British people have shown again and again throughout history our generosity of spirit, especially in response to refugees. There is no question but that this generosity of spirit still exists in our country today; it just needs our Government to do the right thing, and facilitate it for the 21st century.

Question put and agreed to.

Ordered,

That Tim Farron, Mr Alistair Carmichael, Mr Nick Clegg, Norman Lamb, Greg Mulholland, John Pugh, Mr Mark Williams, Yvette Cooper, Stephen Gethins, Ms Margaret Ritchie, Caroline Lucas and Liz Saville Roberts present the Bill.

Tim Farron accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 11 March, and to be printed (Bill 104).

EUROPEAN UNION REFERENDUM BILL (PROGRAMME) (NO. 3)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the European Union Referendum Bill for the purpose of supplementing the Orders of 9 June 2015 (European Union Referendum Bill (Programme)) and 7 September 2015 (European Union Referendum Bill (Programme) (No. 2)):

Consideration of Lords Amendments

(1) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at today's sitting.

(2) The proceedings 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.

Lords Amendments	Time for conclusion of proceedings
No. 1	One hour after the commencement of proceedings on consideration of Lords amendments
Nos. 5, 6, 2 to 4 and 7 to 46	Three hours after the commencement of those proceedings

Subsequent stages

(4) Any further Message from the Lords may be considered forthwith without any Question being put.

(5) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Jackie Doyle-Price.)*

Question agreed to.

European Union Referendum Bill

Consideration of Lords amendments.

Mr Speaker: I must draw the House's attention to the fact that Lords amendment 1 engages financial privilege. Lords amendment 1 is the first amendment to be taken, and to move the Government motion to disagree I call the Minister, eager and expectant.

Clause 2

ENTITLEMENT TO VOTE IN THE REFERENDUM

12.45 pm

The Parliamentary Secretary, Cabinet Office (John Penrose): I beg to move, That this House disagrees with Lords amendment 1.

Since this House gave the Bill its Third Reading in September it has been thoroughly and extensively scrutinised by the Lords, and I should begin by paying tribute to them for their diligent and considered approach. For the most part, their scrutiny has been fruitful, and the Bill returns to the Commons improved in a great many ways. However, on one issue the Lords made a decision that differs fundamentally from the view of the Government and, indeed, of this House. The Lords amendment would lower the voting age for the referendum to 16. This topic has been debated and divided on repeatedly since the general election in May. This House has twice rejected a lower voting age in the Bill, and did so for a third time yesterday, with a healthy majority in the Cities and Local Government Devolution Bill. We have had this debate many times since May.

Other colleagues wish to speak, so I shall be brief. In short, the Government are not at all sure that it is right to lower the voting age, and even if it were, this is not the right way to do so. The voting age for UK parliamentary elections is set at 18, as it is in most other democracies in Europe and around the world. The age of majority is a complex issue.

Patrick Grady (Glasgow North) (SNP): The Scottish Parliament has lowered the voting age, so how does the Minister justify that position to my constituents who turn 16 in the next month? They will be able to vote in Scottish Parliament elections in 2016 and council elections in 2017, but they will be denied a vote in the referendum.

John Penrose: The hon. Gentleman will be aware that the franchise for Scottish parliamentary elections is rightly devolved and is a matter for Holyrood. This decision is to be taken in the House across the UK as a whole: it is not a devolved matter but a reserved one. While it is entirely open to the Holyrood Parliament to make decisions on its franchise—and we all honour its ability to do so—it is an inevitable result of devolution that there are different views in different parts of the country, locally nationally, if I can use that phrase, on different franchises.

Stephen Timms (East Ham) (Lab): Notwithstanding the answer that the Minister has just given, does he not accept that the participation of 16 and 17-year-olds in the referendum in Scotland went well and that voters behaved responsibly? We ought to take advantage of the interest of 16 and 17-year-olds and their knowledge of these matters to support the coming EU referendum as well.

John Penrose: That is an entirely justifiable point, and it is noticeable that the Scottish referendum resulted in an upwelling of democratic engagement, not just by 16 and 17-year-olds but right across the age spectrum. I do not think that democratic engagement and involvement are the only tests that we should apply, but they are a factor that may weigh on other people's minds—the right hon. Gentleman is exactly right. I do not think that that is enough on its own to justify changing the franchise either in the Bill or in other measures.

Several hon. Members *rose—*

John Penrose: Let me make some progress and perhaps I can explain a little more.

As hon. Members will appreciate, a patchwork of restrictions applies to young people from the age of 16 all the way up to 21. There is no clear point at which a person becomes an adult, but it is at 18 that society usually draws the line. Even at 18 there are things young people cannot do. They must wait until 21 to adopt a child, supervise a learner driver, or drive a bus. In general, although I accept that this is not perfect, more things require parental consent for people under 18 than for people over 18. Joining the Army, getting married or having a drink in a pub at 16 need parental consent and approval. The vast majority of other decisions, where the consequences demand a careful, responsibly considered view, from serving on a jury to being tried as an adult, to holding a tenancy or mortgage, or buying a house all happen at 18. The Labour Government even raised the age for using a sunbed from 16 to 18. It surely cannot be right to argue that someone aged 16 cannot be trusted to decide on the risks of getting a tan, but can be trusted to choose who should govern the country.

Owen Thompson (Midlothian) (SNP): There is no defined age at which it would be reasonable for someone to be able to vote, but my hon. Friend the Member for Glasgow North (Patrick Grady) made the point that in Scotland people aged 16 were given a vote and they will have a vote in the future. Accepting that there is different decision making in the two places, how does the Minister explain to that young person that it is utterly legitimate for them to vote in Scottish Parliament and local government elections and in a referendum, but not in the EU referendum?

John Penrose: My answer to such a hypothetical voter in Scotland is the same as I gave earlier—a consequence of devolution is that the Holyrood Parliament is allowed and perfectly entitled to take its decisions on devolved matters. The Holyrood franchise is a devolved matter, but the EU referendum franchise and the general election franchise are a reserved matter for the entire country to decide and will cover the entire country as a result.

Andrew Gwynne (Denton and Reddish) (Lab): Does the hon. Gentleman accept that the European Union referendum is a once in a generation opportunity, and that for young people the outcome will have a direct impact on their rights as European Union citizens to live, work and study in other EU member states?

John Penrose: The hon. Gentleman is right; the referendum will affect all of us, but the argument that he is advancing applies equally to 15-year-olds and 14-year-olds, and to 55-year-olds and 64-year-olds. So he is right, but I am not sure there is a compelling argument for reducing the age just to 16.

Mr Alistair Carmichael (Orkney and Shetland) (LD) *rose—*

John Penrose: I will give way once more, then I must make progress.

Mr Carmichael: The Minister is being generous in giving way. May I caution him, though, against invoking the somewhat patrician instincts of the Labour Government with regard to the use of sunbeds as a reason for denying 16-year-olds the vote now? He has given us the full list of links, but surely the one link that matters because it comes to the heart of what it is to be represented in this place is that at 16 people pay their taxes.

John Penrose: That idea has a long and distinguished history. People were throwing tea into the harbour in Boston, saying "No taxation without representation" a long time ago. However, the argument has grown weaker over time for a number of reasons. First, the number of 16 and 17-year-olds who now pay income tax, though not zero, is a great deal lower than it used to be, partly at least because this Government and the previous one raised the threshold for income tax and also raised the school and training leaving age, so the number of people involved in paying income tax is significantly lower than it used to be. Secondly, there are now many more indirect taxes, so any six-year-old who buys whatever it may be will be paying VAT, among other things. Therefore the advent of indirect taxes rather weakens the logical foundations of that argument, one which I used to cleave to myself. I found myself in slightly uncomfortable positions as a result, because I realised that it was an eroded position.

Even if we were convinced that lowering the voting age was the right thing to do, this Bill would not be the place to do it, for two reasons. First, changing the voting age should not be applied to a single vote, even—or perhaps especially—if it is as important as this referendum. It is something that should be considered for all elections collectively and in the round, not piecemeal on an ad hoc case-by-case basis. Given the understandable sensitivity surrounding the EU referendum, making such a fundamental change to the franchise for this vote alone would inevitably and perhaps justifiably lead to accusations of trying to fix the franchise in favour of either the "remain" or the "leave" campaign. That is why we have chosen to stick with the tried and tested proven general election franchise. If it is good enough for choosing the Government of this country, surely it is good enough for the referendum too, and we should not jiggle around with it for a one-off tactical advantage either way.

Stephen Timms: On that specific point, as far as I know nobody has made any such complaint about the result of the Scottish referendum. I do not understand why the Minister feels that if it was done in this case, that criticism would be made.

John Penrose: I am sure the right hon. Gentleman has in his own party people who are concerned and who will be on one side of the issue or the other during the referendum campaign. Equally, my party has people on both sides. There are huge sensitivities, even if they are not being voiced especially loudly at present, which need to be understood and honoured. We must make sure that this is seen as a studiously fair referendum which will therefore settle the issue for a very long time to come.

It is worth pointing out that young people themselves, the very people whose enfranchisement we are debating today, are not at all sure that that would be a good idea. The most recent polls show that although there is a reasonable majority of 16-year-olds in favour of this change, 17-year-olds do not support it overall, and just 36% of 18-year-olds are in favour. What that says about 18-year-olds' opinion of their younger selves two years earlier I shall leave others to conclude. There is a solid majority against the change among all other adults over 18.

Peter Grant (Glenrothes) (SNP) *rose—*

John Penrose: I will give way once more, then I will try to finish the point.

Peter Grant: I am grateful to the Minister for giving way even though he said he could not. Does he agree that in the run-up to the Scottish independence referendum, young people below the age of 25 were resolutely opposed to extending the franchise to under-18s. After the referendum they and almost everyone else in Scotland, including the leader of his own party in Scotland, very nearly unanimously agreed that it was the right thing to do: the doubters have been persuaded.

John Penrose: I hope I can come on to that point in the next part of my remarks. The hon. Gentleman is right. There is a solid majority across the country against this change among all adults, as well as among 18-year-olds and, to a lesser extent, 17-year-olds. That shows that this is not some great progressive cause where an oppressed minority is waiting to be liberated by enlightened public support; quite the opposite. The risk is that for those watching our debate outside the Chamber, it will seem like a Westminster bubble issue, a trendy obsession for an out of touch political class, rather than a burning social crusade with widespread democratic support. Even worse, there may be a suspicion that some are supporting the proposition because they feel that they could gain some tawdry tactical party political advantage from it for one side or the other. None of these reasons would strengthen or help us as we decide on an issue as important for our country's future as whether we stay in the EU or leave. We should have no part in such suspicions.

Finally, I want to touch on the financial implications. Mr Speaker has certified that this Bill engages the Commons financial privilege because extending the franchise to 16 and 17-year-olds for the referendum would cost extra. Cost is far from the only reason the Government disagree with the amendment but, for procedural reasons, the House is not able both to waive privilege and to disagree with the amendment, so I want to be clear. The Government disagree on principled as well as financial grounds with the proposal to lower the voting age.

Mr Alistair Carmichael: Will the Minister give way?

John Penrose: Once more, then I will stop and let others have a go.

Mr Carmichael: This is probably the most novel aspect of our debate today. It is, of course, for the Speaker to certify whether financial privilege is invoked or not, but it is for the Government to decide whether they are to take advantage of that. The Government did not take advantage of that in relation to the 2014 Wales Bill for exactly the same issue. What is different now?

John Penrose: I think I have just addressed that point. We cannot waive privilege and disagree with the amendment for other reasons. We therefore need to engage financial privilege, but I am taking the opportunity of this speech and this debate to make sure that those other issues are given an airing as well. I hasten to add that there is nothing new in this. There is a long-established precedent in this House. I shall leave it to the procedural experts to lecture us all on the historical antecedents of financial privilege. We are not creating any sort of unusual precedent here.

I have not sought to repeat or rebut every argument. As I said, the subject has been debated many times in the Chamber already. I have, I hope, given everybody a taste of the issues and stated the Government's position. The House has expressed its view on this matter many times, and I ask us all to repeat that once more.

Mr Pat McFadden (Wolverhampton South East) (Lab): I rise to oppose the Government's proposal to reject Lords amendment 1 and to support the amendment passed by their lordships which extends the franchise for the European referendum to 16 and 17-year-olds. There is an ongoing, more general debate about franchise extension, but today I want to concentrate on the case for extending the franchise to younger voters for this particular referendum. Constitutional referendums are not like general elections, which come about every five years, or local elections, which come about every year. It is 40 years since this issue was voted on in this country. Major constitutional referendums are a once-in-a-generation choice, perhaps a once in a lifetime choice, about the country's future direction. Our contention is very simple: it is that the young people of this country deserve a say in the decision that will chart our country's future.

1 pm

There are basically two points to be made: the argument for young people to have a vote, and the practicalities of implementing that decision.

Mrs Anne Main (St Albans) (Con): Why did the right hon. Gentleman's party not choose to move this amendment before their lordships decided to impose it on us?

Mr McFadden: We moved it both in Committee and on Report, so I think that the hon. Lady's memory fails her on this occasion.

On the first point about younger people having the vote, every British citizen, by virtue of the passport that they hold, has the right, as my hon. Friend the Member for Denton and Reddish (Andrew Gwynne) said, to live, work and study anywhere in the European Union. That right has opened up opportunities for millions, and it is used by the many British people who live and work elsewhere in the European Union. Those driving the argument that the UK should leave the EU have at the heart of their proposal the idea that the free movement of people should be stopped and withdrawn. Whatever they are for—it is often not easy to figure that out—they are certainly against that. However, if we do withdraw and go down that road, then reciprocal action will be taken against British citizens. Therefore, the rights, opportunities and futures of our young people are on the ballot paper.

Geraint Davies (Swansea West) (Lab/Co-op): In my constituency, people aged 15, 16 and 17 are telling me that they will vote in the next general election, that it is very important to them whether we are in or out of Europe, and that they want this vote because it determines their future. Next door in Gower, where the majority is only 27 votes, people are telling me that if their MP does not vote for them to have a vote, they will vote against him, so this will have a far-reaching impact on the general election as well.

Mr McFadden: I entirely agree that young people have an interest in this issue, for the reasons I have been setting out.

The argument is not only about the legal rights that we hold. This referendum, one way or another, will affect future trade patterns in our country. It will have an impact on investment, on funding for our universities, on our farmers, on regional spending, and on very many other areas of national life. It will say a huge amount about how we view ourselves and how the rest of the world views us. This is very much about the United Kingdom's future, and we believe that young people, including young people aged 16 and 17 at the time of voting, should have a say in that future.

Then there is the question of practicalities. We already know from the experience of last year's referendum on Scottish independence that 16 and 17-year-olds can successfully take part in a national poll. Young people there were able to engage in discussion and debate and to exercise their democratic choice in the same way as anyone else. Arguments about their lack of capacity to understand or engage were proven not to be the case. The post-referendum report by the Electoral Commission said:

> "109,593 16 and 17 year olds in Scotland were registered to vote at the referendum and 75% of those surveyed after the poll said they had voted."

Importantly, it continued:

> "97% of those 16-17 year olds who reported having voted said that they would vote again in future elections and referendums."

So we know that young people can take part and that, given the chance, many of them will do so; the issue is whether the Government will give them that chance.

This should not be a partisan choice. There is nothing intrinsically Conservative, Labour or nationalist about extending the franchise. The leader of the Scottish Conservatives has described herself as a

> "fully paid-up member of the 'votes at 16' club".

Some Conservative Members, as far as I recall, supported this proposal when we debated it in Committee and on Report, yet Ministers are still standing in the way.

The Government have said that extending the franchise in this way will cost £6 million, which has been enough to define the proposal as engaging the financial privileges of this House. But of course Ministers could ask this House to waive our privileges and accept the amendment. That is what has happened many times in the past when the Government have supported amendments. It could also happen now, and it is a course of action that we would support. In the end, this is not about the proposal being unaffordable; it is about the Government not wanting to do it. According to the autumn statement, total public spending in the next financial year is estimated to be £773 billion—£773,000 million, and the Government want to deny young people a vote for the sake of six of them. They would not even have to spend that amount every year; after all, this is a once-in-a-generation choice.

Let us be clear what this is about. Let us not make a constitutional crisis over a small amount of money or use an argument about what is, in the end, a straightforward policy choice in the Government's wider campaign to neuter the House of Lords. The issue is this: do we believe that 16 and 17-year-olds should have the vote in this referendum because they have a right to have a say in the future direction of our country? We do, and that is why we support the amendment that was added by their lordships and will vote for it when the House divides.

Mrs Main: I rise to support the Government in this matter. I do not think it is reasonable that their lordships should decide to open the chequebook of this House for whatever amount. I am surprised that the right hon. Member for Wolverhampton South East (Mr McFadden) seemed to think that this is a fiddling amount of money of no consequence. I think he is missing the point somewhat. It is important that the will of this House is seen to be done, and the will of this House, as we have debated many times, is not to extend the franchise to 16 and 17-year-olds.

I listen with interest to the regular contributions of Scottish Members who say, "We gave young people the vote in the referendum on whether Scotland should be independent, but this House is not giving them the vote in the wider referendum on the EU. If it's good enough for Scotland, how do we explain to them that they cannot have it in this situation?" I remind Scottish Members that they cannot have it both ways. What they choose to do in Scotland is up to them, but they cannot then use it as a wonderful precedent to insist that we operate in the same way. Something that has just been done in Scotland with which I fundamentally disagree is the provision in the Children and Young People (Scotland) Act 2014 whereby every young person under the age of 18 must have a "state guardian" appointed who will be expected to assess a child's wellbeing under eight key indicators, including their being safe, healthy, included and respected.

Peter Grant: Will the hon. Lady give way?

Mrs Main: In a moment. Let me just expand on this point. On the one hand, Scottish Members of Parliament seem to make their presence felt in this place; I am sure that that is their objective and the whole point of their being here.

Ian Murray (Edinburgh South) (Lab) *rose—*

Mrs Main: I will finish this point and then give way. On the other hand, I sometimes think that they take up a huge proportion of time in debates that concern the whole House, so I will not keep giving way every time I say the word "Scotland" to somebody who jumps up and down about the matter, if they will forgive me.

Ian Murray: I want to make two points. First, it is a point of principle that 16 and 17-year-olds should get the vote. Secondly, when the hon. Lady refers to Scottish Members, I think she means SNP Members.

Mrs Main: I am more than happy to say that I meant SNP Members. It seems that whenever the word "Scotland" is mentioned in this place, an SNP Member feels that he or she must stand up and speak on behalf of the whole of Scotland. The Holyrood Parliament has introduced things in Scotland that I would not support in this House. I do not want to jump up and down and argue that everything should be transported across the border. The SNP's argument that this House should automatically follow its lead in the Scottish referendum is bogus.

Mr Alistair Carmichael: Surely the distinction is that it was this House that gave the Scottish Parliament the power to extend the franchise to 16 and 17-year-olds in the Scottish independence referendum. We gave it that power knowing exactly how it was going to be used. We may not have made the change ourselves, but, as the hon. Lady's noble Friend Lord Dobbs puts it, we acquiesced in it. What is the difference now?

Mrs Main: The majority of Members in this House do not support extending the franchise, as has been shown in numerous votes. As my hon. Friend the Minister has said, if every 16, 17 and 18-year-old is allowed to do one thing, there is no obvious logical extension that allows them to do something else. We accept that some bizarre rules apply. On voting, however, many of us believe that it is a step too far to extend the franchise to 16 and 17-year-olds while at the same time exempting them from other things. I have not heard an SNP Member arguing for 16-year-olds to be Members of Parliament. For me, that is the logical extension of extending the voting franchise to them. I do not believe that a 16-year-old would have the experience, life skills or maturity to represent a constituency.

Philip Davies (Shipley) (Con): On the matter of logic, does my hon. Friend agree that many of the Opposition Members who are arguing for this change are the same people who only a few years ago increased the smoking age from 16 to 18? If they think that 16-year-olds are not capable of making a decision as simple as whether or not to smoke, how on earth can they think that they are capable or mature enough to make a decision on the EU referendum or on how to vote in a general election?

Mrs Main: My hon. Friend makes a key point. Indeed, I wrote that exact thing in the notes I made before the debate.

Many of us accept that there are anomalies. The right hon. Member for Wolverhampton South East said that this is a once-in-a-generation vote. I have never voted on it, so I accept that: as someone in her late 50s, my time has come and I am looking forward to voting in the EU referendum. However, if the logic of the argument

[Mrs Main]

is to be based on this being a once-in-a-generation vote, what about 15 and 14-year-olds? Where do we stop? This House has accepted that there must be an age limit for voting in UK parliamentary elections. That age is 18, and therefore those young people below that age will live with the consequences.

Kate Hoey (Vauxhall) (Lab): Does the hon. Lady accept that the proposal would be a huge change and that it therefore should not be made for just one type of vote, namely the referendum? If we are going to do it, we should consider it properly and address all the anomalies. It is ridiculous that 16-year-olds would be able to vote but not buy a cigarette. We should look at the issue as a whole and get it introduced for a general election, if that is what Parliament wants.

Mrs Main: The hon. Lady, who is well versed in these matters, is absolutely right. Indeed, my hon. Friend the Minister alluded to that point.

The SNP may well feel that it had it just right in Scotland, but it was its privilege to do that. I fundamentally disagree with the SNP argument that we should explain to the young people of Scotland why they cannot do it again. Frankly, that is ridiculous and bogus. This House has voted on numerous occasions that this Parliament does not wish to extend the franchise. The back-door method of using their lordships' overwhelming majority to outvote this place is a very dangerous precedent to follow. To simply tack on such a fundamental change—as the hon. Member for Vauxhall (Kate Hoey) has so wisely referred to it—is not the way to do it.

1.15 pm

There is a £6 million bill associated with the proposal and I object to their lordships simply writing a blank cheque. Perhaps, like the right hon. Member for Wolverhampton South East, they do not care where the money comes from. The main principle for the many Government Members who have voted against extending the franchise is that this is not the way to do it. I agree with the hon. Lady: if we were to do it for the referendum, we would then inevitably have to lower the age for major nationwide UK elections. We should consider all the eventualities of extending the vote, including extending to 16-year-olds the right to represent a constituency, but, given the short amount of time available today, we are not in a position to do so or, therefore, to accept the Lords amendment. I hope the House rejects it.

Stephen Gethins (North East Fife) (SNP): Thank you, Madam Deputy Speaker, for giving me the opportunity to talk as a Scottish MP about giving Scottish teenagers the vote in the European referendum.

It is something of an irony that it is the unelected upper Chamber that sent the issue back to this House. If Government Members are unhappy about that, we have a very simple solution: they should scrap the upper Chamber. In this instance, however, I am glad that the other place has given us the opportunity to debate this. When we previously debated the issue back in June, a number of Members, particularly Conservative Members, said that at some point the time would come but that now was not the time. I hope they took the opportunity to reconsider their position over the summer.

This is a question of democracy. The Minister said that this is a Westminster bubble issue, but I do not understand how giving more people the vote and the opportunity to participate in the democratic process is a Westminster bubble issue—in fact, it is quite the opposite. Those who will be 16 on the day of the European referendum will, I am afraid, have to live with the decision for longer than most of us in this Chamber. As we have noted, 16 and 17-year-olds can pay tax and get married, although I concede to the Minister that they cannot drive a bus.

On a more sober point, a 2010 Demos report showed that some of the first troops to lose their lives in the conflict in Iraq were too young to have cast their vote. This House recently voted on a similar issue, so it is worth reflecting on that.

Mr Andrew Turner (Isle of Wight) (Con): Will the hon. Gentleman assist me by explaining why 15 is not the right age?

Stephen Gethins: We think that 16 is the right age, and that is why we have drawn from the experience of the Scottish independence referendum. It is a good age for participation and people pay tax at that age, although the Minister talked about six-year-olds paying tax. We think 16 is a good age to start voting.

The question of participation should always be high on the agenda of this House. We should always look at different ways to encourage more people to be involved in the democratic process. Evidence suggests that the earlier we involve young people, the more likely they are to stay involved. As the Electoral Reform Society has found, if people vote early, they vote often. Conservative Members might not like that very much, but we think it is positive.

Mr Stewart Jackson (Peterborough) (Con): Will the hon. Gentleman give way?

Stephen Gethins: Not at the moment. The United Kingdom has a tale of two legislatures. On 18 June—the very day that this House struck down amendments to give 16 and 17-year-olds the vote—the Scottish Parliament, which is clearly the wiser institution, passed the Scottish Elections (Reduction in Voting Age) Bill to extend the franchise to Holyrood elections. And you know what? It was passed unanimously. As the right hon. Member for Wolverhampton South East (Mr McFadden) pointed out, the leader of the Scottish Conservatives has said that she is a

"fully paid-up member of the 'votes at 16' club now".

I welcome that, along with the fact that Labour and the Liberal Democrats are now for votes at 16. In a rare show of unity—I hope I am not jinxing this—the most recent former leader of the UK Labour party, its Scottish leader and its current leader all appear to back votes at 16. I hope that I have not spoken too soon.

Patrick Grady: Given the comments made about the views of 16 and 17-year-olds on this issue, is my hon. Friend aware that both the Scottish and the UK Youth Parliaments have endorsed votes at 16?

Stephen Gethins: My hon. Friend makes a very good point. The Electoral Reform Society has said that the

"UK Government should follow Holyrood's example"

for the EU referendum and all other elections. SNP Members have a little bit of experience of referendums, and we should follow the gold standard set by the Scottish independence referendum. It is a shame that the issue of EU nationals has not come back to the House, but we are able to debate the vote for 16 and 17-year-olds. It is a shame that people from other European countries —EU nationals make such a huge contribution—will not be able to vote.

It is easy to see why politicians from across the spectrum—Conservatives, Labour, Liberal Democrats—have been won over by votes for 16-year-olds. In the independence referendum, turnout among 16 and 17-year-olds was 75%, and 97% of them said that they would contribute by voting again. They accessed more information and were much better at accessing information than any other age group, which makes all of us much more accountable.

Mr Jackson *rose—*

Stephen Gethins: On that point, I will gladly give way.

Mr Jackson: One wonders what we ever did before the SNP arrived with its 56 seats in this Parliament, but obviously we struggled on manfully. The hon. Gentleman will know that the franchise was extended to 18-year-olds in 1969. Since then, very rarely has turnout among 18 to 24-year-olds gone above 50%, although for the over-70s the percentage figure is in the high 70s. With more information available—we have never had so much information about policy and politics—why does he think that young people across the UK are so disengaged?

Stephen Gethins: The hon. Gentleman is not of course the only person who is delighted to see so many new SNP Members bringing their wisdom to this Chamber. We refer to the independence referendum because we have the facts and the evidence to show that if we include 16 and 17-year-olds in the process, they get involved. To make the argument that Westminster elections did not inspire people to get involved in elections in the past is more of a reflection on Westminster politicians than on the public at large. We have the evidence that 16-year-olds got involved. It was good that they campaigned—good for those who got involved on the no side as well as for those who did so on the yes side. It was a positive thing all round, and I pay tribute to those people.

Just as with the rest of the population, if we give young people a genuine opportunity to get involved in a meaningful democratic process, they will do so, and the European Union referendum provides us with such an opportunity. To give the Minister and the Prime Minister more of an incentive, I suspect that 16-year-olds will be better informed and give their Government a fairer hearing on the deal they are negotiating with Brussels than will their own Back Benchers.

This House has been left behind on votes for 16-year-olds. It is happening in Scotland, the Isle of Man and elsewhere. Let us not be left behind again. Let us back votes for 16-year-olds.

James Cleverly (Braintree) (Con): I rise to support the Government on Lords amendment 1. A number of arguments have been deployed for extending the vote to 16 and 17-year-olds in the European referendum. I have listened to them in this and other debates, and they can be distilled into two broad camps. The first argument—we have just heard an example of it from the hon. Member for North East Fife (Stephen Gethins)—is that what has been done in Scotland should be done across the rest of the UK. The other argument is that this is about their future and, because this is a one-off referendum, they should be allowed to have a say in their future. I will address each point in turn.

I lived for a year on Deeside—in the Dee valley between Ballater and Aboyne—which is a truly beautiful and wonderful part of the world. From living there, I discovered that lots of things in Scotland are done differently from how we do them in England and Wales, but vive la difference: we do not necessarily want to create complete homogeneity across the whole of the UK. I suspect that one reason why SNP Members are so passionate about independence is that they want to do things differently from how they are done in England and Wales, so I find it slightly strange that, in their collective desire to be independent and different, they are suggesting we should all be the same.

Geraint Davies: The SNP spokesman's point was that if we give 16-year-olds the right to vote, they become more valued and engaged, and there is increased representation. They become part of the fabric of democratic society and adopt responsibilities, which enriches our whole community. We should go ahead with it.

James Cleverly: Part of my speech will address the very point that the hon. Gentleman makes. If he will indulge me, I will not concertina in that part of my speech in response to his intervention. However, I will come back to it, and if he is not satisfied by the rest of my speech, I invite him to intervene again later.

I want to return to what happens in Scotland. There is one long-standing difference between what 16-year-olds can do in Scotland and what they can do in the rest of the United Kingdom. Gretna Green is famous because it is the first place where runaway lovers can take advantage of the different attitude towards the age of marriage. To say that because something happens in Scotland it must therefore happen in the rest of the United Kingdom is a hollow argument.

Carol Monaghan (Glasgow North West) (SNP): Will the hon. Gentleman give way?

James Cleverly: I will give way in a moment.

I advise SNP Members to be a little careful about what they wish for. If their position is that any devolved power they exercise must then, by extension, be absorbed by the rest of the UK, that will create a lot of friction and disharmony as people in rest of the United Kingdom—

Stephen Gethins *rose—*

James Cleverly: At least let me get to the end of my point.

Those people will feel aggrieved at the automatic assumption that devolved decisions made in Scotland are therefore going to wash across to the rest of the United Kingdom.

Carol Monaghan *rose—*

Stephen Gethins *rose—*

James Cleverly: I give way to the hon. Lady.

Carol Monaghan: The hon. Gentleman is somewhat missing the point. My hon. Friend the Member for North East Fife (Stephen Gethins) talked about the engagement of 16 and 17-year-olds. We have found in Scotland—the evidence backs this up—that by giving the franchise to 16 and 17-year-olds, they remain engaged in the political process beyond the age of 16 or 17. Although the rest of the UK may have had low numbers voting in Westminster elections, we have had much higher numbers—above 70%—in Scotland.

James Cleverly: I assume that the hon. Lady misunderstood the type of engagement I was talking about when I referred to Gretna Green. I will come on to her point later.

The hon. Member for Vauxhall (Kate Hoey) made a very important point about the natural implication of extending the voting rights in the European referendum to other elections. In a previous life, I was the youth ambassador for the Mayor of London. I spent a huge amount of time dealing with young people across London, so I know that there are many very well-informed, engaged, articulate, thoughtful people aged 16 and 17. There are also some very well-informed, articulate, engaged 15-year-olds. Frankly, there are some 40-year-olds I would not trust to tie their own shoelaces.

1.30 pm

We must recognise that, to a degree, the voting age is an arbitrary distinction, but there must be a line in the sand. A number of people have asked, "If 16, why not 15, and if 15, why not 14?" My two boys are the sons of a politician. We speak much about politics at home and they listen to the news. They are 11 and 13 years of age and I would suggest that they are better informed about UK and global politics than many people twice or thrice their age. So why not give them the vote?

That brings me to the second argument, which is that the referendum is about their future. However, it is my children's future just as much as it is the future of a 16 or 17-year-old.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The hon. Gentleman might be surprised to know that I certainly do not support votes at 16. Over some years as the Chair of the Children, Schools and Families Committee, what worried me was the increasing pressure on childhood in our country. It worries me that people will be adults at 16. The implications of that have never been seriously looked at by my party. There has never been any investigation of the impact of bringing down the voting age to 16 on children and childhood. The Opposition, including the SNP, have never done a proper evaluation of the impact on children and on the protection of children, which should be our top priority.

James Cleverly: That leads me neatly on to my closing remarks.

There is a natural extension of this proposal. People say that this is a one-off and that there will be no extension, but we have just heard a number of speeches and interventions from SNP Members saying that they gave votes to 16-year-olds in the Scottish referendum and that they then gave votes to 16-year-olds at Holyrood elections. They suggest that this is the most natural evolution of the democratic process. They are making exactly the point that the hon. Member for Huddersfield (Mr Sheerman) warns against. This proposal will unlock the floodgates for the change of the mandate to 16 at many other elections.

By mandating that 16 and 17-year-olds are to remain in education, society has made an explicit comment that we do not feel that they are fully formed. If we did, we would not suggest that they had to stay in education, we would not suggest that they could not book their own sunbed and we would not suggest that they should not even be allowed to buy their own sparklers on Guy Fawkes night.

It is a ridiculous notion that in a one-hour debate, tagged on to the European Union Referendum Bill, we should make a decision as fundamental as changing the electoral mandate. I strongly urge all Members of the House across the parties to support the Government's position and reject the Lords amendment.

Several hon. Members *rose—*

Madam Deputy Speaker (Natascha Engel): Order. As Members can see, quite a few people still want to speak. The debate must finish at quarter to 2. If Members keep their contributions as short as possible, hopefully we will get everybody in.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Thank you, Madam Deputy Speaker.

"Our young people are no longer children, and they resent being treated as such. Our view is that, if we entrust them with responsibility, they will act responsibly."—[*Official Report*, 23 January 1969; Vol. 298, c. 1034.]

Those are not my words, but the words of the late Lord Stonham during the debate that led to the voting age being reduced from 21 to 18. That was in 1969. The world has changed since then and so must we.

This debate is about enfranchising young people in one of the biggest decisions that will affect their lives. I want us to go further. One of my first acts as an MP was to introduce a private Member's Bill on this issue. The Representation of the People (Young Persons' Enfranchisement and Education) Bill would give 16 and 17-year-olds the vote, while increasing political education. It is now unlikely to be debated and voted on. I sincerely hope that the Government will see sense today and support the Lords amendment. I have spoken with many Government Members who agree with me on this issue.

1.30 pm

The European question is, quite simply, one of the biggest decisions we face. Do we want to live in a country that has strong links with its neighbours and that leads on issues such as roaming charges, health and safety, employment rights, food standards and climate change, or do we want to be more cut off from the world, existing purely to become a smaller and smaller influence on the world stage? Those arguments are for another day but, whatever the result, one thing is certain: it will have a long-lasting impact on this country.

The in and out campaigns have been launched and people up and down the country have started talking about this issue. However, there is one group who are

talking about it, but who are being silenced. It is that group we are here to talk about today.

The Prime Minister is spending close to £1 billion directly on empowering young people aged 16 and 17 through the National Citizen Service. Like many Members, I took part in that over the summer as a dragon, judging community projects that young people had designed. The National Citizen Service teaches young people about community engagement and encourages them to play a role as an active citizen in their communities. Can the Prime Minister not see how ridiculous it therefore is to refuse 16 and 17-year-olds their say at the ballot box?

The case has been made time and again for why 16 and 17-year-olds should be given the vote, but I ask Members to indulge me. Sixteen and 17-year-olds can consent to medical treatment, consent to sexual relationships, get married, join the Army, Navy or Air Force, change their name, receive tax credits, receive welfare benefits, join a trade union and join a co-operative society. They can even do what many young entrepreneurs do and what London's own Jamal Edwards did aged 16 and become the director of a company. Sixteen-year-olds who are in work are even required to pay income tax and national insurance.

As my hon. Friend the Member for Rotherham (Sarah Champion) pointed out in a Westminster Hall debate last year, there is something fundamentally wrong about "taxation without representation". Indeed, it was the cause of the American revolution. How long will it be before young people start to rise up? The last thing we need is more young people becoming militants. Many of my colleagues have called for more momentum on this issue. These are people, they have voices, they have opinions and they want to be heard.

Yesterday, I spoke to a year 12 politics class at Hatcham college in my constituency. I asked if there was anything they wanted me to contribute to this debate. They were amazing, articulate and inspired young people. One of the things that they asked me was what my view was on the abolition of the House of Lords. Had they asked me that two months ago, I would have given a very different answer to the one I gave. It is because of the fantastic work of the other place that we are here today.

I asked the class to tell me their thoughts on votes at 16. A young lad called Malaki told me that he felt unrepresented. He explained that there are 1.5 million 16 and 17-year-olds throughout the UK who have no say. He went on to explain that voter turnout among 18 to 24-year-olds was just above 40%. He told me we needed the voices of 16 and 17-year-olds to be added to that figure to make sure that young people are truly represented. I checked those statistics with the House of Commons Library and he was bang on. If the Scottish referendum is anything to go by, we could see 75% of 16 and 17-year-olds voting in the EU referendum.

Malaki added that the number of MPs who have been in full-time education in the last decade can be counted on one hand. He did not pass comment on the intellect of Members, but he did say that we could not understand what things were like from the learner's point of view.

Fabian pointed out that people can influence what happens about their own tuition fees only if they are lucky enough to turn 18 at the right time. Lizzie told me that her brother went on a march against increases to tuition fees. He was told that he should not go because he was not at uni, but he said that taking direct action was his only option. Charlie told me that there was a need for young people to be represented, and I will conclude with Owen who said four little words to me: "It just makes sense"—and indeed it does.

Mr Jackson: I will speak briefly to support the Government in rejecting the Lords amendment. It is not unusual to be patronised by the Scottish National party, but I notice that the right hon. Member for Gordon (Alex Salmond) is not in his place. I heard a rumour that he was unveiling a statue of himself made from chocolate so that he can first admire it and then eat it.

I am not opposing the amendment because I am against the substance of the debate. In fact, I am a floating voter on this issue, and over the past year or so I have begun to consider the experience of younger people. However, we need a proper debate and legislative framework, rather than have this tacked on to a Bill about an EU referendum.

James Cartlidge (South Suffolk) (Con): I strongly agree with my hon. Friend. I support lowering the voting age in principle, but when we want to make major constitutional changes we do not just have a vote in the Commons, we consult the public. The same should apply to this issue. We should have a national consultation, with all the other stuff that goes with that.

Mr Jackson: I agree with my hon. Friend. At the moment we have a gold standard template for the franchise that we measure at the general election. Over the years we have made changes to that franchise, most recently in 1969 and before that in 1924 and 1928, when we rightly enfranchised women as a result of the campaign by the suffragettes, which we celebrated only a few years ago. We accept all that, but let us have a wide-ranging public debate, not just through the prism of the Scottish referendum but across the whole country, because people have differing views.

Not for the first time, the hon. Member for Vauxhall (Kate Hoey) put her finger on the nub of the issue: this measure must not be tacked on; it must be seen within the context of all the other age restrictions, and of whether young people are well-formed and ready to take big civic decisions when voting. I say to the hon. Member for Lewisham, Deptford (Vicky Foxcroft) that I find it inconceivable that turnout would rise from about 45% to 75% just because 16 and 17-year-olds were included. Those figures do not stack up.

Patrick Grady *rose—*

Stephen Gethins *rose—*

Mr Jackson: I cannot take any interventions from my Caledonian friends.

In conclusion, it is a constitutional outrage that the superannuated, unelected, unaccountable panjandrums in the House of Lords have told us what the elected House should be doing even though we have a settled view on this. They should learn their place. They must be subservient to the elected House, and it is high time that we had House of Lords reform.

Mr Alistair Carmichael: After my experience in the previous Parliament, the irony of hearing Conservative Members arguing for reform of the House of Lords is never lost on me.

In the brief time available, the point I am making is that there is a fundamental inconsistency in the Government's position. In the previous Parliament the Prime Minister gave power to the Scottish Parliament to extend the franchise for the Scottish independence referendum to 16 and 17-year-olds. We knew what they were going to do with it and, as Lord Dobbs put it in the other place, the Prime Minister acquiesced in it, and he did so for a number of reasons. He did it because it was the most important vote that we would ever face, because it was to be a once-in-a-generation decision, and because referendums are different. That is exactly the situation that confronts the House today.

On financial privilege, it appears that having lost the argument, the Government now want to play their trump card or pull out a joker to thwart a very laudable aim. The hon. Member for St Albans (Mrs Main) said that we were opposing the use of financial privilege because we do not care about where the money comes from. We do care about where that money comes from because it is paid by—among others—16 and 17-year-old taxpayers. They pay it, so they are entitled to a say.

Stephen Kinnock (Aberavon) (Lab): In the 20 seconds that remain to me—*[Interruption.]* It is now 19 and counting, so I will not take any interventions. I wish to argue that this measure makes sense. We need to trust our young people and empower them. Let us give them this vote and this chance.

Question put, That this House disagrees with Lords amendment 1.

The House divided: Ayes 303, Noes 253.

Division No. 144] [1.45 pm

AYES

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
Beresford, Sir Paul
Berry, Jake
Berry, James
Bingham, Andrew
Blackman, Bob
Blackwood, Nicola
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Borwick, Victoria
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
Carswell, Mr Douglas
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Costa, Alberto
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Donaldson, rh Mr Jeffrey M.
Donelan, Michelle
Double, Steve
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Mr Nigel
Evennett, rh Mr David
Fabricant, Michael
Fallon, rh Michael
Fernandes, Suella
Field, rh Mark
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
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
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Knight, rh Sir Greg
Knight, Julian
Latham, Pauline
Leadsom, Andrea
Lee, Dr Phillip
Leigh, Sir Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lopresti, Jack
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Mathias, Dr Tania
Maynard, Paul
McCartney, Karl
McLoughlin, rh Mr Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David

Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
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
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Sheerman, Mr Barry
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
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
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 Ayes:
Sarah Newton and Simon Kirby

NOES

Abbott, Ms Diane
Abrahams, Debbie
Ahmed-Sheikh, Ms Tasmina
Ali, Rushanara
Anderson, Mr David
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Boswell, Philip
Bottomley, Sir Peter
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Butler, Dawn
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carmichael, rh Mr Alistair
Carmichael, Neil
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Cox, Jo
Coyle, Neil
Crausby, Mr David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cryer, John
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
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elliott, Tom
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Field, rh Frank
Flello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Gethins, Stephen
Gibson, Patricia
Glass, Pat
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hanson, rh Mr David
Harris, Carolyn
Hayes, Helen
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Hunt, Tristram
Huq, Dr Rupa
Hussain, Imran
Irranca-Davies, Huw
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kerevan, George
Kinahan, Danny
Kinnock, Stephen
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Law, Chris
Leslie, Chris
Lewell-Buck, Mrs Emma
Lewis, Mr Ivan
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McCartney, Jason
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
McMahon, Jim
Meale, Sir Alan
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Monaghan, Dr Paul

Morden, Jessica
Morris, Grahame M.
Mullin, Roger
Murray, Ian
Newlands, Gavin
Nicolson, John
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Paterson, Steven
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Pound, Stephen
Powell, Lucy
Pugh, John
Qureshi, Yasmin
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reynolds, Jonathan
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robinson, Mr Geoffrey
Rotheram, Steve
Ryan, rh Joan
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
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
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Watson, Mr Tom
Weir, Mike
West, Catherine
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Williams, Mr Mark
Wilson, Corri
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Wishart, Pete
Wollaston, Dr Sarah
Wright, Mr Iain
Zeichner, Daniel

Tellers for the Noes:
Judith Cummins and Vicky Foxcroft

Question accordingly agreed to.
Lords amendment 1 disagreed to.

After Clause 5

Duty to publish information on outcome of negotiations between member States

1.57 pm

Sir William Cash (Stone) (Con): I beg to move amendment (a) to Lords amendment 5.

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

Lords amendment 6, and amendment (a) thereto.

Lords amendments 2 to 4 and 7 to 12.

Lords amendment 13, and amendment (a) thereto.

Lords amendments 14 to 46.

Sir William Cash: I tabled amendment (a) to Lords amendment 5 because amendments were moved in the House of Lords, not the House of Commons, and accepted by the Government in respect of, in Lords amendment 5, a duty to publish information on the outcome of negotiations between member states and, in Lords amendment 6, a duty to publish information about membership of the European Union. That might sound all very well and good, but the problem is that they contain a whole raft of question marks that I want to raise today.

I will just give a brief outline of Lords amendment 5. On the outcome of negotiations, the Secretary of State will be under an obligation to publish a report,

"alone or with other material"—

we do not know what "other material" would involve—containing:

"a statement setting out what has been agreed by member States following negotiations".

We have just seen the letter from Mr Tusk on the current state of the EU's assessment of the negotiations and I do not think it makes for very pretty reading for the Government. In fact, I would go further than that. I find this quite astonishing, but the apparent point of the letter was to satisfy, and provide a solution for, the Prime Minister. I thought the real objective here was to satisfy the United Kingdom, in particular its voters. That, after all, is what the referendum is all about. It is not about what the Government think. Parliament is handing over the entire exercise to the voter, which is only proper and for which I have campaigned for 25 years.

2 pm

In addition, Lords amendment 5 imposes a duty to publish,

"the opinion of the Government of the United Kingdom on what has been agreed".

From what we can gather, the Government's opinion will be that we should remain in, so, not unnaturally, those of us with a different position—I say candidly that I am campaigning to leave the EU, but I need to be impartial and fair in my assessments—are deeply concerned about what the "other material" might contain and what the Government's opinion in the report will be.

The second amendment (a) is to Lords amendment 6, which places the Secretary of State under a legal obligation to publish a report—again with other material of which we know nothing—relating to,

"information about rights, and obligations, that arise under European Union law as a result of the United Kingdom's membership of the European Union".

I have been a member of the European Scrutiny Committee, or its predecessor, for 30 years. There is such a vast accumulation of rights and obligations that I wonder whether it is conceivable that the information could ever be made available in the concise form that such a report would presuppose. In fact, it includes everything arising under sections 2 and 3 of the European Communities Act 1972, which has a massive effect on voters' daily lives.

The report must also include,

"examples of countries that do not have membership of the European Union but do have other arrangements with the European Union (describing, in the case of each country given as an example, those arrangements)."

This brings to mind the question of Norway, which the Prime Minister raised in EU negotiations and his speech the other day. For me and most of my colleagues, the Norway option has never been on the table because we

do not approve of the EEA arrangements. There are other permutations, certainly, but I do not intend to go into them today.

The amendments place on the Government an obligation to deliver reports. The essence of both my amendments is simple. The Electoral Commission, which has important duties relating to all referendum and election matters, has made clear its view of what happened in the House of Lords. We would have loved to debate this properly in the House of Commons, but we now have limited time, so I will keep my remarks brief. The fact is, however, that these massive reports are bound to have a huge effect on public opinion, so it is essential that they be impartial and accurate. The commission has stated, and has repeated to me in an email today:

"However, any provision in legislation for this should ensure that voters can have confidence in the accuracy and impartiality of the information. There should also be sufficient balance given to the consequences of both a majority vote to remain a member of the European Union and a majority vote to leave the European Union".

I could not agree more. It is clear there has to be a balance. The problem is that everything emanating from the Government—all the speeches and arguments—inclines towards the notion that EU reform would satisfy the requirements set out. The European Scrutiny Committee has taken expert evidence and will publish a report very soon on the outcome of the negotiations thus far. I will not give anything away if I say there are some big question marks over what has been achieved under the renegotiations. There is time to go, however, and I realise that the reports would have to be published,

"before the beginning of…the period of 10 weeks ending with the date of the referendum".

We will have 10 weeks to evaluate reports that will have enormous persuasive significance.

Mrs Main: How does my hon. Friend envisage the reports being scrutinised, and who does he think will sign them off before they are published?

Sir William Cash: I am confident that the European Scrutiny Committee will be looking at this carefully. During our examination of the renegotiations, we have been exercised by the desire to ensure that the Government do not just come forward with a final offer. The Minister knows what I mean. We do not want to be bounced by a final offer; we want to assess the negotiations as they progress. That is what we are doing, and what we will continue to do, because that is what our Standing Orders require us to do on behalf of the House of Commons. I am grateful to my hon. Friend for her intervention because it is important that the House not be bounced.

I spoke to, and received a note from, the Electoral Commission today. It regards the provision of the impartiality we would expect as beyond its own functions, which is extremely regrettable because it should have an opportunity to comment. My Committee will consider this matter carefully—the Minister knows what that means—and it is my clear assessment that any such report, if he could not guarantee it met the highest standards of impartiality and accuracy, would effectively mislead the British people. That is the test. If he tells me something along those lines, I will be prepared—

Damian Green (Ashford) (Con) *rose—*

Sir William Cash: I am happy to give way to my right hon. Friend, as soon as I have finished my point.

It is important, if the voter is to make a balanced choice, that due accuracy and impartiality be implicit in any such report.

Damian Green: I am slightly puzzled. My hon. Friend is rightly demanding accuracy in the Government's analysis, but he is also demanding impartiality. Does he mean, and is it the purport of his amendments, that the Government should not express an opinion on the most important issue facing the country for perhaps the next 40 years? I assume not, as that would clearly be absurd. Is he saying, therefore, that if the Government produce an accurate report and then reach a conclusion with which he disagrees, it could not, in itself, be impartial? There is a difference between accuracy and impartiality.

Sir William Cash: I will leave aside my own opinions on this point. As my right hon. Friend knows, I have strong views, which I will develop during the campaign, about why we should leave, but we already know from speeches made by the Prime Minister and other Ministers that there is a presupposition that a reformed Union is the way to go. The test to be applied is whether the reforms amount to much, which I do not think they will, and meet the test of changing our relationship with the EU, which is also relevant. On these questions there will be much debate, but anybody with a fraction of judgment, in respect of this huge landscape and the trust to be placed in the voter to make the right decision, will have to consider whether there is any significant bias in the reports. We have already been through the whole of the purdah debate, which was about using the civil service machinery. If I may say so, I think we won that one. There should not be a back door to achieving the same objectives relating to a report of this kind.

On that note, I give notice that I propose to withdraw my amendment. I want to know from the Minister whether or not he is prepared to accept my point about impartiality and accuracy. He knows perfectly well what I mean, and he is more than capable of giving us a decent answer.

Mr McFadden: I shall speak briefly, particularly now that the hon. Member for Stone (Sir William Cash) has indicated that he will withdraw his amendment.

Lords amendments 5 and 6 quite closely reflect amendments that Opposition Members tabled in Committee and on Report. Amendment 5 calls for information and a report on the Government's renegotiation process, while amendment 6 calls for a report on the rights and obligations entailed in membership of the European Union and invites the Government to outline the rights and obligations of certain countries that have relationships with the EU, perhaps through the EEA agreement, but are not members of it.

I refer Members to the recent Policy Network pamphlet on these issues, entitled "What does 'out' look like?", which I think would make a great Christmas present for the Minister and for anyone considering these issues. I have some copies available if the Minister would like to see them. This is not the same as the purdah issue. We are talking about something that is 10 weeks out and we

[Mr McFadden]

are not in the absolute heat of the campaign. We are not talking about a leaflet that is to be distributed to every household in the country or anything like that. What we are calling for is for the Government to publish information on both aspects—the renegotiation and what "out" might look like. That should give the public the best information possible on a very important decision.

The Government and the Prime Minister have placed great emphasis on the renegotiation itself, and we have seen the exchange of letters between the Prime Minister and the President of the European Council, who published his initial reply yesterday. We know there will be some discussion of these issues at the European Council next week, but probably not a conclusion until the European Council in February next year.

It remains to be seen what the outcome of these renegotiations is going to be. We had some indication in the letter from the President of the European Council yesterday. Many Opposition Members do not place the same weight on this renegotiation as the Prime Minister does, because we think there is a broader case for membership beyond the four points that the Prime Minister outlined in his letter of last month to the President of the European Council. It is obviously also the case that many Government Back Benchers place no weight at all on the renegotiation, because there is nothing in it that could get them to change their minds about the outcome of the referendum. I believe it was the hon. Member for Harwich and North Essex (Mr Jenkin) who asked during questions on a statement after he had seen the contents of the Prime Minister's letter, "Is that it?"

Mrs Main: I understand that last point, but it is all part of the debate. What is being asked and the response to what is being asked are all part of the calculations being made by many people who may be considering what "in" looks like, as well as what "out" looks like. If the negotiations are not treated with the respect and gravity they deserve, even though they may be quite modest, that sends a big message to those of us who have concerns about our ongoing membership.

Mr McFadden: I thank the hon. Lady for her intervention, but different people will look at the renegotiation in different ways. The point I am making is that there is a broader case about membership of the EU that goes well beyond the four items listed in the Prime Minister's letter and the four cases in President Tusk's reply. If, for the hon. Lady and for some voters, it is all about those four points, that is a fair judgment for them to make, but what I am saying is that for most Opposition Members there is a broader case for membership outwith the renegotiations. I would venture to suggest that when it comes to the referendum and voters actually casting their vote on whether we should remain the EU or leave it, it will not in the end be the finer points of the renegotiation that are in their minds. It will be the broader case either for in or out. That is what people will vote on.

2.15 pm

Amendment 5 deals with the report that we would like to see published on these negotiations, and amendment 6 deals with the broader issues on what being "in" and "out" might look like. This cannot be a complete exercise. If the country votes to leave the EU, there would be a process of extracting ourselves from it, and no one can say with absolute certainty what the outcome would be like. However, we have examples of countries that trade with the single market, but are not members of the EU—one thinks of Norway and Switzerland. I do not want to go into the detail on those today, but those examples are out there and we can already see what the obligations on those states are, even though they are not members of the EU and do not have representation in the European Council, the European Parliament or indeed in other decision-making bodies.

John Redwood (Wokingham) (Con): It seems to me that the Opposition are yet again falling into the trap of thinking that it is possible to trade with the EU only if we have a special arrangement with it, like Norway or Switzerland. Yet all the world's countries trade with the EU, and the very badly drafted Lords amendment invites comment on all those different arrangements, many of which have no special deal at all.

Mr McFadden: I am not saying that the Norway example is the only one out there. There are others, but Norway is a real live example, which I think is relevant to our debate. Moreover, some in the campaign to leave the EU have drawn attention to it as a model, while others have drawn attention to Switzerland as a model. It would be good to understand from the Leave campaign exactly what model they seek to support. It is right that in advance of the referendum, the Government should publish as much information as possible so that the voters are clear about what is involved.

The amendment proposed by the hon. Member for Stone calls on the Electoral Commission to be the marker, as it were, of the Government's homework, but the Electoral Commission has said clearly that it does not want to do that. It accepts that there is an appetite for more detailed information, but it states that

"we would not have the capabilities to do so…nor the required expertise to judge a report to Parliament".

That is very clear.

Damian Green: I want to give the right hon. Gentleman another chance to plug his pamphlet. In it, he sets out the various options that would be available to this country. In the context of the Government providing information, this is quite a difficult ask. It is inevitably hypothetical; nobody can know what the divorce settlement would be. The Government would certainly not know. What the amendments are effectively asking the Government to do is to stick a finger in the air and see which way the wind is blowing. It is quite difficult to call that "information".

Mr McFadden: I respect the right hon. Gentleman's views on this matter, but I am afraid I disagree with him. The amendments are not asking the Government to stick a finger in the air and speculate on what the UK's arrangements would be after withdrawal. Amendment 6(b) shows that this is about

"examples of countries that do not have membership of the European Union but do have other arrangements with the European Union".

That is not speculation; those examples already exist. We can study the obligations on countries subject to these arrangements. They have been there for some time, and those countries have negotiated specific details with the European Union. That is not a matter for speculation; it is out there for us all to see.

I am pleased that the Government have, in effect, accepted requests that we made in Committee and on Report in the House of Commons. It is important for voters to be clear about the renegotiation, clear about the results of that renegotiation, clear about what being in the European Union is like and what it requires, and as clear as possible about what being out might look like. A referendum is a choice between two futures, not an opinion poll on only one future, and that is why the amendments are important. It is right for us to have access to reports of this kind, and it is right for the maximum amount of information to be made available to the public on what will be a crucial choice for the country.

John Redwood: I put my name to the amendments tabled by my hon. Friend the Member for Stone (Sir William Cash) because I thought that Lords amendments 5 and 6 were ill considered and unwise, and that we needed to debate them for that reason.

Lords amendment 5 is easy to deal with and I have no particular problem with it, because it states the obvious—namely that, when the negotiations have been completed, the British Government should share their view of the outcome of those negotiations with Parliament and the people. Well, of course they will: it will happen naturally. There will be a statement, and I dare say there will be a written text as well. I therefore think that the amendment is an unnecessary addition to what was a simpler Bill before their lordships got hold of it.

Lords amendment 6 is far more worrying, because it is so sloppily drafted and because it leads to all sorts of arguments that are properly arguments for a referendum campaign rather than for good legislation to set up the referendum. The first part of the amendment says that the Government must publish information about the

"rights, and obligations, that arise under European Union law"

from our current membership. As has already been remarked, if that were done properly it would result in a very long book, given that we are now subject to so many legal restrictions and obligations as a result of an extremely voluminous consolidated treaty and thousands of directives. I think that to fulfil that remit properly, the Government would have to set out all the directives, and explain to the British people why there are now very large areas of law and public practice that we in the House of Commons are not free to determine as we see fit and as the people wish. While that might be a useful thing to do, I fear that the Government might fall short because they might not wish to give a comprehensive list of our obligations, and it is not good law to invite people to do things that they do not really intend to do.

I look forward to hearing the Minister clarify whether he will be publishing a full list of the thousands of legal restraints that now operate on this Parliament in preventing us from carrying out the wish of the British people, and also on the British people, who must obey these laws as they are translated into British law, or else obey the directly acting laws. Of course, all these laws, and our own laws, can be construed by European justice through the European Court of Justice, which, rather than this court of Parliament, is now the true sovereign in our country because we have submitted ourselves to the ultimate judgment of the European Court.

Sir William Cash: Does my right hon. Friend attach the importance that I attach—and the Electoral Commission itself has attached—to the fact that the reports proposed by Lords amendments 5 and 6 should be produced on the basis of both impartiality and accuracy? We remember the review of competences: it was a whitewash. If these reports were anything like that, we would be significantly misleading the public, would we not?

John Redwood: Indeed. That is why I share my hon. Friend's concern about Lords amendment 6, and fear that the Government might fall short of the full remit. Will they spell it out to people that we cannot control our own borders, our own welfare system, our own energy system and energy pricing, our own market regulations, our own corporation tax or our own value added tax, because all those matters have been transferred to the superior power of the European Union? That should be the very substance of the referendum debate about whether we wish to restore the full sovereignty of Parliament for the British people, or whether we wish to continue on the wild ride to political union that the EU has in mind, which will mean that even more powers are taken away.

The second part of Lords amendment 6 states that the Government must set out

"examples of countries that do not have membership of the European Union but do have other arrangements with the European Union (describing, in the case of each country given as an example, those arrangements)."

I have not read or heard anything so woolly for a long time. The amendment refers to all the countries that are not in the European Union but have some kind of arrangement with the European Union without even specifying a trade arrangement, although the Opposition seem to think that it relates to trade.

The Opposition try to perpetuate the myth that our businesses and people would be able to trade with the rest of the European Union only if we resubmitted ourselves to some of the powers of that Union through some kind of arrangement like those entered into by Norway and Switzerland. Have they not heard that America is a mighty trading partner of the European Union that does not have one of these special trading arrangements, and certainly does not pay a contribution to the European Union in order to sell goods and services to it—nor does China, nor does India, nor does Canada, and nor does Australia—and have they not heard that some individual countries have free trade agreements with the European Union which are arguably better than the arrangement that we have as members of the EU, because they do not have to pay anything like the very large levies and contributions that we must pay for the privilege of trading from within the internal market?

Mrs Main: My right hon. Friend is making a powerful point. On the basis of what he has said, the debate will be about how "arrangements" will be defined in the report, and, indeed, that could potentially be open to challenge.

John Redwood: That is another reason why I am very worried for the Government. I do not wish them to get into legal trouble over this sloppy drafting.

Those of us who have decided that we wish to leave the European Union have been invited to predict what the Leave campaign will announce when it is finally recognised and officially up and running. I think it would be pretty safe to say that we will not want to recommend either the Norwegian or the Swiss model, because, in our view, the United Kingdom is a far bigger country with a different set of relationships around the world, and one that will have senior membership of the world's main bodies including the World Trade Organisation. We therefore think that there will be a British solution to our relationship with the European Union, which will not, for example, include paying any contributions to that Union in the way that we currently have to.

Peter Grant: The right hon. Gentleman has given examples of a number of countries that he would not want Britain to be like in the event of an EU exit. Will he give an indication of the countries that he would like us to resemble more? That might help the Government to decide which countries we should be compared to in the information that they publish. It is easy to say who we are not going to be like; will the right hon. Gentleman tell us who he thinks we should be like?

John Redwood: I have already done that. When the hon. Gentleman studies the report of the debate—if he is still interested—he will see that I have dealt with exactly that point with great clarity.

There will be a British answer, but it will be closer to the answer of those countries that trade very successfully with the European Union without accepting the need to pay money into the EU by way of special contribution, and without having to accept great legal impositions. Of course, anyone who trades with the European Union must meet its standards in respect of the goods and services that it wishes to buy, just as when we trade with the United States of America, we must accept its standards for the goods that we wish to sell to it. However, that does not mean having to enter into a common Government arrangement of any kind, and it does not mean having to pay special taxes in order to trade, because most of the world trades perfectly successfully with the European Union countries without having to do any such thing.

I hope that the Minister will appreciate that those of us who are on the Leave side have read the words that the Lords have actually written, rather than the words that the Opposition wish the Lords had written, and have noted their vagueness. It would, I think, be extremely foolish to specify the Norwegian example—which is not an example that anyone I know wishes to copy—rather than considering some of the larger countries, Commonwealth countries and others that have perfectly good trading arrangements. It would also be wrong of the Government, in answering this exam question, to confine themselves to the issue of trade, given that trade is mentioned nowhere in the draft law that is before us. We do need to consider the political arrangements that we have with EU countries, through NATO and so forth; we need to consider such matters as pipeline agreements, aviation agreements, and all those other arrangements that are clearly covered by this sloppily drafted piece of law.

My final worry with this clause is its asymmetry. The Opposition have shown us how they wish it to be asymmetric. They wish the leave side in the referendum to hypothesise about what our relationship with the EU will look like in two or three years' time, whereas they do not seem to think it is incumbent upon the "stay in" side to similarly hypothesise. I would not mind betting that there will be even more change if we stay in, because if we vote to stay in, the rest of the EU will take that as an excuse to demand that the UK conform to many more parts of the Union than we are currently prepared to.

We know from the Five Presidents' Report of the EU published this summer that as soon as our referendum is out of the way by 2017, they wish to press on with their move to capital markets union, full banking union and, above all, political union. We on the Leave side will be asking those who want to stay in to describe to us how Britain would relate to the political union and the very much stronger union generally which the euro members envisage. We should be in no doubt that the euro members wish to use the institutions of the EU as a whole for their own purposes, and it would be very difficult for Britain to be alongside but only half in—in the EU but not in the euro.

I would therefore like to see a symmetrical request. It is important to spell out what staying in looks like, as I believe that staying in is a wild ride to political union. That may not be possible or to the Minister's liking when dealing with this clause and whether we leave it as it is, but I can assure him that it will be a very important part of the referendum campaign from the leave side.

Peter Grant: I welcome the fact that the hon. Member for Stone (Sir William Cash) is inclined not to press at least one of his amendments. It seems to me that there is, and will be, a need for information about the likely consequences of an in vote and of an out vote. I do not think it is right that that should be left entirely to individual campaigns, because we already know that there are arguments about who runs the campaigns and how they are going to be funded, and by definition they will tell at best one half of the story. It is perfectly in order for the UK Government to publish appropriate information that sets out the background to the referendum. A survey done about a month ago indicated that the EU member state whose citizens are worst informed about what the EU actually means is the EU member state whose citizens are going to have a vote as to whether or not they are going to leave. We cannot allow that to continue; we cannot allow the referendum to come upon us with a significant number of our citizens not really understanding what they are voting for, not because they cannot predict what the future might be if we leave, and not because they cannot predict what the future might be if we stay, but because they do not actually know what the present is. Too many people do not understand what the EU does for good or for bad right now. If we simply leave this to partisan partial campaigns, people are going to end up confused rather than better informed. Incidentally, it is one reason why this might be the time to extend the franchise, because we think that 16 and 17-year-olds do not understand it, but that their lack of understanding probably puts them less far behind adults than in most other election campaigns. That vote has been and gone, however, so we will leave it at that.

I do find it a bit surprising and ironic—I will not go as far as to say hypocritical—that, as we saw when the Bill went through its earlier stages, so many Conservatives express the concern that during a referendum campaign a Government might publish information that was a wee bit one-sided. Most Members would not have received what a number of SNP Members received shortly before the referendum last year, which was a glossy full-colour booklet published by Her Majesty's Government making sure that we understood the wonderful benefits that accrued to us from membership of the United Kingdom. The UK Government recently advertised for a post, in the Department for International Development of all places, whose main job would be to persuade the Scots how lucky we were to be part of the Union. As long as that kind of stuff goes on, I do not think that we need to take any lessons from anybody on the Government Benches about the dangers of letting Governments get involved in a partial way in a referendum campaign.

Mr Bernard Jenkin (Harwich and North Essex) (Con): The Committee I chaired in the last Parliament, the Public Administration Committee, conducted an inquiry into civil service impartiality in referendums in respect of the Scottish referendum. It is one thing if there is a Government in Edinburgh on one side of the argument and a Government in London on the other, each publishing arguments for and against a particular proposition, but where will the balance be in this referendum, given that there is only one United Kingdom Government who will only be on one side of the argument?

Peter Grant: It is perfectly in order for the UK Government to take an impartial, neutral stance once we get closer to the referendum. We do not know what stance they will take. There is a question as to whether it was appropriate for somebody else's Government to interfere in our referendum, but I know that that is not an argument we will win just now. However, that degree of interference probably contributed to the fact that on most days these Benches are significantly more crowded than they were before. If the Government do not produce information, as opposed to campaigning opinion, about how the EU works now, who will produce it? If we are happy for the two opposing camps to produce the information, then they can go ahead and do it, but we know before we start that all that will happen is that people will be drawn to believing statements of fact because of their opinion of the politician or TV personality who has associated their name with them, rather than being presented with a factual, well-researched document that sets out how things are just now.

Sir William Cash *rose—*

Peter Grant: I will give way to the Chair of the European Scrutiny Committee with pleasure.

Sir William Cash: I rise to intervene on a member of my Committee simply to say that we know that the broadcasts and the information that will be delivered and published by the designated organisations on either side will provide that information. We saw it in Ireland, and there are many other examples in other referendums in the EU. But the idea that the Government are not going to try and organise the view that they want, which is to stay in a so-called reformed union, is, I think, for the birds.

Peter Grant: I wish I could share the hon. Gentleman's absolute faith in the impartiality of broadcasters during important referendums, but that might be one of the very small number of issues on which we disagree.

The point about broadcasters is that if they are found to be in breach of the requirement of impartiality, a sanction is available and there are ways in which they can be held to account—and certainly the BBC feels as if it is being very severely held to account by any number of Committees in this place just now.

Sir William Cash: I was not referring to the impartiality of broadcasters in this context; I was referring to the fact that under the designated arrangements each side will have the right to issue broadcasts and provide information by way of literature. That is what I was concentrating on.

Peter Grant: I apologise for misunderstanding the hon. Gentleman's comments.

My essential point is that I do not think it is enough to leave it to campaign groups to provide information. The purpose of campaign groups is to persuade people to vote for the cause that they are promoting. They will provide information that supports their cause. They will choose not to provide or emphasise information that does not support it. That is what we all did in order to get elected, and as long as it does not involve deliberately making untrue statements or trying to mislead people, that is part of the democratic process; it is part of politics. It is up to the electorate to judge whose arguments they believe, but if the electorate are starting from a position of significant ignorance, or in some cases significant misperception and misunderstanding of what the EU is all about, there is a danger that they will not be in a position to exercise that judgment at a critical time.

Mr Jim Cunningham (Coventry South) (Lab): There is another issue when we talk about broadcasting and information being put in the public domain: how it is funded and whether there will be a balance in funding. That has been a big issue in past referendums, particularly the one in 1975.

Peter Grant: My own personal views about how political campaigns and parties are funded probably would not get a huge amount of support here, but that might be something for a ten-minute rule Bill some time over the next four and a half years. The hon. Gentleman makes a valid point. It is important that nobody has the opportunity to buy a referendum any more than anyone should be given the right to buy electoral success. I certainly would not want to see us going the way of America where people need billions of dollars behind them before they can even stand for election.

We are still not addressing the fundamental problem that, no matter how well or badly funded the individual campaigns are, if we are starting from the position of having the least well-informed electorate in Europe on this important issue, someone is going to have to provide the necessary information to bring people up to a better

[Peter Grant]

level of understanding of, for example, what "ever closer union" means and does not mean—because it does not mean what it keeps being presented as meaning, even by the Prime Minister.

People need to understand which aspects of immigration to the UK the European Union is involved in and which aspects it is not involved in. They need to understand which aspects of our welcoming of refugees, or our failure to welcome them, involve a European Union decision, and which aspects come under the auspices of the United Nations, for example. These are massively important issues, and the debate in this Chamber over the last months has not always helped to increase public understanding and appreciation of what the European Union does and does not do.

If there are concerns that the Government might not be impartial, or that they might be over-enthusiastic towards one side or the other, I would be quite happy for the Electoral Commission to publish guidance and to require the Government and everyone else to comply with it. It would be inappropriate to ask the Electoral Commission to scrutinise, veto or censor Government documents in the first place, but it would be perfectly in order for it to issue guidance on the conduct of the referendum, including on the kind of information that could and should be funded and published by the Government.

I find myself in the strange position of almost telling Government Back Benchers that they are wrong because the amendment seems to be based on an unwillingness to trust Her Majesty's Government. I am not the biggest fan of this Government, and I am not the biggest believer that we can trust them, but if they cannot be trusted to present a fair case to the public in this matter, we are in trouble. The media will not present such a case; the print media absolutely will not do so. The political campaigns will not do so because it is not their job to be impartial. It is their job to be partisan, although perhaps not in a party political sense, on the issues that they are campaigning on.

I welcome the fact, if it is confirmed, that the hon. Member for Stone is to withdraw his amendment (a) to Lords amendment 5. I hope that he will not press his amendment to Lords amendment 6 as well. There is a crying need for reliable, well-researched information to be put into the public domain. Let us not forget that, a few yards from here, we have one of the most highly regarded research facilities anywhere in the world. It is highly regarded not only for the quality of its research and the speed with which it is done but, most importantly, for its impartiality. If we cannot rely on the research facilities within this House to provide reliable, well-documented information, who can we rely on?

Mr Jenkin: I point out to the hon. Member for Glenrothes (Peter Grant) that, whether he thinks it an irony, an accident or something more sinister, it is the people who are in favour of Britain remaining in the European Union who are championing Lords amendment 6, while those who support the leave campaign regard it as a bit of a Trojan horse that would enable the publication of a lot of subjective judgments loaded in favour of one side and not the other.

I referred to the report published at the end of the last Parliament by the Public Administration Committee entitled "Lessons for Civil Service impartiality from the Scottish independence referendum." The reason that we produced the report was to look at the question of impartiality. There is a rather modern, corrosive view that the concept of impartiality, when applied to civil servants, means simply that they should be prepared to work for whichever party happens to be in office, that by so doing they are therefore impartial and that their conduct can then be quite partial and loaded under the Armstrong doctrine, which states that they have to support the Government of the day. Actually, I think most people in this country regard impartiality as a rather more imprecise quality, with a higher moral tone. They see it as having something to do with objectivity, with balance and with not being compromised into becoming a mere cheerleader for one point of view or another.

2.45 pm

I should like to address the amendments to Lords amendments 5 and 6, tabled by my hon. Friend the Member for Stone (Sir William Cash), to which I have added my name. I do not regard the proposed duty

"to publish information on the outcome of negotiations"

to be at all unreasonable. In fact, it would be rather odd if the Government did not publish such information. The advantage of having this obligation in the Bill is that the Government will have to publish it 10 weeks before the date of the referendum. That will mean that it will be properly scrutinised, rather than bounced on to the electorate at the last minute. I would say in response to my right hon. Friend the Member for Ashford (Damian Green) that it is perfectly reasonable for the Government to express their own opinion in such a document on the outcome of their own negotiations, as they would in any White Paper. It would be a good thing to have this provision in the Bill.

Sir William Cash: My hon. Friend should bear in mind that the White Paper that led to the European Communities Act 1972, which went through by only six votes in this House, contained a very precise promise that the use of the veto in our national interest would never be abandoned, because to abandon it would be to endanger the very fabric of the European Community itself. Is that not an example of how unreliable White Papers and other Government reports can be?

Mr Jenkin: Indeed, but it is unavoidable that the Government are going to produce information of this kind.

The second duty, in Lords amendment 6, is not something that I expected to see. The Lords amendment asks the Government to produce judgments and opinions on a vast topic, using examples that, by their very nature, will be subjective. I am not at all surprised that the Electoral Commission has decided that it would be far beyond its competence to make a judgment about what such a document might be. The Government have accepted this amendment, but if they are to justify retaining it—as I expect them to do—they will have to answer some questions about it.

What do the Government mean by the word "publish" in the amendment? It would be one thing to place a learned, detailed and technical paper in the Library of

the House of Commons in order to present the depth of analysis that the hon. Member for Glenrothes believes would be justified, but would the Government produce such a subjective document in a form that could be circulated to every household? How would we feel about that, 10 weeks before a referendum? It is reasonable for the Government to explain the outcome of their negotiations, but it would not be reasonable for them to use public money to present their entire world view on European Union membership as part of a campaign to remain in the EU.

Mrs Main: Is my hon. Friend clear about what is meant by the Government's response? Does it refer to a response achieved through collective responsibility? What would happen if there were dissenting members of the Government who did not agree with that response?

Mr Jenkin: That is a good question. We all expect that, before long, there will be agreement among Ministers that some will not be toeing the Government line on this question. It is too big a question for it to be otherwise. The reason that we have referendums is that the questions split parties. We could not have a general election on a question that split the parties on both sides of the House. It would be impossible to decide on the issue in that way.

It would be absurd to have a referendum and then try to corral all the Ministers into one point of view. The precedent in 1975 was that collective responsibility was abandoned, although that does not mean there is not still a Government view—there is a Government view and a dissenting view. That is how it will work in this case, assuming that a vast number of Ministers do not leave the Government's view too isolated to be any longer credible as being that of a Government.

Simon Hoare (North Dorset) (Con): Does my hon. Friend not agree that the country at large still has trust in "the Government"—in the governance of this country—whether or not we think it is right to hold that view? Our electorate would therefore find it strange if, during a referendum campaign, they could not point to what the Government's view was. The Government of the day would continue after the referendum, and people will want to know what the Government, whether collective or otherwise, think about the issue.

Mr Jenkin: I am grateful to my hon. Friend for his intervention. I have already said that the first publication is perfectly justified, as the Government are entitled to explain what they have negotiated and to give their opinion on that. If he would like to do so, he might explain how they are going to give

"information about rights, and obligations, that arise under European Union law as a result of the United Kingdom's membership of the European Union"

in a concise and simple fashion which is not loaded. Perhaps he could tell us which countries should be used as

"examples of countries that do not have membership of the European Union"

in order to explain the consequences of leaving the European Union. We are talking about very subjective judgments, and of course that is what the debate between the yes and the no campaigns will be about.

My hon. Friend is right to say that people trust what the Government say, which is exactly why what they say should be curtailed and limited: it has a disproportionate effect on the voters. There is absolutely no doubt about that. If a leader of a party says something, that has less of an effect than if the Prime Minister says something. That is why we have a purdah period, and the House has forced the Government to accept that there will be a proper purdah period. Otherwise, if we have what we had in 1975, whereby the Government can carry on regardless, being the Government and yet expressing partisan views on one side of the argument and not the other, an unfair referendum would be created. That is why all referendums throughout the world have systems to try to contain what Governments do during the final phases of the referendum, in order to try to create some fairness.

Mr Steve Baker (Wycombe) (Con): I wonder whether my hon. Friend has seen, as I have, the poster produced by the pro-EU BSE—Britain Stronger in Europe—campaign which co-opts the Governor of the Bank of England under the headline "Think UK's economy is stronger in Europe". BSE has also co-opted the President of the United States and the Prime Minister of India. Does my hon. Friend share my concern that it appears that the campaign to remain in is willing to co-opt public officials, who ought not to be dragged into one side of such a campaign?

Mr Jenkin: I have to be mindful about whether that is taking us beyond the scope of what we are discussing, but it reminds me of a very controversial element of the Government's conduct of the Scottish referendum, and I have some sympathy with arguments that have been made on this point. I refer to the use of a permanent secretary to give a speech on behalf of the Government's view while this was purporting to be the publication of advice to Ministers. Such advice should never be published. On any orthodox analysis, the opinions of civil servants in the form of advice to Ministers should never be published, but this was used as part of the propaganda. Many Scottish National party Members would regard that as a gross misuse of civil servants during a referendum period, and we need to try to avoid that.

I leave two questions for the Minister as he responds to this debate on Lords amendments 5 and 6. First, what does "publish" actually mean? What do the Government intend to do by way of the publication of these two reports? Are they just to be White Papers or are they to be propaganda circulated by the Government in some way much more widely? Secondly, how will he ensure that this is done in the highest spirit of impartiality, using that word in the way most people would expect it to be used? How is he going to ensure that these publications are genuinely objective and not just a means of advancing one side of the argument against the other?

Mr George Howarth (Knowsley) (Lab): Does the hon. Gentleman not accept that the Governor of the Bank of England giving advice, for example, with the Monetary Policy Committee on interest rates, is in a very different position from other public officials, because his advice is often made public? It is perfectly clear that if he has any advice on this, it should be a matter of public interest.

Mr Jenkin: The Governor of the Bank of England is a different case. He is not a civil servant, so he is not bound by the civil service code and he does not advise Ministers as a private civil servant—he gives his advice very publicly. Although I was prompted by that example, I think it is reasonable for the Governor, judiciously, soberly and carefully to proffer his advice. I think his advice on the currency question in the Scottish referendum was very germane, but I do not think it was necessary for the permanent secretary at the Treasury to give similar advice. On the speech that the Governor made on the European Union, the remarkable thing about it was how little he was prepared to say which supported the Government's view. He did not put himself out on a limb. It was an incredible damp squib of a speech as far as the remain campaign was concerned, and it had extraordinarily little impact, because he was very careful about what he said. That might be because he sees that both business and the country are divided on whether we should remain in the EU and that the arguments are much more finely divided than on the currency question in the Scottish referendum.

I wish to deal with Lords amendment 13 and amendment (a) proposed thereto, which stands in my name and that of my hon. Friend the Member for Stone and other colleagues. This relates to another startling change made in the other place on the designation of organisations to campaign for or against the particular proposition. I should declare an interest here—it is not a remunerated interest. I am a director of the company Vote Leave, which will be applying for designation

The Lords amendment added a provision that suggests that it is perfectly okay for the Electoral Commission to designate one campaign supporting one proposition but not another campaign supporting the opposite proposition. The reason why that has been put into the Bill is perfectly understandable; in the 2011 referendum in Wales there was no application from a no campaign and therefore it was impossible for the Electoral Commission to designate a yes campaign, even though there was a very respectable yes campaign. It was suspected that there was an element of sabotage by the no campaign, because it wanted to prevent the yes campaign from getting designation as the no campaign was going to be incredibly weak, whether or not it was designated.

The result of this provision, which was included in the Scottish legislation passed by the Scottish Parliament in order to prevent the same thing from recurring, is extraordinary. It offers the possibility that the Electoral Commission "may" designate one campaign and not another without any restraining factors. In good faith, I do not think we should question the bona fides of the Electoral Commission as to whether it would ever do such a thing, but this is what the Lords amendment actually contemplates. It would be unconscionable, in this of all referendums, for there to be only one designated campaign. It would be intolerable if Parliament let this go on to the statute book without even a discussion about what the consequence would be. It would completely invalidate the result, it would destroy the purpose of having a referendum and it would mean that this issue was not settled in a fair manner at all. We have framed an amendment to the new clause, which I hope will at least draw the Minister out to explain how everything might work.

3 pm

Kevin Foster (Torbay) (Con): Let me thank my hon. Friend for giving way, and say that I am enjoying listening to his observations. Does he agree that, if the Electoral Commission was to take the bizarre decision to designate only one campaign when there was clearly a coherent and legitimate campaign for the other side, it would be clearly open to judicial review on that point?

Mr Jenkin: I am waiting to hear what the Minister has to say on that point. The proposed amendment changes the wording. It now says that it should be allowed to make that decision only if

"no permitted participant makes an application to be designated under section 109 as representing those campaigning for that outcome except for a permitted participant whose application the Commission states is, in its opinion, vexatious or frivolous."

That would mean that, provided there are two legitimate applications for designation, the obligation would be clear in the Bill that the commission has to designate two campaigns. That is not clear in the Bill at the moment. If one such campaign was "vexatious or frivolous" and was clearly just there to spoil in some respects, the Electoral Commission would have to justify its action. I hope the Minister will tell us that he can accept our amendment. If he cannot do so, I hope that he will make it clear that the substance of the amendment should be understood, and that it would be unconscionable to have only one campaign designated in this referendum. If an application is made in such a way as to be construed as vexatious or frivolous, such an application would have to be considered. We should be in no doubt that there will be an application in respect of both sides of this campaign.

Sir William Cash: I endorse what my hon. Friend has just said. Let me repeat for the sake of clarity that these amendments are the result of ping-pong between the Commons and the Lords, which is not the best way for them to be considered. We have not had enough time to have a really good look at this matter, and I hope that the Minister will take that into account when he gives us the very full explanation on amendments 5, 6 and 13.

Mr Jenkin: In closing, let me add that in all three amendments we have been discussing the potential role of the Electoral Commission. In respect of amendments 5 and 6, the Electoral Commission has shrunk from the possibility of being given an obligation for which it is not fit. It is worth reminding ourselves that we have already developed one new role for the commission during the passage of this Bill, which is that it will give its advice about possible new regulations on the restriction of section 125 of the Political Parties, Elections and Referendums Act 2000 in respect of purdah. It did not want that obligation, but we gave it to it. Electoral commissions in countries such as Ireland or Denmark have a very much more active policing role in respect of fair referendums, and that is a role that we, in this country, have not set up the Electoral Commission to undertake.

Sir William Cash: With both amendments 5 and 6, we need to bear in mind that a duty would be imposed. That duty would imply and carry with it the potential for judicial review. If there were any failure in carrying

out that duty in the manner that was expected under all the precepts of administrative law, the Minister should accept that there is more than a high probability of a challenge in the courts. That challenge could arise not only because of the manner in which a report arose, but if any of the information were misleading in any way.

Mr Jenkin: I agree with my hon. Friend, and will add that, where the Electoral Commission clearly has a duty, its decision can be judiciously reviewed. In respect of the designation of only one campaign, I have absolutely no doubt that there would instantly be a judicial review, and I speak with knowledge aforethought.

In the absence of the duties on the Electoral Commission —for example, to provide for impartial and objective information from the Government—it is a moral imperative on Ministers to ensure that they undertake their obligations in the spirit of a fair referendum, and not to abuse the trust that this legislation places on them with regard to the publication of that information.

Mr Alan Mak (Havant) (Con): On 9 June, I began my parliamentary career with a maiden speech on this very Bill. I am incredibly grateful to be given the opportunity to speak again on this matter as the Bill makes its way through this House.

Deciding on whether we should continue to be a member of the European Union is one of the most important issues of our generation. We should be thankful about some elements of our relationship, particularly our access to the single market, and our non-involvement in Schengen and in the euro. There are other areas in which we are not getting a good deal, and the Prime Minister is right to renegotiate our relationship to request a better deal. He and the Secretary of State for Business, Innovation and Skills, along with other Members, have said that we should not be afraid to leave if we find that the deal is not good enough for our country and our future.

As the country makes its decision, and as the referendum period begins, I am mindful that the public will need information about the offer on the table. They will need factual and speculative information about what "in" and "out" mean, and about what our future might be under a different arrangement. The public will also need legal, political, financial and economic information. Above all, they will need a well-run and well-administered referendum, and therein lies a key role for the Electoral Commission. The public will also need information on what the Swiss and Norwegian models look like to see which would be a good fit for this country, and whether we are better off staying in a reformed European Union.

Mr Andrew Turner: Does my hon. Friend agree that there are not just two alternatives—Switzerland and Norway—but lots and lots and lots of alternatives?

Mr Mak: My hon. Friend makes a fantastic point. I certainly agree that there are a number of alternatives. I look forward to referendum debates in the media, in this House and in many other forums.

I wish to return now to the central role of the Electoral Commission. My view is that the Electoral Commission should not be drawn into playing any sort of quasi-judicial or quasi-campaigning role. It should play a central role in the good functioning and administration of the referendum. We should always be mindful of the commission's own views, which have been set out in a letter that has been distributed to Members across the House, and to which we should pay heed.

I am also heartened about the vibrancy of our democracy. Even though we are still in the early stages of our debate, it has already produced a number of campaigning groups. I am very pleased to see some senior Members from across the House participating in today's debate. The campaign groups that have been set up include: Vote Leave, Take Control; Leave.EU; and Conservatives for Britain, which has been skilfully organised by my hon. Friend the Member for Wycombe (Mr Baker). I can see my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) and my right hon. Friend the Member for Wokingham (John Redwood) who have played leading roles in the campaign. On the Opposition benches, we have Labour in for Britain, which is led by the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson); and Britain Stronger in Europe, for which my right hon. Friend the Member for Ashford (Damian Green) plays a leading role. Even before the referendum gets under way, there is a vibrancy of debate across the House and also in the country, which is very positive.

Simon Hoare: My hon. Friend is right to set out the span of organisations. I do not know whether my inbox in my constituency of North Dorset is at odds with those of the rest of the House. I get lots of emails about lots of things—hundreds about bees over the weekend—but I cannot think of the last time I received an email about the EU. We in the House are inclined to obsess about it, and we forget that outside, people are trying to live their lives and all they want to know is that the Government are on their side. We should not focus down to what is happening here.

Mr Mak: I thank my hon. Friend for his characteristically cogent intervention. He is right that, beyond the walls of this place, men and women, families and businesses and community organisations play their day-to-day role, focus on other priorities and are not necessarily concentrating on the EU referendum or those issues on which this House concentrates.

Sir William Cash: I refer vicariously to the most recent opinion poll, which showed that 52% of the United Kingdom electorate thought that they should leave and only 48% thought that they should stay in; 60% of those in the south-west said that they wanted to leave.

Mr Mak: I thank my hon. Friend for his intervention. I was just finishing my response to my hon. Friend the Member for North Dorset (Simon Hoare). I hope that through debates in this House we shall be able to take a lead on the issues. I welcome emails from people on all sides of the argument.

John Redwood: Surely the point that the British people fully understand, which is why they now wish to leave the EU, is that concerns about migration, jobs, taxation, the £10 billion that we have to pay to the rest of the EU, which we cannot have as tax cuts or extra spending, and our inability to form our own welfare laws are vital concerns, and they are all European issues.

Mr Mak: I thank my right hon. Friend for his characteristically passionate intervention. As I said to my hon. Friend the Member for North Dorset, those issues are certainly important, and I welcome more emails over the next year or so—maybe that is not necessarily the best message for my constituents in Havant! I know that hon. Members across the House will be receiving representations from their constituents arguing on all sides of the debate, whether in letters, emails or petitions. That is an important part of our increasingly vibrant democracy.

Mrs Main: The hon. Member for North Dorset (Simon Hoare) mentioned bees, but the issue relates to the EU directive on the neonicotinoid ban, so his emails are about Europe. It is just that his constituents are not mentioning the word "Europe". The emails are about EU regulation.

Mr Mak: My hon. Friend makes a good point. We debate many issues in this Chamber, Westminster Hall and other forums on the parliamentary estate, and Europe makes an important intervention in those issues, which we should be mindful of.

I want to talk about the role of the referendum and Lords amendments 5, 6 and 13. I want to remind the House of the text and intention of Lords amendment 5, which introduces a new clause that will create a duty for the Secretary of State to publish a report setting out what has been agreed by the member states following the renegotiation of the UK's membership of the EU that has been requested by the UK Government. The report, as my hon. Friend the Member for Harwich and North Essex said, will also require the UK Government to set out an opinion about what has been agreed, and it will have to be published at least 10 weeks before the date of the referendum. The Secretary of State would also be required to place a copy before Parliament.

Lords amendment 6 introduces a new clause that creates a duty on the Secretary of State—probably the Foreign Secretary—to publish a report setting out information about the rights and obligations that arise under EU law as a result of the UK's membership of the EU. The rights in this case refer to the rights that the UK has as a member state and rights that are granted to individuals and organisations under EU law. Those could include rights of access to the single market. The obligations arise under EU law and apply to the UK as a member state and to organisations or individuals. Those could include the obligation on the UK as a member state to amend national law to bring it in line with EU law in a particular area.

The duty in Lords amendment 6 would also require the Secretary of State to include a report about examples of arrangements that other countries have with the EU, whether that is Switzerland or Norway or other countries that have a relationship with but are not members of the EU. Again, the report would have to be published at least 10 weeks before the referendum date and the Secretary of State would be required to lay a copy before Parliament.

3.15 pm

My hon. Friend the Member for Stone (Sir William Cash) has tabled a number of amendments. He is not currently in his place. He said that he might well withdraw them, but it may be useful if I elucidate my views on them, depending on how other Members feel. My view is that the Electoral Commission should not be drawn into the fray, or the debate, in the way that my hon. Friend suggests in his amendment. The Electoral Commission has written to hon. Members across the House, and my hon. Friend acknowledged that it would consider any increase in its adjudication powers or role as ultra vires. I agree with that view. To put the Electoral Commission into the politically sensitive position of arbitrating or adjudicating on the accuracy and cogency of the Government's report would probably be a step too far. That strays into the realm of a quasi-judicial, quasi-campaigning role.

Kevin Foster: My hon. Friend is going over the impact of making the Electoral Commission quasi-judicial, but Secretaries of State and Ministers are answerable to this Parliament and in particular to this House. It would put the commission in the role of partly taking on the job of Parliament.

Mr Mak: My hon. Friend makes an outstanding point. To give the Electoral Commission a role beyond its current role would be to tread on the feet of hon. Members and encroach on the democratic freedoms and roles of this Parliament. My hon. Friend is right that the Electoral Commission does not agree with the intention of my hon. Friend the Member for Stone. As my hon. Friend the Member for Torbay (Kevin Foster) says, there are better sources of information—such as literature from the various campaign groups that I mentioned and information from public bodies such as the Office for Budget Responsibility or the Bank of England. I would encourage members of the public to read *Hansard,* where the speeches of many distinguished hon. Members can be found, including from this very debate.

Sir William Cash: It would be useful, if people really wanted to hear how the debate was progressing, for them to follow the transcripts of European Scrutiny Committee, Treasury Committee and Foreign Affairs Committee proceedings. That will tell them an enormous amount about what is going on and what questions are being asked of Ministers.

Mr Mak: My hon. Friend makes a cogent point. The proceedings in this Chamber are available not only in *Hansard* but on parliamentlive.tv as well as BBC Parliament. I encourage all members of the public and all those who are interested in the proceedings of the House to tune in, particularly to my hon. Friend's Committee, the European Scrutiny Committee, which he has led with distinction for many years, and other Select Committees, including my own, the Procedure Committee, which has been involved in numerous deliberations. I am delighted to see two of my distinguished Committee colleagues in the Chamber today.

The Electoral Commission undertook research as part of its statutory assessment of the type of information that the public would want to know as the referendum process began. As my hon. Friend the Member for Torbay and the hon. Member for Glenrothes (Peter Grant) said, it found that members of the public were not necessarily clear about what the consequences of the referendum would be. There was no real understanding

among large sections of the public about what leaving would entail. There was not enough information about what staying in would entail. There was certainly some confusion about the very many campaign groups that have sprung up, which I mentioned as I opened my speech.

What the Electoral Commission did say, which I found heartening, was that there was a strong appetite for more information about the implications of leaving, as well as an appetite for information about the implications of remaining and, as my right hon. Friend the Member for Wokingham said, information about other models of engagement, including Switzerland, Norway, other members of the European economic area and, indeed, countries in Asia, Africa, Latin and South America. He is absolutely right: there are a number of models that can be invoked and, according to the Electoral Commission, the public are keen to have more information. As the hon. Member for Glenrothes said, there is an appetite for more information.

The Electoral Commission found that the public do not simply want dry facts. They would like contextual information, including worked examples, explanations and case studies, giving the views of right hon. and hon. Members. The Electoral Commission recommended that campaign groups, which I mentioned at the beginning of my speech, include on their websites and in their literature worked examples and real-life case studies, along with testimonies from Members of Parliament, Members of the other place and members of the public who wish to share their experience. That would help a great deal to educate the public about the choices to be made.

The Electoral Commission said in its letter that it would be reluctant to adopt the extra powers that some hon. Members believe that it should have, as it has no powers to police information that is put into the public domain alongside Government reports. It has no legislative powers to regulate such information. Finally, the Electoral Commission made a good, cogent point with which I agree. It does not have the capabilities to undertake an extension of its role, which some Members of the House of Lords and of the House of Commons have proposed that it should have. It said in its letter, referring to the extension of its powers regarding the referendum and the Government report, that

"it is also the case that we would not have the capabilities to do so".

It also said:

"We will have no insider knowledge of the negotiations, nor the required expertise to judge a report to Parliament about the UK's membership of the EU."

Suella Fernandes (Fareham) (Con): I thank my hon. Friend for highlighting the Electoral Commission's extensive assessment of the amendment. Does he agree that the fatal blow for the amendment is the fact that the commission has opined that it does not have the capabilities or insider knowledge to carry out the duty that it would impose on it?

Mr Mak: I thank my hon. Friend and near neighbour. As a barrister, she is learned in these matters. I entirely agree that that is a persuasive argument in the commission's letter to Members of Parliament.

Sir William Cash: My hon. Friend will have heard that the Electoral Commission has had duties imposed on it by Parliament, but what the amendment is driving at above all else, with respect to him and to my hon. Friend the Member for Fareham (Suella Fernandes), is that there should be proper impartiality and accuracy in the information. If the commission cannot do that, the Government can. If they do not do it, the courts will ensure that they do.

Mr Mak: I thank my hon. Friend for his explanation. My interpretation of the letter is that the commission did not want to take on more powers, as it already has core duties, including the good administration of elections and of the referendum. It conceded that it was not an expert in constitutional law, politics or negotiations about the UK's continued membership of the EU; it was merely a good administrator, and that is the role that Parliament centrally wants it to fulfil. It is certainly the role that I want it to fulfil as the referendum process continues. The commission was saying, frankly and openly, that it lacked the expertise to make any determination about the Government report.

Next year, as many right hon. and hon. Members will know, we will have local, county and mayoral elections, as well as police and crime commissioner elections, which will increase the workload of the commission in its current guise, whether it is arbitrating on voter rolls, interpreting various aspects of election law or undertaking other statutory duties, which are all a drain on its resources. The Electoral Commission lacks the necessary expertise, as my hon. Friend the Member for Fareham (Suella Fernandes) said, and will be burdened with a heavy workload next year, given the frequency and geographic spread of elections in which it will be involved, particularly from an administrative perspective. There is therefore no role for the commission as proposed by the amendment, so the Government's view should prevail.

May I turn briefly to Lords amendment 13, which was tabled by Baroness Anelay of St Johns and has some support in this House? I should like to elucidate what it does and to share my views on its place in this House. As hon. Members will know, section 108 of the Political Parties, Elections and Referendums Act 2000 allows the Electoral Commission to designate permitted participants—that is likely to be the campaign groups that I mentioned earlier—as organisations to which assistance is available under section 110 of that Act. Such assistance could be logistical or financial, and in some cases there would be media opportunities. Where a referendum has only two outcomes, which is the case for the EU referendum, as my right hon. Friend the Member for Wokingham and others have said, under section 108, the Electoral Commission can exercise the power to designate one organisation for each of the outcomes or not designate any at all.

Lords amendment 13 would enable the Electoral Commission to designate a lead campaigner for one side of the argument, whether that is to remain in the EU or to leave it, at the referendum without designating a lead campaigner for the other side. That would apply only where for a particular outcome, whether to leave or to remain, there were no applications on the other side or the Electoral Commission was not satisfied that there was an applicant who adequately represented

[Mr Mak]

those campaigning for that outcome. For example, vexatious or clearly inadequate groups would be disregarded by the commission.

In the event that only one campaigner was designated, that campaigner would be entitled to a higher spending limit, a free mail-out to voters and access to meeting rooms—for example, in council or other municipal buildings—which is a positive. However, it is important for the House to note that that campaigner would not be entitled to a grant from the Electoral Commission of up to £600,000 under section 110 of the 2000 Act, nor would they be allowed to make a referendum broadcast to the people of this country under section 127 of that Act.

Having reviewed the amendments in this place and the other place, and having read representations from the Electoral Commission and from broadcasters, my view is that that is a fair compromise. The amendment implements recommendations that the Electoral Commission made following the 2011 referendum on the voting system. As I said at the start of my remarks, we must pay heed to what the Electoral Commission says, while also taking into account hon. Members' views. Based on the experiences of 2011, the Electoral Commission recommended that steps should be taken to reduce the potential advantages under the 2000 Act designation model for a prospective lead campaigner to decide against applying for the designation. The Electoral Commission had identified an example where a campaigner might have a tactical advantage in not seeking designation with a view to frustrating the other side's access to additional benefits. I find that a cogent observation on the part of the Electoral Commission.

I said that I would touch briefly on Lords amendment 13. The Government's position on all the amendments deserves the support of the House.

3.30 pm

The Minister for Europe (Mr David Lidington): I thank right hon. and hon. Members in all parts of the House who have taken part in the debate this afternoon. The right hon. Member for Wolverhampton South East (Mr McFadden) was even so generous as to offer an additional filler for my Christmas stocking. I am sure the pamphlet that he proffered to me will take an honoured place on my shelves, alongside the collected works of my hon. Friend the Member for Stone (Sir William Cash).

The House will be aware that this Bill received detailed scrutiny in the Lords. The amendments in this group are part of a wide range of changes that the other House imported into the Bill. Many of those amendment were technical and procedural and were designed to strengthen the fairness and robustness of the campaign framework. The Lords also made technical amendments that ensure that the Bill works appropriately for Gibraltar and responds to recommendations from the House of Lords Delegated Powers and Regulatory Reform Committee. Finally—these are the subjects that have preoccupied the House most this afternoon—in response to concerns from Members of the House of Lords that the British people might not have access to the information they needed to take an informed decision, the Lords added to the Bill the duty to report on three topics: the results of the renegotiations; what membership of the European Union entails in terms of our current rights and obligations; and examples of already existing alternatives to EU membership. In the time that remains I shall address these areas of change in turn.

Amendments 5 and 6 deal with the provision of public information. As my right hon. Friend the Member for Ashford (Damian Green) and my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) both acknowledged, at the end of the negotiating process the Government will express their view and their recommendation to the British people for when the electorate vote at the promised referendum.

What we now have are obligations written on the face of statute for the Government to publish particular items of information. There was a clear appetite in the Lords for such statutory provision. The Lords tabled and debated a series of amendments calling for the Government to set out in very prescriptive detail the potential consequences of remaining in the European Union and also what the consequences of withdrawal would be in a number of areas of national life. Noble Lords called on the Government to set out what their—that is, the Government's—envisaged relationship with the European Union would be in the event of a vote to leave.

For our part, we did not agree that the Government should speculate on potential consequences in this way and in the detail prescribed by the Lords amendments. In our view, it is for the designated lead organisations to lead the debate on the two sides of the argument. However, the Electoral Commission, in its research into the question, did identify that there is an appetite among the general public for information both on what remaining in the EU would mean and on what leaving could mean. Given the strongly held views that were expressed in the other place, we accepted the principle that the Government should be obliged to play a limited role in ensuring that the public are able to make an informed decision. In our view, the most useful role for the Government is to give information on the renegotiation deal that is achieved, and on the factual nature of membership, to try to aid understanding and to inform the public. Then it will be for the designated lead campaigners to interpret that information and provide their own arguments on both sides.

Amendment 5 is based on an amendment tabled in the Lords by my noble Friend Lord Forsyth, who I think everyone in the House would accept is not someone usually regarded as an unqualified admirer of the European Union. The amendment set a requirement for the Government to report on the outcome of the renegotiation. Building on this, the version of Lords amendment 5 that we now have before us would require the Government to report on what had been agreed by EU member states as a result of the renegotiation and to give their view on this.

Amendment 6 takes us further by requiring the Government to publish a report that would set out

"information about rights, and obligations, that arise under European Union law as a result of the UK's membership of the European Union".

This would enable us to describe what membership of the EU entails for this country.

Mr Jenkin: Who tabled amendment 6?

Mr Lidington: Amendment 6, as it currently stands, was tabled by my noble Friend Baroness Anelay, following debate in the Lords, as a way to try to build consensus in that House to enable it to give passage to the Bill.

Perhaps it would be useful for me to explain, in response to comments made in this debate, how the Government interpret the obligation imposed on us by the amendments and how we would propose to see those obligations implemented. By "rights", as set out in amendment 6, we mean rights that the United Kingdom has as a member state of the European Union, and also the rights granted to individuals and businesses as a result of our membership, such as access to the single market. By "obligations", we mean the things that our membership of the European Union commits us or obliges us to do. Most obviously, this is at member state level, but there would also be implications for businesses or individuals. An obvious example is our obligation as a member state to transpose EU law in particular areas and to accept the primacy of the EU so long as we are a member of the European Union. The duty written into amendment 6 does not require the Government to set out information about every single right and obligation. Such a report would not be meaningful, and the purpose of the duties is to provide useful and relevant factual information to allow for greater public understanding.

Amendment 6 requires the Government to describe some of the existing arrangements that other countries that are not EU members already have with the EU.

John Redwood: I do not understand how the Minister can say that only some of the obligations are mentioned. Surely the Bill as drafted says "the obligations", which must include all the legal requirements on individuals, companies and the state, as well as the massive contributions and legal supremacy involved. I hope that he is going to mention that nothing is said about trade. He must not limit himself to the trade arrangements but must also look at the defence arrangements, the political arrangements, and all sorts of other arrangements.

Mr Lidington: The amendment refers to "rights, and obligations", not to "the rights and obligations". It gives the Government the discretion to select for presentation the rights and obligations that we think will best aid public understanding. I want to make it clear that our purpose in recommending acceptance of these amendments is that they should enable us to provide for greater public understanding. I completely agree with my right hon. Friend that membership of the EU touches on matters other than trade or economic policy. I am sure that the relative balance of advantages and disadvantages that arises out of EU membership on all those issues will be a matter of vigorous debate during the referendum campaign, but we do not envisage that debate taking place in the context of the obligation placed on us by amendment 6.

Lords amendment 6 is about providing factual information on the basis of which the public can take an informed decision. It is also about describing some of the existing arrangements that non-member countries already have with the European Union. We think that that is a better course of action than for the Government to attempt to hypothesise about what the United Kingdom's future relationship with the EU would be in the event of a vote to withdraw, because that depends on assumptions made about not only the future intentions of the British Government, but the likely response of other European countries.

Sir William Cash: On rights and obligations, the Minister is already beginning to move the argument into the arena of the question of impartiality and accuracy. If the Government pick and choose, the public will not have a clue whether what is chosen suits the Government or them, and it is the voters who will have to make the final choice.

Mr Lidington: To follow my hon. Friend's logic, the implications of a requirement to provide an exhaustive list would mean going through the entire corpus of EU law—not just the particular areas of competence, as specified in general terms in the treaties—and trying to draw out from that what would be a voluminous list of both the rights and the obligations that derive from each of the measures. I simply do not think that that would aid public understanding. Actually, I think it would act as a formidable deterrent for many members of the public to read the document at all.

My hon. Friend the Member for Harwich and North Essex (Mr Jenkin) asked about the form of publication. No decision has been taken yet, but I envisage it being comparable to a White Paper, if not an actual White Paper. As is normal these days, such a publication would be available online, so it would be widely accessible. The reports would have to be published at least 10 weeks before the referendum, which would give the campaigners clear time to lead the public debate. I emphasise that neither Lords amendment 5 nor 6 in any way affects the section 125 restrictions on Government publications during the final 28 days of the campaign. I hope that my hon. Friend the Member for Stone, in view of what I have said and of the Electoral Commission's express view that it does not agree with his amendment, will agree to withdraw it.

Sir William Cash: Before I declare whether I am going to withdraw my amendment, I have asked my right hon. Friend several times to make it absolutely clear, on behalf of the Government, that when they give information under Lords amendments 5 and 6 they will do so with due accuracy and impartiality. Is he going to do that or not?

Mr Lidington: Certainly, that is the case, because it would probably have a perverse impact on the Government's recommendation if they were to be seen to be acting in an excessively partisan manner. I say again to my hon. Friend that, at the end of the negotiation, the Government will express their view, their recommendation and their reasoning, but we see the statutory provisions laid out in the Lords amendments as being about the provision of actual and factual information.

Lords amendment 13 has also been debated in detail. It would allow the Electoral Commission to designate a lead campaigner for only one side of the argument in the event that either there were no applications for a particular outcome or the Electoral Commission was not satisfied that any applicant met the statutory test of adequately representing those campaigning for that

[Mr Lidington]

outcome. Given the vigour we already see in opposing campaigns, it is very unlikely that we will end up in such territory. I hope that the House will accept Lords amendment 13 to prevent gaming by one side of the campaign to the disadvantage of the other.

Sir William Cash: I simply say that in the light of the clear assurance that there will be due impartiality and accuracy, I will not press my amendments to Lords amendments 5, 6 and 13. I beg to ask leave to withdraw amendment (a) to Lords amendment 5.

Amendment, by leave, withdrawn.

Lords amendment 5 agreed to.

3.45 pm

Three hours having elapsed since the commencement of proceedings on consideration of Lords amendments, 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. 83F).

Lords amendments 6, 2 to 4 and 7 to 46 agreed to.

Motion made, and Question put forthwith (Standing Order No. 83H), That a Committee be appointed to draw up a Reason to be assigned to the Lords for disagreeing to their Amendment 1;

That Judith Cummins, George Hollingbery, Mr David Lidington, Mr Pat McFadden, James Morris, Christopher Pincher and Owen Thompson be members of the Committee;

That Mr David Lidington be the Chair of the Committee;

That three be the quorum of the Committee;

That the Committee do withdraw immediately.—*(George Hollingbery.)*

Question agreed to.

Committee to withdraw immediately; reason to be reported and communicated to the Lords.

Serious and Organised Crime: Prüm Convention

Madam Deputy Speaker (Natascha Engel): I inform the House that the Speaker has selected the amendment in the name of Sir William Cash. The amendment will be debated together with the motion, and the questions necessary to dispose of the amendment and the motion will be put at the end of the debate.

3.47 pm

The Secretary of State for the Home Department (Mrs Theresa May): I beg to move,

That this House, wishing to see serious crimes solved, to counter terrorism and to see foreign criminals prosecuted and deported, supports opting in to the Prüm Decisions; notes the views of senior law enforcement officers that the Prüm Decisions are an important aid to tackling crime; notes the success of a pilot that demonstrated that the Prüm Decisions mechanism is both swift and effective; and further notes that only a subset of the relevant national DNA and fingerprint databases, containing data relating to individuals convicted of recordable offences, will be made available for searching by other participating States, and that the higher UK scientific standards will be applied to matches in the UK.

Recent events in Europe, particularly in Paris, have highlighted the very real need to co-operate with other countries in order to keep our citizens safe and to hunt down criminals and terrorists. Following the attacks in Paris, we know that the French authorities have been co-operating and co-ordinating with a wide range of law enforcement agencies in other countries, and that one of the tools they have found most effective has been the Prüm mechanism, the subject of today's debate. Indeed, it is thanks to Prüm that they were able to identify at least one of the attackers so quickly.

Prüm—so-called after the German town in which it was agreed to develop the mechanism—is about the sharing with other countries, in strictly controlled circumstances, of DNA profiles, fingerprints and vehicle registration data in order to prevent and investigate crime. My French counterpart, Bernard Cazeneuve, wrote to me recently to set out his first-hand experience of Prüm and his hopes that the UK and France can improve our co-operation through it. While I never accept the views of others unquestioningly, I think it is wise to listen carefully to those with recent experience of such chilling events, and they believe this system to be hugely beneficial. The experience of France and others, and our own detailed study of Prüm, leads me to conclude that it is in the national interest to sign up to it, and I will set out in more detail why I think so.

Sir William Cash (Stone) (Con): I am sure that my right hon. Friend accepts that the dreadful carnage in France was to some extent the result of the failures of the authorities in that country. Why should we place so much trust in those who have had that kind of experience?

Mrs May: I have to say that the blame for the carnage in France lies fairly and squarely with the terrorists who caused it. I believe it is absolutely right to listen to those with experience. I will come on to describe other examples of how the exchange of data is beneficial in a variety of circumstances. Before I do so, it might be helpful to the House if I set out how we have come to this point, exactly what the system is and what it is not.

As I have said, Prüm is primarily about the sharing of DNA profiles, fingerprints and vehicle registration data with other countries in order to prevent and investigate crime. It is worth noting at the outset that we already share such data with other countries via Interpol, so this debate is not about whether we should do so, but about how. This system automates the front end of an existing manual process to access that information. It will make information exchange subject to the touch of a button, rather than a lengthy manual process. That means that it will be quicker and easier for our police to check the national databases of other member states, hugely increasing the reach of UK law enforcement. It is important to remember that this is not a centralised EU database.

Mr Steve Baker (Wycombe) (Con): My right hon. Friend makes a very strong case for this technical function, but I am concerned that the threats we face extend far beyond Europe and the European Union. Will she say more about why it is so difficult to get Interpol and its member countries to adopt a similar system?

Mrs May: Because of the number of countries involved in Interpol and the amount of information that is available, there are very real difficulties and physical issues in getting all those countries to agree to such a system. In the European Union, countries have come together and decided that it would be beneficial to have such an automated process. So far, Interpol has retained the manual processes. Later, I will exemplify the difference in timing between the automated process of Prüm and the manual processes of Interpol.

Keith Vaz (Leicester East) (Lab): The Home Secretary is absolutely right to opt in to this mechanism. It is not about giving information away in its totality, but about sharing information. One of the lessons from Paris is the importance of EU countries knowing who is coming through the external borders. Does she agree that it is essential that when countries have concerns about individuals, they put them on the databases as quickly as possible?

Mrs May: The right hon. Gentleman makes an important point. One of the arguments that we are making in Europe is that we should make better use of other databases, such as the Schengen Information System II border database, to ensure that we do the job that we all want to do. Criminals and terrorists do not recognise borders and do not stop at borders. It is therefore important that data are shared between countries so that we can identify them and bring them to justice.

Mark Pritchard (The Wrekin) (Con): Ideally, we would want Interpol to come to a similar agreement on the sharing of information through an automated system. The fact that Interpol is not in that position today does not mean that we cannot take action now with our European partners and share the information in an automated fashion. Given the tragic events in France, is this not a time for further collaboration and co-operation with our European partners, rather than retrenching into our own silo?

Mrs May: My hon. Friend makes an important point about the interplay between Prüm in the European Union and Interpol, and he is right that now is the very time when we need to work more in collaboration with our partners to ensure that we share the data that are necessary to keep us safe.

John Redwood (Wokingham) (Con) *rose—*

Mr Jacob Rees-Mogg (North East Somerset) (Con) *rose—*

Mrs May: I have been very generous in giving way, but I will give way to my right hon. Friend the Member for Wokingham (John Redwood).

John Redwood: I am very grateful to the Home Secretary. As someone who wishes her to use all decent means to track down terrorists, I think it is a good idea to get access to more information, but I also want her to help us uphold our manifesto promise that there will be no transfer of powers to the EU and that there will be a reduction in the EU's powers, so why can we not do this by intergovernmental agreement, rather than by submitting it to the European Court of Justice?

Mrs May: My right hon. Friend has challenged me on similar issues in relation to justice and home affairs measures in the past. The fact is that because Prüm already exists within the European Union, attempts to exchange these data in other ways would require not only an intergovernmental agreement, but the building of separate systems. That would take far longer, and we would not have access to the data for a significant period. Other member states would point out that a mechanism is already available, and that if we wish to exchange data in such a way we should join that mechanism.

Let me explain a little more about the sort of data exchanged and the processes. For DNA, a crime scene profile is sent from one country to all the other countries simultaneously, and it is automatically searched against the profiles held in those countries' databases. If there is a match, the requesting country receives a hit report back. At that stage no information is exchanged that would allow a person to be identified—none.

Prior to any personal details being released, all hits must be verified scientifically. In broad terms that is the same system as for fingerprints. Hits are reported within 15 minutes for DNA, and within 24 hours for fingerprints. With Interpol the same manual process means that the average time to report a hit is more than four months. For vehicle registration data, a country that is investigating a crime in which a foreign-registered car is believed to have been involved can request details of that vehicle. Those details are provided in 10 seconds. I think that bears repeating: our police would be able to get details of foreign-registered vehicles in 10 seconds, rather than the months it can take at the moment.

As I said to this House in July last year, Prüm is about the

"easy, efficient and effective comparison of data when appropriate".—[*Official Report*, 10 July 2014; Vol. 584, c. 492.]

Right hon. and hon. Members will no doubt recall that Prüm was part of the 100 or so measures that we opted out of last year when we exercised an opt-out that the

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Labour party negotiated but had no intention of using—that was the greatest repatriation of powers in this country's history.

David Simpson (Upper Bann) (DUP): I welcome the Home Secretary's statement. Have there been any discussions with the Republic of Ireland about introducing Prüm, and does she believe that that will happen in future?

Mrs May: I have not held any of those discussions. Within the European Union a small number of member states have not yet joined Prüm, but they are being encouraged to do so precisely because of the value that has been noted by member states already using the system.

As I said, we repatriated those powers, but we did not seek to rejoin Prüm at that time. That was because although the Labour party signed us up to a measure, it did nothing to implement it. If we had then rejoined, that would have opened us up to fines for non-implementation that could have run into tens of millions of pounds. A pragmatic decision was taken at the time, but as I also said:

"All hon. Members want the most serious crimes such as rapes and murders to be solved and their perpetrators brought to justice. In some cases, that will mean the police comparing DNA or fingerprint data with those held by other European forces. Thirty per cent of those arrested in London are foreign nationals, so it is clear that that is an operational necessity. Therefore, the comparisons already happen, and must do so if we are to solve cross-border crime. I would be negligent in my duty to protect the British public if I did not consider the issue carefully."—[*Official Report*, 10 July 2014; Vol. 584, c. 492.]

By way of consideration, I promised to run a small pilot with a small number of other countries focused on DNA, and to produce a full business case on Prüm. I also made clear that the final decision on whether to sign up to Prüm would be one for this House. We have now run that pilot, and we have published a thorough business case by way of a Command Paper. We are here today to debate and decide whether we should participate in Prüm or not. I believe strongly that we should.

Mr Alistair Carmichael (Orkney and Shetland) (LD): In such matters there are inevitably balances to be struck between sometimes conflicting interests. I think that the Home Secretary has broadly got this one right, and she will have the support of the Liberal Democrats. She will be aware that the briefing provided from Big Brother Watch today refers specifically to the European arrest warrant. What will be required for the use of a match coming from Prüm and relating to extradition under the EAW?

Mrs May: If, for example, the DNA profile is sent, the first response is about whether or not there is a hit on the database. There is then a separate process to determine whether the individual's personal details will go forward. As I will come on to say, we intend for there to be scientific consideration of the match to ensure that it meets the requirements and thresholds that we set. We will be setting higher thresholds than other countries. It will be possible, if the other country wishes, to move to a European arrest warrant to arrest an individual if there is sufficient evidence. We have brought in extra safeguards in relation to the use of European arrest warrants. It will also be possible, through the EAW, for foreign criminals here to be extradited elsewhere and for criminals who have undertaken activity here in the UK but have then gone abroad to be brought back to the UK for justice.

Chris Heaton-Harris (Daventry) (Con): On that specific point, will the second check—the second set of scientific safeguards, as I believe the Home Secretary called them—be a manual check done by a human, or will the process be automated?

Mrs May: I think there will be an automated element to it. If my hon. Friend is concerned that the whole system will immediately undertake the check, there is a decision to make that check and we are setting a higher threshold. I am getting into scientific waters that I am perhaps not best qualified to refer to, but the issue is what are called the matches of loci on the DNA. Many countries will use six, or potentially eight, loci. We will actually use 10 loci, which is the threshold we normally set in the UK. If 10 loci are being matched, the chances of a false positive are less than one in a billion—an important safeguard that we have.

One reason I believe we should opt in to Prüm is the result of the small-scale pilot we conducted and to which I just referred. I was very clear that the exchange could only occur after we had put memorandums of understanding in place with the Netherlands, Spain, Germany and France, and that exchange would only take place under tight safeguards. Matching profiles found at crime scenes in the UK against the four overseas databases saw an impressive 118 hits. That is nearly double the number of profiles our police sent abroad for checking in the whole of 2014. We got hits from each of the four countries. We got hits to serious crimes. We got hits to people who were French, Dutch, Romanian and Albanian, and from various other countries. We did not get hits to Britons. Crucially for the police, this is leading to the arrests of foreign nationals that would not otherwise have taken place—foreign criminals whom we can then kick out of the country, making our streets safer.

A DNA crime scene profile recovered from an attempted rape was sent to all four Prüm pilot countries. The profile hit against a profile held in France, following an arrest there for a burglary. Following the verification of the hit, and after further co-operation with France, the National Crime Agency obtained demographic information on a Romanian national. This individual was stopped in London on 10 November 2015 on suspicion of a motoring offence, which would not have led to a DNA swab being taken or any search domestically of our DNA database. Owing to the Prüm hit, however, the warrant for his arrest was revealed. He was arrested and charged with the attempted rape and is currently on remand. In other cases of rape, we know the police have requested extradition papers. As the director general of the National Crime Agency, Keith Bristow, has said,

"these would not have been detected without the pilot".

It is because of cases like this that Director of Public Prosecutions, Alison Saunders, has said that Prüm will:

"reduce the number of unsolved crimes, such as murder and rape, committed by foreign nationals, and provide an improved service to the public, victims and their families".

If the House votes to re-join Prüm, we will be setting in place a process that will catch foreign nationals who have committed crimes here. We will be setting in place a process by which these criminals can be deported. We will be setting in place a process by which foreign nationals who have committed crimes in the UK can be linked to crimes abroad and sent to those countries to stand trial. In short, it will be a vote to keep foreign criminals off our streets and make our communities safer.

The numbers here are stark. If, and I hope when, the UK connects with all other Prüm countries, the evidence suggests there could be up to 8,000 verifiable hits following the initial connection. That is up to 8,000 foreign criminals our police can track down for crimes they have committed in the UK. There will then be an ongoing daily process that will produce more hits. Such exchanges will become part of business as usual, with the reach of our law enforcement extended across Europe at the touch of a button. This is the sort of progress we must grasp. Experience from those already operating the system in other countries shows just how important it really is.

To those who say we do not need to be in Prüm to do this and that we can do it already, I just say look at the figures. The existing processes are so cumbersome and convoluted that last year police sent just 69 DNA profiles abroad. The ease of the processes we used in the pilot means we have already sent 14,000% more this year. Furthermore, changing the Interpol process would require the agreement of all Interpol members, which would be a near impossibility. It simply is not true to suggest, therefore, that we can go on with the current processes or can easily improve them.

For fingerprints, there is an additional benefit. Countries signed up to Prüm can also check the EU database containing the fingerprints of asylum seekers and others detained illegally crossing the EU's borders. It was this ability to make checks with that database that allowed the Austrian authorities to identify eight of the 71 people so tragically found dead in the back of a lorry on 27 August. It was that same ability that allowed the Austrians to identify one of the suspects in that case. We also know that one of the individuals involved in the Paris attacks entered the EU via Greece. With the unprecedented flows of migrants at the moment, it is clear that the police would benefit from having this capability. By that, I mean police from across the whole of the United Kingdom.

During this process, we have engaged closely with the Scottish Government, Police Scotland, the Northern Irish Department of Justice and the Police Service of Northern Ireland, whose views the Government have given great weight in formulating policy. That is why the Scottish Government, Police Scotland, the Scottish Police Authority, the Northern Irish Department of Justice and the PSNI will have places on the oversight group. Their views will continue to be important to me personally and the Government more generally as we progress this matter, and we will of course consider the representations from the hon. and learned Member for Edinburgh South West (Joanna Cherry) about other bodies. We will ensure that every corner of the United Kingdom has its voice heard. I am sure that is why I have received letters of support for linking us up to this capability from Police Scotland, the Scottish Government and the PSNI.

I have also received support from Bernard Hogan-Howe, the Metropolitan Police Commissioner, who has said:

> "The scale of the potential for individuals to commit crime across Europe is such that a solution such as Prüm, with all the necessary safeguards, is the only effective way to track down these highly mobile and potentially dangerous criminals."

I agree wholeheartedly.

Mr Christopher Chope (Christchurch) (Con): I am as keen as anybody to ensure that our streets are safe. Will my right hon. Friend assure the House that these powers could be exercised by our immigration authorities at the point of entry in relation to anybody seeking to enter this country, whether they be an EU or non-EU citizen?

Mrs May: There are separate arrangements of course. One reason we opted back into SIS II was to give our immigration officials the opportunity to deal with these issues as people crossed the border. As I said, it is possible to check the EU database for the fingerprints of asylum seekers and others detained crossing the EU's borders illegally. I welcome my hon. Friend fully supporting our being able to take measures to tackle criminals and identify those who should be brought to justice, and I look forward to his joining me in the Lobby to support our entry into Prüm.

While it is incumbent on us to give the police the tools they need, it is also incumbent on us to balance that against any civil liberties worries that some may have. The Government have not made this decision without looking hard at how to protect British citizens. I was proud to be a member of the Government who abolished identity cards, stopped the indefinite retention of DNA profiles and fingerprints of those arrested and not convicted of offences and reformed stop and search. Where there have been genuine concerns, I have listened.

The first concern I have heard about this system is that innocent Britons could get caught up in overseas investigations. I believe this should be about catching criminals, so we will ensure that only the DNA profiles and fingerprints of those convicted of a crime can be searched against. We will write that into legislation. Innocent Britons will have nothing to fear. Secondly, I know there has been concern that some countries use lower scientific standards than the UK does when assessing DNA, as I mentioned earlier, and that this could lead to false positives in matches. That is why we will legislate to ensure that UK scientific standards apply before any personal data can be provided. As I said in response to my hon. Friend the Member for Daventry (Chris Heaton-Harris), this means there will be a less than one in a billion chance of the match not being a true one. We accept these standards domestically, and I will ensure that we apply them internationally. To suggest we go beyond that, however, would be to harm our ability to solve crimes.

Mr Baker: I wholeheartedly support the safeguards that my right hon. Friend has set out, but will she explain how she will be able to ensure they remain in place after she has brought the UK within the jurisdiction of the Court of Justice of the European Union?

Mrs May: Yes. How we deal with the data on the databases held here is a national matter. The European Court of Justice does have some jurisdiction—my hon. Friend is right about that in respect of some matters—but

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its jurisdiction is over the "hit/no hit process" or mechanism. Beyond that, how we hold the material on the database is a matter for national decision.

Mr Baker: I understand that this will bring the whole of our arrangements under the charter of fundamental rights, so the manner in which we retain DNA will be subject to European standards rather than the standards set by this House.

Mrs May: No. I have to explain to my hon. Friend that we are able to determine the database, and that how we hold that database and the information that is held on it are matters for national decision. Articles 2(1) and (3) of the principal Prüm decision say that we need to inform the general secretariat about which profiles will be made available for searching under Prüm, while article 5 makes it clear that the follow-up process to a hit is subject to national law, not EU law.

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend is making a very persuasive case. I ask for a moment of clarity regarding the expansion of judicial engagement into areas that have formerly been for the court of Parliament, which has been a form of mission creep that can be seen in various areas. Will my right hon. Friend make very clear the precise remit of the UK courts on this matter, so that when it comes to a judicial review—as I am sure, sadly, it will—or a trial in front of the Supreme Court, it will be able to look back at the words my right hon. Friend has spoken from the Dispatch Box today. It would then be able to see the will of Parliament in the decision and not the interpretation that is chosen at that particular moment.

Mrs May: I am happy to confirm that I am willing to comment on the application of the jurisdiction of the European Court of Justice and how it affects our position. As for the legislation that we are bringing forward, if my hon. Friend looks at the command paper, he will see that we are making clear those areas where national laws apply. As I tried to explain earlier, the Prüm decisions are all about the exchange of data, not the manner in which the data are held here in the UK. Article 72 of the treaties makes it clear that how we deal with DNA for our own security is a matter for member states, not for European jurisdiction. As a further safeguard, we will ensure that if a person was a minor when the DNA or fingerprints were taken, demographic details could be released only if a formal judicial request for assistance were made.

Finally, I referred earlier to an oversight board and I will establish an independent oversight board to ensure that Prüm operates in a just and effective manner. Both the biometrics and information commissioners will have seats on that board, and so will the Scottish Police Authority and the other bodies from Scotland and Northern Ireland that I have mentioned.

It was on account of all those clear and stringent safeguards that the National DNA Ethics board felt that it could write to me in support of our decision to recommend participating in this system. I therefore hope that those who I accept have principled civil liberties concerns will listen to its views.

Costs are associated with implementing this capability. When the Labour Government initially signed us up to Prüm, they estimated that it would cost about £31 million—about £49 million in today's prices. That was without providing any safeguards and without ensuring that Scotland and Northern Ireland would benefit fully and be fully involved. I have looked at this very carefully and am pleased to tell the House that at the same time as ensuring that the operational benefits are nationwide and that UK citizens get the protections they deserve, the Government will need to spend only £13 million. The money spent implementing Prüm will be recouped many times over in savings that the police will make through using it.

Hon. Members will have read about Zdenko Turtak, who earlier this year attacked and raped a woman, leaving her for dead in Beeston. In investigating this crime, the West Yorkshire police had only the victim's statement and the attacker's DNA on which to proceed. Suspecting that the assailant might have not been British, they submitted forms to Interpol and had the DNA profile searched against profiles held in other European countries. It took over two and a half months for a match finally to be reported by Slovakia. During that time, the police pursued over 1,400 separate lines of inquiry at a cost of £250,000. If the United Kingdom and Slovakia had been connected through the Prüm system, that initial hit, instead of taking two and a half months, would have taken 15 minutes. Just think of the time and money that that would have saved the police, not to mention the benefit to the victim of knowing that her attacker would be brought to justice.

Andrew Bridgen (North West Leicestershire) (Con): Will my right hon. Friend give way?

Mrs May: If my hon. Friend will permit me, I need to make progress. I am nearing the end of my speech.

I agree with Russell Foster, the assistant chief constable in West Yorkshire, who has said:

"I can state without any doubt whatsoever that enabling the EU Prüm Decisions in this country will be of significant benefit to all UK law enforcement agencies."

So, do we want to save the police time and money? Do we want to catch more foreign criminals and kick them out of the country? Do we want to speed up and improve our co-operation with some of our closest allies, such as France? Do we want to extend the reach of our police across Europe, and help to solve serious crimes like rape? Do we want to benefit the whole of the United Kingdom, and help to keep our citizens safe? The answer to all those questions must be yes, and, given the safeguards that I have set out today, I am confident that we can protect the British public while also protecting their civil liberties.

Prüm means more crimes solved and justice for victims, more foreign criminals caught and removed, money saved, the whole United Kingdom benefiting, and civil liberties protected. It is clear to me that signing up to Prüm is in the national interest, and I commend the motion to the House.

4.16 pm

Andy Burnham (Leigh) (Lab): Way back in what seem like the mists of time—in May 2005, to be precise—I was appointed to the Home Office and given ministerial responsibility for the development of the European

arrest warrant, and today I think back to the discussions that I used to have with the hon. Member for Stone (Sir William Cash) on that very issue. I remember that it was something of a hot potato, and I also remember that the nature of that debate changed very quickly in the aftermath of the 7/7 bombings and, subsequently, the failed bombing at Shepherd's Bush on 21 July. It was found that one of the bombers, Hussain Osman, had taken the Eurostar to Paris in the immediate aftermath of that failed bombing, and had then travelled on to Rome, where he was finally arrested on 29 July. A European arrest warrant was issued by the British police, and was agreed by the Italian courts on 17 August. Following the rejection of an appeal, Osman was flown back to the United Kingdom on 22 September, just two months after the failed bombing.

That case proved the value of the European arrest warrant, took the heat out of the political debate about it, and illustrated how the security of people here in the UK is, in fact, better served by ever closer co-operation between European law enforcement agencies.

Sir William Cash: As the right hon. Gentleman referred to me a moment ago, may I point out that in Staffordshire there was a case under the European arrest warrant in which a person was actually convicted of murder and was subject to penalties, although it was clear from subsequent evidence that he had not even been in Italy at the time, but had actually been in Staffordshire? There are many similar examples.

Andy Burnham: In any judicial process, there is the potential for mistakes and a miscarriage of justice. Is the hon. Gentleman honestly saying that he was right about the European arrest warrant all that time ago, and that it has been a bad thing and should be scrapped? If so, I think that he is in a small minority in the House, because people have seen the benefits that have come to UK law enforcement following its introduction.

I mentioned that case at the beginning of my speech because I see a parallel between the debate that took place then and the debate that we are having today. Ten years on, as the Home Secretary said, we find ourselves in the aftermath of an horrific attack in one member state that was conceived and planned in another—and I note the letter that the Home Secretary received from Minister Cazeneuve encouraging our full participation in Prüm.

In these difficult times, we—all of us in the House—have an obligation to consider every possible measure to protect the public. It seems to me that the case for greater data sharing and access to data that are held across Europe is now unanswerable, and that we have an obligation to support that case. It is no exaggeration to say that our national security depends on it. That is why, as the Home Secretary said, the last Labour Government made the original decision to sign up to the Prüm decisions in 2007, recognising their potential for our law enforcement agencies. It is also why, back in July 2013, we explicitly warned the Government against opting out of a whole range of EU justice and home affairs measures including Prüm. As I understand it, the Government received warnings from other senior figures in UK law enforcement, and they should have listened to them because, as was pointed out back then, that decision seemed to be driven less by an objective assessment of the impact on crime prevention and detection, and more by a political desire to appease the never-satisfied forces of Euroscepticism on the Conservative Benches. Tempting as it is to say, "We told you so" to the Home Secretary today, we will try and resist that and instead congratulate her on eventually arriving at the right decision and encourage her to resist the blandishments of the forces of darkness who are again rearing their head today.

Keith Vaz: In fact, the Home Secretary's speech today was a tour de force as to why we should have been in Prüm last year. Think of the number of criminals we could have caught, or potential terrorists we could have found, if only we had joined a year ago.

Andy Burnham: The case the Home Secretary has just set out from the Dispatch Box was compelling and powerful, revealing, as it did, the zeal of the convert to the cause. She was right to make her case with such force, and I am sure my right hon. Friend would agree that the problem with the amendment in the name of the hon. Member for Stone and others this evening is that it invites the House to prioritise the civil liberties of British citizens and risks to UK sovereignty over and above risks to national security. That is what the amendment to the motion invites us to do.

Of course our liberties and our sovereignty are important considerations, but the safety of the public must come first. That is the primary duty of any Government, and it is why the Government are right not to listen to the hon. Member for Stone. The truth is they got themselves into difficulty two years ago by listening to those siren voices, and I hope Members on the Treasury Bench will not make the same mistake today. Indeed, I hope they would have learned an important lesson from this whole episode. It was the European Council that required the Government, after notification of the opt-out, to conduct and publish a business and implementation case assessing the costs and benefits of Prüm. In other words, the EU forced the UK Government to face up to the benefits of European co-operation and in bringing this motion to the House tonight they are effectively conceding the EU was right all along.

That assessment was informed by a pilot undertaken by the Government which the Home Secretary referred to. It found an overwhelming case to opt back in. It involved DNA samples from 2,513 unsolved British murders, rapes and burglaries which were automatically checked against European police databases in France, Germany, Spain and the Netherlands. Searching the profiles against the databases of those four member states revealed 71 scene-to-person matches and 47 scene-to-scene matches, five relating to rape, two to sexual assault and 23 to burglary.

Sir Edward Leigh (Gainsborough) (Con): On an earlier point, is not the greatest defence of the nation's security the civil liberties of the people?

Andy Burnham: I would put it to the hon. Gentleman that security comes first and that is the primary duty of any Government—to keep the public safe. Once we have secured people's safety, then liberty comes from that security. That is why I believe the amendment before the House tonight has got things the wrong

[Andy Burnham]

way round. I conceded they are incredibly important considerations, but they are not more important than national security and any measures that enhance the security of the public here in the end contribute to enhancing their liberty. That is why security must come first.

As well as finding those matches, the pilot also found that information was provided in a much more timely manner than it had been under the old arrangements, as the Home Secretary said. It found that information was being provided in a matter of seconds, minutes or hours, drastically improving the speed and quality of investigations. At present, requests by the British police for DNA checks from other European forces involve a request to the National Crime Agency, which is then passed to Interpol before being passed on to the relevant national police force. On average, it takes 143 days for the results to come back. The benefits to UK law enforcement of opting into the Prüm decisions on data access are therefore abundantly clear, in terms of speed of investigation and of resources. DNA checks will be available within 15 seconds, automated number plate checks within 10 seconds and fingerprint matches within 24 hours.

Mr Chope: The right hon. Gentleman is emphasising the importance of DNA checks. Will he explain why the Eurodac regulations specifically exclude the possibility of taking DNA samples from asylum seekers who are entering the European Union?

Andy Burnham: I think the hon. Gentleman is conflating two issues. We are not discussing that issue today. Let us be clear, to avoid any misconceptions, that we are talking about the DNA of people who have been convicted of a recordable crime. It seems to me that that provides sufficient safeguards against the abuse of such data. If the hon. Gentleman is making an argument for the wider collection of DNA, as opposed to fingerprints—the fingerprints of people entering the country are collected—that would raise other civil liberties concerns that he would have to discuss with his colleagues. He seems to be envisaging going even further than the Prüm decisions, but I do not believe that we are at that point right now. Perhaps he will return to that issue with his right hon. Friend the Home Secretary.

In these times in which we live, the speed of investigation is essential. I invite every Member of the House to cast their mind back to the hours after we heard about the Paris bombings, or indeed to the hours after the shocking attacks in London a decade or so ago. People were hanging on to the news, waiting to hear of leads against those who might have committed those atrocities. That is what people want. They want the police and the security services to have, in those moments, the clearest possible line of sight across Europe, so that they can pursue immediate leads and track the suspects down. That is what we need to remember when we consider these issues. We need to ask ourselves whether we are prepared to give the police and the security services, not just here but across Europe, that ability to get on the trail of people who are committing atrocities against us and to track them down. In my view, the case is unanswerable: we should give them that power.

We should also ensure that the British police and security services have access to a much larger collection of biometric and biographical data, which will lead to more crimes here being solved and to more victims here getting the justice that they are being denied today. The earlier detection of crime and the conviction of the individuals responsible must be in the forefront of our minds.

Mr Andrew Turner (Isle of Wight) (Con): Would the right hon. Gentleman like other countries, such as Iceland, to join Prüm?

Andy Burnham: I personally see no objection to that, but let us start within Europe. Let us get a clear set of standards and arrangements within Europe first. I put it to the hon. Gentleman that one of the benefits of the European Union is that it sets a standard that the rest of the world then begins to follow. We are seeing that now with Norway and Iceland. In effect, they have to follow all the norms of the European Union if they want to be a full trading partner. So I would not see a problem with the hon. Gentleman's suggestion. The Home Secretary has said that there will be many safeguards. I put it back to the hon. Gentleman: would he be happy with somebody who has committed a crime going back to Iceland and thus avoiding justice? I would not be happy with that and I would want measures in place to ensure that they could be brought to justice. Opting in will also lead to a much better use of police time and resources, as the Home Secretary has said, and will improve the intelligence picture that the crime and terrorism authorities have, so that they can better understand the patterns emerging across Europe.

Chris Heaton-Harris: The right hon. Gentleman knows that I have huge respect for him, but I want to tease something out a tiny bit further. He said that security trumps civil liberties. Does he believe that security trumps the protection of our common law system?

Andy Burnham: I reiterate that security comes first. The first responsibility of any Government is to secure the people who live here by taking reasonable measures to reduce the risks to them, because from that foundation of security come all our traditions, our laws and our liberties. That is why co-operation in this field is a good thing, given that the nature of crime now is international. If we fail to understand that, our own legal system will never be able to respond to the changing nature of crime that we face.

Mr Rees-Mogg: I agree with the point that the right hon. Gentleman is making, which is that it is sensible to co-operate, but does this co-operation need the institutions of the European Union?

Andy Burnham: Why should it not, if the co-operation is improved by those institutions? The hon. Gentleman is putting an in-built dislike and distrust of them ahead of the actual issue before us. That is what some Conservative Members are doing, but they should judge this on its merits. Surely the better we can facilitate that co-operation, the more benefits it will bring back to the police and security services. I would imagine that co-operation will be enhanced by working with established institutions, as opposed to making ad hoc arrangements, Government

to Government. That is the benefit of the European Union, although I know he probably does not accept that.

The Government have come to the right decision, albeit in a roundabout way, but I wish to press the Home Secretary on a few points of detail, the first of which is on the cost. She said that in the original assessment the cost of opting into Prüm was put at £31 million, but she now says it is £13 million. We are prepared to accept that at face value, but can she say what is responsible for such a significant reduction in the cost? The business and implementation case says that the estimate is based on "high level requirements", which implies that it is based not on a fully fledged implementation of Prüm but just on the "high level requirements". Will she say more about that? What are the "downstream operational running costs" to which the business case refers? How much will it cost every year to run the system, set against the benefits that she said it would bring? My next point may be of interest to those who have signed the amendment. Will the Home Secretary say what the UK will be liable to pay back to the EU if the House does not back this decision this evening? I understand that it is a significant sum, and perhaps it would help the House to know what it is.

I now wish to deal with the safeguards. We welcome the appointment of the oversight board, although there is concern that extradition should not be possible under a European arrest warrant purely on the basis of a DNA or fingerprint match. I think this was the point that the right hon. Member for Orkney and Shetland (Mr Carmichael) was raising earlier. The point was that other corroborating evidence should always be required before extradition can be granted. I think the Home Secretary was confirming that was the case, but it would help the House if she or one of her Ministers could say a little more on that at some point.

Mrs May: I am grateful for the opportunity to do that, and I apologise to the right hon. Member for Orkney and Shetland (Mr Carmichael) if I slightly misunderstood his question. It would be my expectation that an EAW would require more evidence. We have put a number of safeguards into the way in which EAWs are operated, to ensure that we do not see people erroneously being extradited from the UK, and I would expect there would be more evidence as the basis for issuing an EAW. And those normal EAW processes will apply even when there has been a Prüm hit.

Andy Burnham: I think the whole House will find that explanation helpful. I would share the concerns of the hon. Member for Stone and others if the match could then trigger a European arrest warrant immediately without any other evidence. I think everybody would find that worrying, but the right hon. Lady has reassured the House on that point.

It is also reassuring that only people convicted of recordable crime can be searched by another police force. That still does not take away the higher level of concern that there would be over the sharing of DNA profiles from named individuals. Does the Home Secretary feel that there should be a higher proportionality test in this area, linked to more serious crime and terrorism, and does she favour a stricter test before DNA information can be shared with another police force? That is an area in which a higher safeguard could be introduced. It might be effective in limiting blanket person-to-person searches, which bring potential for abuse.

Who will take the decision to share personal information if a match is made? Will it be a designated individual in a police force or will all decisions be taken at a national level by NCA officials? It is important to be clear about who will be making these decisions. Will it be an individual who makes only one or two such decisions in the course of a year, or an official who deals with many of them? I think people will have more confidence in someone who deals with a good number, because they will be able to weed out the more frivolous requests.

Will all participating nations collect DNA profiles and fingerprints from crime scenes using a shared quality assurance standard? There is concern about the lack of uniformity across Europe, and people will want some reassurance on that matter. Finally, will the Home Secretary expand on the role of the European Court of Justice when it comes to the Prüm decision, if we choose to opt into it? As I understand it, it is quite a minor extension of its jurisdiction and there is not the fear that has been expressed by some in the motion.

With those caveats—I insist that they are just caveats—I conclude by saying that we on the Labour Benches believe that the Government have reached the right decision, albeit they have done so in a roundabout way, and that they deserve our support this evening. I hope they agree that this whole issue and the way in which we have arrived at this point illustrate how our continued membership of the European Union enhances the security of our country in these difficult times. The Home Secretary has made a convincing and powerful case tonight to rejoin the Prüm decision, and she will have our support in taking an important step to catch more criminals and keep our country safe.

4.38 pm

Sir William Cash (Stone) (Con): In these troubling times, this debate raises troubling questions about vital matters of policy and principle, not only for the United Kingdom as a whole and our Parliament but for our civil liberties and our common law.

First, before reaching a decision on our participation in Prüm, we should consider very carefully the implications for our parliamentary sovereignty, from which all law should ultimately derive. If we opt into Prüm, in which areas would the UK be accepting exclusive EU competence? The Government must be clear on that, because only the EU could act in those areas, which would mean taking the decision away from Parliament.

I have to ask the Home Secretary this: how assiduously have the Government considered alternative means of securing the benefits that Prüm offers in a way that would be less damaging to our parliamentary sovereignty? Furthermore, what is so special about the European Union when it comes to security, terrorism, organised crime and all those things that we deplore and want to control as compared with matters that arise in other parts of the world? What is the real distinction to be drawn as we seek to protect our citizens in the EU or any other country in the world?

Secondly, by participating in Prüm, the United Kingdom would be compelled to accept the jurisdiction of the Court of Justice. The extension of that Court's jurisdiction

[Sir William Cash]

under the Lisbon treaty to sensitive areas of policing and criminal law was the key factor in the previous Government's decision to opt out.

Andy Burnham: I have listened carefully to what the hon. Gentleman said. He asked what was so special about national security that it required a European dimension, if I heard him correctly. Does he agree that the fact that the Paris attacks were exclusively planned in another member state answers his question?

Sir William Cash: It does not. The reasons why that terrible carnage took place have a great deal to do with insecurity and instability as a result of the failures of border controls and the manner in which people made their way to Paris. We do not have time to go into all those matters, and they are not the subject of this debate, but I question whether national security for United Kingdom citizens, which is our prime concern, will be advanced by surrendering these powers to the European Court of Justice.

The Government concede that accepting the Court's jurisdiction is not risk-free. They should have explained what practical impact they expected the extension of the Court's jurisdiction in relation to the UK to have, and they have not done so.

Thirdly, the Government say that they intend to put into place extra safeguards to ensure that Prüm would operate in a way that

"respects fully the civil liberties of British citizens."

Liberty gave evidence to the House of Lords on a number of matters in this respect.

In the report of the European Scrutiny Committee that was published the other day, we make it clear that there is an important balance to strike between law enforcement co-operation, especially when it involves the exchange of personal data, and the need to protect individuals against the risk of false incrimination and unwarranted interference with their right to privacy. The Government's business and implementation case can provide only anecdotal evidence of cases in which Prüm has been instrumental in advancing an investigation or securing a conviction. The paucity of evidence that we have been given on the value and impact of Prüm in respect of law enforcement makes it difficult to measure its added value and to ensure that an appropriate balance is being struck. We find that lack of transparency and accountability troubling.

Mrs May: I can only assume that I slightly misheard what my hon. Friend said. He seemed to say that the only evidence that we had given about the benefits of Prüm was anecdotal. We have undertaken a pilot with four other EU member states. That pilot was based on the exchange of a certain number of DNA profiles. It led to hits. As in the case of the Romanian that I identified, it led to someone being charged, who is now on remand. That is not anecdotal; someone has been brought to justice as a result of Prüm.

Sir William Cash: I think that the Home Secretary used the expression "pilot scheme". She surely concedes that it was a small scale pilot scheme. That is the basis on which I question the extent to which the evidence is sufficiently broad-based to justify this extremely grave extension of powers to the European Court of Justice. The main risks highlighted by the Government are the remaining possibility of false positives, leading to the false incrimination of innocent individuals, cost, conferral of jurisdiction to the Court, and a high volume of requests, bearing in mind the fact that the UK has the largest criminal fingerprint and DNA databases.

Suella Fernandes (Fareham) (Con): I appreciate my hon. Friend's exploration of the issue, but I wish to pick up on the point he made to our right hon. Friend the Home Secretary about the small scale of the pilot. What does he say about the fact that our law enforcement service will have access to more than 5 million fingerprints and DNA profiles? In the pilot, the British police sent out more than 2,500 profiles. When it comes to scale, the evidence is compelling.

Sir William Cash: The scale has to be weighed against the extension into the realm of the European Court of Justice. That is the key issue. The European jurisdiction has been conceded by the Government, although they refused to do so before. In addition, this entire exercise represents the most massive U-turn in Government policy since 2013.

Gavin Robinson (Belfast East) (DUP): There has been a focus on the scale of the pilot scheme. Has the hon. Gentleman had a chance to consider page 23 of the Command Paper, which helpfully outlines the delays associated with the Interpol system? Indeed, the very first example is of someone who, after four or five months of an Interpol application, having committed more offences from London to Essex, was detected in relation to another crime? With Prüm, he could have been detected much earlier.

Sir William Cash: There is no doubt that there are a number of cases where improvements can be made. With respect to the difference between what we are doing in the European Union as it affects the United Kingdom and what is happening in the European Union regarding other countries, we still have those problems in other countries. Extending the jurisdiction to the European Court of Justice will simply not deal with the problem.

Furthermore, in reaching a decision Parliament is entitled to know which measures the United Kingdom would opt back into by rejoining Prüm; the relevant factors that prompted the Government's change of policy on UK participation in Prüm; and how concerns expressed by the coalition Government in July 2013 have been resolved, as we have heard almost nothing about that today. The Government motion is far from clear about the measures that the UK will rejoin if Parliament votes for it today. It refers only to Prüm decisions, but there are three measures. Two Council decisions were adopted in 2008, and the third Council decision was adopted in 2009 on the accreditation of forensic service providers. The Government should explain why the framework decision is not expressly referred to in the motion and whether they accept that it is an integral part of the Prüm package.

In July 2013, the previous Government told Parliament that Prüm would be too costly to implement. The estimate, I understand, was £31 million. The Government

expressed concern that Prüm's technical requirements were out of date and that it would be better to see whether there was a more modern solution that allowed better exchange of information, for example, producing fewer false positives or requiring less human intervention. The Government now suggest that implementing Prüm would be significantly cheaper—about £13 million, not £31 million. Can they account for such a significant reduction in such a short space of time, and how credible is the cost assessment on which the revised estimate is based?

Furthermore, the Government do not explain what efforts have been made to craft a more modern solution based on up-to-date technical requirements which would substantially reduce the risk of false positives, not just in the UK but in the EU. The Government say that they will apply higher technical standards than required by Prüm—of course—for the UK's DNA and fingerprint databases, but we should recall that DNA profiles and fingerprints of British citizens may be held on foreign databases, which may be subject to less rigorous standards than those proposed by the Government.

All in all, this is not a motion that should be passed, for the reasons that I have given: it interferes with parliamentary sovereignty, it extends the range of the European Court, and the Prime Minister himself has made it clear that he does not want an extension of EU jurisdiction. Indeed, I think the Home Secretary has said as much. The motion therefore does not stand up. We should not opt into these proposals. For many of us, this is a step too far.

4.50 pm

Joanna Cherry (Edinburgh South West) (SNP): I thank the Home Secretary for her statement today and for the courtesy of keeping me and the Scottish Government informed of her plans in advance of today's motion. I agree with the shadow Home Secretary that the Home Secretary made a convincing and powerful case for participating in the Prüm decisions. It seems clear that the United Kingdom's participation in those decisions will give police forces across the UK accelerated access to millions of fingerprints, DNA profiles and car registration records held across Europe. Such police co-operation across Europe can only be a good thing, provided that there are inbuilt safeguards respecting civil liberties and adherence to the highest scientific standards.

I welcome the UK Government's engagement with both the Scottish Government and Police Scotland in developing the business and implementation case. I and my colleagues at Holyrood are encouraged by the progress to date. On the basis that the necessary civil liberties safeguards and high scientific standards will be built into the legislation and that there is proper and full involvement of the Scottish Government, the Scottish National party will support the motion.

I thank the Home Secretary for confirming clearly that the Scottish Government, the Scottish Police Authority and Police Scotland will be included in the membership of the group to have oversight of Prüm. I thank her also for confirming that the UK Government will continue to work closely with the Scottish Government to ensure that the views and concerns of the people of Scotland are given due consideration in the implementation of these decisions.

Clear benefits of Prüm for Scottish policing have already been shown. The Home Office pilot exercise which was used to inform the business case has already produced two hits for serious historical sexual crimes in Scotland, and these hits are currently being assessed and investigated. Prüm clearly offers advantages to Police Scotland over the current system in terms of both the speed of response and the ability to identify perpetrators more quickly and bring them to justice sooner. Under the current system, as we heard, all international inquiries have to be routed through Interpol. Even in a very serious case, it can take several days for a response to be received. For less serious crime requests, as we heard, it can take many days and even weeks or months for responses to be received.

However, under Prüm, DNA and fingerprint data will be uploaded to the Prüm database from the relevant national databases. These data can be automatically searched, with any hits being notified immediately in the form of anonymised data in the first part of the two-stage process that the Home Secretary explained. Further data quality checks can then be carried out by member states, and on completion full data exchange can take place. This will be much quicker under Prüm than under the current system. The same applies to vehicle registration checks—an EU-wide vehicle registration check could be completed instantly under Prüm, compared with the several days that that takes at present.

On oversight, it was originally proposed by the Home Office that the Information Commissioner and the Biometrics Commissioner would be responsible for auditing UK compliance with Prüm. This was problematic for Scotland because, although they have a UK-wide role, both these officials have a limited remit in Scotland. For example, the Biometrics Commissioner's role is to keep under review the retention and use by the police of DNA samples, profiles and fingerprints, but their functions in the main do not extend to Scotland. Collection of DNA profiles and samples in Scottish criminal cases does not fall within the Biometrics Commissioner's remit because these issues are wholly devolved as they form part of Scottish criminal procedure.

Against that background, I am very grateful to the Home Secretary for confirming that the oversight group that is to be set up will include members from the Scottish Government, the Scottish Police Authority and Police Scotland, as this will provide a vehicle that can be used to feed in any views and concerns about compliance in Scotland. As I said, Prüm is a mixture of reserved and devolved matters, and that is why discussions are ongoing between officials of the Scottish and UK Governments to establish what, if any, legislation will need to be laid before the Scottish Parliament. Once again, I thank the Home Secretary for her continued co-operation with the Scottish Government in this regard.

Turning to civil liberties and safeguards, SNP Members were pleased to read in the business and implementation case that the Government recognised that there were significant civil liberties concerns about the operation of Prüm. I am pleased that they have taken on board some of the key objections put forward by civil liberties groups such as Justice, Liberty and Big Brother Watch. I note that the Home Secretary said that she renews her commitment to addressing civil liberties issues in relation to Prüm.

[Joanna Cherry]

It is crucial that a correct balance is struck between preventing crime, protecting national security and protecting individual civil liberties, particularly the right to privacy. The Home Office has proposed a number of safeguards that we are pleased to support. In particular, we are happy with the suggestion that any personal data that the UK sends to another member state must not be stored permanently on its systems or databases, and cannot be stored for longer than would be legal in the country sending it. We are also pleased that there will be oversight of, and periodic checks on, the lawfulness of the supply of data and compliance with Prüm.

I understand that if a foreign member state searches for DNA or fingerprints and that search is matched with a UK citizen aged under 18, their personal data can be accessed only if mutual legal assistance channels are used, and that the UK will not share data on those under 18 through Prüm. I also understand that there is an appreciation that if the crime for which someone is matched is very minor, the UK can refuse to send personal data.

Then there are the higher scientific standards in relation to DNA profiles to which the Home Secretary alluded, whereby rather than the minimum requirement of Prüm for at least six full designated loci, the UK Government will require that personal data will not be supplied unless the DNA match is at 10 or more loci. As she said, that means that the chances of a hit being wrong are less than one in a billion, which under Scottish criminal procedure would put the matter pretty much beyond reasonable doubt.

I welcome the undertaking that the United Kingdom will ensure that only those who have been convicted of a crime can be searched in the DNA or fingerprint databases. I applaud this as being in line with what has been standard practice in Scotland for some years. I appreciate that the coalition Government also embarked on this route in recent years.

As I said, these safeguards have been welcomed by civil liberties groups, but some, particularly Big Brother Watch, which the right hon. Member for Orkney and Shetland (Mr Carmichael) mentioned, still have concerns about certain aspects of Prüm. They have raised a particular concern about the vehicle registration database, which holds the personal data of all drivers, the majority of whom are not, of course, criminals. Safeguards are to be built into the system with regard to access to DNA and fingerprint data to protect innocent people's data, so I wonder whether consideration might be given to whether, at least to some extent, such safeguards should be built into the recovery of vehicle registration data. The Home Secretary said that innocent Britons will have nothing to fear, and perhaps that ought to be borne in mind in this respect.

Big Brother Watch raised similar concerns in relation to Eurodac—the EU-wide database of asylum seekers' and illegal migrants' fingerprints. The persons whose fingerprints are on this database are not necessarily criminals, so I wonder whether the Home Secretary agrees that it is appropriate that we look at putting in place safeguards to ensure that it is accessed only in the most serious cases.

On the European arrest warrant, I thank the Home Secretary for addressing a concern that I had, and that was raised by Big Brother Watch, about whether the match of a DNA sample, a fingerprint or a vehicle number plate would be enough to request the extradition of a British citizen, or whether further evidence would be required. I was pleased to hear her confirm so clearly that further corroborative evidence would be required before a European arrest warrant could be issued or implemented.

In conclusion, unlike others in this House—we have already heard from them today—the Scottish National party does not fear the jurisdiction of the Court of Justice of the European Union. Unlike those who have tabled amendment (a), we believe that, far from threatening the civil liberties of British citizens, the Court of Justice will ensure that they are upheld, having regard to the charter of fundamental rights. It is, of course, open to this Parliament to set higher standards in relation to human rights and civil liberties, if it wished to do so.

5 pm

Damian Green (Ashford) (Con): I support the Government's proposals, partly as a result of my own Home Office experience of seeking to fight not just criminality, but, specifically, cross-border criminality. Members on both sides of the House have made the powerful argument that taking this decision will actually make our streets and citizens safer. I cannot think of a better use of parliamentary time, particularly at this moment. The Government's decision could not be more timely, given the terrible events not just in European countries, but around the world, in recent weeks and months. It is well worth this House doing everything we can to protect our citizens and to reassure them that everything is being done to make our streets as safe as possible.

It is relatively unusual for the Home Office to be able to invite the House to take such a decision on the basis of hard evidence. When adopting a new policy, it is often the case that we have to assume that it is going to work. Sometimes it does and sometimes it does not, but in this case we have had the benefit of the pilot, which has been much discussed, and it seems to me that the arguments cannot be gainsaid at all. Clearly, even the small-scale pilot has already made this country's streets safer, so extending that so that we can experience the full benefits of the Prüm measures is extremely sensible.

That is why the proposal is supported by people throughout the criminal justice system. The Home Secretary has herself quoted a number of senior police officers, including the Commissioner of the Metropolitan Police, the director general of the National Crime Agency and a chief constable who has been involved in a particularly sensitive case. It is interesting that, further down the criminal justice pipeline, the Director of Public Prosecutions also supports the proposal. She has said that it will

"reduce the number of unsolved crimes, such as murder and rape, committed by foreign nationals, and provide an improved service to the public"

and victims—a group we should always be particularly concerned about.

The advantages are spread across a number of areas. They include not just the simplified processes to request information and data, though they are vital, but efficiency gains in international searching, which will allow simultaneous searches to take place in a number of countries at once. That is a significant step forward in practical crime fighting.

Mrs Anne Main (St Albans) (Con): Speaking as one of the forces of darkness referred to earlier, I abhor giving more power to any other body, but I accept my right hon. Friend's argument about the international element; it is not just about the European element. In that case, I support the sharing of data, because it makes our streets safer. What I object to is that it is framed in this European way, but we are where we are, unfortunately.

Damian Green: I can only say to my hon. Friend that it would be absurd to let the best be the enemy of the good. It would be wonderful if 185 states all had the technical capacity and ability to exchange information in this way, but they do not. In fact, I think only 21 of the current member states of the European Union can actually do this. I know that this is not true of my hon. Friend, but I sense that other hon. Friends want to use that as a reason not to sign up to the proposal, but that is nonsense, because it would continue to leave our streets not as well protected as we would all wish them to be.

Mr David Davis (Haltemprice and Howden) (Con): For me, the problem of cross-national justice is that countries are sometimes very keen to convict foreigners, and there is therefore a propensity to miscarriages of justice. We saw that with the plane spotters in Greece, as my right hon. Friend may remember. He has of course been in the position of suffering a politically driven miscarriage of justice. What is interesting for me is that the Home Office has done a very good job in preventing the false positives and miscarriages of justices. Does he agree?

Damian Green: As so often, I do agree with my right hon. Friend. He is right that, for obvious reasons, I am not an uncritical admirer of everything that the police do. I regard myself as a candid friend of the police. It is extremely important that the technical measures that can be taken to minimise false positives and possible miscarriages of justice are taken at all times. I agree with him that the reassurances the Home Secretary has been able to give on that matter are extremely important.

Before I move on to the potential risks, I want to mention one advantage: access to Eurodac, to which my hon. Friend the Member for Christchurch (Mr Chope) referred. Eurodac is the EU-wide database of the fingerprints of asylum seekers and illegal migrants. This change will allow it to be used in criminal investigation searches. It will be precisely aimed at potential criminals, not at innocent people who may have been caught up in something. That underpinning safeguard is absolutely key.

The overwhelming advantage is the straightforward one of speed. Anyone who looks at practical law enforcement will know that speed of response is hugely important in making police operations more effective, particularly internationally. Regrettably, it is topical to say that this is particularly true when the police are attempting to deal with a terrorist outrage. The fact that it may take minutes or 24 hours, rather than months, to get evidence is absolutely vital. The advantages are therefore clear cut and widespread.

People have expressed two areas of risk associated with this system. One is genuine and the other is the result of applying some wrong-headed ideology. Let me deal with the genuine one first: the fear that the measure will intrude on our privacy or damage our data protection and therefore adversely affect our civil liberties. I take that very seriously. It is extremely important to deal with security alongside other civil liberties. I agreed with a lot of what the shadow Home Secretary said, but I do not agree—I may have slightly misunderstood him—when he said that we must have security, and once we have security we can worry about civil liberties. I think that security is one of the important civil liberties that Governments should guarantee, but other civil liberties are extremely important. We must try to defend them all in parallel and, if necessary, strike the right balance. I think that the measure does that.

There will be stringent safeguards. I return to the point that the key safeguard is to ensure that the measure is used to target convicted criminals. It seems to me that if we use large-scale databases, particularly on an international basis, we want to target people convicted of a crime, not just to trawl the records of innocent people. That is absolutely essential at a national level, and it is even more essential at a European level. The proposals before the House pass that test. I imagine that that is why the National DNA Database Ethics Group has given this a "wholehearted welcome", which is quite a good badge of respectability for the Home Office.

Like other hon. Members, I have read carefully what Big Brother Watch has said about the measure. It is an organisation that does a lot of good and helps to hold Governments to account. I confess that I was slightly surprised at the tone of the response from Big Brother Watch, which welcomed the safeguards that the Home Secretary has introduced. It did say that there were areas of concern, but against the normal standards of comments by civil liberties groups on Home Office proposals, that is warm approval. That should be taken seriously.

I echo the words of the hon. and learned Member for Edinburgh South West (Joanna Cherry) and hope that the Minister deals with the vehicle registration database and the specific worries that Big Brother Watch has raised. It asks:

> "Will searches only be for serious crimes or will they include offences such as speeding or driving in a bus lane?"

It also asks:

> "Will foreign police forces have access to ANPR cameras or historical ANPR data?"

The House ought to be reassured on those points.

All those civil liberties issues pose a genuine risk, but I think that they have been dealt with. The other line of criticism, which appears in the amendment, says that we should not use these procedures because they are procedures of the European Union. That is a damaging ideology. These measures help the police to catch criminals, prevent terrorist attacks, save lives and keep our streets safer. In those circumstances, it is irresponsible to say that we should not sign up because of an anti-European ideology and a fear of the European Court of Justice. The British people know that we live in a dangerous world and, frankly, will not forgive politicians who make it more dangerous by indulging in anti-European gesture politics in this field.

It has been argued that there are other ways to achieve the same effect, but it has been amply demonstrated in the course of the debate that nothing that is available is as efficient as this measure.

Mr Andrew Turner: Will my right hon. Friend assist me by saying whether Iceland, for instance, should be encouraged to join?

Damian Green: Iceland is not a member of the European Union. If Iceland wished to sign some kind of deal with the European Union, I assume that it would be open to Iceland to do so, but I have seen no sign that it does. It is not within the purview of this House to dictate to the Icelandic Government and people what they should do. I imagine that they want to keep their streets safe as well.

Mr David Davis: I take my right hon. Friend's point about the European Court of Justice, but the fear in respect of some of the protections he has talked about, such as the extreme case of whether the database is used for speeding offences, is that the Court could change the guidelines in a way that is outside our control. I do not think that it is true that that could happen in this case, but I think that he should address the point, rather than just dismiss it.

Damian Green: I do not dismiss it, although my right hon. Friend is right that it is not true in this case. The Prüm measures specifically say where the European Court of Justice has jurisdiction, and it is quite limited. One thing that the Court seeks to do is to defend individual citizens against over-mighty states.

Mr Davis: I know.

Damian Green: My right hon. Friend knows that. The idea that everything that the European Court of Justice does is bad or somehow goes against civil liberties and freedoms is simply wrong, as I am sure he would acknowledge.

The Minister for Immigration (James Brokenshire): It is worth putting it on the record that the Prüm decisions are caveated by national law. Article 12 states that the searches must be conducted

"in compliance with the searching Member State's national law."

Damian Green: I am deeply grateful to my right hon. Friend. I hope that that reassures those who have doubts on that score.

It has become fashionable in this House in recent days to quote dead communist dictators.

Mrs Main: Not on this side.

Michael Ellis (Northampton North) (Con): You're the first.

Damian Green: I may be the first Member to do so on this side of the House, but I am sure that I will not be the last.

In this case, I want to refer to a concept that Lenin introduced: that of the useful idiot. It refers to people who do something by accident that gives comfort to those whom they normally oppose. I am afraid that some arguments against this proposal fall into that category. I know that my right hon. and hon. Friends who are advancing these arguments are not idiots, so I urge them to think hard, and possibly not to press the amendment.

This kind of European co-operation in fighting serious crime and terrorism is essential in today's dangerous world. It is to the European Union's credit that it has devised a practical system to help keep people safer, and to the credit of the British Government that they have agreed to sign up to it. I hope that tonight the House will agree on that significant step forward in fighting terrorism and serious international crime.

5.15 pm

Keith Vaz (Leicester East) (Lab): It is a pleasure to follow the right hon. Member for Ashford (Damian Green). I woke up this morning by reading his article in *The Daily Telegraph* on this subject, and here he is live this afternoon quoting Lenin, who I am sure is required reading for all his electors in Ashford.

I will not quote Lenin, but I will quote the Home Secretary who, as you know, Madam Deputy Speaker, we revere on this side of the House. In 2014 she said that

"we have neither the time nor the money to implement Prüm by 1 December. I have said that it will be senseless for us to rejoin it now and risk being infracted. Despite considerable pressure from the Commission and other member states, that remains the case."—[*Official Report*, 10 July 2014; Vol. 584, c. 492.]

I was delighted to see her conversion, which was based—of course—on very strong evidence from the pilot that the Government put in place, and on a powerful case that we should join this important part of the EU. She has obviously thought about it carefully over the past 12 months, and I appreciate the courtesy of the Immigration Minister who rang me a week ago and told me what the Government planned to do.

All the arguments have been made. I could just say, "I agree" and sit down, but this would not be Parliament if I were to do that. It is rare for those on both Front Benches to speak so eloquently in support of a motion—perhaps that will be a feature of European debates to come.

Mrs Main: I disagreed with the shadow Home Secretary when he said that those who wanted to vote in favour of this motion would be expressing their delight at an ever closer union. I disagreed with him about that, and I felt—perhaps this is the useful idiot bit—that he was losing me at that point.

Keith Vaz: The hon. Lady is right. Voting for the motion does not mean an ever closer union—that issue is still under negotiation with the Prime Minister and the rest of the EU—but it does mean helping us to fight terrorism and serious and organised crime. I hope that she will vote with the Government on this occasion, as I am sure she has done on many other occasions since she came to the House.

Ms Margaret Ritchie (South Down) (SDLP): My right hon. Friend is making a compelling argument. We all, including those of us who represent constituencies in Northern Ireland, want issues of cross-border crime to be dealt with and eliminated. Does he agree, however, that data protection must not be sacrificed and that civil liberties must be protected?

Keith Vaz: I do agree with that, but I am reassured by what the Home Secretary has said about the creation of the oversight board, and the fact that information about those on the database who have not committed criminal offences will not be shared.

That brings me to an important point. I am getting confused with all these various databases, so I asked the Library which databases on criminal and terrorist links are available and could be shared with the rest of the EU. It came up with an awesome list of databases that contain hundreds of thousands, indeed millions, of names. The police national computer holds a number of pieces of information—11,559,157 names. There is the Police National Database; ViSOR; the DNA database, which currently holds 5,094,325 names; Semaphore, which is about to be improved because the Home Office announced an extra £25 million to improve its capability; and the Warnings Index, which is also capable of improvement—I will make reference to this—because we heard recently that it is not as effective as it ought to be in tracking those who come into this country. We do not know how many are on the Warnings Index, of course, because it is confidential. Again, we do not know the numbers on the Watch lists database, but it is still of interest. As far as the European Union is concerned, there is the second generation Schengen information system, SIS II, the Europol information system and the Interpol database. Again, we do not know how many names are on those databases.

We are talking about an awful lot of databases. When the Minister comes to wind up, it would be very helpful if he told the House which of the UK databases will be subject to this decision and which of the European and international databases—it may be all of them—are also going to be part of the decision we make today. I support what the Government are doing, but it is nice to have clarity for those who think that every single bit of information ever collected about a British citizen will be made available.

My concern is the security of the border, especially after the events in Paris. I believe the decision of the Government will help us to track people who leave this country and end up in the European Union; people like Trevor Brooks and Simon Keeler, who on Wednesday 18 November were arrested at Hungary's border with Romania. One of them was subject to a Home Office ban, but managed to leave the country, cross our borders and go into the rest of the EU. On Sunday, *The Sunday Telegraph* reported that a senior Daesh fundraiser, Mohammed Khaled, who was under a strict counter-terrorism order, managed to flee the United Kingdom to join jihadists in Syria. As we have heard in the media, one of the Paris attackers, Abdelhamid Abaaoud, was wanted for previous offences in Europe but managed to travel to Syria and back without detention.

The problem—I put this to the Home Secretary when I intervened—is our European colleagues not putting suspects' names on the databases as soon as they become people of interest. It is very important that they do so. If suspects cross borders and we want to know where they are, it is important that they are on the database in the first place. The Greek ambassador gave evidence to the Home Affairs Committee two weeks ago. He lamented that in the case of one of those involved in the Paris attacks, even though the French decided this individual was a person of interest, his name had not been put on the database. When he crossed the border between Turkey and Greece it was not possible for his name to be flagged up on the system, so they were unable to alert the French. We therefore want to be sure that this happens as quickly as possible. We welcome the speed of the new arrangements; I think the Home Secretary said 15 minutes as opposed to two-and-a-half months, which sounds absolutely incredible. That is fine, but the names have to go on the database in the first place.

Only yesterday, the head of Europol, Rob Wainwright, said there was a "black hole of information" that hampered co-operation on counter-terrorism. He mentioned the fact that fewer than half the foreign fighters identified by national counter-terrorism authorities are registered in our system, which is meant to provide a basic cross-European data check. As we know, 18 million or so people are not part of the passenger name recognition system that the Home Secretary has been battling away—I think for all the years she has been Home Secretary—to get the rest of the European Union signed up to. The fact is that just one person coming into our country who we do not know affects the security of our borders.

We should take the head of the Europol at his word and try to assist those international organisations. A few years ago, the Committee suggested the creation of an international counter-terrorism platform as part of Interpol. We do not need to reinvent the wheel. Interpol and Europol have a great deal of information and data, and we should be building on what they have got. That is why I am pleased that on 1 January Europol will be launching the EU's counter-terrorism centre, which will help us enormously in the fight against terrorism.

Finally, I turn to the European arrest warrant, which is not the subject of the debate but to which right hon. and hon. Members have referred. The Committee, in successive reports, has pointed to real problems with the EAW. It is a great idea, but there are technicalities that cause problems for British citizens, and we should be extremely careful about taking the view that signing up to these agreements means that everything will be all right. We need to monitor carefully what is being suggested, and if, for any reason, we need to change our involvement, we should do so.

Richard Drax (South Dorset) (Con): Thanks to the European arrest warrant, my constituent, Michael Turner, of whom I know the right hon. Gentleman is aware, was sent to jail in Hungary for four months without trial. We fought it very hard, and the Government assured us the matter would be looked at, but I am afraid I have no confidence in European jurisdiction, and this move concerns me, despite the fact that we all want to fight terrorism, regardless of what my right hon. Friend the Member for Ashford (Damian Green) rather unhelpfully said.

Keith Vaz: The hon. Gentleman is right. He fought very hard for his constituent, Michael Turner, who, thanks to the hon. Gentleman, gave evidence to the Committee. He was let down by the system. It is wrong that someone who is completely innocent should be arrested and held in another country for so long. Apart from anything else, the damage to reputation and personal integrity is enormous. There are problems with the EAW that we need to look at, but, as an idea, it is right that we are able to trace people throughout Europe. The actual implementation and practicalities, however, cause hardship to people such as Michael Turner.

In conclusion, the Home Secretary's conversion is welcome and her case powerful. I hope we can use this system to ensure that criminals do not escape without

[Keith Vaz]

being brought to justice and that those who seek to enter our country to undermine our values through terrorism are caught at the border and sent back to where they belong.

5.28 pm

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): It is with a heavy heart that I stand to speak in this debate, as I am one of our Home Secretary's most ardent supporters. Our nation is lucky indeed to have someone so entirely committed to protecting our citizens and doing all in her power to make our Home Office functions work as effectively as possible. However, I have been more than a little bemused by this proposal that the UK sign up by 31 December 2015 to reciprocal data-sharing of our DNA, fingerprint and vehicle registration databases with EU member states that have already signed up to Prüm.

I was under the impression before I came to the House that we had opted out of all police and criminal justice measures, including the Prüm decisions, agreed before the Lisbon treaty. There was a good deal of noise about this last year when, in the run-up to 1 December 2014, the British Government declared that we would rejoin 35 measures in the national interest—I am led to understand that that number would have been smaller had we not been in coalition—but we did not seek to rejoin Prüm. It seems that the reason for not opening up our databases to fellow EU states was not one of national interest or protection of our citizens' data from different police jurisdictions, but simply that we would have been fined because we could not have built the computer system in time for the deadline and so would have been at risk of infraction.

I commend that decision on financial prudence grounds, as well as data protection ones, but I am bemused because I remember the Home Secretary saying the European Court of Justice should not have the final say over matters such as criminal law and that Her Majesty's Government should be able to renegotiate such arrangements as they saw fit. That is why I have been confused. While there is an opportunity, the window for which closes on 31 December, for us to sign up to Prüm, we could just as easily not sign up now to taking us into Prüm under the Lisbon treaty framework, with the attendant risk of putting our most personal biometric data and its management under ECJ jurisdiction. We could instead build our own portal and allow other countries—including those outwith the EU, not just EU countries—to access our DNA and fingerprint records under our own legal framework and control. The fact is that criminals and those wishing the British people harm come from all over the world, not simply from EU countries.

I accept that there might well be biometric data on foreign criminals in EU databases, as we have in ours, but surely it would be more sensible to build a database that we use to assist police forces around the world, with whom bilateral agreements already in place could be enhanced by such data-sharing. I am not against the concept of sharing data in and of itself, but the safeguards for those who could be wrongly identified and pursued by foreign police forces must be absolutely watertight.

I commend Ministers for the detailed specifications set out in the command paper about when a positive hit on a biometric should be progressed for handing over personal information. The fact that only the biometrics of adults convicted of recordable offences should be shared is a good safeguard. In the UK, however, we also hold the biometric data of juveniles convicted of recordable offences, of those arrested and charged but not convicted of many serious offences and of those whose cases have not yet been concluded. Again, my concern remains that while we intend to safeguard most of the UK data held from view by EU states through Prüm, we risk ECJ jurisdiction over our citizens' data—as was said earlier, the lines are moving—when there are other options available to Great Britain's police forces for accessing other countries' records when trying to track down criminals.

The command paper states that of the 15% of crimes committed by foreigners, half are by EU citizens, and the other half are not. I know that every police force, anywhere in the world, will always want more tools to help them fight crime and solve serious offences. I was more than a little concerned by the shadow Home Secretary's comments that security will trump civil liberties. I am afraid that that is not a view that I hold. There must be points at which we in this House determine the security of our citizens' most personal biometric data, which must not be put at risk. We must retain complete control of our data records.

As a member of the Public Accounts Committee, I am also concerned at a practical level that the proposed cost of £13 million to build this portal to access British DNA, fingerprint and vehicle registration data is quite likely to be an underestimate. Since I was elected, I have sat in hearings week after week to listen to the justifications of Departments as to why IT projects have not gone according to plan or budget. The reality is that any new IT programme is fraught with challenges, but to build one that will need so many safeguards will undoubtedly be the cause of many problems, delays and unexpected cost increases.

I do not suggest that we should not be trying to build a portal of some kind to assist international law enforcers in the medium term to gain faster access to data, just as we see the benefits of accessing the data within other EU states, but I am not convinced that giving the green light to do this under pressure from states signed up to Prüm that are keen to get into our databases is the way forward.

I hope that Ministers will be able to assuage my anxieties on these matters for my constituents. I thank the Minister for giving me time to discuss these matters in detail last week. We have choices in how we go about increasing our biometric data sharing with other nations. I am simply unable to see why a rush to sign up to Prüm before new year's eve is out is the right way to go. I will continue to listen to the debate and to Ministers' honourable and considered positions on Prüm in the hope that my fears for both IT costs and potential failures will be proved wrong. I hope the Government will see that criminality extends beyond a few EU states in the complex global network that we all live in today.

5.33 pm

Tom Elliott (Fermanagh and South Tyrone) (UUP): It is a pleasure to follow the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan). The first question I pose

is whether we want to ensure that we are tough against terrorism; then whether we want to ensure that the United Kingdom takes every action possible to combat terrorism; and then whether we want the public to feel safer by our actions in combating terrorism. I think we would all say yes, of course we do.

I have noted that a number of Members who have spoken are anxious to protect civil liberties for all our citizens, and I have heard the Home Secretary talking about the protections and safeguards that are in place. I agree that civil liberties protection is important, but what about civil liberties protection for the victims of our society as well? We need to realise that a huge amount of victims require it, not just the people whose information is going on to the database. We need to be absolutely clear about the fact that this concerns protection for our citizens—not the citizens of the United Kingdom but the citizens of countries that are our near neighbours. I must say to those who oppose this proposal that although I am not the greatest supporter of the European Union and, indeed, have supported the actions of the hon. Member for Stone (Sir William Cash) on many occasions, I disagree with some of what the hon. Gentleman has said today. In particular, I disagree with what he said about civil liberties, because I have noted the safeguards that will be introduced.

We in Northern Ireland have been subjected to terrorism for many years: the terrorism of people being murdered, and of bombs and shootings in our society. We have also suffered because of a lack of information from our near neighbours, the authorities in the Republic of Ireland. I understand that they have not signed up to these proposals either, but I hope that, being the strong European Union supporters that they are, they will do so in the near future. I hope they will come to realise that that might be helpful to our neighbours in the United Kingdom, France, and any other country that is situated nearby.

Sir William Cash: I hear what the hon. Gentleman says. As he well knows, I am a strong supporter of most of what comes from Northern Ireland in the shape of the Democratic Unionist party. Does he not accept, however, that there are ways of dealing with this problem that do not involve our surrendering to the European Court of Justice? That is the key issue for most of us in this matter. It is not that we do not want to restrain terrorism and exchange information; what concerns us is the manner in which that is being done, at the expense of Parliament and, in our view, of those who wish to leave the European Union.

Tom Elliott: I thank the hon. Gentleman for what he has said, and for explaining his position. I certainly accept his position on the European Court of Justice, but there is a balance to be struck and there are decisions to be made. I think that we must take a balanced view when people's safety and lives are being put on the line, and my balanced view is that it is better for us to try to protect the citizens of the United Kingdom and those of other parts of Europe.

Had these databases been in place when the Provisional IRA were planting bombs in Germany and the Netherlands, perhaps the people responsible could have been apprehended before the bombs went off, or at least could have been brought to justice after the explosions. I think that if the Republic of Ireland were to be involved in Prüm, the United Kingdom, and particularly the Northern Ireland part of the United Kingdom, could be in a much better co-operative position, and could share information much more easily than is possible at present. I know that co-operation between the security services in the Republic and those in Northern Ireland has already improved to some degree, but there is still no stream of information, and I think it would be helpful to all our citizens if that information were shared.

If we have nothing to hide from the rest of our society, we have nothing to fear from these proposals. I do not mind if my information is on a database if I have nothing to hide, and in any case I understand that there is a safeguard that will ensure that people's personal information will not be put on to the database if they are not criminals.

This is not just about terrorism; it is about wider organised crime as well. It is about human trafficking and drugs trafficking, which are a scourge on our society throughout Europe. We have seen the public aspect of terrorism in Paris and elsewhere, and we know how many people have been murdered, but other organised crime—such as human trafficking and the trafficking of drugs—brings just as much devastation to society and to individuals. It affects as many people and ruins as many lives as terrorism. We need to be ever mindful of that.

I do have a question in relation to Northern Ireland. Will this take a legislative consent motion in Northern Ireland, or will it take the approval of the Northern Ireland Executive, or is it automatic? That is a simple question, which I assume requires a fairly easy answer, because I would not like to see delayed in Northern Ireland the positive aspects that could be helpful to us in our society as well.

The information on the databases is only as good as what is put on, so I implore that we do need a proper system for the inputting of that information, so that the proper information is available to all in our society.

5.40 pm

Chris Heaton-Harris (Daventry) (Con): It is a pleasure to follow the hon. Member for Fermanagh and South Tyrone (Tom Elliott). I rise in this debate just briefly because I am a great believer in co-operation between European member states and, indeed, between all countries on an international basis if the aim of that co-operation is to eliminate terrorism and fear and improve national security, but a couple of things need to be said. This is not necessarily about the detail of the database—how the data are held, what is on the database, how it is populated, how many databases there might be, whether they are a good thing or a bad thing. There is a tiny bit of principle that underlies all these points that I want to check that we have covered off.

When the right hon. Member for Leigh (Andy Burnham) made his opening remarks for the Opposition, he reminded us of the job he held in 2005. He had been given a job by Tony Blair at that time to bring in the European arrest warrant. At that time, I was a Member of the European Parliament and I participated in debates there about the extensions of powers this might bring. There was a genuine concern from the current major Opposition

[Chris Heaton-Harris]

party here, the Labour party, about the direction of travel in the European criminal justice system, hence the big opt-out which came about. In fact, let me quote someone who does not get quoted much in this House any more—former Prime Minister Tony Blair. On 25 June 2007 he was talking about the opt-out from the criminal justice system and said:

"It is precisely the pick and choose policy often advocated. It gives us complete freedom to protect our common law system".—[*Official Report*, 25 June 2007; Vol. 462, c. 21.]

That was why I asked the right hon. Member for Leigh whether security trumps common law. I will challenge him privately, maybe, over a pint later on his answer to that, because we have to understand that common law is the underpinning of our structure of law in general in this country and we must uphold that. Yes, security is super-important, but we must uphold our common law principles as well.

I was in the European Parliament at the same time as a great gentleman, Professor Neil MacCormick, who was an SNP Member of the European Parliament. He chastised me when I was flirting with the idea of how a European system of criminal justice might look going forward. He reminded me that actually a European system of criminal justice goes against corpus juris in many ways and could undermine our common law. He kept on reminding that Parliament that we must be very wary when we look forward at measures in the emerging European criminal justice system, as while they might be—as many of them are—sensible progressions of policy, we must make sure none of them undermines our system of common law.

A former Labour Home Secretary, Jacqui Smith, probably put this as well as I will ever be able to:

"In negotiating the justice and home affairs chapter, the Government made clear their absolute determination to protect our common law system and police and judicial processes. We were clear that EU co-operation in this area should not affect fundamental aspects of our criminal justice system."

She went on to make a point that we need to note today, bearing in mind that, having used our opt-out, this Government are now using a process of opting back in. She said:

"The extended opt-in arrangements that we have secured mean that we have a complete choice as to whether to participate in any JHA measure. We have also ensured that the jurisdiction of the ECJ cannot be imposed on the UK in this area—it will apply only to the extent that we have chosen to participate in a JHA measure."—[*Official Report*, 29 January 2008; Vol. 471, c. 183.]

The Government are to be commended for certain aspects of the process that they have undertaken on this measure, instead of simply opting in without thought. The Home Secretary and the Minister for Immigration, my right hon. Friend the Member for Old Bexley and Sidcup (James Brokenshire), will understand that I have real reservations about how these measures work in conjunction with our system of common law, but at least we have had a sensible pilot and a sensible assessment, and we have put in extra safeguards to ensure that the data transfer is more on our terms.

I like it when we co-operate with our EU partners—and, indeed, our international partners—on these matters. My only concern is to ensure that the Government and this place, the House of Commons, have squared off opting into things like this against the continuing development of a European system of criminal justice based on a legal code that directly challenges corpus juris and our common law system. I hope that the Home Secretary will understand my concern, and I hope that the Minister will be able to cover off the points that I have made. In his assessment, will going deeper into ECJ jurisdiction be a price worth paying for these measures?

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Lindsay Hoyle): I call Gavin Robinson.

5.46 pm

Gavin Robinson (Belfast East) (DUP): Thank you for calling me, Mr Deputy Speaker. There was not much choice left on this side of the Chamber. You have a distinct advantage over many Members here, in that when you entered the Chamber about 10 minutes ago, you at least knew what the subject matter was. I have sat through the debate for almost two hours, and some of the contributions would lead people to think that this was a dangerous proposition that posed a fundamental threat to our country. I do not believe that that is the case.

I am incredibly grateful to the Home Secretary and, in particular, to the Minister for Immigration for our conversations over the past few weeks, for their thoughtfulness and their willingness to assuage our concerns, and for preparing and publishing the Command Paper. If Prüm was about the United Kingdom Government sending shedloads of data to 27 other EU member states, I would be voting against it. If it was about asking 27 other EU member states to come over to the United Kingdom and have full, unfettered access to our data, I would also vote against it. However, that is not what is being proposed. The indications from the Home Secretary and from the Command Paper that the cost has been significantly reduced, from £31 million to £13 million, are to be welcomed.

I would be grateful if the Minister or the Home Secretary could help me with a little confusion arising from the contribution of the right hon. Member for Leicester East (Keith Vaz). He suggested that we needed to put certain information on a database. My understanding was that we had three databases—one for vehicle registration, one for DNA and one for fingerprints—and that it was through those existing databases that the information would be handled.

Mrs May: I am grateful for this opportunity to confirm what the hon. Gentleman has just said. There is a DNA database—we will restrict the information that is available for the Prüm checks—a vehicle registration database and a fingerprint database. The Chairman of the Home Affairs Select Committee, the right hon. Member for Leicester East (Keith Vaz), mentioned a whole variety of databases. There are some issues within the European Union about the connectivity of certain databases to help us to catch terrorists and so forth, but in regard to the Prüm decisions, the hon. Member for Belfast East (Gavin Robinson) is absolutely right to say that it is those three databases that we are talking about.

Gavin Robinson: I am grateful for that explanation. It satisfies my confusion, as opposed to there being any error on the part of the Chairman of the Home Affairs Select Committee.

Mrs May: Perish the thought!

Keith Vaz: He's a nice man!

Gavin Robinson: I am a Eurosceptic, but pragmatically so. *[Laughter.]* I hear some laughter coming from across the Chamber, but it is important that when we agree on certain constitutional issues and the future of this country, we coalesce and unite around those issues. I do have a difference of opinion with those who have signed the amendment and it is important to outline—

Sir William Cash: I am so glad to hear that the hon. Gentleman is a Eurosceptic, and I take it from what he said that he would be inclined to leave the European Union. Does he accept that if he were to—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. We are definitely not going on to that debate at this stage.

Gavin Robinson: You do not need to save me, Mr Deputy Speaker, but I will decline to answer. I can talk to the hon. Gentleman about that issue outside the Chamber.

As a pragmatic Eurosceptic, I have to look at the Command Paper and assess the details. The important details that are published there recognise that the PSNI was a part of the pilot and that there were two instances of a successful hit that involved a rape case and a German national. When I read statistics for 2013-14 in the Command Paper saying that a third of all crimes in London were carried out by foreign national offenders and that a third of them—33,500 individuals—were EU nationals, I think we need to look at ways in which we can speed up the investigative process, without hamstringing our investigative authorities in this country. That is why when I intervened on the hon. Member for Stone I made reference to page 23 of the Command Paper and the inherent delays associated with Interpol. Although Interpol will continue to be the system for dealing with those 34,500 foreign national offenders who are not from the EU, we have the opportunity to protect citizens in this city and in this country by taking this important decision today.

Reference was made earlier to the Republic of Ireland. It has not yet taken this decision, but I hope it does so. The Secretary of State for Northern Ireland was before the Northern Ireland Affairs Committee this afternoon, and she will know that there have been 16 terrorist attacks carried out in Northern Ireland this year that are of national security concern. Many of those involved in dissident republican circles will be operating across the UK-Republic of Ireland border.

Kevin Foster (Torbay) (Con): Does the hon. Gentleman agree that if we send a strong message of support for Prüm, we will send the message to the Parliament in the Republic that it is time for the Republic to join this and thus make it easier to tackle things such as the cross-border fuel crimes that we have been talking about in other contexts of Northern Ireland security?

Gavin Robinson: I agree entirely and I am grateful for that intervention. We have engaged, through the PSNI, and it is crucial that our colleagues and friends in the Republic do so, too. I would be grateful if the Minister would indicate that discussions are ongoing with the Republic of Ireland, so that we can share our information, data and experience obtained during the pilot with the Republic of Ireland and it can similarly benefit from the directive.

Jim Shannon (Strangford) (DUP): The facts and figures show that there were 1,109 detections of marked fuel oil and oil laundries in Northern Ireland by the PSNI, with 50,340 litres of oil seized; and that there were 5,852 seizures of cigarettes, with 53 million cigarettes seized to a value of €25.5 million. That is what the PSNI can do. If it had help from the Garda Siochana and other countries, it could do even more.

Gavin Robinson: I do not disagree with my hon. Friend —I never could. That is probably the 10th time he has contributed to proceedings in this Chamber today and there will be many more such contributions.

I will not labour the point. We support this proposal from a pragmatic perspective. I wish to conclude with two gentle points for the shadow Home Secretary. First, I agree with the right hon. Member for Ashford (Damian Green) and others in this Chamber who have taken issue with the suggestion that if we look after national security, civil liberties will look after themselves. There are countless examples of draconian societies in this world where national security is very much at the expense of civil liberties. The considered point about a balance between the two is much more appropriate.

Although it is not my role to stand up for, defend or come to the rescue of the Home Secretary, I have to say that I see no U-turn from her. What was said by the shadow Home Secretary, and indeed by the Chairman of the Home Affairs Committee, who had a smile on his face, misses the point. In July 2014, the Home Secretary was quite clear about the reason for delay, which was a wish to avoid infraction proceedings from the European Union. I will go one step further, as there is one point in this paper that has been missed by many.

At that time, Northern Ireland representatives, including my hon. Friend the Member for East Londonderry (Mr Campbell), were standing against the decision to close the Driver and Vehicle Licensing Agency in Coleraine. A key component of Prüm was that this country had to have centralised collection of data for vehicle registration. The Government could not proceed until they had closed the facility in Coleraine. They may not be honest about this, but because a centralised service in Swansea was only offered up on 21 June 2014, the decision had to be made to delay Prüm.

Although I take no enjoyment in highlighting that fact, it does serve to illustrate that the Home Secretary could not proceed when the key component was a centralised data centre. She did not have that centre until our vehicle licensing centre in Coleraine was closed. With that point, and perhaps a nod to those who are unhappy today, I wish to indicate our pragmatic support for the proposal that will reinforce the security efforts and the safety of citizens not only in this country but throughout the European Union.

5.56 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): It is becoming something of an annual event that the Home Office should bring forward a further passing of powers to the European Union. Just over a year ago, we had the arrest warrant and all that went with it, and now we have Prüm, or Proom depending on one's preferred pronunciation.

I must confess that this is a grave disappointment, because one had begun to read briefings in the press that my right hon. Friend the Home Secretary was going to become the Boadicea of the Leave campaign, and on her winged chariot she was going to be putting the case for why we should have less Europe rather than more. Instead, we get this order brought before us today on the grounds of necessity. She says that it is the only way in which we can co-operate with our friends in Europe—countries that wish to assist us and that we wish to assist.

The arguments for the order are, superficially, very attractive. There is no one in this House who wants to aid terrorists or stop them being arrested. There is no one who wants rapists to go free, or who wants petrol smuggled between Northern and southern Ireland. We want the law to be obeyed and the wrongdoers to be arrested. We want them to be caught and put in prison. That is all true, and we want efficient systems to be put in place that ensure that that happens. There is absolute unanimity in this House, and probably—except among the criminal fraternity—in the country at large. Then we hear why it can be done only this one way, which is more Europe, with the Commission and the European Court of Justice.

Interpol, according to my right hon. Friend the Home Secretary and others who have spoken, sounds as though it is run by Inspector Clouseau and uses cleft sticks to carry messages between countries. It is so incompetent and slow that it is hard to understand why it exists at all. If it is quite so incompetent at gathering information and quite so lazy and idle at passing it around the world, why are we contributing to its upkeep? Is there not a case for fundamental reform of Interpol? Should we not do something about it to ensure that, internationally and not just in the narrow European sphere, there is a means, a method and an ability to transmit information relating to these dangerous criminals? But oh, no, we will not bother with that. That might be hard work. It might mean that something has to be done, that it will upset the nice, expanding, imperial European Union that has of course to have more powers gathered to itself. No, the only thing that can be done is to use the full mechanism of the European Union; there is no other way.

We assume that if we offered bilateral intergovernmental agreements, they would be refused. The Home Office states that they would be refused; that that would be too difficult because there is another mechanism within the European Union. But that makes the assumption that our friends, our partners, our allies in Europe are so wedded to the idea of the European Union that they will not do something that they themselves wish to do because we will not agree to their specific structures for doing it. Therefore, we must accept the structures rather than negotiating with them over what those structures may be.

This strikes me as perverse. We know that our friends in France are keen to have this exchange of information. Is the Home Secretary really saying that the French would not agree to an intergovernmental bilateral agreement that we would give them information and they would give us information because it did not meet the highfalutin European ideal? Is that really what Her Majesty's Government are saying? Is that the case with Germany, Italy and Spain? Are they all saying that they attach so much importance to the European Union that, even though they wish to share information with us, even though they think it is important, even though they think that it would cut crime, they are not willing to do so?

Sir William Cash: We must also take into account the decision taken by Denmark only a few days ago in this enormous description of the kaleidoscope of European unity.

Mr Rees-Mogg: My hon. Friend is right. The Danish question is one of the greatest importance. Denmark had a referendum, having trusted their people, which I believe we may be doing at some point. But of course we are not trusting them on this measure, because it is instrumental to catching terrorists, and the people cannot be trusted to decide whether they want to do that or not. No, this must be done by the Government after a three-hour debate—though lucky us to get even a three-hour debate. Last year we did not get a debate on the European arrest warrant. We had it on something else.

Christian Matheson (City of Chester) (Lab): The hon. Gentleman appears to be suggesting that we have a series of bilateral agreements with 20-something EU member states, but is that not essentially what is being done tonight, albeit in a more efficient way?

Mr Rees-Mogg: The hon. Gentleman is only partly right—a bit of a curate's egg, if I may say so, but it is regrettably rotten in parts. If the agreement is done in this way, it comes under the competence of the European Court of Justice and infraction proceedings can be brought by the European Commission. Why is that important? I accept that protections are built into Prüm, and that there are limits on the application of what the ECJ can do, but it needs to be seen as part of a whole package. We are agreeing today that the investigatory function in relation to data held by Governments should be centralised at a European level. We agreed a year ago that the arrest function should be centralised with a European competence. So we have investigation, we have arrest, and we have a proposal from the European Commission for a European public prosecutor—so far, resisted, but this measure was resisted a year ago, and the European arrest warrant was not Conservative party policy until a year ago.

I wonder whether the hon. Gentleman sees where I am going. This is part of a package of creating a European criminal justice system. It comes one by one and bit by bit. On every occasion, the measure is said to be essential and we are told that there is no opportunity of doing it differently, but if there is no opportunity of doing it differently, why is my right hon. Friend the Prime Minister racing around European capitals trying to organise a renegotiation? If there is never any other possibility, is that not banging our head against a brick

wall? Surely we should be saying—the Government intimated this a year ago, but there has been no delivery at all—that we will make the European arrest warrant and all that goes with it part of the renegotiation. We would go back to the status quo ante—where we were prior to the Lisbon treaty: that we do these things on an intergovernmental basis.

My right hon. Friend the Member for Stone—I am sorry, I mean hon. Friend; he ought to be right honourable; it is extraordinary that Her Majesty has not yet asked him to join the Privy Council—pointed me in the direction of Denmark. Denmark has said no. Denmark will want to make arrangements with fellow European Union states to exchange data with their friends and allies, and we could make arrangements with our friends and allies to exchange data and do all the sensible things of which everyone in this House is in favour. It is the right thing for us to do, but it is better than that. If we did it on an intergovernmental basis we might decide that there are some EU member states whose criminal justice systems are not up to it. That is an important point. My hon. Friend the Member for South Dorset (Richard Drax) referred to his constituent and the disgraceful way in which he was treated in a country where we do not have the same confidence in the criminal justice processes that we have in, for example, Germany and France, or, for that matter, the United States and Canada. Such an arrangement would give us greater flexibility, and there are a number of ways in which it could be done. We could have intergovernmental agreements with the European Union as a body. The EU has legal personality, so it is possible to do it on that basis, but maintain control and keep the rights that we enjoy, and stop the rush—that is perhaps an exaggeration, as the last debate was a year ago, but it is a rush in European terms—to establish a single criminal justice system.

It is worrying that a Government who portray themselves in election campaigns, propaganda and statements as Eurosceptic, when it comes to the details of what they are doing, turn out to think that the answer is more Europe. They then say that this has to be done because we are in danger if we do not do it. The only reason we are in danger is that we assume that the EU and its member states are not rational in their dealings with us, so we must always give in to them. One of the greatest Prime Ministers that this country ever saw, William Pitt, said:

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

This argument is dependent on the necessity. I do not wish this Government to be tyrannical, nor do I wish to be a slave.

6.7 pm

Mr Steve Baker (Wycombe) (Con): My right hon. Friend the Home Secretary has made a strong case for the functions that the measure would deliver, because there is a strong case for that. Indeed, I am astonished not only that Interpol does not, in the 21st century, make such functions available to the whole world, but that we seem to have given up on making Interpol fit for the 21st century and a world of global crimes in which we ought be able to pursue people, wherever they come from, not merely in the European Union.

The key problem is rehearsed in the Government's business case for Prüm. The Command Paper says on page 51:

"The current Government would not have ceded CJEU jurisdiction over the field of policing and criminal justice during negotiation of the Lisbon Treaty."

We can see immediately where the Government's heart is. The Command Paper continues:

"It is clear that accepting CJEU jurisdiction over measures in the field of policing and criminal justice is not risk free. This is because the CJEU can rule in unexpected and unhelpful ways."

It goes on to discuss how difficult it is to overturn decisions made by the Court, and says:

"The Government considers, however, the risk of CJEU jurisdiction to be at its greatest as concerns matters relating to substantive criminal law. This is a matter that should be determined by our sovereign Parliament, particularly given that the relevant measures are often open to wide interpretation. This also reduces the risk of the EU obtaining exclusive external competence in relation to such matters."

The Government express concern about the prospect of third-country agreements. That is the problem. If we hand over control of this area, the EU will be able to enter into third-country agreements and we will not be able to do anything about it because we will be under the jurisdiction of the European Court of Justice. That is the heart of the matter: again and again, the Government are a foot-dragging and reluctant participant in European measures, yet we go ahead anyway, despite all our misgivings.

This is something that we really ought not to go ahead and do. Although other Members have played it down, it is a serious matter that, as my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) explained, we are progressively surrendering our own common law system of justice and home affairs. It is not right that we should constantly position ourselves as judging on merit, moment by moment, yet continuing down the path of integration. My right hon. Friends the Home Secretary and the Prime Minister have made similar remarks in the past. I shall not torture them by rehearsing those and putting them on the record now.

It seems to me that there is a clash between heart and head. In our hearts we want our Parliament to be sovereign, and we wish to co-operate in pragmatic and reasonable ways. Of course we do—we all do. But the Government's pragmatism takes over. They see that in order to co-operate on an intergovernmental basis, the right to bring forward such a treaty lies with the European Commission. The European Commission is not interested in bringing forward such a treaty because the Prüm arrangements have already been drawn up, so what do we do? Instead of asking the Prime Minister to renegotiate this set of powers in his outstanding renegotiation, which would be consistent with what he has said before and consistent with the tone of the report, we do what is easy—we opt in because the arrangements are before us.

We should go another way. We should vote to leave the European Union, take control back to our Parliament and yes, of course, deliver these practical, sensible measures with safeguards over which this Parliament can have authority. We should go forward on the basis of trade and co-operation and act to deliver it as though we mean it.

6.11 pm

Sarah Champion (Rotherham) (Lab): I am glad that we have had the opportunity to debate the business and implementation case for the Prüm decisions. I appreciate the fact that it has been a wide-ranging debate. I support the conclusion in favour of rejoining. I welcome the Government's change of heart relating to these decisions, even if that has taken them over a year. I am glad they are now listening to the evidence, rather than just to their Back Benchers' fears about the EU, and recognise that these measures improve policing capability both in the UK and across the EU.

I pay tribute to my right hon. Friend the Member for Leigh (Andy Burnham) and the right hon. Member for Ashford (Damian Green), who referred to the fact that our freedoms, civil liberties and laws are built on the foundations of security and safety for all our citizens. Prüm seeks to enhance that. The recent attacks in Paris demonstrated the importance of working closely with other member states to ensure that our police forces have the best possible means at their disposal for combating crime and ensuring the protection of our citizens.

Bob Stewart (Beckenham) (Con): Interpol has a motto, "Connecting police for a safer world". It could do this very well not only in Europe but across the world if it got its act together.

Sarah Champion: Personally, I think we should use all the measures and all the tools at our disposal. Particularly in my field, abuse, I see that criminals are working internationally now and we must do all we can to prevent that.

I am aware that opting in to Prüm may seem like a technical matter, but it speaks to a deeper issue—that we can and do achieve more by co-operation with our European partners than we can individually. Labour firmly believes that by working with our European partners on such matters, we are more than the sum of our parts. As we have heard, these decisions establish requirements for sharing data related to DNA profiles, vehicle registrations and fingerprint images. The Labour Government were right to support these as vital means of improving policing across the EU. However, in an attempt to appease their Eurosceptic Back Benchers, this Government opted out of them in 2013, with effect from 1 December 2014.

Although the Government opted back in to 35 EU justice measures, the Prüm decisions were not among them. Labour was opposed to that decision at the time, so we are pleased that the Government have come to their senses and now see the benefit of these measures. Before I come on to why we support rejoining Prüm and set out some outstanding questions that I have for the Minister, it is important that we set the original opt-out in context. My right hon. Friend the Member for Leicester East (Keith Vaz) reminded the House that in justifying the decision not to rejoin Prüm in July last year, the Home Secretary stated that the Government had

"neither the time nor the money".—[*Official Report*, 10 July 2014; Vol. 584, c. 492.]

I am pleased that they now have the time and the money to devote to this important issue. However, it is hard to shake the suspicion that apart from time and money, last year they lacked the inclination because of the need to appease their Back Benchers. We all remember the pressure the Government were under with regard to the European arrest warrant, and we have seen today the divisions within the Tory party regarding Prüm. While I welcome the change in stance and the party's willingness now to stand up to its Back Benchers, I wish that there had not been the need for a delay of over a year. The demonstrated benefits of Prüm mean that this delay is likely to have had a negative impact on British policing, so it is important that legislation is now introduced as soon as possible.

Although the business case and the pilot study clearly show that there would be operational and public protection benefits, there is of course a need for balance and safeguards. I have a number of questions relating to these issues, and I would appreciate it if the Minister could answer them.

It is right and proper that we send information abroad only about people actually convicted in the UK, and that additional requirements be applied prior to the release of information relating to minors. The risk of false positive matches is another serious issue. While it is promising that the Government's business case found that there was increased convergence in DNA testing standards across member states, we would like a requirement under Prüm that data is collected using a system of quality assurances for crime scene examination. Will the Minister confirm that the standard requirement prior to transferring DNA information will be maintained at 10 loci rather than the minimum of six loci required by Prüm?

I have a number of questions about the proportionality test mentioned in the implementation case. Will the Minister give an example of when he thinks that the test will prevent personal information from being sent abroad due to the offence under investigation being insufficiently serious? Given that the proportionality test is not explicitly included in the Government's proposed draft legislation, will it be contained in any legislation, and who will be responsible for taking these decisions?

In addition to those concerns about sufficient safeguards being put in place, I have a number of other outstanding issues that I would like the Minister to clarify. The business and implementation case estimates that the cost of Prüm will be £30 million, although it acknowledges that there will be additional downstream costs. How are the savings of £18 million being made from the previous estimate of £31 million? What are the annual costs expected to be for the rest of this Parliament? It is important that ongoing transparency and scrutiny is applied to ensure that the measures are operating effectively. What plans are there to publish details of the number of pieces of information being sent abroad from the UK, as well as the number being denied due to failing the proportionality test?

Will the Minister tell the House about the timeframe for bringing forward the legislation needed to give effect to the decision to rejoin Prüm, and how long it is expected to take for the system to become operational? Given the delay already caused by the initial opt-out from Prüm, preventing any further delays should be a matter of priority for the Government.

In summary, Labour supported the Prüm decision when in government and opposed the initial opt-out from these measures during the previous Parliament. We are therefore happy to support this motion authorising the Government to rejoin.

6.18 pm

The Minister for Immigration (James Brokenshire): I thank all those who have taken part in this debate. We have been listening very carefully to the range of opinions expressed and the different views provided by the right hon. Member for Leigh (Andy Burnham), my hon. Friend the Member for Stone (Sir William Cash), the hon. and learned Member for Edinburgh South West (Joanna Cherry), my right hon. Friend the Member for Ashford (Damian Green), the right hon. Member for Leicester East (Keith Vaz), my hon. Friend the Member for Berwick-upon-Tweed (Mrs Trevelyan), the hon. Member for Fermanagh and South Tyrone (Tom Elliott), my hon. Friend the Member for Daventry (Chris Heaton-Harris), the hon. Member for Belfast East (Gavin Robinson), my hon. Friends the Members for North East Somerset (Mr Rees-Mogg) and for Wycombe (Mr Baker), and the hon. Member for Rotherham (Sarah Champion). It is good that we have had a debate representing all the different points of view. It is also right that we underline the benefits that are provided through the Prüm decisions.

Before I respond to the specific points that have been raised, I would like to make some opening comments and observations. The evidence gathered, both from our own pilots and from others already operating the system, shows overwhelmingly that signing up to Prüm will benefit our police and help to keep the country safe. This is not a case of guessing what will happen—we actually have the evidence. As the now Leader of the House told us in July 2014, we want to "participate in measures" that contribute to

"the fight against international crime".—[*Official Report*, 10 July 2014; Vol. 584, c. 547.]

That remains our position, and in our judgment Prüm is clearly in that category.

When I see that a foreign national who was walking around free in the UK is now behind bars because of our pilot, I can only conclude that that is a good thing. I want to see foreign criminals arrested and kicked out of this country, and I know that that view is shared across the House and by the public. Prüm's use in investigating and identifying at least one of the Paris attackers seems particularly pertinent at this time. From my time as Security Minister, I know how important it is that we give the police the tools they need to do the vital job of keeping us safe. Indeed, keeping the public safe is the most important task entrusted to us as Members of this House.

We already exchange information with other countries. Prüm is about automating and speeding up that co-operation, making it business as usual for our police and increasing their capabilities to solve crime. When my right hon. Friend the Home Secretary spoke earlier, she quoted various senior law enforcement officers who support joining Prüm. When one thinks that it can take months for the Interpol system to work, but that, under Prüm, vehicle data, DNA and fingerprints would be available in only 10 seconds, 15 minutes and 24 hours respectively, one begins to understand why they are supportive. When the heads of the Metropolitan Police, the National Crime Agency and the Crown Prosecution Service are all so unequivocal about that fact, it is important that we pay attention.

It is worth repeating that the Director of Public Prosecutions has said that the existing process, most notably the lack of response times,

"often leads to delay and can, in some cases, take many months for a response to be processed. Delay provides the assailant with time to leave the UK or even commit further offences both of which are unacceptable."

She added:

"The automated search and comparison of data provided by the Prüm Decisions, together with mandatory response times, is more likely to lead to the earlier detection of crimes and detention of those responsible. Prosecutions will be able to take place with evidence which is otherwise unavailable. This will in turn reduce the number of unsolved crimes, such as murder and rape, committed by foreign nationals, and provide an improved service to the public, victims and their families."

Therefore, this is not only about locking up criminals, but about justice for victims.

Lady Hermon (North Down) (Ind): The Minister will know from the comments made by a number of Members that there has been criticism of the fact that the Irish Government have, to date, not signed up to the convention. I am curious to know whether any Home Office Minister has spoken to any Irish Government Minister about improving co-operation in policing and fighting terrorism. It is really important that the British and Irish Governments co-operate on that very serious issue.

James Brokenshire: I assure the hon. Lady that we have regular discussions with the Republic of Ireland Government about issues of security and safety and the operation of the common travel area, recognising some of the shared risks and themes. Indeed, the most recent discussion took place only last week, when I had a conversation with the Irish Justice Ministers. We take these things extremely seriously, recognising the specific issues and challenges that we need to keep in mind, which is why there is open dialogue.

Bob Stewart: I am still confused about why Interpol takes months to provide such information when this Prüm organisation can do it in minutes or seconds. Something is wrong. Why is Interpol so incompetent?

James Brokenshire: In making his point, my hon. Friend conflates two different things. The Prüm process that we are contemplating is an automatic one: in effect, it is a means, a system or a portal through which member states can search information held by other member states. Interpol processes are much more manual and therefore more intensive, which explains the differences in time. We have obviously considered the issues very carefully. The Interpol arrangements remain absolutely valid, and we will continue to seek further improvements in them, but that does not stand in the way of what has proven to be an effective and fast system that will aid us in the fight against criminality.

Crucially, security, public protection and civil liberties all need to be balanced. I have been very clear about that from the outset. That is why I, along with the Home Secretary, have insisted that searches should be made only against the DNA and fingerprints of those convicted, that UK scientific standards apply before we release any personal data and that both the Biometrics Commissioner and the Information Commissioner will be involved in the process. With the oversight arrangements

[James Brokenshire]

that have been outlined, drawing in representation from across the United Kingdom, that point remains valid. I believe that we have got the balance right: Prüm will help us to protect the public in a way that fully respects civil liabilities. The National DNA Database Ethics Group believes the same. That is why we have brought the motion before the House today.

I will respond to several of the themes expressed, particularly in relation to the jurisdiction of the European Court of Justice. I want to make it very clear to the House that the UK is clear that it cannot support an EU criminal justice system. In any case, Prüm is about making existing co-operation work more efficiently, rather than about creating rules of criminal procedure.

To respond to the points made by my hon. Friends the Members for Daventry and for Berwick-upon-Tweed, we will look at new proposals in this area case by case. We will put the national interest and the benefits to our citizens and businesses at the heart of our decision making. We will consider each opt-in decision with a view to maximising our country's security, protecting civil liberties, preserving the integrity of our criminal justice system and our common law systems, and controlling immigration. Equally, I say to my hon. Friend the Member for North East Somerset that this Government will not opt in to a proposal concerning a European public prosecutor.

On the specific issues of the oversight and role of the jurisdiction of the European Court of Justice—for example, whether it has an impact on the operation of our DNA database—I underline that Prüm decisions are all about the exchange of data, not the manner in which we hold data for domestic purposes. Article 72 of the treaties makes it very clear that how we deal with DNA for our own security is a matter for member states.

On the broader themes of ECJ jurisdiction, I repeat what the Home Secretary said earlier. It is very clear that we are allowed to limit searching to conviction-only profiles. Articles 2.1 and 2.3 of the principal Prüm decision make it clear that we simply need to inform the general secretariat of the Council about which profiles will be made available for searching under Prüm. In terms of imposing a higher scientific standard before we release personal data, article 5 of the principal Prüm decision makes it clear that the process for following up a hit is subject to national law, not EU law.

Points have been made about whether there is evidence of benefits, and I think reference was made to anecdotal data. I would highlight the results of our pilot: about 2,500 pilot crime scene profiles were sent to four member states, which yielded 71 scene-to-person matches and 47 scene-to-scene matches. Those hits involved a wide range of crimes, including rape, sexual assault and arson, as well as domestic and commercial burglaries. That again highlights the real benefits that have been shown by the measure.

Tom Elliott: When we are in the Prüm system, how will things be different from what we have now in relation to the European Court of Justice?

James Brokenshire: Obviously, in deciding to opt into the Prüm decisions, the Prüm decisions will become subject to the jurisdiction of the European Court. *[Interruption.]* If the hon. Gentleman will let me finish, many other European countries have been subject to this for a number of years. It is about the interpretation of the decision and is therefore about the practical operation. That is why I made the distinction about the safeguards that are contained in the Prüm decisions in respect of how we hold data. The decisions state that that will be subject to national law, as will the action that is taken against the hit. Therefore, it is national law that will determine the decisions that are made. That is why the Prüm decisions are expressed in the manner they are. The extent of the European Court of Justice's jurisdiction therefore relates to the automaticity of the process. That is why it is our judgment, again to reflect the point made by my hon. Friend the Member for Daventry, that it is in the best interests of this country to opt into Prüm because of the practical co-operation measure it provides.

The hon. Member for Fermanagh and South Tyrone asked about a legislative consent motion. Obviously, no requirement for one arises directly from the motion, but there are ongoing discussions regarding implementation and whether the regulations, a draft of which has been published, will require a legislative consent motion.

The hon. and learned Member for Edinburgh South West highlighted the Eurodac regulations. They state that a Eurodac search for law enforcement purposes should take place only to investigate serious crime, including terrorism. I hope that provides her with some reassurance.

My right hon. Friend the Member for Ashford asked about ANPR. There will be no access to historical ANPR data through Prüm. Any request for such data would have to be made through a judicial mutual assistance request. I hope that is helpful to him. The vehicle data are very basic. They include keepers' details and details about vehicles. That may be relevant if one is trying to establish whether the authorised person was driving the vehicle and whether a vehicle has been used in connection with serious crime.

The hon. and learned Member for Edinburgh South West asked about the nature of that database. We do not split the DVLA's database into those who have been convicted of an offence and those who have not. Practically, it would be very difficult to do that. We take the pragmatic view that it is appropriate to allow the search. Information on the keeper to whom a vehicle is registered may be relevant to an investigation into who was driving the vehicle. We therefore judge that we have the appropriate balance.

I underline that there are separate processes to determine what further steps may be taken. The European arrest warrant has been highlighted. That is a separate process from the Prüm process, which is about identifying whether there is a hit and whether further investigation should happen. Any actions that follow will be determined through separate processes. I underline the steps that the Government have taken to provide further protections in respect of the European arrest warrant, pre-trial detention, proportionality and various other matters.

Ultimately, the choice before the House this evening is straightforward. Do we want to give our police the tools they need to do their job; tools that will let them solve crimes and lock up foreign criminals; tools that have been shown to work; tools that will keep the British public safe, but that will do so in a way that is

consistent with our values and that will protect the rights of British citizens? I believe that we should do so. That is why the Government support signing up to Prüm and why we judge that the measures are appropriate. We judge that they are bounded by safeguards that will be effective, but that they will make the difference in the fight against crime and the fight against terrorism by ensuring that our law enforcement agencies have the tools that they need to keep our country and our citizens safe. I commend the motion to the House.

Amendment proposed: (a), leave out from 'deported' to end and add—

', does not support opting in to the Prüm Decisions because of the need to protect the civil liberties of British citizens, because of the risks to UK sovereignty posed by accepting the jurisdiction of the European Court of Justice (ECJ) in this area and because it would mean missing the opportunity to require a better arrangement, noting that the Government's policy is to renegotiate the jurisdiction of the ECJ and the result of the referendum in Denmark preserving that country's opt-out from such measures that will require Denmark to negotiate on an intergovernmental basis; notes that necessary international cooperation against terrorism and serious crime does not, and did not prior to the Lisbon Treaty, require the UK to accept the supremacy of EU law, the jurisdiction of the ECJ or the application of the Charter of Fundamental Rights; and therefore requires the Government to secure alternative arrangements outside the jurisdiction of the European Court of Justice.'.—*(Sir William Cash.)*

Question put, That the amendment be made.

The House divided: Ayes 26, Noes 503.

Division No. 145] **[6.34 pm**

AYES

Brady, Mr Graham
Bruce, Fiona
Carswell, Mr Douglas
Cash, Sir William
Chope, Mr Christopher
Davies, Philip
Drax, Richard
Gray, Mr James
Hoey, Kate
Holloway, Mr Adam
Hopkins, Kelvin
Howarth, Sir Gerald
Jenkin, Mr Bernard
Lewis, rh Dr Julian
Lilley, rh Mr Peter
Main, Mrs Anne
McCartney, Jason
McCartney, Karl
Nuttall, Mr David
Paterson, rh Mr Owen
Redwood, rh John
Rees-Mogg, Mr Jacob
Rosindell, Andrew
Stringer, Graham
Trevelyan, Mrs Anne-Marie
Turner, Mr Andrew

Tellers for the Ayes:
Mr Steve Baker and
Mr Philip Hollobone

NOES

Abbott, Ms Diane
Abrahams, Debbie
Adams, Nigel
Ahmed-Sheikh, Ms Tasmina
Aldous, Peter
Alexander, Heidi
Ali, Rushanara
Allan, Lucy
Allen, Mr Graham
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atkins, Victoria
Austin, Ian
Bacon, Mr Richard
Bailey, Mr Adrian
Baldwin, Harriett
Barclay, Stephen
Bardell, Hannah
Barron, rh Kevin
Barwell, Gavin
Bebb, Guto
Beckett, rh Margaret
Bellingham, Mr Henry
Benn, rh Hilary
Beresford, Sir Paul
Berger, Luciana
Berry, Jake
Berry, James
Betts, Mr Clive
Bingham, Andrew
Black, Mhairi
Blackford, Ian
Blackman, Bob
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Blomfield, Paul
Blunt, Crispin
Boles, Nick
Borwick, Victoria
Boswell, Philip
Bottomley, Sir Peter
Bradley, Karen
Bradshaw, rh Mr Ben
Brazier, Mr Julian
Brennan, Kevin
Bridgen, Andrew
Brine, Steve
Brock, Deidre
Brokenshire, rh James
Brown, Alan
Brown, rh Mr Nicholas
Buck, Ms Karen
Buckland, Robert
Burden, Richard
Burgon, Richard
Burnham, rh Andy
Burns, Conor
Burns, rh Sir Simon
Burrowes, Mr David
Burt, rh Alistair
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Gregory
Carmichael, Neil
Cartlidge, James
Caulfield, Maria
Chalk, Alex
Champion, Sarah
Chapman, Douglas
Cherry, Joanna
Chishti, Rehman
Churchill, Jo
Clark, rh Greg
Cleverly, James
Clifton-Brown, Geoffrey
Coaker, Vernon
Coffey, Ann
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Cooper, Julie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Cox, Mr Geoffrey
Cox, Jo
Coyle, Neil
Crausby, Mr David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Crouch, Tracey
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
Davies, Chris
Davies, David T. C.
Davies, Geraint
Davies, Glyn
Davies, Dr James
Davies, Mims
Davis, rh Mr David
Day, Martyn
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Martin John
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donaldson, Stuart Blair
Donelan, Michelle
Dorries, Nadine
Double, Steve
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Doyle-Price, Jackie
Drummond, Mrs Flick
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Durkan, Mark
Eagle, Ms Angela
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elliott, Tom
Ellis, Michael
Ellison, Jane
Ellman, Mrs Louise
Ellwood, Mr Tobias
Elphicke, Charlie
Esterson, Bill
Eustice, George
Evans, Chris
Evans, Graham
Evans, Mr Nigel
Evennett, rh Mr David
Fabricant, Michael
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fernandes, Suella
Ferrier, Margaret
Field, rh Mark
Fitzpatrick, Jim
Flello, Robert
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Foster, Kevin
Fovargue, Yvonne
Foxcroft, Vicky
Frazer, Lucy
Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Gethins, Stephen
Gibb, Mr Nick
Gibson, Patricia
Gillan, rh Mrs Cheryl
Glass, Pat
Glindon, Mary
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Grady, Patrick
Grant, Mrs Helen
Grant, Peter
Gray, Neil
Green, Chris

Green, rh Damian
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Griffiths, Andrew
Gummer, Ben
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Halfon, rh Robert
Hall, Luke
Hamilton, Fabian
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Hanson, rh Mr David
Harper, rh Mr Mark
Harrington, Richard
Harris, Carolyn
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, Helen
Hayes, rh Mr John
Heald, Sir Oliver
Healey, rh John
Heappey, James
Heaton-Jones, Peter
Hendrick, Mr Mark
Hendry, Drew
Herbert, rh Nick
Hermon, Lady
Hillier, Meg
Hinds, Damian
Hoare, Simon
Hodgson, Mrs Sharon
Hollern, Kate
Hollingbery, George
Hollinrake, Kevin
Hopkins, Kris
Hosie, Stewart
Howarth, rh Mr George
Howell, John
Howlett, Ben
Huddleston, Nigel
Hunt, Tristram
Huq, Dr Rupa
Hurd, Mr Nick
Hussain, Imran
Irranca-Davies, Huw
Jackson, Mr Stewart
James, Margot
Jarvis, Dan
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkyns, Andrea
Jenrick, Robert
Johnson, Boris
Johnson, Diana
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Mr Marcus
Jones, Susan Elan
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeley, Barbara
Kennedy, Seema
Kerevan, George
Kinahan, Danny
Kinnock, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Kyle, Peter
Lamb, rh Norman
Lammy, rh Mr David
Latham, Pauline
Law, Chris
Leadsom, Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leslie, Charlotte
Leslie, Chris
Letwin, rh Mr Oliver
Lewell-Buck, Mrs Emma
Lewis, Brandon
Lewis, Clive
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Long Bailey, Rebecca
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lucas, Ian C.
Lumley, Karen
Lynch, Holly
Mackintosh, David
MacNeil, Mr Angus Brendan
Mactaggart, rh Fiona
Madders, Justin
Mahmood, Mr Khalid
Mak, Mr Alan
Malthouse, Kit
Mann, Scott
Marris, Rob
Marsden, Mr Gordon
Maskell, Rachael
Matheson, Christian
Mathias, Dr Tania
May, rh Mrs Theresa
Maynard, Paul
Mc Nally, John
McCabe, Steve
McCaig, Callum
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, John
McGarry, Natalie
McGinn, Conor
McGovern, Alison
McInnes, Liz
McLaughlin, Anne
McLoughlin, rh Mr Patrick
McMahon, Jim
McPartland, Stephen
Mearns, Ian
Menzies, Mark
Mercer, Johnny
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Monaghan, Carol
Monaghan, Dr Paul
Moon, Mrs Madeleine
Mordaunt, Penny
Morden, Jessica
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, Grahame M.
Morris, James
Morton, Wendy
Mowat, David
Mulholland, Greg
Mullin, Roger
Mundell, rh David
Murray, Ian
Murray, Mrs Sheryll
Neill, Robert
Newlands, Gavin
Nicolson, John
Nokes, Caroline
Norman, Jesse
Onn, Melanie
Onwurah, Chi
Opperman, Guy
Osamor, Kate
Oswald, Kirsten
Owen, Albert
Parish, Neil
Patel, rh Priti
Paterson, Steven
Pawsey, Mark
Pearce, Teresa
Penning, rh Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Toby
Perry, Claire
Phillips, Jess
Phillips, Stephen
Philp, Chris
Pickles, rh Sir Eric
Pincher, Christopher
Poulter, Dr Daniel
Pound, Stephen
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Qureshi, Yasmin
Raab, Mr Dominic
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Rimmer, Marie
Ritchie, Ms Margaret
Robertson, rh Angus
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Robinson, Mary
Rotheram, Steve
Rutley, David
Ryan, rh Joan
Sandbach, Antoinette
Saville Roberts, Liz
Scully, Paul
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Slaughter, Andy
Smeeth, Ruth
Smith, rh Mr Andrew
Smith, Angela
Smith, Cat
Smith, Chloe
Smith, Henry
Smith, Jeff
Smith, Julian
Smith, Royston
Smyth, Karin
Soames, rh Sir Nicholas
Solloway, Amanda
Soubry, rh Anna
Spellar, rh Mr John
Spelman, rh Mrs Caroline
Spencer, Mark
Stephens, Chris
Stephenson, Andrew
Stevens, Jo
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Streeting, Wes
Stride, Mel
Stuart, rh Ms Gisela
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Mr Desmond
Syms, Mr Robert
Tami, Mark
Thewliss, Alison
Thomas, Derek
Thompson, Owen
Thornberry, Emily
Throup, Maggie
Timms, rh Stephen
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Tugendhat, Tom
Turley, Anna
Twigg, Derek
Twigg, Stephen
Tyrie, rh Mr Andrew
Umunna, Mr Chuka
Vaizey, Mr Edward
Vara, Mr Shailesh
Vaz, rh Keith
Vaz, Valerie
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin

Wallace, Mr Ben
Warburton, David
Warman, Matt
Watkinson, Dame Angela
Watson, Mr Tom
Weir, Mike
West, Catherine
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whiteford, Dr Eilidh
Whitehead, Dr Alan
Whitford, Dr Philippa
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williams, Hywel
Williamson, rh Gavin
Wilson, Corri
Wilson, Phil
Wilson, Mr Rob
Wilson, Sammy
Winnick, Mr David
Winterton, rh Ms Rosie
Wishart, Pete
Wollaston, Dr Sarah
Wood, Mike
Wragg, William
Wright, Mr Iain
Wright, rh Jeremy
Zahawi, Nadhim
Zeichner, Daniel

Tellers for the Noes:
Sarah Newton and Simon Kirby

Question accordingly negatived.

Main question put and agreed to.

Resolved,

That this House, wishing to see serious crimes solved, to counter terrorism and to see foreign criminals prosecuted and deported, supports opting in to the Prüm Decisions; notes the views of senior law enforcement officers that the Prüm Decisions are an important aid to tackling crime; notes the success of a pilot that demonstrated that the Prüm Decisions mechanism is both swift and effective; and further notes that only a subset of the relevant national DNA and fingerprint databases, containing data relating to individuals convicted of recordable offences, will be made available for searching by other participating States, and that the higher UK scientific standards will be applied to matches in the UK.

Business without Debate

DELEGATED LEGISLATION

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

Charities

That the draft Small Charitable Donations Act (Amendment) Order 2015, which was laid before this House on 28 October, be approved.—*(Charlie Elphicke.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

Subsidiarity and Proportionality and the Commission's Relations with National Parliaments

That this House takes note of European Union Documents No. 10651/15 and Addendum, a Commission Annual Report 2014: Subsidiarity and proportionality, and No. 10663/15 and Addendum, a Commission Annual Report 2014: relations with national parliaments; recognises the importance of the principle of subsidiarity and the value of stronger interaction between national parliaments and the EU institutions; welcomes the Government's reform agenda and efforts to ensure that the Commission responds to future objections under the yellow card scheme by substantially amending or withdrawing the proposal that has been put forward; calls on the Commission to respond to the request of 29 national parliament chambers to establish a working group to consider reforms to strengthen their role; is encouraged by the Commission's announcement of its intentions to forge a new partnership with national parliaments; and calls on the Commission to set out its plans to do this.—*(Charlie Elphicke.)*

Question agreed to.

PETITIONS

Car parking charges at Congleton War Memorial hospital

6.51 pm

Fiona Bruce (Congleton) (Con): I rise to present a petition on behalf of residents of the Congleton constituency signed by 621 individuals. This petition opposes the introduction of a car park charging system operated by a private company proposed by East Cheshire NHS Trust, and asks that this proposal be reversed. My constituents are aware that such a charging system used elsewhere, particularly nearby at Macclesfield district general hospital has resulted in severe distress to unwary patients and their visitors at highly vulnerable moments in their lives.

The petition states:

The petitioners therefore request that the House of Commons urges the Government to put pressure of East Cheshire Hospital Trust to remove car parking charges at Congleton War Memorial Hospital.

And the petitioners remain, etc.

Following is the full text of the petition:

[The petition of residents of the UK,

Declares that the introduction of car parking charges at Congleton War Memorial Hospital by East Cheshire Hospital Trust should be reversed; further that it is a misuse of the Trust's power; further that the enforcement of the charges has been handed to a private company, who has the sole aim of profiting from people who need to use the hospital's facilities; further that charges have resulted in severe distress to unwary patients and their visitors; further that the shock of receiving penalty notices of £70 is potentially harmful to the health of the people receiving them and whose health is entrusted to East Cheshire Hospital Trust; further than Congleton War Memorial Hospital was built from the subscriptions of the people of Congleton, as a memorial to the people who had fought and died to preserve freedom, and was meant for the benefit of those people and others; and further that local petitions on this matter were signed by 583 individuals.

The petitioners therefore request that the House of Commons urges the Government to put pressure of East Cheshire Hospital Trust to remove car parking charges at Congleton War Memorial Hospital.

And the petitioners remain, etc.]

[P001596]

Reopening of Barlaston Railway Station (Stoke-on-Trent)

6.53 pm

Sir William Cash (Stone) (Con): I present this petition on behalf of the residents of the constituency of Stone in Staffordshire, and it relates to the reopening of Barlaston railway station, Stoke-on-Trent. It has been put together

[Sir William Cash]

by many people, including Jon Heal, chairman of the North Staffs rail promotion group, and Rob McMillan of the same group.

The petition states:

The petition of residents of the constituency of Stone in Staffordshire,

Declares that the residents of Barlaston request the reopening of Barlaston railway station; further that the station was taken out of service and closed to trains as a consequence of the West Coast Main Line Upgrade in 2003; further that at present anyone wishing to travel by train from Barlaston must first take either one or two buses to Stoke-on-Trent or Stafford and/or undertake journeys on foot to rail replacement bus stops in Stone, which is a significant inconvenience and means access to the rail network is considerably difficult; further that the success of the reopening of Stone railway station in 2008 has demonstrated the potential for local stations to thrive; further that since Stone railway station reopened, Stone has seen a remarkable growth in its annual passenger footfall figures which have more than doubled from 48,000 in 2009-10 to 100,000 in 2013-14; and further that the London Euston–Crewe train already runs through Barlaston station without stopping.

The petitioners therefore request that the House of Commons urges the Department for Transport to reopen Barlaston railway station.

And the Petitioners remain, etc.

[P001657]

Disabled Parking Permits (London Borough of Harrow)

Motion made, and Question proposed, That this House do now adjourn.—*(Charlie Elphicke.)*

6.55 pm

Bob Blackman (Harrow East) (Con): I first raised this topic during business questions some weeks ago, when I asked the Leader of the House to arrange a debate. Through you, Mr Deputy Speaker, I thank Mr Speaker for giving me an opportunity to raise it again this evening. I want to discuss two issues on this occasion: the abuse of disabled parking permits, which is obviously a scourge, and the fact that Harrow has introduced a system that is preventing a large number of my disabled constituents from receiving permits when they should be receiving them.

The blue badge scheme was created to give

"free and dedicated parking close to amenities for drivers and passengers with mobility-related disabilities, or who are blind."

Those with such permits are able to park on yellow lines for up to three hours, and are also exempt from the central London congestion charge. Passes are valid for a maximum of three years, after which passholders must reapply. Let me stress at this point that the various individual cases that I shall cite later in my speech are those of people who were in receipt of disabled badges, but have had them taken away.

I am sure that we all feel annoyed when we witness abuses of the system by, for instance, individuals who, although they are perfectly able-bodied, borrow blue badges and then park unlawfully in controlled parking zones. We must condemn the people who take such action, which is particularly common in the vicinity of football grounds, in supermarket car parks, and in other areas where parking is at a premium. Abuses of that kind have been a problem in Harrow.

The general misuse of a blue badge can carry a fine of up to £1,000, and stolen or fake badges involving the use of a pass from a deceased person can result in a sentence of up to 12 months in prison and/or a £5,000 fine. I congratulate Harrow's fraud team on its numerous operations to tackle the issue. In June 2010, under Operation Cactus, 15 badges were seized. In July of that year, under Operation Daffodil, 16 were seized, and a further 16 were seized in December, under Operation Elderflower. In May 2011, 13 badges were seized under Operation Foxglove. You may note, Mr Deputy Speaker, that a theme is emerging here. In July 2011, under Operation Gentian, another 16 badges were seized. Over that period, a total of 76 badges were seized, and there were two prosecutions, 32 cautions and one warning. Operations continued in 2013, when more than 60 badges were seized.

It is clear that there have been a number of abuses of the system, which have taken place over many years. When relatives "borrow" a pass, they are taking away a space that should be used by a genuinely disabled person, so there is no doubt that a crackdown was necessary, and it is no surprise that Harrow Council made efforts—which I applaud—to toughen up the entire system. Spot checks have continued, and the council is still finding people who are abusing the system. However, the problem is that this has gone too far the other way,

with genuine blue badge applications suddenly being denied and the process for getting one made intentionally far too difficult.

7 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—*(Charlie Elphicke.)*

Bob Blackman: I have the privilege of representing the area of London that has the longest-lived people. As we all know, life expectancy increases as one goes up the Jubilee line from east London to north-west London, so the people of Stanmore in particular have the longest lives in London, and I therefore represent many people who apply for, and have, blue badges. The drawback of that is that getting around my constituency is often very difficult for those elderly people on public transport.

In the past two years alone, 82 residents have come to me with problems related to the system of renewing their blue badges. Every single one of those cases represents someone with a genuine need for a badge due to mobility issues related to age or disabilities. Because Harrow Council has outsourced the process, there is now no oversight and it is very difficult for councillors or for me and my MP colleagues to bring genuine cases forward and complain when an obvious injustice has occurred.

The current application process is as follows. A resident makes an application to Harrow Council either to renew the blue badge or for a new one, and a decision is made. If refused, there is a right of appeal, but if the resident pursues the appeal process, they often meet with an external company, Access Independent, and undergo a medical and a final binding decision is made. There is no further appeal. If there is another refusal, the resident cannot apply again for a set period of time. This means that disabled people are left high and dry without the ability to put their case forward until they have waited six to nine months before lodging another application.

When my office submits concerns on behalf of residents, we receive what is frankly a cut-and-paste answer: a one-paragraph, copy-and-paste reply saying basically, "It's nothing to do with Harrow Council. It is to do with the Department for Transport and the guidelines that are issued. We have outsourced the process of assessing the applications and therefore we can't do anything about it." Councillors face the same problem and receive the same messages. That leaves us in the difficult situation of not being able to highlight and resolve these genuine cases where appropriate blue badges should be received.

The testing and appeal process is usually handled by Access Independent, as I have mentioned. It is an occupational therapy firm based in Cambridge. It operates a cut-throat process. More often than not, no doctor or medical expert is consulted and medical professionals see their diagnoses completely ignored.

One of the tests is that the applicant is made to walk for as far as possible, either down a hallway or in the main car park. This creates the following problems. Neither of those surfaces is representative of the pavements, roads and so on that people walk down, thus creating an illusion that they can walk fine; they are often walking on imperfect surfaces when they need to park close to facilities, whereas when they are tested they are walking on much better surfaces. Also, the method itself is fairly corrupt. Forcing people with mobility issues to walk as far as possible feels almost like a "Hunger Games" approach to testing eligibility. Often applicants I meet are very proud people who try and walk even when they are in severe pain, and I think that is unfair on them as individuals.

I have a range of individual cases that I am going to quote to give an illustration of where the system does not seem to work. In all these cases, I have sought and obtained the permission of each of the individuals to quote their details.

My first example is that of Mrs Suzanne Bard. I believe that the Minister has a copy of the local press coverage of her case. Suzanne lives in Bentley Priory, which was the headquarters of the RAF fighter command during the battle of Britain. The development is nearly a mile away from any form of public transport. She took her case to the *Harrow Times*, and hers is probably the strongest case I have seen. She is an 83-year-old widow who has held a blue badge since 2006. She suffers from severe arthritis, cervical spondylosis, obliterated joints—on which she has had multiple operations—and depression, and her application included no fewer than eight supporting letters from medical professionals. Mrs Bard witnessed various council officials and contractors completely disregarding advice from the best medical professionals she had been able to identify. The removal of Mrs Bard's blue badge has effectively left her stranded up in Bentley Priory, which is grossly unfair on this widow.

I should also like to highlight the case of Joyce Richiardi from Stanmore. She is 93 years old, has a complex medical history and is severely restricted in what she can do without a blue badge. Her GP supported her application, but the case was rejected on the basis that she was deemed not to be "immobile enough", even though she had previously suffered a heart attack and had two blocked arteries and severe breathing difficulties which restrict how far she can walk.

A further example is Caterina Gargano, an 80-year-old woman who lives with her husband Giuseppe in Stanmore. She suffers from dementia, with cognitive decline, and chronic lower back pain. She suffers from intermittent confusion as a result of both conditions. Giuseppe struggles to look after her, and Mrs Gargano can walk a maximum of only 20 to 30 metres. My staff have spoken with Giuseppe on numerous occasions and he gets very upset, almost tearful, when he tries to speak about it. The entire affair has angered him immensely, and he has every right to be upset.

We can draw a number of conclusions from these issues. Yes, there is abuse of the system when people use badges that are not their own, but it is not being carried out by the obviously elderly and frail applicants who need them. It is often carried out by relatives who abuse their position. In tackling the people using blue badges when they have no need of them, the answer cannot be simply to deny them to people with genuine needs. Harrow Council should not be penalising innocent users for the actions of a few.

I have some questions for the Minister, and I would be pleased if he could answer them in responding to the debate. What changes, if any, have been made to the rules relating to the issue of blue badges that were instituted by the Department, and which Harrow Council

[Bob Blackman]

may be highlighting? Is the council taking far too restricted a view on who should be eligible for a blue badge? Given that the decision making is outsourced, has the council made the decision making too restrictive? Should there be an appropriate appeals process that involves Harrow Council, rather than the company that it has outsourced decision making to? What consideration should be made of the detailed medical evidence submitted on behalf of applicants, which at present seems to be being completely ignored?

I raise these questions on behalf of the large number of residents who have contacted me about this matter. I hope and trust that we can get some movement on it, so that the genuinely disabled, elderly and frail people of Harrow can have the badges they deserve, and the opportunity to visit shops and other amenities without fear of being penalised in such a way.

7.9 pm

The Parliamentary Under-Secretary of State for Transport (Mr Robert Goodwill): I congratulate my hon. Friend the Member for Harrow East (Bob Blackman) on securing this debate about the assessment of applications for a blue badge. Let there be no doubt that I share his concerns about the wellbeing of people with disabilities, especially when it comes to ensuring that the impact of their condition on their quality of life is minimised. Although it would not be appropriate for me to comment on individual cases, I would like to outline some aspects of the operation of the scheme.

The blue badge scheme has been in place since 1971, and its primary focus has always been on helping those people with permanent and severe mobility problems. The scheme enables about 2.5 million people with disabilities to retain their independence by allowing them to park close to where they need to go, providing access to jobs, shops and other services. Approximately 75% of blue badge holders have said that they would go out less frequently if they did not have a badge, and about 64% would be more reliant on friends and other family members. The Government are committed to the blue badge scheme and want to protect it for those who rely on it.

The Government are responsible for the legislation that sets out eligibility, the terms of the concession itself, the design of the badge and the enforcement framework. Badges are generally valid for three years, and the badge is for the holder's use and benefit only. Local authorities can charge a fee of up to £10 for a blue badge. The scheme primarily improves accessibility for people with disabilities, but it has become increasingly advantageous financially. In return for the £10 fee, the scheme provides a generous package of benefits for people with severe disabilities. It enables parking on single or double yellow lines for up to three hours. Badge holders may also park for free for as long as they need to at on-street parking meters and pay and display machines. They can park for free in on-street disabled parking bays, and, unless signs say otherwise, this is also without time limit. Blue badge holders also receive other benefits—for example, no congestion charge in London. It is estimated that the annual benefit of the scheme to people with disabilities is about £250 million—nearly £100 per annum on average for each badge holder. The benefit per person ranges from £35 for people living in rural areas who make one trip a week to more than £5,000 for those who use a badge to travel to work in London every day.

Not surprisingly, the financial benefit of a badge could lead to abuse in a variety of forms. Therefore, in 2011, following a review of the scheme, the Government set out their proposals for improving the administration and enforcement of the scheme. Our aim was to ensure that the scheme was administered efficiently, consistently and fairly. In 2012, our reform strategy delivered the most comprehensive changes to the scheme for 40 years, helping to tackle widespread abuse of the scheme and ensuring that badges go to those with the greatest need. The reforms supported the Government's agenda of promoting freedom and fairness, and meeting the needs of older and disabled people. The improvements to the scheme included: the use of independent mobility assessors to make assessment fairer and more consistent; and new legislation so that local authorities can now withdraw a badge following one criminal conviction for misuse, rather than three, as previously.

Some time ago, I spent time in Leeds with the enforcement officers checking up on the correct use of badges, and I am pleased that similar operations have been ongoing in Harrow. Indeed, a number of operations have taken place—I think they could be described as a bouquet—to make sure that abuse is minimised. Other improvements included: new powers for local authorities to seize badges that are being misused on-street, where previously only the police could do this; a new high-security, fraud-resistant badge designed to make it harder to copy or alter; and the launch of a single national database of all badge holders and their details in order to help prevent multiple and fraudulent applications. That also enables quick and easy validity checks by on-street enforcement officers from anywhere in the country.

Eligibility for a blue badge is not based on the type of disability. People with physical, mental or cognitive conditions can receive a badge if their walking is sufficiently affected. In order to qualify for a badge, a person needs to meet one of the eligibility criteria set out in the regulations that govern the scheme. They can be eligible either "without further assessment" or "subject to further assessment" by the local authority. People are eligible for the "without further assessment" category if they are over the age of two and receive the higher rate of the mobility component of the disability living allowance; or receive eight points or more under the "moving around" activity of the mobility component of personal independence payment; or are registered blind or severely sight impaired; or receive a war pensioner's mobility supplement; or have been both awarded a lump sum benefit at tariffs 1 to 8 of the armed forces compensation scheme and are certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

People who do not qualify without further assessment may still be eligible subject to further assessment if they are over the age of two and are unable to walk or have very considerable difficulty in walking because of a permanent and substantial difficulty; regularly drive a car but are unable to operate, or have considerable difficulty in operating, a parking meter on account of a severe disability in both arms; under the age of two

and have a condition that requires that they always be accompanied by bulky medical equipment or that they be kept near a motor vehicle in case of need for emergency medical treatment.

On 1 April 2012, the Government introduced a change, which may be at the heart of my hon. Friend's concerns. Evidence was showing that the badge issue rates vary significantly between local authorities. That could not be fully explained by population characteristics. Indeed, assessment procedures also varied. We introduced new legislation to require that where a person's eligibility is not self-evident, the local authority must use an independent mobility assessor such as an occupational therapist or physiotherapist to help determine eligibility. That means that unless the local authority determines that an applicant's eligibility or otherwise is clear cut, their eligibility will need to be confirmed by an independent mobility assessor. For badge eligibility decisions to be fairer and more objective, assessments should be undertaken by professionals who are independent of the applicant rather than referring to the applicant's GP.

There was a lot of evidence to support that change. The Department of Health's care services efficiency delivery programme noted that the involvement of GPs had only been at the discretion of the council and that a GP might not examine a person but instead rely on records. It indicated that it was rare for a GP not to support an application and that the GP-patient relationship could be compromised. It reported that the use of on-site occupational therapists allowed for a speedier and more effective decision.

Furthermore, independent research commissioned by my Department concluded that there was concern that some people who might not have had a clear and compelling need for a badge could still receive them. A majority of local authorities also believed that that was the case. The new assessment was supported by disability-represented organisations, including the Disabled Persons Transport Advisory Committee, and by the Transport Committee, which reported that using an applicant's GP to assess eligibility was likely to produce a bias in favour of approving the application. These groups agreed that greater use of independent mobility assessments was needed to determine eligibility fairly and robustly. Indeed, a consultation showed 84% of respondents in favour of greater prescription from central Government on eligibility assessments. Focus group discussions with badge holders also revealed support for that approach provided it was delivered by an appropriately qualified healthcare professional.

An independent review commissioned by my Department in 2011 found compelling evidence that intelligently combined desk-based assessment and independent mobility assessments offered a substantially more robust assessment procedure. It concluded that mobility assessments achieve more efficient badge issuing; improved fairness for applicants; greater assurance that assessment is thorough and objective; and high level of confidence that those applicants intended by legislation to be eligible actually receive badges.

Let me make it clear that this change was introduced not to deprive anybody of a badge but to ensure that the scheme focused better on those whom it was intended to benefit. In introducing this change, we enshrined it in legislation that the independent assessor must be professionally qualified and trained in the assessment of a person's ability to walk and have the expertise necessary to assess on behalf of the local authority the ability to walk of the applicant in question.

Although local authorities are required to determine eligibility through an independent mobility assessment, in cases where it is not clear whether an applicant may qualify for a badge, a local authority is able to make use of factual information from the GP or from other medical professionals regarding an applicant's condition and treatment as evidence to support the eligibility decision-making process. If the new procedures are working properly, I would indeed expect some people who may previously have received a badge to find that they are now refused. Unsuccessful applicants who have had their application refused have no right of appeal to my Department against the local authority decision not to issue a badge. However, we recommend in our guidance that local authorities establish an internal procedure to deal with appeals against a local authority's decision not to issue a badge. Appeals may not be heard where a case is clear cut, but our experience indicates that local authorities will review cases if there is any doubt about eligibility. If a qualified mobility assessor has advised the council, we see no reason for a further appeal beyond that.

We also state that local authorities must let the applicant know in writing why their application was refused, and strongly recommend that they provide a detailed explanation of the grounds for refusal. We feel that this transparency can avoid complaints being made and upheld. An unsuccessful applicant can also ask the authority to reconsider the case at a later date if they feel that their mobility problems have become more serious over time or if they think that all the relevant facts were not taken into consideration at the time of assessment. In the case of local government maladministration, there is also recourse to the ombudsman. Indeed, if any council was systematically committing procedural irregularities, it would leave itself open to judicial review. I should make it clear that I have seen no evidence of this type of practice.

As I have mentioned, local authorities are ultimately responsible for the administration of the scheme so it remains the responsibility of each local authority to determine their own assessment procedures and ensure that their procedures are in line with the legislation that governs the blue badge scheme.

I hope that I have been able to demonstrate that the Government are committed to promoting equal opportunities and achieving a fairer society by meeting the needs of the elderly and people with disabilities. It is important that we ensure that the blue badge scheme remains sustainable and protects preferential parking facilities for those with the greatest need. I believe that the introduction of independent mobility assessments means that a fairer, more robust and more effective process is in place to do this.

Question put and agreed to.

7.21 pm

House adjourned.

Westminster Hall

Tuesday 8 December 2015

[Sir Edward Leigh *in the Chair*]

BACKBENCH BUSINESS

Cystic Fibrosis

9.30 am

Ian Austin (Dudley North) (Lab): I beg to move,

That this House has considered access to medicines for people with cystic fibrosis and other rare diseases.

As always, it is a pleasure to see you in the Chair, Sir Edward. I thank Carly Jeavons from Dudley for contacting me to suggest that we hold this debate and for what she has taught me about cystic fibrosis; Ed Owen, the chief executive of the Cystic Fibrosis Trust, and all his staff for their help and advice in organising this debate; and all the right hon. and hon. Members who are here to take part and to speak up for their constituents with cystic fibrosis and other long-term conditions.

Three years ago, Carly Jeavons was at a crossroads. She did not know whether to leave work and face financial turmoil or to continue working while risking her physical wellbeing and mental health. She struggled to breathe and had a lung function of around 44%. Every day she was taking around 90 tablets and undertaking around two hours of physiotherapy, and she spent two weeks in hospital every three months. In September 2014, Carly was offered the opportunity to participate in a clinical trial for a new type of treatment. Initially on a blind clinical trial, she was unsure what treatment she was taking, but later found out that it was a new treatment called Orkambi. The treatment has enabled her to spend more time with her family, and she has been able to go on holiday. She now attends a cystic fibrosis clinic every eight to 12 weeks, rather than every four.

Personalised medicines can have a transformational impact, not only for people with cystic fibrosis, but for a range of other illnesses. Without a more effective process for appraising such medicines, however, patients are unable to access new and innovative treatments. That is why I called for this debate. Cystic fibrosis is a life-shortening inherited disease that affects more than 10,000 people in the UK. It causes the lungs and digestive system to become clogged with mucus, making it hard to breathe and digest food. The damage to the lungs caused by cystic fibrosis means that many people come to rely on a lung transplant to stay alive. There is no cure, but many treatments are available to manage it, including physiotherapy, exercise, medicine and nutrition. Tragically, the median survival age is just 28.

Cystic fibrosis care has long been limited to managing symptoms and decline, but now, after 25 years of research, the Cystic Fibrosis Trust says that there is a pipeline of precision medicines that target particular cystic fibrosis mutations and seek to correct the basic underlying genetic defect. This new type of personalised medicine, which targets the defective gene, is a testament to modern science, and provides an opportunity to tackle this life-shortening inherited disease. As a contributor to the human genome project, British science has played a leading role in creating this new era of genomic medicines, and the UK is a global centre for clinical trials such as the one that my constituent Carly participated in. That work continues through the NHS's 100,000 Genomes Project.

The first precision medicine for cystic fibrosis, Kalydeco, targets a mutation that only a little more than 4% of people with cystic fibrosis in the UK have. On that medicine, patients have shown increased lung function and slower progression of lung disease, and the number of hospital admissions has fallen by more than half. There are predictions that some people on the drug could expect a near-normal life expectancy. Orkambi is the next precision medicine for cystic fibrosis. It is being developed by Vertex, based here in London. It targets a mutation that around 50% of people with cystic fibrosis have, and, like Kalydeco, it has the potential to offer significant health benefits. Orkambi is now licensed for use in the EU and will soon begin its separate appraisals for clinical and cost-effectiveness across the NHS, covering England, Scotland, Wales and Northern Ireland. Work in this area is also important for people affected by muscular dystrophy and related conditions, with a number of drugs in late-stage clinical trials and one, Translarna, which is used to treat Duchenne muscular dystrophy, undergoing appraisal by the National Institute for Health and Care Excellence.

Muscular dystrophy is a progressive condition, often rapidly so, meaning that delays at the regulatory, approvals and funding stages can make all the difference to whether someone can access a treatment. Genomics England is currently delivering the 100,000 Genomes Project, the aim of which is to create a new genomic medicine service for the NHS. The project is focused on rare diseases and cancer. The developments in cystic fibrosis treatment and the impact of the new medicines have already demonstrated the human benefit from work in this area, but the current single technology appraisal system may not enable access to personalised medicines.

The existing NICE appraisal system makes decisions on the efficacy of a drug based on 24 weeks of clinical trials data. It fails to take into account the long-term benefits to sufferers' quality and length of life. The focus on measuring the benefits of a treatment in terms of quality-adjusted life years does not work for genetic diseases such as cystic fibrosis, because it massively underestimates the impact that the drugs have on quality of life over the long term. It also fails to take account of the wider societal benefits of these medicines, such as the way they can help sufferers or their carers to get into work. In short, the existing system cannot provide an accurate assessment of new treatments, such as Orkambi, which offer long-term, preventive stabilisation of cystic fibrosis. It may say no too soon to treatments that require time for their value to be realised.

This debate is not about spending more money on drugs. In fact, it is the opposite: it is about making sure that we are helping people with conditions such as cystic fibrosis in the most cost-effective way, which could actually reduce hospital admissions and enable them to work more easily. According to the Cystic Fibrosis Trust, new genomic treatments could be available to 90% of people with cystic fibrosis within five years, but under the way in which NICE currently appraises

[Ian Austin]

medicines, none of those drugs is likely to be approved for use in the NHS. The system simply is not set up to assess personalised medicines where the patient target audience is, by definition, increasingly small. The situation affects many other rare diseases beyond cystic fibrosis, but without reform, research into precision medicines of this kind could dry up and a once-in-a-lifetime opportunity to beat cystic fibrosis and other rare diseases could be missed.

The Government recognise that change is needed. The creation of the Office for Life Sciences and the accelerated access review are among various initiatives to investigate reform. We need a system that gives new treatments the chance to prove their full effectiveness with long-term, real-world data. We have started to see that in other disease areas, with the development of the first managed-access agreement between a manufacturer and NHS England, which will allow unapproved treatments to undergo long-term testing before requiring full approval. That new model has the potential to be applied across the entire system.

I welcome the establishment of the accelerated access review to find ways of speeding up access to innovative new drugs and treatments. The interim report on the review emphasised the importance of flexibility and anticipating potentially transformative technologies, both those on the horizon and those already available. Such innovative transformative medicines should be seen as part of the solution. We need the NHS to give clinicians and patients time to assess how new precision medicines might slow the decline of diseases, and we need a system that gives medicines the chance to prove their true effectiveness with long-term, real-world data.

Cystic fibrosis is a test bed for reform because the Cystic Fibrosis Trust hosts the UK cystic fibrosis registry, an anonymised database that lists the 10,583 people in the UK with cystic fibrosis. The registry already provides real-world data to health commissioners and pharmaceutical companies so that they can monitor the efficacy of treatments. That makes cystic fibrosis a unique testing ground to pilot a new appraisal system for innovative medicines that could be applied to treatments for a wide range of conditions beyond cystic fibrosis. Orkambi could be the first treatment piloted. This is a once-in-a-generation opportunity to beat cystic fibrosis. Like Carly Jeavons, the 4,000 people in the UK eligible for Orkambi do not have time to wait for the system to catch up.

Last night, hundreds of people with cystic fibrosis, along with their families and carers, took part in an online digital discussion on social media that enabled them to share their experience and opinions directly with Members of Parliament ahead of this debate. Simon, who took part in that debate, said that it is

"hard to state the significance on quality of life"

that new drugs had given him. He said that he

"now had a stable job"

and is

"in the middle of getting a mortgage".

Lorraine, who cares for two children with cystic fibrosis, told us that these new treatments mean that she can go back to work and worry less about outliving her children. Michael said they will enable him to focus on his career without fear that he will have to give it up as he gets more unwell. Kelly pointed out that having healthier people who need less hospitalisation could save the NHS in the long run. Last night's discussion and this debate are supported by Parliamentary Outreach, which aims to enable people with cystic fibrosis to come together and express their views.

Cystic fibrosis is a uniquely cruel condition. The people who suffer from it are unable to come together because they are vulnerable to the different bacteria that grow in their lungs. Although those bugs are usually harmless to people who do not have cystic fibrosis, they can settle in the lungs of those who do and harm them. Our discussion last night and this debate are important because they enable people with cystic fibrosis, who do not normally get the chance to speak up, to be heard. They show that if we embrace new technology and think of new ways of opening up democracy beyond the walls of Westminster, people such as Carly, Lorraine, Michael and Kelly can be heard.

The system needs to change. We need NICE reform and an appraisal system fit for a future that includes personalised medicines, which cannot be approved too soon. In the current system, decisions about a drug's efficacy are based on 24 weeks of clinical trials data, but for new medicines such data are not available. The system needs to account for the development of data over time, and for cystic fibrosis it needs to account for the fact that the value of the new medicines will be realised over time.

Cystic fibrosis is a test bed for reform. The Government must agree to explore ways of collaborating with the trust. I know that the Minister is meeting the Cystic Fibrosis Trust later today to discuss some of these issues. There has been major investment in the life sciences in the UK, but we cannot continue to invest in developing innovative new medicines if patients cannot access such treatments.

I have several questions for the Minister. Can he update the House on the timings for developing proposals for a new system for appraising new medicines? Will he consider meeting the CFT to discuss working with it to develop a system for managed access to medicines that includes a CF registry? Can he comment on the safeguards that will be in place to ensure equality of access to medicines under any new scheme? Will he consider amending the appraisal process for the new drugs to give more weight to the societal benefits for sufferers and their carers? What is the Government's latest thinking on following Scotland and Northern Ireland by introducing a ring-fenced fund for rare disease drugs in England? Will he write to the chief executive of the National Institute for Health Research to ask how his organisation plans to work with specialist muscle centres to address concerns about the lack of clinical trial capacity for Duchenne muscular dystrophy? Finally, how can NICE and NHS England be given greater powers to negotiate the best price with pharmaceutical companies to ensure that new treatments are not held up or rejected on the grounds of cost?

9.43 am

Mrs Cheryl Gillan (Chesham and Amersham) (Con): It is a pleasure to serve under your chairmanship, Sir Edward. I warmly welcome the Minister, who, I am afraid, is very familiar with what I am speaking about

today; I hope he gives me an A for effort and persistence. Given that we have spent so much time discussing access to Translarna, perhaps in his winding-up speech he will have some good news for me and my constituent.

I congratulate the hon. Member for Dudley North (Ian Austin). I am absolutely delighted that he secured this debate on access to medicines for people with cystic fibrosis and other rare diseases. Like me, he knows how important this issue is for families up and down England. I have been looking at the issues surrounding Duchenne muscular dystrophy for what seems like many years—in truth, it has been for just over a year. Only 90 boys affected by the disease in England are eligible for this drug, and the number is slightly larger across the whole of the United Kingdom.

Duchenne muscular dystrophy is a devastating condition that leads to full-time wheelchair use between the ages of eight and 11. It is a progressive, muscle-wasting disease that eventually affects the muscles involved in the respiratory and cardiac functions. Sadly, few with the condition live to see their 30th birthday. I have been working with Muscular Dystrophy UK, which fights causes to do with muscle-wasting conditions. I pay tribute to that organisation for all the support and help it gives. It not only informs Members of Parliament, but helps people affected by those diseases. My constituent, young Archie Hill, is an inspiration to everybody in this area. He has been campaigning for many years, and he and his family are indefatigable in their efforts to get the right medicine at the right time to these boys.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate my hon. Friend the Member for Dudley North (Ian Austin) on securing this timely debate. As the right hon. Member for Chesham and Amersham (Mrs Gillan) will recall, some months ago we all went to Downing Street to petition to get something done about muscular dystrophy. I am sure she would agree that one of the big problems is that even if the new treatments are okay, there is always a long run-in, in which negotiations take place between the Government and the pharmaceutical companies.

Mrs Gillan: The hon. Gentleman is absolutely right. I pay tribute to the other colleagues in the House who took part in that petition. That truly cross-party effort aimed to draw attention to the drugs that are not readily and fully available to our constituents. I was grateful that it was a cross-party delegation, because such things are much stronger when they take place in an atmosphere of good co-operation across the board rather than a political atmosphere. We saw parliamentarians at their best, so I thank the hon. Gentleman for attending that lobby at No. 10 Downing Street, which was inspired partly by Muscular Dystrophy UK and partly by the families it supports.

The issue for me is the drug that the hon. Member for Dudley North referred to. Translarna is its trademark name; it is called ataluren. It is produced by a company called PTC Therapeutics, which calls it its "lead product candidate" for these disorders. I know that the Minister is familiar with PTC Therapeutics, and I hope that in his winding-up speech he will refer to any contact he has had with the company. One of the issues surrounding the efficacy and licensing of the drug is the cost, so I hope the Minister will update us on that situation.

PTC Therapeutics states that the drug is a

"novel, orally administered small-molecule compound for the treatment of patients with genetic disorders due to a nonsense mutation. Ataluren is in clinical development for the treatment of Duchenne muscular dystrophy caused by a nonsense mutation…and cystic fibrosis caused by a nonsense mutation…Ataluren was granted conditional marketing authorization in the European Union under the trade name Translarna".

I believe that it is already available in France, Germany, Italy and Spain. It is the first treatment approved for the underlying cause of Duchenne muscular dystrophy, which is a complicated condition.

Nonsense mutations are implicated in a variety of genetic disorders. They create a premature stop signal in the translation of the genetic code contained in the mRNA. That prevents the production of full-length, functional proteins. The company says that

"ataluren interacts with the ribosome, which is the component of the cell that decodes the mRNA molecule and manufactures proteins, to enable the ribosome to read through premature nonsense stop signals on mRNA and allow the cell to produce a full-length, functional protein. As a result…ataluren has the potential to be an important therapy for muscular dystrophy, cystic fibrosis and other genetic disorders for which a nonsense mutation is the cause of the disease."

The importance of access to Translarna cannot be overstated. Boys such as my constituent Archie Hill have been waiting since August 2014 for a decision on whether Translarna will be approved in England. As I said, it is the first licensed drug to tackle an underlying genetic cause of Duchenne's. It would help to keep Archie and these other boys walking for longer and potentially delay the onset of the devastating symptoms affecting the heart and lungs that I referred to earlier.

NICE's appraisal of the drug is ongoing, but the families have not yet been made aware of when guidance will be issued, leaving them facing an anxious wait over the Christmas period. Over the time I have known Archie and his family, I have seen his mobility decrease; it is depressing to see such an active, energetic, lively, intelligent young man, who has his life before him, being denied a drug that could well keep him active for longer and improve his quality of life.

Julian Sturdy (York Outer) (Con): My right hon. Friend is making a powerful argument. She is right to say that we must improve access to new medicines, which can transform the lives of people such as her constituent Archie. Does she agree that new medicines may also reduce hospital admissions, which would have a huge impact on the NHS?

Mrs Gillan: I thank my hon. Friend for that intervention. He is absolutely right. There is no doubt that increasing the length of time that these young people can be kept active and mobile will inevitably reduce the amount of time that they spend requiring treatment in other health settings.

I also want to describe the emotional journey. Seeing anybody suffering with a muscle-wasting condition is terribly draining, because they fade before one's eyes. That is why the drug is so important, particularly for young people suffering from Duchenne's. I turn now to my constituent's mother, Louisa Hill, for a quotation. She said:

"Decision makers need to understand the impact on children of even a small change. It gives them more time to run and play football with their friends. It's really buying precious time. Archie

[Mrs Gillan]

will have to deal with very difficult mental and physical challenges as his condition progresses. Translarna is buying time for Archie just to be a kid."

If you are not touched by that statement from a mother, I do not know what you would be touched by.

Translarna is not the only potential therapy that could benefit Archie. For example, others, such as utrophin upregulation, which involves injecting a protein called utrophin into the muscles to compensate for the loss of dystrophin in boys and young men with Duchenne's, are in a later stage of clinical trial. It is vital that the process of moving such drugs from the laboratory to the clinic is expedited, including ensuring that appraisal processes are as swift as possible; that secure funding is available to help meet the costs of new drugs; and that NHS England and NICE have effective mechanisms to negotiate an appropriate price with drug companies.

On 14 October, I had the temerity to question the Prime Minister on Translarna at PMQs. He referred to the cancer drugs fund and its role in reducing the costs of drugs for rare types of cancer. A similar model would help for rare disease drugs for conditions such as Duchenne muscular dystrophy. The Prime Minister said:

"The cancer drugs fund has helped to reduce the costs that the companies charge. We need to see that in other areas, too."—[*Official Report*, 14 October 2015; Vol. 600, c. 313.]

The Government's accelerated access review provides an important route through which such issues could be addressed. I hope that the Minister will have his feet held to the fire by the Prime Minister's answer.

Research into treatments for Duchenne's is at a promising stage, with a range of potential therapies in late stage clinical trials. As I said, Translarna is already licensed in Europe, but the UK muscle centres where trials are conducted are reporting that given the growth in clinical trials they lack the resources, such as staffing levels and equipment, to keep pace. As a result, centres report that they are turning away new trials—not because of bad science, but because of a lack of capacity. *[Interruption.]* I see the Minister shaking his head. He knows that the situation is serious and I hope he will comment on it.

That lack of capacity risks causing a bottleneck in drug development and gives boys such as Archie Hill less chance to enrol on a trial that could allow them access to a new therapy. A clinical trial capacity audit, conducted by Muscular Dystrophy UK as part of the "Newcastle Plan" of joint working with UK Duchenne charities to address clinical trial capacity, corroborated the reports and also found that:

"Work on clinical trials is not counting towards specialist training at many centres for medical doctors, physiotherapists and nurses"

which is affecting trainee participation. In addition, it was found that a

"lack of acknowledgment of research in clinical job planning means that already overstretched clinical staff are having to carry out research activities in their own time. This is consequently severely limiting centres' abilities to take part in research."

It also found that the process of setting up a clinical trial can be excessively bureaucratic. Perhaps the Minister, with his experience in this area, will be able to comment on that.

I am disappointed that Archie Hill and the other boys suffering from Duchenne's do not have access to Translarna. The process has seemed to take an incredible length of time, and I hope that the Minister will be able to do something about it. Like the hon. Member for Dudley North, I have a series of questions that I want to put to the Minister, which may help him when he sums up.

First, will the Minister commit to meet representatives of Muscular Dystrophy UK? I would be grateful for that, and it would be helpful for him to discuss the accelerated access review, particularly in the context of the emerging treatments for Duchenne's. Secondly, I do not suppose that he can say this, but when can families such as Archie's expect to be notified of NICE's guidance on access to Translarna on the NHS? It is the obvious question and one that I hope he can answer.

Thirdly, will the Minister ask the chief executive of the National Institute for Health Research's clinical research network how his organisation plans to work with specialist muscle centres to address concerns over the lack of clinical trial capacity, particularly for Duchenne's? The hon. Member for Dudley North referred to the latest thinking in Scotland and Northern Ireland, such as introducing a ring-fenced fund for rare diseases. I hope that that might be a recommendation of the accelerated access review.

I do hope that the Minister will be able to give us some optimism. Boys such as Archie Hill are an inspiration to us all. For one so young, he is very mature in his attitude towards not only his Duchenne muscular dystrophy, but other children suffering from rare diseases. He has great capacity for humanity and for tireless campaigning. This will be the second Christmas since I met him that he will be waiting for an outcome on Translarna. Will the Minister talk to PTC Therapeutics, to NICE and to anyone else to whom he can reach out, to ensure that this year the Christmas present for Archie Hill and other boys in England is to have access to ataluren or Translarna?

10 am

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Edward.

I thank my hon. Friend the Member for Dudley North (Ian Austin) for proposing today's debate on cystic fibrosis and on the future of the drug therapy. I thank the cystic fibrosis team at York hospital. I have met with them and discussed at length their innovative service, which is at the cutting edge of provision for those with cystic fibrosis and takes on board the need for clinical excellence and the sterile conditions that we have heard about—they work the service around the patient, not the patients around the service. I also thank the people at the Cystic Fibrosis Trust for their time.

I emphasise the points made by the right hon. Member for Chesham and Amersham (Mrs Gillan). Her tireless campaigning was triggered by the inspiration of Archie Hill from her constituency and presses for the need to make progress on the right therapeutic responses for those with Duchenne muscular dystrophy. We would all like to see progress with Translarna.

I want to take a wider view of the therapeutic measures for those who experience cystic fibrosis. I am a physiotherapist by training and have worked for 20 years in the NHS with respiratory and neurological conditions,

so I have a real understanding of the people who experience cystic fibrosis. There has been massive change in the management of that condition in my time in practice, in particular in physical therapy. Treatment is now more dynamic in support of individuals—physical treatment, rather than a more static treatment, especially when dealing with mucus clearance and building up lung capacity. That is all about the treatment and management of symptoms, however, similar to the drug regime that accompanies the physical therapy.

We have seen progress, therefore, but today we are debating a step change in our approach to cystic fibrosis. We are trying to provide hope to the 10,000 people who happen to have cystic fibrosis. Looking at a new generation of drugs might provide that hope. Orkambi is a drug that targets abnormal proteins, which will deal with the symptoms. When we look at drug therapy for cystic fibrosis, we should be looking not only at the immediate impact, which so many drugs do, but at the long-term effect. Every instance of a chest infection brings about damage to the lungs, as people have to expectorate continually, and that has long-term implications that can be fatal for some.

It is vital that we look at early intervention, which is what Orkambi is all about—about bringing a step change in the treatment process for those with cystic fibrosis. By targeting the proteins we have the opportunity to ensure that the cells in the lungs are healthy, which will produce longevity among patients. It is hoped that the new drug will bring improvement to about 50% of people with cystic fibrosis, which in itself will be a seismic change in the outcomes for them. It will have a profound impact.

I encourage the Government not to be nervous about cost, because costs for someone with cystic fibrosis are already high and cannot be underestimated. I will focus on existing costs, such as the cost of frequent visits to hospital, including the frequent use of intravenous drugs. A large proportion of people are on IV drugs for approximately one month a year, which is costly. People also have to be in sterile conditions, because the risk of further infection is incredibly high. Ongoing therapeutic intervention with drugs or physiotherapy has significant bearing on costs. There are also costs to do with managing a high-calorie but healthy diet.

Another expense is the drugs. Cystic fibrosis is not on the list of diseases for which people get free medication. Will the Minister look at that? When the list was drawn up, people with cystic fibrosis were not living into adulthood, so we should re-examine it. There are the costs of having lung transplants, if people require one, and any drugs that prevent future lung transplants have to be a positive, despite the risks, because people will be brought long-term hope.

There is the cost to an individual of education, which for many will have a disturbed pattern—in and out of school—and the impact on long-term employment opportunities. Even if in work, many people find it difficult to hold down a job, because the nature of the disease often takes them out of the workplace and they have to organise and balance their day with fitting in physio and the demands of drug therapy and diet.

Finally, there is the cost of care. Rarely is only one person involved in care for any of the diseases that we are talking about—a network of care is put around an individual with such a disease. Moving to a precision, early-intervention drug, therefore, is a way to bring in resource management, which can be positive not only for the individual, but for the NHS as a whole.

The result of what is being called for today would be positive economically and for people's lives. In my short contribution, I want to ask the Minister to address the timeline for progress. There is obviously discussion in Europe, such as on the European regulations for Orkambi, and we want to see the timeline tightened up, so that people can have real hope in the new year that they will get access to the drug, because each time someone has a chest infection it has an impact on their long-term future. Time is not something that so many have, so my plea is for progress on securing access to the drug for those with cystic fibrosis.

10.8 am

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairmanship, Sir Edward. It is also nice to see the Minister in his place again—whatever the debate might be, there are few for which the Minister and I are not in the same room at the same time.

I thank the hon. Member for Dudley North (Ian Austin) for bringing this important issue to Westminster Hall. It affects my constituents and I am here to speak on their behalf—this is the place for us to do that as elected representatives. As he mentioned in his introduction, in Northern Ireland we have had some good news, with money set aside for rare diseases. Any approach to such diseases needs to be innovative and to take into account all those who contribute, be they academics, researchers or hard-working charities who provide support for those suffering from cystic fibrosis and their families.

I also commend the right hon. Member for Chesham and Amersham (Mrs Gillan) and the hon. Member for York Central (Rachael Maskell) who have spoken. They are doughty campaigners on behalf of those who have Duchenne and on many other issues. It is good to see them in their places and making valuable contributions.

We are surely duty-bound to support and fund those who fight for the sufferers and those developing new treatments. The debate is very much about how we develop new treatments and move forward.

David Simpson (Upper Bann) (DUP): I also congratulate the hon. Member for Dudley North (Ian Austin) on bringing the debate. Does my hon. Friend agree that pharmaceutical companies need to be sent a message that their work in research is not about large profits; it is about curing rare diseases? We saw that difficulty whenever we approached pharmaceutical companies on meningitis B: some companies held out for large profits at the expense of people who were suffering.

Jim Shannon: I thank my hon. Friend for focusing on the pharmaceutical companies. They can do a great deal and there is also a role for Government and the NICE guidelines, which direct the direction in which pharmaceutical companies will proceed. The companies are driven not always by profit or margins; criteria also indicate to them what to do.

We should be ever mindful that people are suffering through no fault of their own, so we need to help them move forward. It is good to see facts and figures that show that, on average, a child born in the 21st century

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with cystic fibrosis will live for more than 50 years. There have been tremendous advances. The innovation and hard work done by charities and researchers is too often forgotten, but it has brought about real results, with new precision medicines treating not just the symptoms, but the underlying cause of the condition. We must go further in that direction. To be fair, cystic fibrosis is one condition that we are probably treating rather than solving at the moment, but we need to see a future where everyone with cystic fibrosis can live a life unlimited, which the facts show is more achievable today than ever before.

Unfortunately, precision medicines are expensive and, as my hon. Friend the Member for Upper Bann (David Simpson) said, it is difficult to predict the cost-effectiveness of new treatments. However, we need to get those treatments and try them out to move forwards. I understand that the Government are considering how we can speed up access to innovative treatments, which I think comes under the NICE guidelines. Will the Minister respond to that in his speech? There are proposals to approve new drugs provisionally while using real-world data to assess their benefits. I welcome that and look forward to seeing more of it.

May I put on record my thanks to the Northern Ireland Rare Disease Partnership under the chairmanship of Christine Collins, who happens to be one of my constituents? We have worked together over the years on this matter. Indeed, in the previous Parliament we spoke to the Under-Secretary of State for Health, the hon. Member for Battersea (Jane Ellison), in a private meeting. She was supportive and allowed us to make positive progress. As everyone knows, health in Northern Ireland is a devolved matter. The Minister there, my colleague, Simon Hamilton, has set aside about £3 million for the partnership, which shows there are positive approaches in Northern Ireland and a positive way forward. Perhaps that could be emulated across the whole of the United Kingdom of Great Britain and Northern Ireland.

It is estimated that one in 2,500 babies in the UK will be born with cystic fibrosis and there are more than 9,000 living with the condition. The facts are stark. It most commonly affects white people of northern European descent—it is much less common in other ethnic groups. Those are the facts, which in my constituency means that we are looking at virtually the whole populace. Other constituencies will have similar demographics, so it is concerning to hear that, but it is encouraging that research has advanced so much that we can pinpoint such factors so that we know where problems could arise.

Babies are screened for cystic fibrosis at birth using a heel-prick test as part of the NHS's newborn screening programme. The NHS and Ministers responsible are taking correct steps to diagnose such conditions at an early stage. Treatment for cystic fibrosis is not curative, but it seeks to manage symptoms. Medications including steroids, antibiotics, insulin and bronchodilator inhalers are often used. Nutritional advice and physiotherapy for airway clearance are commonly part of management.

Cystic fibrosis patients may also be suitable for lung transplants. NICE provides a number of guidelines on specific treatments for cystic fibrosis, which it is currently updating. They are due to be published in 2017. On organ transplants, I believe that we should all be considered to be donors unless we say otherwise. The Welsh Assembly has taken steps to bring in that in Wales and such legislation is pending in other regions of the United Kingdom as well, but whenever we see stories about those who are managing but no more and for whom a lung transplant would be the beginning of a new life, perhaps we should emphasise the organ transplant system and find a method to make progress on that.

The hon. Member for York Central rightly referred to families. We focus on those who have cystic fibrosis, but let us also focus on those who support their loved ones at times of hardship and difficult health symptoms. I will also plead the case for Prader-Willi syndrome. I have a number of constituents who have it, but that is not unique by any means to my consistency; it is seen across Northern Ireland. We do not hear much about this, which is another muscular wasting disease and also an eating disease—it is an obsessive disease.

The right hon. Member for Chesham and Amersham talked about Duchenne muscular dystrophy. I have constituents who suffer from that and I have attended events just across the way with people from across the UK with it. It comes in different levels and types, but, as she said, there have been advances in medication. The Minister may refer to those in his reply, but we also need to focus on how we can help those families.

Recent developments show that innovation is working in advancing treatment of cystic fibrosis. I commend the Department for its work. I will also mention the hard work done by universities in partnership with private business and enterprise to come up with innovative ideas for new drugs. We can never underestimate the importance of what they do. Just as others speak highly of their universities, I do so of Queen's University Belfast and Ulster University which are bringing forward innovative ideas for advances in medicine and other things. We could work well together with them on this.

I spoke earlier of the hidden or forgotten sector: the voluntary charities, of which there are many. Where would we be without them and their dedicated researchers? Such people often dedicate their lives to helping humanity overcome disease. The Cystic Fibrosis Trust is just one example. It is the largest charity funder of cystic fibrosis research in the UK. Last year it invested more than £3 million in groundbreaking research and it plans to invest a further £3.5 million by the end of this financial year. By adding our support and funding where possible, we can add to the great work being done and make a real life-changing difference for those with cystic fibrosis and their families.

10.18 am

Martyn Day (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Sir Edward. I applaud the hon. Member for Dudley North (Ian Austin) for bringing this timely debate. If any fact highlights the importance of this, it is that the median survival age is just 28. That really highlights the issue. If that does not focus minds on the need to do something, nothing will. He also touched on quality of life. We must remember that it is not just about statistics and medical reports. It is about the life of not just the sufferer, but the families involved. I am grateful to be able to take part in the debate.

The hon. Gentleman also mentioned issues relating to NICE, its assessments and medicines. I am obviously a Scottish Member, and things are slightly different in Scotland, so I was grateful that Members mentioned the differences. One thing we have is the Scottish Medicines Consortium, which assesses medicines a bit quicker, putting them through the peer-approved clinical system. That is a good practice, which the Minister should perhaps look at. Having said that, we are also still waiting for the assessment of Orkambi, and we hope to have it around April, so there is still a delay in getting things through for everyone.

The right hon. Member for Chesham and Amersham (Mrs Gillan) made some good points. I was interested to hear about muscular dystrophy, which is not an issue I know much about, although the situations people face are obviously very similar. She highlighted the impact on families and the importance for children and young people. When we hear people's life expectancy, that really highlights just how devastating this issue is.

The hon. Member for York Central (Rachael Maskell) made interesting points about therapeutic measures. Her key message was about providing hope, and I share her view on that. I hope that this Government and all the Governments in the devolved Assemblies take on board the message that we should not be nervous about costs. That message needs to go out from here very strongly.

The hon. Member for Strangford (Jim Shannon) highlighted the different and positive practices in Northern Ireland, which, again, I find interesting. I am sure there are things we can learn from each other's areas. One positive in Scotland is that the Scottish Government have the UK-leading new medicines fund, which, in May, more than doubled the support it provides, from £40 million to £90 million. That will affect all rare diseases, including cystic fibrosis. There are therefore things we can do, and there is good practice we can demonstrate and lead the way on.

Another thing we did in Scotland was to abolish prescription charges. Before we did that, two thirds of all paid-for prescriptions were for long-term conditions. That was another financial impact on the families we are talking about, who already have enough difficulties.

With those comments, I look forward to hearing the Minister's view. I hope we have sent a strong message to not only the Government here, but the Governments in our devolved Assemblies.

10.22 am

Andrew Gwynne (Denton and Reddish) (Lab): It is a pleasure to be back, having spent four and a half weeks in cold, wet Oldham, running the Labour party by-election campaign. I pay tribute to my fellow shadow Ministers for standing in for me in numerous Westminster Hall debates. It is good to be back, and it is good to see you in the Chair, Sir Edward.

I pay tribute to my hon. Friend the Member for Dudley North (Ian Austin) for making sure that this important debate could take place. He is right that we need to make sure that access to pharmaceuticals is one of the most important policy areas. With the results of the accelerated access review coming out in the new year, the effectiveness of NICE is very much on the agenda.

I also pay tribute to the right hon. Member for Chesham and Amersham (Mrs Gillan), who spoke powerfully about not only Archie, but Duchenne muscular dystrophy, which is a terrible disease, and she is right that we need to do much more to make sure drugs are available to treat it. I hope the case she made for Translarna will not fall on deaf ears with Ministers, because such drugs can make a big difference to the quality of life of children such as Archie. The right hon. Lady has put that case very powerfully in her question to the Prime Minister, and in her contribution today.

In June 2009, the previous Labour Government adopted the European Council recommendation on action in the field of rare diseases, which recommended that member states should establish and implement plans and strategies for rare diseases. Following on from work set out before the 2010 election, the coalition Government published the UK strategy in November 2013. NHS England published its statement of intent with regard to the UK strategy in February last year.

Since then, we have had the five-year forward view, which reaffirms NHS England's commitment to achieving better outcomes for people with rare diseases, and when the Minister concludes the debate, I am sure he will give us more detail about how he sees the points made by my hon. Friends the Members for Dudley North and for York Central (Rachael Maskell), the hon. Member for Strangford (Jim Shannon) and the hon. Member for Linlithgow and East Falkirk (Martyn Day), who leads for the SNP on these matters, and the right hon. Member for Chesham and Amersham. Rare diseases are a crucial part of the five-year forward view, and given that the UK leads in life sciences, there is no reason why we cannot start to push the boundaries on what is achievable in respect of the drugs available for rare diseases.

The problem is that, although each of the publications I mentioned set out some laudable intentions, the actions arising from those publications have been baby steps in comparison with what we actually need. Changes resulting from the Health and Social Care Act 2012 have left patients and professionals to navigate a labyrinth when accessing medicines that, in many cases, have already been approved or have received licences. That really should not be happening.

Before the last election, the Opposition said unambiguously that we would reform NICE from top to bottom to remove the requirement to enforce competition rules and to ensure that access to medicine was decided on the basis of a medical justification, balanced with consideration of how much money we had available. I think we all now agree that NICE needs some reform. The current appraisal system makes decisions based on 24 weeks of clinical trials data, but that understates the efficacy of drugs that provide long-term stabilisation of a condition.

Other Members have spoken of the frustration cystic fibrosis patients have felt at not being able to access new treatments because those will not be approved given the way NICE appraises them. As my hon. Friend the Member for York Central said, the NICE system is not set up to assess precision medicines, and the issue extends well beyond cystic fibrosis to other rare diseases. Members have spoken powerfully about cystic fibrosis, and what we have heard about could be an excellent platform for testing new ways of doing things, and that could, indeed, also be the case with muscular

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dystrophy. The appraisal system for innovative medicines needs to be overhauled and to be adapted to include personalised medicines. Until the system is prepared to look at the value of new medicines over time, instead of looking for more rapid effects, it will not be suitable for its purpose.

I have some specific questions for the Minister. I am concerned that the highly specialised technologies evaluation programme could limit access to medicines for people with rare diseases. There are widely held concerns that the process, which was introduced after the 2012 Act to appraise medicines for rare diseases, is opaque and that the topic selection process is out of date. Does the Minister have plans to work with NICE to update the selection criteria for the pathway? Am I right that the process does not take into account conditions defined by genetics, biomarkers or differences in clinical presentation? Will he look again at that? Will he, as other hon. Members have asked, meet representatives of Muscular Dystrophy UK and the Cystic Fibrosis Trust to discuss those matters?

I accept that there has been huge investment in life sciences in the UK, but the current system, which encourages investment in technology and does not facilitate patient access to it, is unsustainable and wrong. Without such reform as we have discussed, funding for research on the relevant medicines could dry up and we could lose crucial shots at tackling a lot of rare diseases once and for all. The accelerated access review is a timely opportunity to take a careful look at how people get access to the kinds of medicines that might change their lives. It would be a tragedy if we threw that opportunity away.

I do not doubt for a moment that the Minister is fully behind every Member taking part in the debate in wanting to expedite the availability of the drugs in question, and I am keen to hear more about how the Government plan to do that. I commend Members for speaking so powerfully in a consensual cross-party manner in today's debate and at other times when we work in Parliament to promote such causes. I hope that the Minister will answer all the questions that have been asked, and offer a glimmer of hope for those people who seek access to such drugs.

10.31 am

The Parliamentary Under-Secretary of State for Life Sciences (George Freeman): It is a pleasure to serve under your chairmanship, Sir Edward. I congratulate the hon. Member for Dudley North (Ian Austin) and other hon. Members from across the House who have spoken. This timely debate has been incredibly powerful—not that there has been much disagreement in it. It has been an opportunity to raise important issues that I am dealing with, and I am grateful to colleagues for acknowledging that.

The debate is particularly timely because I am convenor of a major summit today on accelerated access for faster cures. There is a precision medicine summit in London and the Association of Medical Research Charities has just held its annual conference, at which I exhorted members to come to my table with ideas about how to accelerate novel treatments and give the charities more of a voice. A powerful and helpful debate is going on.

I pay tribute to the work of the Cystic Fibrosis Trust, which is among a number of charities that lead the debate on innovative treatments and medicines. Its leader Ed Owen in particular plays an important role in that; but so do Carly, Lorraine, Michael, Kelly and the other people who have been mentioned. Many of the charities do extraordinary work to articulate the experience of patients who suffer from disease and bring it to the policy table in a powerful way. It is a change in policy making that I am keen to accelerate.

The debate goes to the heart of the challenge and opportunity that precision medicines represent for our system and the landscape of assessment, testing, approvals and reimbursement, as well as the growing role of charities and the patient voice. Those things are passions of mine and I want to discuss why, in the next few months and the years ahead, there will be dramatic progress.

The Government and I wholeheartedly support the cystic fibrosis campaign's central aim of ensuring that as many people with CF as possible will have access to personalised medicines by 2020. That sets an inspiring and clear goal and I relish the attempt to deliver it. I want to make some remarks about the condition, about what NHS England and the NHS in Scotland and Northern Ireland are doing about treatment today, about the rare diseases and precision medicine landscape, and about the reforms that I am pushing to try to deal with the issues that have been raised.

I have had a career in biomedical research, so it is an extraordinary privilege to have been given my role by the Prime Minister, who has personal experience of the tragic consequences of genetic disorders affecting children. I am delighted to share with the House the fact that my passion to lead in this field, and unleash the power of the NHS and our research expertise in a new landscape for accelerated access, is exceeded only by the Prime Minister's.

As hon. Members know, cystic fibrosis is the most common life-limiting inherited condition in the UK. It affects about 10,500 people in England—and more, of course, in Scotland, Northern Ireland and Wales—more than half of whom are adults. Cystic fibrosis is one of the UK's commonest life-threatening inherited diseases. It is caused by a single defective gene. As a result, the internal organs and especially the lungs and digestive system become clogged. That results in chronic infections, inflammation in the lungs and difficulty digesting food.

The number of adults living with CF is gradually increasing over time, because of improvements in diagnosis from newborn screening and new treatments. The condition affects everyone differently—that is an important point—but for many it involves a rigorous daily treatment regime including physiotherapy, oral, nebulised and occasionally intravenous antibiotics, and taking enzyme tablets with food. For those who are very ill with cystic fibrosis and who have very poor lung function, daily life can be a struggle as basic tasks can leave them breathless. Some patients use a wheelchair to get around, and use oxygen to help them breathe.

For patients and their families, managing the condition is extremely challenging. That is made worse by the absence of an effective treatment or cure—or, as several colleagues have explained today, by the tantalising presence of a possible treatment or cure that cannot yet be administered to them or their suffering loved ones. I pay

tribute to patients who grapple with the disease day in, day out, and who have done so for years, for their patience as we try to bring new solutions to the table. Current treatments generally target the complications rather than the cause of the condition. Treatments can be broadly classified as nutritional support, relief of airway obstruction, treatment of airway infection and, ultimately, lung transplantation.

What are the Government doing? I want first to talk about what the NHS is doing in England and in Scotland and the other devolved areas, and then to say something about what we are doing more strategically to tackle the new landscape.

Since April 2013 NHS England has been responsible for securing high-quality outcomes for patients with cystic fibrosis as part of its remit to deliver specialised services. Its service specifications for cystic fibrosis—one for adults and one for children—set out what providers must have in place to offer high-quality care and support equity of access to services for patients with cystic fibrosis, wherever they live. The NHS England cystic fibrosis clinical reference group has developed a number of clinical policies for the treatment of patients with cystic fibrosis and it reviews outcomes with the Cystic Fibrosis Trust and with patients and charities.

As we have heard, Scotland, leading within the United Kingdom—and it is not the first time—has launched a dedicated fund worth £40 million this year to give patients greater access to new medicines, as the Scottish Health Secretary, Alex Neil, has announced today. The £40 million new medicines fund expands and replaces the rare conditions medicines fund established in March 2013, giving health boards access to greater resources. In 2013-14 the rare conditions medicines fund supported the cost of 45 different medicines, benefiting more than 200 patients, including ivacaftor for cystic fibrosis as well as other treatments for related rare diseases.

NHS England is investing significant resources into the provision of new medications that work directly on the genes causing cystic fibrosis. Since 2013, it has routinely commissioned ivacaftor or Kalydeco for the treatment of cystic fibrosis in those with a certain gene mutation affecting only 5% of the CF population. Earlier in 2015, that indication was extended to an additional eight mutations for patients aged six years and above. NHS England is considering a policy proposition for extending the use of ivacaftor for the same gene mutations to children aged two to five years. It will consider the evidence base and be included with other therapies requiring investment as part of NHS England's prioritisation process for specialised services for 2016-17.

Several colleagues raised the matter of Orkambi. Some drugs for cystic fibrosis will be considered by NICE through its technology appraisal process, including Orkambi, which, as many will know, is lumacaftor in combination with ivacaftor. NICE is currently developing technology appraisal guidance on the use of Orkambi for the treatment of patients with cystic fibrosis. It currently expects to issue final guidance in July 2016. NHS England will commission drugs where there is a positive NICE technology appraisal, and I will say something about the changes that we envisage in the landscape in that respect.

NHS England operates a horizon-scanning process to identify new treatments and the cystic fibrosis clinical reference group advises on the development of services for patients and keeps relevant published literature under review. Where NICE is not considering a therapy, NHS England can consider the evidence base and may propose commissioning treatments through its policy development process. I shall say something shortly about changes that we are considering in the way NHS specialist commissioning might embrace the new freedoms in the accelerated access review to accelerate the commissioning of rare disease treatments.

In fact, ivacaftor is something of a mild success story. NHS England commissioned it earlier than might otherwise have been expected, having agreed, in discussion with the company that makes it, a flexible pricing model. We want to see more of that sort of innovation.

I am grateful to the hon. Member for Denton and Reddish (Andrew Gwynne) for giving me some time to answer the various questions asked, which I will try to do in some detail. First, I want to set the scene in terms of why this debate is happening and why this landscape is under such pressure. The truth is that breakthroughs in genomics and informatics—our ability to understand patients' genetic predisposition to different diseases and to respond to different drugs, as well as the availability of large-scale data sets, including individualised patient treatment histories and anonymised cohort studies—are transforming the traditional pathway for drug R and D, which normally takes years. It now takes roughly 15 years and $2 billion to bring the average drug to patients.

Genomics and informatics, particularly for some of the rare genetic diseases, allow us to take time, cost and risk out of the development pathway in a profound way. That is driving opportunity and challenge in our system; the Prime Minister created this post and put me in it to ensure we respond to that challenge with ambition.

Julian Sturdy: My hon. Friend the Minister is absolutely right to say that the medical landscape is changing hugely at the moment, but does he feel that the wider implications of new medicines are being fully explored by NHS England and NICE? We have heard about the huge consequences of cystic fibrosis for not only the sufferer but their wider family and the NHS. Does he feel that those wider consequences are being fully explored?

George Freeman: My hon. Friend raises an important point. Over the past few decades, the NHS across the UK has played an inspiring role in leading a lot of the breakthroughs in new treatments, but we have become latterly a slower adopter of the very treatments we often helped to discover. That is partly because the pressure of an ageing society and the rising cost for the health system today of just treating existing conditions are extremely challenging. In some areas, that has made innovations appear a cost to the system, when in fact good innovations may come with a cost spike on day one but generally lead to downstream savings in years 2, 3 and 4.

My hon. Friend puts his finger on a profound challenge at the heart of this landscape: in order really to assess the impact of innovative treatments, we need a much better handle on the existing costs, many of which are hidden, that come with a diagnosis. For that reason, I am spearheading work in the Department of Health to drive through a system of per-patient costing, so that we can begin to get a much clearer handle on what a CF diagnosis means on day one for both the patient and the

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health economy. That will allow NICE and NHS England to develop much more intelligent systems for assessing whether an innovation really represents good value.

Genomics and informatics are changing the landscape; for that reason the Prime Minister has created my post and we have launched a series of initiatives. On genomics, we have launched a groundbreaking £300 million initiative to sequence the genomes from 100,000 NHS patients of cancer and rare diseases. We have also launched 11 genomic medicine centres across the NHS, so that genomics is fundamentally embedded in our health system. On informatics, we have released huge amounts of cohort data to drive research, and we just announced in the comprehensive spending review a major £3.5 billion programme to invest in NHS digital infrastructure to support that.

We have launched precision medicine and cell therapy catapult centres with the Medical Research Council and industry partners to lead in both understanding causal mechanisms of rare diseases and developing and accelerating new treatments. We continue to fund the excellent National Institute for Health Research, for which it is my privilege to be responsible, to the tune of £1 billion a year, and we committed this year in the CSR to fund it throughout this Parliament, at a cost of £5 billion. We have funded the £700 million Francis Crick Institute, and roughly £2 billion of the drugs budget is allocated to new medicines and new treatments in this Parliament.

There is a major commitment, in terms of science and funding, to trying to tackle this issue, but crucially we need policy reforms to ensure that breakthroughs in science can be harnessed for much quicker benefits for patients. That is what the accelerated access review and a number of other initiatives, such as the test bed programme and the vanguards I am running with NHS England, are about—trying to ensure we can change the pathways for getting innovation into our health system for much quicker patient benefit.

I want to say something about the accelerated access review and the specialist commissioning reforms that NHS England is putting in place. I know all Members here take an interest in this subject, so I hope they will be aware that I have launched the independent AAR to ask and answer one big question: what can we better do to harness the extraordinary infrastructure here in the UK in terms of our deep science research base, our NHS-NIHR research base and our NHS daily treatment platform?

The NHS is the fifth biggest organisation in the world, making millions of diagnoses and carrying out millions of treatments every day. Its original founding mission was to be a research organisation, but unless we better capture the data on those interventions, we are still practising, in many cases, blind medicine; we are not harnessing that intelligence enough to inform treatment.

I have asked that the AAR tackles three big questions. First, what can we do to allow the innovators—the developers of new drugs and innovations—quicker access to patients, to reach the all-important moment of proving an innovation works in patients? Secondly, what can we do to harness our leadership in genomics and informatics in order to create a more intelligent system for NICE and NHS England, with more flexibilities, so that they can assess, adopt, approve and reimburse innovations using real-time data about real patients? That will allow us to develop a more flexible set of pathways and adaptive tools with which to embrace this revolution.

When a drug comes to us with a genomic biomarker and we know that it will work for a certain sub-cohort of patients, that profoundly changes the risk dynamic of a traditional pharmaceutical clinical trials programme and should allow us to accelerate adoption for particular patient groups.

Rachael Maskell: Within those considerations, will the Minister also look at international evidence, so that we are looking at not only our own clinical trials but those on a global scale? Clearly, developments are global rather than just national.

George Freeman: The hon. Lady makes an important point. I have been to Washington three times and to Berlin, Paris and Brussels to highlight that while the UK is leading in this field, we need a transatlantic—European and American—agreement on how we move things forward. That is why I am convening and chairing a summit this afternoon with the Washington-based FasterCures campaign, which is a cross-party group on the Hill pushing for innovations in this space. I have been talking to the Commission about the European framework. I want the UK to be the best entry point into the European market, but I also want the European regulatory framework to be consistent and coherent; that is an important point.

The second question I have asked the AAR to look at is: what freedoms, flexibilities and new pathways can we envisage giving NICE and NHS England, particularly in the field of specialist commissioning? For CF, the decision to purchase ivacaftor is a national one, made by an NHS England specialist commissioning unit. I would like that unit to work much more closely with the Department of Health pricing team, so that where we can offer a company faster access to a key patient cohort, data and genomic information, we are able to do a much better deal with the company.

At the moment, we are operating the Translarna and Vimizim programme in the existing landscape. I share colleagues' frustration, but it is important we go through due process. I do not think anyone wants a world in which Ministers decide what drugs come through on the basis of political pressure, tempting though it may be. I have done everything I can this year to expedite the existing process.

Following the positive news on Vimizim, I am hopeful about Translarna—a similar drug. NICE has been consulting on the process, and I believe the company has been engaging with NICE on pricing. I am hopeful that there will be a decision in the next few months to parallel the one on Vimizim, but that decision is not in my gift: it is up to NICE, which is rightly working on the basis of the very best clinical evidence.

Mrs Gillan *rose—*

George Freeman: I had better crack on; I will come to the questions that my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) asked later, if I may.

Hon. Members have raised a number of questions and I want to deal with them all. The hon. Member for Dudley North asked about timings for the accelerated access review. We have had an interim report. I have asked for final recommendations in the spring—in March or April—and also that the review considers whether the process should go on. I want recommendations that we can implement quickly, but equally these discussions are complex and we may well need to go on to look at other bits of the landscape. I would be delighted to meet the Cystic Fibrosis Trust—in fact, that is already arranged; we are meeting this afternoon at the summit that I have organised.

The hon. Gentleman also asked about safeguards, which is a very important point. Although all of us share a recognition of the need to accelerate access, nothing in what is happening must in any way undermine patient trust and confidence in safety and protections. That is an important balance to strike. Nothing in what we are doing in any way looks at changing the legal basis in terms of negligence, consent or the clinical trials framework. The issue is about ensuring that our systems have the flexibilities to embrace the very latest science, and particularly, in this case, genomic biomarkers.

The hon. Gentleman asked about amending the NICE appraisal process to weight wider societal costs. At this point, the review is not specifically looking at the internal mechanics of NICE's current high-technology appraisal process, but we are looking at giving it, with its new flexibilities and freedoms, a suite of different types of innovation that might come through. We are particularly looking at where that can be ring-fenced and targeted at particular patient groups.

The hon. Gentleman asked about a ring-fenced fund. As I said, we are looking at the allocation that we have had from the Treasury, which is about £4 billion extra on drugs in this Parliament, £2 billion of which is more or less the existing demand driven by demographic change. There is about a £2 billion allocation in there for new medicines. The difficulty is that the drugs that we might consider now to be most worthy of ring-fencing and accelerating may not be the ones that in five years' time, on the basis of the clinical evidence, we look back on and say, "Why did we not accelerate that?"

We want to make sure, through the AAR, that we are putting in place a system that gives us the flexibilities to pull through those drugs that have the most transformational effect. But let me be clear: we are looking at wanting to build in, over the next few years, a wider understanding of the real costs to our health economies—local and national—of different forms of disease. That is why the Secretary of State and I are leading on per-patient costing so that, in due course, we can develop a more intelligent system to reflect that.

The hon. Gentleman asked about the NIHR and specialist muscle centres. This debate covers a number of different disease areas, and it is a tribute to the NIHR's research network that more and more charities are now wanting to build centres of excellence. In the forthcoming NIHR five-year funding cycle, looking at the biomedical research centres and the biomedical research units, I am keen to make sure we consider where we can bring funding in from charities to complement that core research network.

Finally, the hon. Gentleman asked about the accelerated access review and the powers that we are looking at for NICE and NHS England. I do not want to pre-empt the findings of that independent review, but I have asked that the review looks precisely at how we can make it easier for NICE and NHS England to work more closely together. Specialist commissioning would be an obvious place to start to share those data and look at how we can get a better deal for everybody—for patients, the system and the economy.

My right hon. Friend the Member for Chesham and Amersham asked about Translarna and Vimizim and how quickly we may be able to get good news for Archie. I pay tribute to my right hon. Friend; she has been a very doughty campaigner on this matter during the last year. I share her frustration that in the existing system, due process has to be gone through and that, although we have expedited this as much as we can, it has taken a long time. I pay tribute, as she has, to Archie. He, like so many of these patients, is an inspiring example of the very best of this sector and of this country. They are people who have the most reason to complain, but tend to be the least likely to and the most inspiring, given their generosity about the system and their demand that we take their suffering and use it to make sure that others do not have to suffer.

I have touched on the timetable. I am very hopeful that we should get a decision from NICE on the basis of the secondary consultation early in the new year.

Mrs Gillan: I thank the Minister for the way in which he is still pursuing this matter on behalf of my constituent and the other boys. However, does he share my frustration? I know we have to go through due process, but why does due process have to take so long? Every day matters to these children and to their quality of life. I cannot impress enough on the Minister, NICE and anybody else watching this debate, that due process must be executed in a more timely fashion. This is nothing short of torture for these boys and these families. I know that the Minister has tried very hard, but I just hope that the people at NICE will be listening to this. I appeal to them directly through him to make a positive decision on this before Christmas; it would be the best Christmas present that these boys and their families could have.

George Freeman: My right hon. Friend makes her point as powerfully as ever. I shall not add to it; it has been put on the record very clearly.

My right hon. Friend asked about contact with the company. It is not for Ministers to get actively involved—much as, at times, I would like to—in negotiating these deals, but I have made contact with the company, both on Vimizim and Translarna, to urge it to be as flexible as it can in discussions. I can only say that I am hopeful that it will have been able to reach a point where NICE feels able to make a recommendation.

Part of the reason why due process is important is that when NICE makes a recommendation, NHS England is bound in law to provide the drug in perpetuity, so it is a major cost undertaking. In some cases, these drugs cost £200,000 or £300,000 a year, so it is a commitment of several hundred million pounds from NHS England. Other patients would say, "We must make sure that when you make a decision like that, it is done properly." However, I share my right hon. Friend's frustration that a lot of these breakthroughs scientifically mean that we ought to be able to speed things up.

[George Freeman]

My right hon. Friend asked whether the Prime Minister is holding my feet to the fire. She need not worry; I am as passionate about this as ever and very impatient to make sure that the AAR is landed with some good recommendations.

My right hon. Friend made an excellent point about NIHR staffing. I am working with the chief medical officer and the NIHR on that at the moment. A number of our clinical research facilities could, with a few more staff, turn over more and do more trials work. There is an opportunity for us to get more people internationally to enrol in NIHR training—in clinical trials and translational research training—which would give us more capacity and allow us to move things along faster.

The hon. Member for York Central (Rachael Maskell) raised an important point about cost. I have touched on the work that we are doing on per-patient costing to try and make sure that we develop a system that more intelligently captures the real cost of disease.

I am grateful to the hon. Member for Denton and Reddish, the Opposition spokesman, for his comments. I congratulate him on the by-election victory. He asked about NICE reform, which I have touched on, through the AAR. We do not want to interfere with or undermine NICE's independence and their "gold standard" reputation, but we want to create a place in which the accelerated access review gives them the freedoms that they are, indeed, helping to shape.

In conclusion, this debate has highlighted not only the challenges from the rising costs of new drug discovery—£200,000 to £400,000 a year for patients in the rare disease space—and the pressure on the one-size-fits-all model of assessment, but the opportunities for us to unleash our leadership in genomics and informatics to create a new landscape. That is why this week, the Association of Medical Research Charities conference and my summit this afternoon, and the accelerated access review work is creating momentum for a new landscape for accelerated pathways for patient-led innovation.

I think we will look back in two or three years at this as a crucial turning point at which the system that was set up to assess a very one-size-fits-all, 20th-century model was rapidly adapted, creating new opportunities for patient-led innovations and charities such as the CF Trust to bring through innovations that benefit their patients more quickly.

Sir Edward Leigh: Would you like to sum up, Mr Austin?

10.58 am

Ian Austin: If I may, Sir Edward. I thank you for chairing this debate. I thank the Minister and the Opposition spokesman for what they have said. It was really interesting to listen to the Minister and my hon. Friend the Member for York Central (Rachael Maskell) bringing to bear the deep expertise that they have gained from their careers before coming into Parliament. The right hon. Member for Chesham and Amersham (Mrs Gillan) spoke really movingly, and incredibly passionately and powerfully, about Archie Hill.

Most of all, I want to thank the people at the CF Trust and my constituent, Carly Jeavons, for raising this issue with me. I think this debate shows exactly how Parliament and politics should be working—with our constituents raising issues with us, us coming here to speak up on their behalf, and the Minister responding to their concerns—so I am very grateful indeed for that.

Question put and agreed to.

Resolved,

That this House has considered access to medicines for people with cystic fibrosis and other rare diseases.

Shakespeare Theatre (Knowsley)

10.59 am

Mr George Howarth (Knowsley) (Lab): I beg to move,

That this House has considered the proposal for a Shakespeare theatre in Knowsley.

Let me begin with a few acknowledgments of those who helped me to prepare what I am about to say: Professor Kathy Dacre, a Shakespearian scholar who is heavily involved in this project; Dr Stephen Lloyd, the archivist at Knowsley Hall, who made some helpful suggestions; Mr Mike Harden, chief executive of Knowsley Council; and, last but by no means least, Professor Elspeth Graham of Liverpool John Moores University.

Prescot, my home town in Knowsley—which I also share with my hon. Friend the Member for St Helens South and Whiston (Marie Rimmer)—has a unique place in theatre history. It is a market town and one of the oldest settlements in Merseyside. In the later Elizabethan period, Prescot was a lively town providing lodgings, hospitality and entertainment for visitors, including gambling and cockfighting. In 1592, it supported 19 alehouses and by 1622 it had an astonishing 43 such premises—far more than were needed for the town's modest population of a few hundred. That reflects the fact that it was an entertainment centre to which people would travel for the market or the theatre, which I am about to describe. It also explains why there were very few people in each of the alehouses.

Prescot was the site of the Playhouse, the only free-standing, purpose-built theatre outside London in the Elizabethan period. It was built in the 1590s by Richard Harrington, who was closely connected to the Stanley family, the Earls of Derby, who were one of the most influential families in England. Ferdinando, Lord Strange, fifth Earl of Derby, and his brother William, the sixth Earl, were directly involved in the theatre, maintaining a talented group of professional players. Several important companies performed in Knowsley, and it was home to the Earl of Derby's Men and Lord Strange's Men, the troupes of actors which later formed the core of the Lord Chamberlain's Men, who performed Shakespeare at the Globe in London.

The original Playhouse in Prescot was a relatively small theatre that held public performances and rehearsals prior to more prestigious performances at Knowsley hall and the further estates of the Stanleys, such as Lathom house near Ormskirk, as well as those belonging to leading families in Lancashire. William Shakespeare attracted audiences from all social backgrounds and his actors had played at the Globe, where performances were effectively public rehearsals for more intimate and prestigious evening performances at the court.

There is evidence that some of Shakespeare's earliest plays, which contain tributes to the Stanleys, were first staged at Prescot or Knowsley hall. If so, William Shakespeare would almost certainly have supervised the performances and may even have acted in them. They included "Richard III" and "Titus Andronicus" by Strange's Men, and "The Taming of the Shrew" and "Love's Labour's Lost", which were written to flatter his patron. Later, he would write "A Midsummer Night's Dream", which was first performed at the wedding of the sixth Earl of Derby to Elizabeth de Vere in front of Queen Elizabeth. Last summer, there was a professional and accomplished performance of "A Midsummer Night's Dream" in Prescot, partly in the parish church of St Mary's and partly in the churchyard. It was given by a local company of performers and I had the privilege of attending.

In "Love's Labour's Lost", which is set in a deer park, King Ferdinand's ambition to make his court

"the wonder of the world"

is likely to have been based on the real plans of Ferdinando Stanley. It was said that, had he lived longer, he would have been the leading English contender for the throne. Shakespeare almost certainly wrote his early plays while under the powerful patronage of these powerful Lancastrian families. Evidence from archival records is supported by references in the plays.

Let me turn to the proposal for a Shakespeare theatre of the north. The aim is to create a unique, internationally renowned educational facility to encompass a commemorative theatre, to provide a key link between national, regional and local cultural and educational policy, and to contribute to the economic regeneration of an area that has deep connections with one of the nation's greatest cultural icons. The Shakespeare North trust plans to commemorate the significance of Prescot's history by creating a playhouse built to designs drawn in 1629 by Inigo Jones for the Cockpit theatre. Inigo Jones was one of the greatest English architects and theatre designers of his day and designed the perfect stage on which to present the plays of his time, the most celebrated of which were Shakespeare's.

The project has the capacity to create a Shakespearian triangle with Stratford and London. As such, the Playhouse in Prescot will be unique as the only replica of this indoor Jacobean court theatre in the world, and the site of the only actor training programme in Shakespearean performance in the UK. It will be a leading public theatre with a student programme at its core and a purpose to realise one of the UK's premier cultural assets. It will be home to Shakespeare's language, lyrics and performance potential.

At this point, it is worth summarising what we are trying to do with some words from, appropriately, "A Midsummer Night's Dream":

"The forms of things unknown, the poet's pen

Turns them to shapes and gives to airy nothing

A local habitation and a name."

I contend that that name is the new Playhouse in Prescot.

An overall programme of education and community engagement would be integrated with the work of the Playhouse so that all aspects cohere around the philosophy and aims of Shakespeare North. That will allow individuals to participate at many levels linked to college work either through discrete courses, workshops and activities, or in a developmental series of activities through the stages of people's lives. In particular, the activities involving early years and school-aged children are designed to provide a strong platform for the years of compulsory education and beyond.

There are a number of strands to the project's work and themes, including the seven ages of man. In particular, there will be postgraduate education in the form of a master's degree programme in Shakespearean performance and practice; an exploration of language and lyrics linked with formal education providers; informal education and community engagement; priority for groups in

[Mr George Howarth]

collaboration with existing local government and voluntary sector initiatives for special focused-needs groups in which applied drama work will offer a range of relevant and productive frameworks; a music and memory programme of work for elderly members; a plan to increase the skills base and employment prospects of local residents through a range of skills training and volunteering opportunities; a base for the Shakespeare schools festival performances in the north-west; and finally, the Knowsley international Shakespeare festival, which we propose in conjunction with the project.

The trust's fundraising strategy to secure the cost of the scheme, which is likely to be in the region of £19 million—this is not special pleading—is likely to be the basis of a lottery bid. However, if the Chancellor happens to find a spare £19 million in his budget, we would be grateful to receive it towards the capital costs. The business plan indicates that the development would achieve sustainability in a relatively short period and would not need to rely on regular revenue funding.

Shakespeare North has been established to work in partnership and improve the attainment of education and skills needed for long-term local and regional resilience and to help to create a place where people aspire to live, visit, work and do business. I am not asking the Minister for anything in particular, but I would be grateful for some indication of the Government's general support for the programme, without any specific, tangible support at this stage, although, as I said, that would always be gratefully received.

I conclude with a request to the Minister by way of some words from "Hamlet":

"Speak the speech, I pray you, as I pronounced it to you, trippingly on the tongue. But if you mouth it as many of our players do, I had as lief the town crier spoke my lines. Nor do not saw the air too much with your hand, thus. But use all gently."

We look forward to the Minister's gentle response.

Sir Edward Leigh (in the Chair): Minister—in Shakespearean English, please!

11.10 am

The Minister for Culture and the Digital Economy (Mr Edward Vaizey): Sir Edward, to give you your appropriate title, may I say what a great honour it is to appear under your chairmanship? I thank the right hon. Member for Knowsley (Mr Howarth) for calling this important debate. To respond to his eloquence, I should of course say:

"To be, or not to be: that is the question".

But we very much hope that it will be—that this important project does get off the ground.

It is a great pleasure to speak about the proposed Elizabethan theatre and the community hub in Prescot in Knowsley that will result from it. It has been inspired, of course, by our most famous Englishman, William Shakespeare. The Shakespeare North project in Knowsley has been proposed by the Shakespeare North trust, and it has been long in gestation. To quote from "A Midsummer Night's Dream",

"The course of true love never did run smooth".

The project cannot simply be wished into existence overnight, but it is an exciting project and I hope to stay close to it now and in the future, because a lot of hard work has gone into it and it deserves to succeed. It would be fantastic if the proposals to recreate the Elizabethan theatre, about which the right hon. Gentleman spoke so eloquently, came to fruition. That would bring with it the chance for local residents and visitors to see Shakespeare's plays performed in Knowsley 400 years on from when they were originally performed there by Lord Strange's Men.

The project has widespread support, not only from the right hon. Gentleman and the hon. Member for St Helens South and Whiston (Marie Rimmer), who both represent Prescot, but from local cultural figures such as Phil Redmond, who is the chairman of National Museums Liverpool as well as a renowned writer, the actor Alison Steadman, Tom Baker, Willy Russell and Alan Bleasdale. The proposed theatre and hub would be an excellent opportunity for the young people of Knowsley and would play a part in inspiring the next generation of theatre makers and performers, who could see Shakespeare's work on their very doorstep.

Mr Howarth: It is indeed a very distinguished list of patrons that the Minister has read out. He might add to that Sue Johnston, who went to school in Prescot and was brought up in the area and is of course a distinguished actress herself.

Mr Vaizey: If it is the Sue Johnston I am thinking of, of "Brookside" fame as well, I am delighted to add her to the list of distinguished people who have supported the project.

Marie Rimmer (St Helens South and Whiston) (Lab): Also included in the list of patrons are Dame Helen Mirren, Sir Patrick Stewart, Vanessa Redgrave and of course, as my right hon. Friend the Member for Knowsley (Mr Howarth) said, Sue Johnston. At the launch of the appeal, Knowsley Council supported a bid to the Big Lottery Fund, and the project made it on to a shortlist of nine, out of 400 bids, but unfortunately it did not receive the grant.

At a public presentation involving 200 local residents at Prescot parish church early in December, the trustees described the fifth and sixth Earls of Derby as the Simon Cowell and Cameron Mackintosh of their day. Prescot is a very old, distinguished, former industrial town. To have Shakespeare performed in that town was unique; it was the only such place outside London. The fifth earl, Ferdinando Stanley, sponsored his own theatre company, Lord Strange's Men, who performed William Shakespeare's plays at Knowsley Hall and at the original theatre. Many of the playwright's characters are named for the Stanley family. In 1593, Prescot became home to the first and most important freestanding theatre outside London. Although no pictures of the Prescot playhouse remain, it is believed to have been a cockpit theatre much like those designed by the famed Tudor architect Inigo Jones. It stood at the end of Eccleston Street, a quaint shopping street in the market town, where the flat iron building stands now. The chief importance of the venue was in bringing drama to ordinary working-class people, making theatre accessible to everyone—something of which the earls could have been extremely proud.

I will leave it there, as my throat is cracking, but I urge the Minister to empty his pockets and purses, and whatever he can find should go towards this project.

There are many local philanthropists, including Lord Derby, I understand, who will help to make it happen, and a little from the Government would go a long way.

Mr Vaizey: I hear what the hon. Lady says and I commend her for making those remarks, given the sore throat that she clearly has. I will obviously put the names that she read out as supporters of the project alongside those of Sir Paul McCartney, Cherie Blair, David Alton, Clive Owen, Trudie Styler and many others. Of course there is also the chairmanship of the Shakespeare North board. Peter Scott is the chair, but Professor Kathy Dacre has been mentioned, and many others have given so much of their time to make this project happen. As the hon. Lady remarked, at one point the project was shortlisted for a lottery bid, but it was unsuccessful. We can put a girdle about the earth in 40 minutes, but projects such as this take some time.

What is really exciting about the project is that it speaks to my own personal passion, which is to put culture and heritage at the heart of our communities. The project combines both. It includes a heritage element. It recreates the historic link that Knowsley and Prescot have with our greatest playwright. It provides a heritage centre by recreating the Elizabethan theatre and bringing alive the plays of Shakespeare. However, it is also an extremely contemporary cultural project, which reaches out to the widest community possible—to actors themselves in terms of training, to young people and to everyone as a community resource. That is one of the other reasons why I am so supportive of the project—because education and community engagement are central to the proposals. There is a proposal for an international university college, with a strong link to Liverpool John Moores University. That is a theme that I want to bring out more. The role that universities now play in culture and heritage is too often unacknowledged, but I hope to bring it to the fore over the next few months.

Of course the project will depend to a certain extent on philanthropic support. Many people who have ties with Knowsley, not least some of the people whom we have mentioned in the debate, will provide support, and I reiterate my thanks to them.

The hope is to create a Shakespearean triangle between Knowsley in the north-west, Stratford-on-Avon in the midlands and of course Shakespeare's Globe in London. It is an ambitious target, but it could be an incredibly important asset for the heritage and tourism industry in this country, as well as increasing employment and aspiration in the constituencies of the right hon. Gentleman and the hon. Lady. As I have already pointed out, Shakespeare is possibly England's most famous son and his stature across the globe is unrivalled. As an example of what Shakespeare North can achieve, Shakespeare's Globe in London still receives some 350,000 visitors every year; Stratford-on-Avon had 150,000 overseas visitors in 2014, which represents an increase; and some 400,000 people visit Shakespeare's birthplace every year. Those visitors to places such as Stratford-on-Avon generate millions of pounds for the local area, and it is hoped that if the project is successful, Knowsley's links to Shakespeare will be of similar benefit to the local area.

I have hinted at the fact that I am passionate about themes such as place making, education and putting culture and heritage at the heart of a place. Next year, we will publish a White Paper on arts and culture, in which we may reference the project in Knowsley, because we want to talk about place making and education. Having a new performing Elizabethan theatre and arts hub would certainly put Knowsley even more firmly on the map. I was delighted to hear that the local council is strongly behind the project, as are the people of Knowsley, who understand the opportunity that it will bring to create new jobs and growth in the area.

The proposal aims to make the project in Knowsley part of the northern powerhouse, which is, as I am sure all hon. Members are aware, a major priority for the Government. That was demonstrated in this year's spending review, which included investment in the Factory in Manchester and the Great Exhibition of the North. If the theatre in Knowsley gets off the ground, it will be close to areas that are replete with rich cultural heritage. Liverpool is a former European capital of culture and the home of National Museums Liverpool, as well as Tate Liverpool and the Everyman theatre. I was delighted to go to Liverpool the other day to host a round table for our White Paper and to see the continued commitment and enthusiasm in Merseyside for the arts. The devolution deal is part of our work to hand back power and responsibility to the region, and it is important that Liverpool's arts and culture form part of that deal.

It is important to have this debate now, because next year, which marks 400 years since his death, will be a year in which we celebrate Shakespeare's life. We will commemorate his works in a variety of ways. One of those will be "Shakespeare Lives", a major programme of events and activities to celebrate Shakespeare's life, which has the ambition of reaching 500 million people all over the world. The programme will be an invitation to the world to join in the festivities by participating in a unique online collaboration, and experiencing the work of Shakespeare directly on stage, through film, in exhibitions and in schools. The programme will run throughout 2016, exploring Shakespeare as a living writer who still speaks for people and nations, and it will feature activities across English, education and the arts to explore the story of how a playwright from England came to be enjoyed all over the globe. The British Council is working on the project, alongside the Foreign Office, UK Trade & Investment and, of course, my Department.

Here in the UK, Shakespeare 400 is a consortium of leading cultural, creative and educational organisations co-ordinated by King's College London that will work together to mark the 400th anniversary through a connected series of public performances, programmes, exhibitions and creative activities inside and outside the capital to celebrate Shakespeare's legacy. The BBC will also play a major role. Its contribution will include a live broadcast from Stratford with the Royal Shakespeare Company, hosted by David Tennant, and new adaptations of Shakespeare's plays. In addition, the BBC's Shakespeare archive resource will provide schools, colleges and universities across the UK with access to hundreds of hours of BBC television and radio broadcasts of Shakespeare's plays, as well as his sonnets and documentaries about him.

The RSC will mark the anniversary with a far-reaching national and international programme of productions, including "A Midsummer Night's Dream: A Play for the Nation" which will be co-produced with 14 amateur companies across the UK. It is important to recognise the amazing work that the RSC does with children and through its live screenings. The Birmingham Royal Ballet

[Mr Vaizey]

will create a new full-length ballet of "The Tempest" under its director David Bintley, and the London Philharmonic Orchestra will also celebrate Shakespeare's legacy.

There could not be a better time to raise the prospect of a new northern hub for Shakespeare in Knowsley and Prescot. All the organisations that I have mentioned have the support of Arts Council England, and I am sure that all hon. Members will welcome the generous settlement we secured from the Chancellor a few weeks ago. He made it clear that the arts are one of the best investments the Government can make, and that we will continue to support arts and culture across the country. I am delighted that Knowsley Council feels the same as we do. Incidentally, we will also ensure continued free access to our national galleries and museums.

I understand the continuing concerns about local authority funding, but I point out that other sources of income, such as business rates and income tax, can put local government in a strong position to support local arts and culture. That is why Knowsley Council's strong support for the project is very welcome, and I hope that its passion for the project will be communicated to other councils across the region.

It only remains for me to thank the right hon. Member for Knowsley for calling the debate and the hon. Member for St Helens South and Whiston for speaking so eloquently. The Government are very supportive of the project, and we will continue to work with the right hon. Gentleman in any way we can to bring it to fruition.

Sir Edward Leigh (in the Chair): Alas, poor Howarth, he cannot sum up, under the rules. I have asked whether he can, but—just say a quick word; go on.

Mr Howarth: I will just make two quick points. First, although the Minister's comments about local government funding and the recent comprehensive spending review are welcome, Knowsley will find it difficult to take advantage of those opportunities, simply because the tax base is not there to allow it to do so.

Secondly, the Minister quite rightly indicated the tourist potential of the Liverpool city region and his ambitions, which I share, for our city region. I simply point out that Prescot is proud of the fact that it predates Liverpool. Although we very much associate with Liverpool and, equally, with St Helens, we feel that there is something unique and special about Prescot.

I am grateful for the general support that the Minister has offered, and I hope that we can collaborate with the Shakespeare North trust and others over the coming months to try to bring this ambitious, but exciting, opportunity into reality.

Mr Vaizey: I thank the right hon. Gentleman for his intervention, and I take note of the points that he makes. Local co-operation is important, but a little local rivalry is also welcome. I hope that Prescot will continue to press its case for being the most venerable town in the area. I reiterate that next year offers a unique opportunity to raise the profile of the project, given the huge focus that will come to bear on William Shakespeare's life.

Question put and agreed to.

11.27 am

Sitting suspended.

Marriage Registration Certificates

[Mr Graham Brady *in the Chair*]

Mr Graham Brady (in the Chair): Good afternoon. Before we begin, it might be helpful if Members know that we can continue until 4 o'clock, but we are expecting a Division in the House at 3.45 pm.

2.30 pm

Mrs Caroline Spelman (Meriden) (Con): I beg to move,

That this House has considered marriage registration certificates.

It is a pleasure to serve under your chairmanship, Mr Brady. The latest intelligence that I heard is that we might have a vote at 2.45 pm, but of course we are on a running three-line Whip, so we will just have to see.

I am happy to have secured a Westminster Hall debate on this important subject. Since 1837—the beginning of Queen Victoria's reign—marriage certificates in England and Wales have included the names of the spouses' fathers, but not their mothers. I know that I am not alone in finding this state of affairs unacceptable in our modern society. Indeed, the Prime Minister said as much in August 2014.

The issue has attracted calls for reform from many Members: the hon. Member for Brighton, Pavilion (Caroline Lucas) has tabled two early-day motions on the subject, each of which attracted 100 signatures; a petition on change.org was signed by more than 70,000 members of the public; and the hon. Member for Neath (Christina Rees) has introduced a private Member's Bill in an attempt to secure the inclusion of mothers' names on marriage certificates. I believe that the Second Reading of that Bill is scheduled for 22 January, and it underlines the point that this is clearly an issue that concerns Members from across the House and requires urgent attention and reform.

The Church of England recently held an internal consultation exercise of archdeacons and legal officials to gauge the views of the clergy about changing the way we do marriage registration. It received an overwhelmingly positive response. It cannot be that difficult to change the format of marriage certificates so that the mothers' details can be captured, can it?

I understand that the problem lies with the practicalities of the current system of marriage registration, which has not changed since 1837. Marriages are registered in register books, which are held in churches and other religious premises as well as in register offices. There are around 84,000 open register books in more than 30,000 churches and religious buildings. Marriage certificates are simply an exact copy of the marriage register entry, so under the current registration system changing the content of the marriage certificate would mean first changing the content of the register books. In order to do that, all 84,000 books currently in circulation would need to be replaced, at a cost of around £3 million.

Christina Rees (Neath) (Lab): I am well aware that that is one of the sticking points, but as the right hon. Lady will be aware, there is a space next to where the details are recorded, which could be used to record the mother's details without the need to replace all the books.

Mrs Spelman: I quite understand the hon. Lady's point, but as she will see in the course of my speech, there is an opportunity to step forward, right into the 21st century, in the way that we register marriages, which will secure the mother's name on the register. If she will bear with me, I think she will see that some other benefits could flow from a practically different way of registering marriages.

If we ended up having to replace the books, few would disagree that it would not be a good use of that sum of money. There is another, more efficient way that marriages could be registered, which is to adopt a system very similar to that which already exists in England and Wales for the registration of civil partnerships and which is already in use for the registration of marriages and civil partnerships in Scotland and Northern Ireland.

Under the alternative system, known as the schedule system, marriages are registered in a single electronic register instead of in marriage register books. Changes to the form of the register entry can be made easily without the need to replace all the register books. Instead of signing a register book at the ceremony, the newlyweds sign a document that is then returned to the register office to be entered in the existing electronic register so that a marriage certificate can be issued.

Having all marriages registered online would create a central database without the need for any further administrative processes, but changing the way we register marriages requires a change to primary legislation. Depending how this debate goes, it is my intention to introduce a marriage registration Bill, which may look remarkably like the one that the hon. Member for Neath proposes to introduce. I would be very happy to make copies of that as soon as possible. There is a great desire across the House to find the best possible vehicle to make the change.

Dr Rupa Huq (Ealing Central and Acton) (Lab): I congratulate the right hon. Lady on bringing the important subject to the House. On Friday, we debated the Riot (Damages) Act 1886, and some Members here were present. That Act has not been changed since 1886, which is quite recent compared with the legislation that the right hon. Lady mentioned. I understand that the Home Office Minister, James Brokenshire, said in October that there would be a timetable in due course. Does the right hon. Lady have any insider information as to whether there has been any progress on that?

Mr Graham Brady (in the Chair): Just before the right hon. Lady continues, may I remind Members not to use the names of other Members of the House?

Dr Huq: Sorry, I could not remember his constituency.

Mrs Spelman: Nor can I, off the top of my head. The hon. Member for Ealing Central and Acton (Dr Huq) might have been present at Prime Minister's questions—I think it was the week before last—when her hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq), who is here today, secured a promise from the Prime Minister that if we cannot succeed in getting marriage registration certificates changed through private Members' legislation, the Government will do so through Government legislation. Maybe like the Riot (Damages) Act, which the hon. Member for Ealing Central and Acton described—clearly I missed the action on Friday—this subject is an example of something that is really good to come from the Floor of the House of Commons. It is something that we feel strongly about and it is an example of a good opportunity for private Members' legislation.

My draft Bill would contain powers to amend the Marriage Act 1949 by regulation, subject to the affirmative resolution procedure, to make provision concerning the registration of marriages in England and Wales. The Bill would not make mention of marriage certificates or the inclusion of mothers' names for an important reason: the Bill would be an enabling measure. If enacted, the actual content of the marriage register, and therefore marriage certificates, which are a copy of the entry, would need to be prescribed in regulations made by the Registrar General with the approval of the Secretary of State.

Simply updating the marriage entry to include the mother's name in addition to the father's would not go far enough in today's fast-changing society. Already, some families do not have a legally recognised mother and father, but instead have a mother and a second female parent, or, as in surrogacy cases, two legally recognised parents. In fact, there have always been cases that the current form of the register failed to accommodate properly, including where a child had been brought up by a guardian and might not know his or her father. As family composition continues to change, the marriage register must be capable of adapting.

Julian Knight (Solihull) (Con): I congratulate my right hon. Friend on securing this important debate. I just want to clarify something. I completely get the point about the need for electronic progress. An electronic certificate is an interesting idea and perhaps one that would allow us to take a more modern approach, reflecting current social mores. However, would it mean that when people got married and signed the register in the side antechamber, the mother's name would still not appear in that book?

Mrs Spelman: No, I can reassure my hon. Friend on that. The mothers' names will appear. I can tell hon. Members that, personally, there is no stronger motivation for me than to ensure that the mothers' names can appear on the marriage certificate. Unfortunately, my mother is long gone, but when it comes to the marriages—hopefully—of my children in due course, I shall take particular satisfaction if allowed, as a mother, to appear on the certificate. I expect that every other mum in the room feels exactly the same.

Valerie Vaz (Walsall South) (Lab): The right hon. Lady is making an interesting point. That, in fact, happened to me. My father died when I was a teenager and I could not put my mother's name on the marriage certificate. I had to have a deceased parent on it, which is slightly strange. It seems that the Bill of my hon. Friend the Member for Neath (Christina Rees) is already on the table and we could be debating it, so could the points made by the right hon. Member for Meriden (Mrs Spelman) not be included as amendments when it is in Committee?

Mrs Spelman: That is certainly one way of doing it. I will need to look closely at the Bill tabled by the hon. Member for Neath. I would be more than happy for us to work together. It would be good if all of us who have sought to bring about the change support it on the Floor of the House. That is our endeavour, and it is what we should seek to achieve.

Wayne David (Caerphilly) (Lab): I recognise and commend the right hon. Lady's desire for the proposal to be made on the Floor of the House, but she must accept that in purely practical terms it would be far better if the Government gave a clear lead.

Mrs Spelman: I am not convinced. This subject lends itself to private Members' legislation, as do a number of private Members' Bills that come through the House, otherwise why would we bother with the private Members' ballot? This is a really good subject for a private Member's Bill, and legislating with the Whip on is a fall-back position. As the Prime Minister has said, if private Members cannot secure the measure in this Session, the Government will do so in the next Session.

Jenny Chapman (Darlington) (Lab): I do not want to burst the right hon. Lady's bubble, because she has far more experience of this place than I do, but I have served on the Procedure Committee for six years. The Committee has conducted a thorough inquiry into private Members' Bills and, unfortunately, my bubble was burst when I discovered that not one private Member's Bill that was not a hand-out Bill has become law since, I think, 1962.

Mrs Spelman: That is not quite true. In my 18 years here, private Members' Bills have become law, but I agree that good private Members' legislation is too often blocked for one reason or another. We should look to Mr Speaker, who always says that he is a champion of the Back Benchers, and ask the hard question, "Which Back Benchers?"

One purpose of today's debate is to draw out the concerns and other things that might be barriers to legislating to make this change—I suspect that everyone in this room is broadly aligned on achieving the change. We may not have the people who might be disposed to block the measure, for whatever reason, but I have made sure that all Members of the House are aware that we are holding this debate today. Members have an opportunity to raise their objections so that we can tease them out and smooth the way for this measure to become law.

Valerie Vaz: The right hon. Lady is being very patient in giving way. Again, I put it to her that an actual Bill is being drafted by specialists in the House. That Bill covers all the points and has cross-party support, and it would be a wasted opportunity not to have this debate in Committee.

Mrs Spelman: I secured this debate so that I could run through my concerns in advance of thinking about what form a draft Bill should take to address those concerns. It may be that, after our debate in Westminster Hall today, we look at one made earlier and take the view that, actually, it is the best vehicle. This debate is a precursor to supporting private Members' legislation and, in my capacity as the Second Church Estates Commissioner, I am trying to raise concerns brought out in the Church of England consultation, which is another dimension to the debate. If the hon. Lady and other Members bear with me, I will highlight some of the points raised in the consultation.

Having waited two centuries to change the register entry, it is important that we do not introduce inflexible measures that would require further primary legislative change in the relatively near future. We should not be over-specific in a Bill, but should make the changes through regulations—I made that point earlier. Will the Minister confirm that, in prescribing the marriage entry in future, consideration will be given to accommodating all family situations?

It might help if I outline some of the more detailed existing steps involved in registering a marriage and the changes I would make through regulations if I were to introduce a private Member's Bill. The regulations, which would amend the Marriage Act 1949, would of course be made under the affirmative procedure, so they would be debated on the Floor of both Houses.

Couples wishing to marry in England and Wales may follow either civil or ecclesiastical preliminaries, which is a jargonistic word for things such as the reading of banns. Some consultees in the Church of England expressed concern that ecclesiastical preliminaries might be abolished, but in my view they should definitely not be abolished. I do not think there is any proposal that the reading of banns should be abolished. Ecclesiastical preliminaries are available to those wishing to marry in the Church of England or the Church in Wales, which would not change. Couples would still be able to have their banns called or to obtain a common or special licence in exactly the same way as they can now. Clergy would continue to certify a marriage by their signature—clergy sought particular assurance from me on that point.

The only change to marriages following the ecclesiastical preliminaries is that, before the ceremony, the member of the clergy who is to solemnise the marriage would be responsible for ensuring that a document, called a "marriage document," is completed and contains all the details required to be entered in the marriage register. The marriage document would still be signed. After the marriage had been solemnised, the newlyweds and their two witnesses would sign the marriage document, just as they currently sign the register. Indeed, the couple may be photographed at the signing of the marriage document in what is, after all, the classic wedding photo.

The couple would be responsible for ensuring that the signed document was returned to the register office within three days to be registered, and a marriage certificate could then be issued. The couple would not have to return the document to the register office personally, as they will hopefully be on their honeymoon; they could post the document or ask someone else to return it. In Scotland, it is traditionally the duty of the best man to return the signed document on the couple's behalf—we might say that there is no such thing as a free speech.

Civil preliminaries to marriage are available to everyone, including couples wishing to marry in the Church of England or the Church in Wales and those intending to marry in a civil ceremony according to other religious rites. At present, each party to a proposed marriage gives notice of marriage to the superintendent registrar in the district in which they have resided for at least the past seven days. After a waiting period of 28 days, and

provided that there is no impediment to the marriage, the superintendent registrar to whom notice was given will issue each party with a certificate for marriage that must be taken to the marriage and authorises the marriage to proceed. The waiting period of 28 days can be extended to 70 days for certain couples subject to immigration control.

Under the proposed new system, instead of two certificates for marriage, a couple would be issued with a single document called a "marriage schedule," which would act as the authority for the marriage to proceed and would contain all the information required to be registered. As for marriages following ecclesiastical preliminaries, the schedule would be signed by the couple after the ceremony and returned to the register office to be registered. The proposed changes would not affect the point at which a couple are married, which happens once a couple have said the appropriate marriage declarations in their marriage ceremony. As now, the validity of a marriage does not depend on the marriage being registered, although it would be a legal requirement to register it.

I am sure that any couple would want to register their marriage and obtain a certificate, and the experience in Scotland has been exactly that. The changes would mean that churches and other religious buildings registered for marriage would not hold open marriage register books and would not need to issue marriage certificates. However, the clergy of the Church of England would still be required to maintain records of marriages solemnised in church, and other religious groups may wish to maintain their own records, too. Indeed, during the consultation in the Church of England, the clergy particularly emphasised the pastoral importance of keeping a record of marriages so that relatives can visit and see the record for themselves. There is great interest in genealogy and family history, as we know from many television programmes. Marriage provides an important opportunity for the clergy to speak with family members about personal things, and keeping a record of it is important to family life.

As well as facilitating change to the register entry, the proposed changes would have other significant benefits. First, they would greatly increase the security of marriage registers—that addresses the books issue somewhat—as, at present, register books and blank certificate stocks are held in some 30,000 religious premises in England and Wales, where, sadly, they may be stolen, with obvious security implications. Under the proposed scheme, certificates would only be issued from register offices, and the register itself would be securely held electronically.

Secondly, the administrative burdens of registering marriages would be greatly reduced. Under the current regime, all those responsible for registering marriages, including members of the clergy and persons authorised on behalf of religious groups, are required to submit copies of all the marriages they register to the superintendent registrar of the district for onward transmission to the Registrar General. That is so the Registrar General can maintain a central index and register of all marriages that have taken place in England and Wales. It is an early 19th-century process and is cumbersome in the modern age. Under the proposed new system, there would simply be no need for the returns to be made.

Finally, the proposed system is expected to generate significant cost savings not only for central Government but for local authorities, which have responsibility for registrars and superintendent registrars, and for religious groups. Overall, the system is expected to generate savings of approximately £30 million over 10 years, although, as I said, that is not the principal reason for making the change.

I hope that hon. Members will agree that replacing the existing marriage register books to add the mother's name would be an efficient way to resolve the present inequality, righting a wrong that has been allowed to continue for too long. The introduction of the new registration processes would create a modern, cost-efficient, secure and adaptable system while remedying an historic inequality. I hope that hon. Members will welcome the proposals.

2.50 pm

Christina Rees (Neath) (Lab): I am delighted that the right hon. Member for Meriden (Mrs Spelman) has secured this debate. As has been pointed out, I presented a private Member's Bill on 4 November to change the marriage certificate in England and Wales, and notwithstanding the now-abandoned rule against anticipation, I am pleased to have the opportunity to speak on this important matter.

I presented the Bill on 4 November, so I assume that all those here will have had ample time to read it. It is not a long Bill, and its beauty is in its simplicity; it makes necessary changes without overcomplicating the situation. The Bill would amend the Marriage Act 1949 and the Civil Partnership Act 2004 to make provision for the recording of the name and occupation of the mother of each party to a marriage or civil partnership for registration purposes, and to require such information to be displayed on marriage certificates and civil partnership certificates and for connected purposes in England and Wales. It would cement those requirements in primary legislation, which is important.

Valerie Vaz: My hon. Friend is making an important point about the Bill that she introduced. Does she agree that it is a matter for the Government to discuss the details of the Bill, just as elements of my 10-minute rule Bill have been accepted into primary legislation? Points made by the Second Church Estates Commissioner, the right hon. Member for Meriden (Mrs Spelman), could also be incorporated, either in discussions with the Government or certainly after Second Reading.

Christina Rees: I agree totally. It can be discussed and agreed in due course, because there is widespread support in this debate for the measures. The sooner we get on with it, the better. The reason why we want to put the change into primary legislation is that, as a regulation—as it is in respect of civil partnerships—it could be changed at any time. We need to cement the regulation relating to civil partnerships as well.

As the right hon. Member for Meriden said, the Bill is the result of a long campaign. A petition in January 2014 on change.org in January 2014 collected more than 70,000 signatures. A campaign on Twitter followed with the hashtag #MothersOnMarriageCerts, which had heavy coverage from the BBC, the *Telegraph*'s Wonder Women journalists and the *New Statesman*, which is a varied segment of the press to be supporting such a change. In August 2014, campaigners pressed the Prime Minister on the issue, and he agreed that it was high time the system was updated.

Dr Huq *rose—*

Christina Rees: He said that he would ask the Home Office how it could be addressed.

Dr Huq: I apologise for my keenness to intervene. My hon. Friend mentioned the Prime Minister. I think that he said at the time that marriage certificates do not reflect modern Britain. Given that he declared recently at Prime Minister's questions that he is now a feminist, is that not an example of how he seems to say one thing and do another? There has been zero progress on this important subject since August 2014.

Christina Rees: I could not possibly comment on that.

Tulip Siddiq: Go on.

Christina Rees: I agree with everything that my hon. Friend the Member for Ealing Central and Acton (Dr Huq) says. In January this year, the Minister for Immigration, the right hon. Member for Old Bexley and Sidcup (James Brokenshire), said in response to press inquiries that he was

"continuing to develop the options that will allow mothers' names to be recorded on marriage certificates as soon as practicable."

But still nothing has been done and this outdated practice continues.

In 2012 alone, 262,240 marriages took place in England and Wales, a 5.3% increase from the number of marriages in 2011. Unfortunately, we cannot calculate how many marriages have taken place since August 2014, because the Office for National Statistics stopped counting in 2012. However, it is safe to extrapolate that hundreds of thousands of marriages have taken place while the Government have failed to act. That is hundreds of thousands of instances in which women have been accorded second-class status. In a developed country in the 21st century, that beggars belief.

Mrs Spelman: Does the hon. Lady appreciate that the announcement of the private Member's Bill prompted, among other things, the Church of England consultation of the clergy, which only concluded just before the 4 November deadline? The consultation was among some of the practitioners most directly involved, and it is relevant to the discussion of what form some of the changes should take. It probably feels as though it has taken a very long time, but it is not when compared with the two centuries that we have allowed to elapse without putting the mother on the certificate. Getting it right is important. Often, when private legislation is introduced, it prompts action, which is what has happened here.

Christina Rees: I am grateful to the right hon. Lady for acknowledging that the Bill prompted action and a consultation. Her offer to work together is encouraging. She mentioned that the practice has been changed in Scotland and Northern Ireland and for civil partnerships, so I cannot see why it cannot be done in England and Wales. Why delay further?

My daughter Angharad may one day get married—who knows? I had better wave to her—and if she does, I sincerely hope that my name will feature on her marriage certificate. My hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq), we are delighted to hear, will soon give birth to a daughter. She has raised this important issue during Prime Minister's questions and has rightly called for women not to be written out of history.

My final appeal is for support for the Bill that I have presented, which will have Second Reading on 22 January. Its beauty is in its simplicity. We can make any changes that might need to be made to embrace further family set-ups. We might not know how families will be composed in future, but I am sure that that can be taken care of in Committee. We need to move forward without delay.

2.58 pm

Victoria Prentis (Banbury) (Con): It is a pleasure to serve under your chairmanship, Mr Brady, and to speak in this debate, which we are all grateful to the Second Church Estates Commissioner, my right hon. Friend the Member for Meriden (Mrs Spelman), for securing. I should probably declare an interest, given that two members of my staff intend to get married—not to each other—in the next year, so I was under a certain amount of pressure to attend this debate. We talk of nothing but wedding dresses in the office.

It is almost 19 years since I married my husband on a cold and frosty December day. Since then, the idea of marriage has evolved considerably, but it remains important to many of us. It is noticeable that the mothers in this debate—I hesitate to call it "the audience"—go particularly shiny-eyed when we talk about our daughters getting married. As the mother of a 14-year-old and a 12-year-old, I am already thinking of those happy days that I hope will happen one day—but not too soon.

We should recognise that families today look very different to how they looked even 20 years ago, when I thought about getting married, and extremely different to how they looked two centuries ago, so I will focus on how we adapt to that change.

Dr Huq: I did not declare my interest as a mother before; I do so now.

The hon. Lady makes an excellent point that the constitution of families has changed dramatically. Is she aware that, according to Gingerbread, there are now 2 million single parent households, which is 25% of all families with children, and 90% of those single parents are women? Given those figures, this erasing of women from history, as my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) has called it, seems even more anomalous.

Victoria Prentis: The hon. Lady makes a point that I will come on to shortly.

First, however, I will again quote the Prime Minister, from his speech to the Relationships Alliance summit, which I referred to earlier. He said:

"We all know that a strong family begins with a strong relationship between two loving people who make a deep and lasting commitment to each other…in Britain we recognise and value the commitment that people make to each other. And that's just as vital whether the commitment is between a man and a woman, a man and a man or a woman and another woman."

As we have heard from other Members this afternoon, it was in that same speech that the Prime Minister announced plans to address the "inequality in marriage", to enable mothers' names to be included on marriage certificates as well as fathers' names.

I have discussed this issue at length with one of my constituents, who has been in a relationship for a considerable time; in fact, we are all eagerly awaiting her engagement as well. She pointed out that she is estranged from her father, who subjected her and her siblings to sexual abuse over a number of years, and has not seen him since she was 10. As a result, she would not want his name to be included on her own marriage certificate.

I looked into this matter and I understand from guidance from the General Register Office and from my own diocese in Oxford that

> "If either party does not wish to put their father's details in the Register or they do not know who their father is, you should not put 'unknown' or leave the column blank. You should put a horizontal line through both columns to show that no information was given."

Although that would reflect in some ways my constituent's wishes, it would also mean that there would be no mention of her mother, who understandably had to act as both mother and father to her during the very difficult circumstances of her upbringing. I feel strongly that a marriage certificate should recognise such a scenario.

Christina Rees: There is a rare exception by which a mother's details can be included; it is if she has been authorised by a court as the sole adopter. Then a couple can make a special request to have her details put on the register and in the certificate. The other way that it can be done is via a loophole, whereby the mothers' names can be included if the mothers are witnesses, but that is the only other way I can see round this problem.

Victoria Prentis: I thank the hon. Lady for that intervention. Sadly, this matter involving my constituent never came before a court, so it is not possible to resolve it in that way. It is now important that we move forward to reflect the fact that families do not look how we once thought they always would.

Julian Knight: My hon. Friend is making a very powerful speech and I was greatly interested in her significant point about survivors of abuse and their involvement in this situation. In that regard, is it not, frankly, just a bit of a farce that we have to look for loopholes in order to recognise women on a marriage certificate? Would she like to reflect on that?

Victoria Prentis: I could not agree more. Personally, however, I am not sure whether including the mother's name on a certificate goes far enough. In the speech that I referred to earlier, the Prime Minister also set out his plans to make adoption by same-sex couples more straightforward. That is important because increasingly we are seeing same-sex couples with children who will eventually want to get married themselves. In such circumstances, they will not have a "father's name" and a "mother's name" to note on the certificate, but might have two fathers or two mothers.

I wonder whether this is the moment to go one step further and provide two fields on certificates for "Parent 1" and "Parent 2", or whatever terminology we see fit to use, after consultation. It seems to me that that would cover most scenarios. I would be interested to hear from the Minister what consideration has been given to such a suggestion.

Of course, any change is a step in the right direction. It must be possible, given that the mother's name, surname and occupation are already included on a civil partnership schedule, to include those details in wedding certificates. I simply add that, given it has taken us this long to get this far, I hope that we will not have to wait a similar length of time before we recognise different forms of parental relationship.

3.5 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): It is a pleasure to serve under you, Mr Brady.

The arguments for changing marriage certificates have already been well articulated by several Members today and I thank the Second Church Estates Commissioner, the right hon. Member for Meriden (Mrs Spelman), for securing such an important debate. She joins other Members who have gone before us in trying to make changes, in this place and in their own way, for gender equality.

For many of us, the reason for wanting to rectify the situation is deeply personal. I was fortunate enough to be brought up in a home with two loving parents, who had different impacts on me in different ways. Although my politics has been formed by my life in England, a lot of my cultural background and history has been shaped by my mother's experience of being a political asylum seeker who came to this country in the 1970s and settled in the constituency that I now represent here in Westminster.

Strangely enough, I actually got married here in Parliament, with my mother next to me, and yet I could not put her name on my marriage certificate. That was a great shame: in the most democratic institution in the world, I still could not put my mother's name on the marriage certificate.

Putting the gender issue aside, families such as mine—families with complex histories or histories that we want to be reflected on what is the most important day of our lives, other than being elected of course—want to put the mother's name on the marriage certificate. We want to account, in official documents, for the way we travelled to this country.

Wayne David: This issue has a long history, but there can be absolutely no doubt about where public opinion is on it. I simply cite the example from back in 2002, when the then Labour Government issued a White Paper and there was a consultation. One of the things that came across clearly back then was the overwhelming support among ordinary members of the public for the change that we are discussing. Does my hon. Friend agree that what was true then is even truer now?

Tulip Siddiq: I absolutely agree.

I have also found that men and women who are interested in family history often find it very difficult to trace it through a family line and official documentation. It is about time that situation changed.

However, my main reason for raising this issue in Prime Minister's questions is the sheer number of my constituents from Hampstead and Kilburn who have written to me about it. In particular, I will highlight the case of a single mother who wrote to me recently. She was brought up by her mother and has had no contact whatever with her father. She told me that she was

[Tulip Siddiq]

devastated to learn that the outdated practice that we are discussing is still a requirement of marriage. She said:

"When I get married, I will be expected to put my absent father's name and profession on my marriage certificate whilst my mother who brought me up will not be included."

It puts a dampener on this important day in someone's life—when they are getting married—if they cannot acknowledge the person who raised them.

We must remember that our discussions today reflect the deeply held anxieties of the people we represent in our various constituencies.

Dr Huq: I want to draw my hon. Friend's attention to *The Daily Telegraph*, which is not normally sympathetic to the Opposition—it has been known as the "Torygraph". Its Wonder Women section backs a campaign on this issue, and a report in the paper in October included a quote that sounds very similar to the one my hon. Friend read out. Someone who is interviewed in the report says:

"I cannot believe it that in a developed country such a primitive reality would stare me in my face in the UK. I am deeply distressed".

Tulip Siddiq: Well, if the Torygraph says it, we must agree with it. I agree with my hon. Friend, who puts a lot of hours into managing her life and her son—he is 11 years old and a delight.

I should point out that my constituent's case is not a stand-out case. As my hon. Friend pointed out earlier, there are now 3 million lone-parent families in the UK—an increase of 500,000 over the past decade. According to the Office for National Statistics, there are now 2.5 million lone-mother families, compared with 437,000 lone-father families. The number of families with single mothers is therefore significantly higher than the number of families with single fathers. Although circumstances will differ from family to family, we need to bear those figures in mind while we fight to rectify the injustice we are talking about.

When I spoke to colleagues about marriage certificates and other issues, several of them—particularly one from London—talked about the large amount of correspondence they receive about certificates in general. Although the issue I want to raise is slightly different from the subject of the debate, I want the Minister to be aware of it.

It is virtually impossible to put fathers on birth certificates if they die before the birth of their child. Such cases are for another day, but I would like the issue to be reviewed. In one case, a father died a month before his child was born, and the mother is having to go to court to put his name on the certificate. She is having to deal not only with her grief following her bereavement, but with the fact that her child's birth certificate will not mention her partner's name. Will the Minister meet me and my London colleague to discuss the issue and see whether the Government will launch a comprehensive review into the various injustices that seem to occur with official documentation as a whole?

We operate in a political culture where policies do see U-turns. Earlier today, I was pleased that our Justice Secretary said that the criminal courts charges will be reversed. We also have the example of tax credits. If those polices can go through U-turns, almost on a whim, is it not possible to implement a policy that has been talked about endlessly? Early-day motions have been tabled, and questions have been asked at Prime Minister's questions and at other times on the Floor of the House. We do not want the public to think that gender equality is not among our top issues. We must make sure that this change in policy gets through.

This is not the first injustice the Government have been slow to correct. However, there is something rather surreal about the Prime Minister demanding a change, and that change still not happening.

Mrs Spelman: Of course we can make this party political, but is it worth it? We have waited two centuries for this change, during which time the Labour party has been in power and had ample opportunity to make a change, and my party has finally also got into power, after a long wait. Could we not just drop this party political approach? That is what annoys people about politics. I am just saying, "Come on. We can do this as private Members. Let's do this. Let's do it differently."

Tulip Siddiq: I do not want to make things party political, but I do want to put pressure on the Government to change this policy. If putting pressure on them is the way to do that, that is what we need to do. The debate is not just about correcting a bureaucratic policy; it is another step in the fight against the gender discrimination that still blights Britain today. If it is possible to put pressure on the Prime Minister and the Minister sitting in front of me, I would like to take the opportunity to do that.

This is not party political. In the country we live in, there is still a deeply entrenched gender pay gap. There is still violence against women, and that is a major cause of death every year. Women are still disproportionately hit by cuts to local government budgets. That is the reality of the situation—it is not party politics.

Valerie Vaz: I suppose I should declare an interest as well, as the mother of a 21-year-old daughter. However, to pick up the point about party politics, I should add that the civil service is independent. As my hon. Friend the Member for Caerphilly (Wayne David) said, there was a White Paper somewhere in the bowels of the civil service, and change was about to be made to the Regulatory Reform Act 2001. However, the Bill introduced by my hon. Friend the Member for Neath (Christina Rees) is now on the table, and it has cross-party support. Therefore, this debate did not have to happen—the machinery, the process and the legislation are already there.

Tulip Siddiq: I agree with my hon. Friend. As I said at the beginning, I am grateful to the right hon. Member for Meriden for calling the debate, because this is an important issue. I am pleased that men and women from different parties are here today, which reflects how passionately we feel about this issue.

Finally, I have a few points. This issue may seem simple when compared with other issues.

Mrs Spelman: To be clear, there is nothing in the Bill introduced by the hon. Member for Neath (Christina Rees) about the practicalities—certainly from the clergy's

point of view—and the electronic registration process. I was just trying to put the practitioners' view, and that is why I am not suggesting that we simply take the hon. Lady's Bill off the shelf. There is also the wrinkle that the Bill is very specific, with its reference to the mother. If we do things by regulation, as I suggested, we can deal with all the subsequent changes in family composition. I was genuinely trying to put those points across in holding the debate.

Tulip Siddiq: I will not speak about the Bill introduced by my hon. Friend the Member for Neath (Christina Rees), but I am happy to let her intervene if she wants to.

Christina Rees: The point is that regulation can be changed at any time; if these things are put in primary legislation, they cannot be. As I said, I welcome discussion, and we can change my Bill in Committee. The Bill will have its Second Reading on 22 January, and it addresses the main points. I think we should move forward with that.

Tulip Siddiq: I thank my hon. Friend.

I will just make a few final points. It is worth noting that countries such as Thailand, Bangladesh, Spain and France have already changed their laws so that mothers can be included on marriage certificates. Mothers' names are already included on certificates in Scotland and Northern Ireland, which brings home the injustice for all of us. I want to make sure that changing the policy on this issue forms part of the patchwork of equality I hope all of us will champion in Parliament.

If my daughter gets married—she has the choice of whether to get married—she can have just her father on her marriage certificate if she wants, or she can have her mother on it if she wants. However, I want the option to be there, because if she cannot have her mother on her marriage certificate, she will have to write to her MP—which is me.

3.18 pm

Julian Knight (Solihull) (Con): It is a great pleasure, as ever, to serve under your chairmanship, Mr Brady. Let me congratulate my right hon. Friend the Member for Meriden (Mrs Spelman) again on bringing forward this subject for debate and on the expertise she has shown as the Second Church Estates Commissioner.

My right hon. Friend is my neighbour, but there is another lady in my life I would like to pay tribute to: my mother. My mother brought me up as a lone parent—my father left when I was very young. She often worked two or three jobs to keep a roof over our heads and to ensure that I was clean and ready for school. Despite all the hours she worked, she always made sacrifices in that regard. My politics were formed very much by my mother's hard work and self-reliance. She is a great example in my life.

When I was married last year—rather late in the day—I had the great pleasure of my mother being there as a witness. She had a fantastic hat, whose dimensions were such that I imagine it could be seen from space. It was a great sadness to me that her name could not appear on the marriage certificate. I was completely unaware of that. I was involved in politics, but in local campaigning and not in the minutiae of legalistic matters that I am involved in today. Until I arrived at the wedding I was completely unaware of the situation, and although obviously I did not make a fuss or a big deal out of it, I just thought it was a ridiculous anomaly that the person who had played the greatest role in my life should not, on my special day, have her name appended to the record of the event.

Christina Rees: I had a similar experience when I got married many years ago. My father died when I was a young teenager and my mother brought me up. The father of my husband-to-be had also died many years before. The two mothers came to the ceremony but their names could not be on the certificate. That was when I realised it was a great injustice. I agree with what the hon. Gentleman says about someone being confronted with that on the happiest day of their life.

Julian Knight: That shows the importance of the Bill that the hon. Lady has introduced. We bring a lot of our own experiences to this place, and from that negative thing she has made something very positive. I welcome the private Member's Bill, and perhaps the hon. Lady and my right hon. Friend the Member for Meriden, in her capacity as Second Church Estates Commissioner and with her tremendous expertise, can come together to discuss and make progress with the matter. My right hon. Friend, with the Church, speaks with compassion about this matter.

We have been here before, with the 2002 White Paper. I believe that the idea was to make the change without primary legislation, and that it was decided that it could not happen by what I believe would have been a statutory instrument—I am still getting used to the terms. It was very unfortunate that that never came about. It would have been good to pass legislation then, although it would still have been happening many years later than it should have. Regardless of who is in power and of whether there is any party political aspect to the matter, I ask hon. Members to put those things behind us and focus on the issue now.

I welcome the review. My hon. Friend the Minister for Immigration has been discussing the matter and I look forward to hearing the response to the debate from the Minister who is present today. My hon. Friend the Member for Banbury (Victoria Prentis) made a significant point about survivors of abuse, and I have a constituent who is in a similar position. She is in a serious relationship and looking towards marriage, but in her background is an abusive father and there are issues about what that person's place is in her life. We need to be sensible of that issue—and the idea that we can get rid of it with two broad strokes of the pen across the paper is ridiculous.

We must work together across the parties, with expertise. Let us have the change that would, frankly, get us into the 20th century and, with civil partnerships and the recognition of same-sex relationships and marriage, move things forward into the 21st century.

Mr Graham Brady (in the Chair): We have about 35 minutes, which should be plenty of time, I hope, for three Front-Bench winding-up speeches and a moment or two for the right hon. Member for Meriden to respond.

3.24 pm

Anne McLaughlin (Glasgow North East) (SNP): It was Scotland's national bard, Robert Burns, who wrote:

"While Europe's eye is fix'd on mighty things,
The fate of Empires and the fall of Kings"—

[Anne McLaughlin]

there is more of it, and I could give Members all of it if they want, but I will not. [Hon. Members: "Go on!"] I will just get to the good bit—or the interesting bit; it is all good:

"Amid this mighty fuss just let me mention,

The Rights of Woman merit some attention."

I am delighted to offer my wholehearted support to those looking for gender equality on marriage certificates. I commend those in the House and outside it who have campaigned on the issue for many years now, and I congratulate the right hon. Member for Meriden (Mrs Spelman) on leading the debate.

I did not feel that the hon. Member for Hampstead and Kilburn (Tulip Siddiq) was being particularly party political. There is a general acceptance in the Chamber that the situation we are debating has existed for 178 years, in which time there have been Governments of different hues. Everyone has played a part in that, and we are all now playing a part in doing something about it.

In Scotland, as has been mentioned, there is space for both parents to sign the wedding certificate. That has been the case since registrations began in 1855. In fact, the certificates also list the occupations of both parents and allow for the possibility of same-sex parents. All of that is sensible and is a reminder that Scotland, with a distinct Church and legal system in the years after the treaty of Union, also had distinctive features with regard to marriage. It was customary in earlier times, as is becoming increasingly fashionable in the 21st century across the UK, for Scots brides to retain their original surname—I hate the term "maiden name"—instead of taking their husband's. I am not claiming that in Scotland we are always ahead of the times—most of the time we are; I simply make the point that we would do well to remember that customs and their attendant paperwork are not set in stone. The current certificates are simply a poor reflection on our Victorian forebears.

Why, then, am I, a Scottish Member, speaking today? Clearly there is nothing to stop my constituents getting married and registering that marriage in England, and many of them do. More importantly, the issue is about equality of status for men and women, and that is of course a universal issue. It is clear to all right-thinking people that the recording of paternal names but not maternal ones on marriage certificates is an anachronism that has survived far too long. At best it speaks of the patently sexist Victorian view of the man as the head of the household, and at worst it treats women as little more than property to be transferred from one household to another. Then again, if someone who states publicly that the best place for a woman is on her back can be shortlisted for BBC sports personality of the year, perhaps we have not moved on quite as much as we should like to think since Victorian times.

I confess that when I saw the debate coming up I wondered whether it really merited a full 90 minutes—simply because it is about something that should go without saying—but I was wrong and I think it does deserve the time. The issue may seem relatively minor to some people, but it says something about attitudes to women. The fact that this practice is still going on is insulting and hurtful. It is another example of women being written out of history. We are invisible. We exist, but we are not important enough to be remembered or acknowledged. Historians and genealogists support what the right hon. Member for Meriden is calling for today. They tell us that it has historically been harder to track down female bloodlines because of this anachronism.

It is bad enough that women who achieve great things on a large scale are not as well acknowledged or remembered as men who do the same—or not, as the case may be. I was delighted to read yesterday that at long last the funding has been secured to erect a statue in memory of a hero of mine, Mary Seacole, the self-taught Jamaican-born nurse of Scots Creole descent who set up the British Hotel, where she nursed thousands of wounded soldiers in the Crimean war. That has been a long time coming and it is bad enough that it took so long, but there are thousands of women—some would call them ordinary women—whose achievements have affected fewer people but who have been the lifeline for their families or their communities. Those are the women who sacrifice everything to support their husbands' careers, and the mothers who put aside all selfish thoughts to concentrate on building a secure life for their children. We have heard many Members referring to those things today.

Jenny Chapman: On behalf of ordinary, average, not brilliant, fantastic mothers everywhere, I want to say that sometimes our children love us too and might want us on their marriage certificates, along with their fathers.

Anne McLaughlin: That is exactly the point I was coming on to. The idea that mothers who bring up the doctors, plumbers, teachers and joiners of the future, and the community campaigners who give hope to their neighbours by refusing to stop caring about their neighbourhoods, are treated like they never existed when it comes to their children marrying is not acceptable. Women are not less important than men; they are equally important. An anachronism it might be, but it is time to sort it out, and we have agreement across the House.

As has been mentioned, in August last year the Prime Minister said:

"it's high time the system was updated",

and in January of this year the Immigration Minister said:

"We are continuing to develop the options that will allow mothers' names to be recorded on marriage certificates as soon as practicable."

We have heard some explanation today as to why it is taking so long, but I still gently ask: how difficult can it be?

We are all aware of the emotional and financial investment that people put into their wedding days. Weddings are full of symbolism, and are a public statement of commitment, but what does the symbolism of such blatant inequality say about our society? I remember my dad talking about giving me away—incessantly talking about giving me away. My disinterest in marriage was frustrating to him, but it allowed him to regularly tell people how he would be happy to give me away to whoever wanted to take me. I laughed, obviously—I had no choice—and I always knew that, for his sake, should I ever give in and get married, I would allow him to give me away. In the back of my mind, though, I always felt uncomfortable with the suggestion that I was his—or anyone's—property.

Mrs Spelman: My sister reminded me on Sunday that as early as the 1960s Church of England ministers saw the light and began to allow a mother to give her daughter's hand in marriage if the father was not there. There are human ways, therefore, of addressing the patriarchal tendency to see the act as a man's privilege.

Anne McLaughlin: Interestingly enough, my father passed away a number of years ago and it fell to my mother to remind me that my sister had allowed her to give her away. I suppose my point is that no one is anyone else's property, but there should be equality if someone is someone else's property and they have to be given away. I do not feel comfortable with it at all, but it is simply a tradition and one that many are happy to go along with. Not allowing the mother's name and occupation to appear on the marriage certificates of her children is a different matter, and I cannot understand why it has to be so complicated.

I again congratulate the right hon. Member for Meriden on securing the debate and I look forward to hearing from the Minister. I hope that he will do what I believe the hon. Member for Hampstead and Kilburn suggested, and just get on with it.

3.32 pm

Sarah Champion (Rotherham) (Lab): It is a pleasure to serve under your chairmanship for the first time, Mr Brady.

I, too, start by congratulating the right hon. Member for Meriden (Mrs Spelman) on securing this important debate, and I take heart at her repeated emphasis of the fact that she wants to work collaboratively. I agree with her. The debate has shown that there is cross-party agreement and support, but we need to consider how to make the legislation reflect the intention. I urge the right hon. Lady to work collaboratively with my hon. Friend the Member for Neath (Christina Rees) because we have the prime opportunity of the Second Reading of her Bill coming up on 22 January.

It was interesting that the right hon. Member for Meriden elaborated on the practitioner's view and on some of the practical problems. I appreciate that she was looking to move the debate forward from the gender point, but as that is where we are at the moment I will stick with it as the theme.

The current system of marriage registration asks for the names and occupations of the fathers of the bride and groom, but not those of the mothers and, as my hon. Friend the Member for Caerphilly (Wayne David) stated, it has been Labour policy to end that unacceptable inequality since 2002. The then Labour Government released a White Paper proposing wide-ranging reforms to marriage registration, including the adding of mothers' names to certificates. That is still our position today, and I want to set out why it is so important that the reform is finally implemented.

Inequality in marriage certificate details is a 19th-century anachronism, as our marriage registration is still based on the 1836 marriage registry system. That is a slightly different date to the one that the right hon. Member for Meriden gave, but I take heed. It goes without saying that marriage today is very different from what it was then—whether it was 1836 or 1837. I think we can all agree that society has changed for the better: women are no longer forced to hand over their property to their husbands; divorce is no longer the exclusive preserve of men; and women are no longer forced to surrender their right to consent, or not consent, to sex with their partners. In short, the past 200 years has seen great emancipation for married women and some of the grossest gender inequalities within marriage have been eliminated.

Ultimately, the current system of marriage certification is a symbol of another unseemly aspect of the 19th-century idea of marriage. Marriage then was considered to be a transactional, and indeed a financial, relationship between the father of the bride and the father of the groom. That is why, historically, the fathers' names appear on the certificate. That is as outdated as the dowry. Thankfully, we no longer see marriage in transactional terms, although, as the hon. Member for Glasgow North East (Anne McLaughlin) said, the language of fathers giving their daughters away is still around. Marriage in the 21st century is a choice that both partners freely make to spend their lives together, with both partners equal in the relationship, and it is important that our marriage certificates reflect what we now think marriage is about, rather than the misogynistic morality of the 19th century.

I ask the Minister to consider a specific issue that highlights some of the problems we have. Unfortunately, the current marriage certification system can encourage the use of the divisive and judgmental language of Victorian morality. On the Government's Passport Office website, in the section explaining the details of various legal documents, there is an annotated picture of a standard marriage certificate. The box about the father states:

> "These details are vital for checking you have the right certificate. No name would suggest illegitimacy."

It is not appropriate for a Government publication to describe a family without a father as illegitimate, and I hope that the Minister will look at that.

A person's wedding day is one of the most important days of their life, and sharing the moment with their entire family is one of the things that makes it so special. A lot of brides and grooms are surprised, and disappointed, when they find out that the marriage certificate they sign, at what can be a really special moment in a wedding, does not include their mothers' details. I pay tribute to my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq), the hon. Member for Solihull (Julian Knight) and my hon. Friend the Member for Neath who beautifully and powerfully spoke about how the blocking of the most important person in their life—their mum—on their big day affected them. I also pay tribute to the mums, for all they have done—and to their hats. We have to work together to get rid of the inequality.

The situation is particularly hard for brides and grooms who have primarily been brought up by single mums. Their guardians and most important loved ones are arbitrarily excluded from an important moment of the wedding, and the signing of the certificate can act as a reminder of absent fathers—some Members have spoken of the kind of father people do not want to remember on their big day—and that just cannot be right.

When I was researching my speech, I came across a moving testimony that made exactly that point. A young woman who signed a petition to Parliament on the issue wrote on the petition website:

[Sarah Champion]

> "I have just got engaged, and having been brought up by a single mum I am devastated to learn that this outdated practice is still a requirement of marriage. When I get married, I will be expected to put my absent father's name and profession on my marriage certificate whilst my mother who brought me up will not be included."

The current system is letting down that young woman badly. As has been said, the issue affects millions of people, as one in four children are now brought up by single parents.

Changing marriage certificates should not be a difficult reform to achieve. As the hon. Member for Banbury (Victoria Prentis) pointed out, the mother's name, surname and occupation are already included on civil partnership certification, and on marriage certificates in Northern Ireland and Scotland. The reform to marriage certification in England and Wales is long overdue.

In August 2014 the Prime Minister promised to address the matter about the certificates:

> "At the moment, they require details of the couples' fathers, but not their mothers. This clearly doesn't reflect modern Britain - and it's high time the system was updated."

I could not agree more with what the Prime Minister said then—18 months ago—but it is now more a year later, and we are still waiting. The Immigration Minister—I googled him; he is the right hon. Member for Old Bexley and Sidcup (James Brokenshire)—stated in January that the Government are

> "continuing to develop the options that will allow mothers' names to be recorded on marriage certificates as soon as practicable."

I hope the Minister puts me in the right place on this, but it appears that no progress has been made over the course of the year, which is disappointing to say the least.

In the absence of Government action, it has fallen on Back Benchers to take the initiative. Early-day motion 446 was tabled in September this year by the hon. Member for Brighton, Pavilion (Caroline Lucas), and it expressed many of the sentiments that we have heard today. Members from all major parties have signed the motion. I pay tribute to my hon. Friend the Member for Neath, who currently has a private Member's Bill before Parliament that would deal with the issue legislatively. Members from across the House have supported that Bill. Second Reading is scheduled for 22 January 2016, and I hope the Bill will move forward to Committee. It will certainly have the full support of Opposition Front Benchers.

As important as Back-Bench initiatives are, we all know they need Government support and backing if they are to bring about the necessary change in the law. My hon. Friend's Bill will need proper parliamentary time to make progress, and I urge the Minister to facilitate that. He has indicated that implementing changes to marriage registration is also likely to require a new IT system, as we rely on a paper-based model. If the Government seriously back reform, the Home Office needs to show that it is willing to provide those resources, or at least to consider whether changes can be made to the paper-based system without having to implement a new IT system. Also, the Government have access to experts in legal drafting, who should support Back Benchers with any technical issues that need to be cleared up.

If the Government do not offer serious support, it will be just another issue on which they are willing to talk about supporting equality, but are not willing to take the necessary action to bring it about. Unfortunately, thus far all we have seen is delay and warm words from the Home Office. All the people who feel excluded by the current marriage registration process deserve better than that, and I hope the Minister will give them reassurance.

3.42 pm

The Parliamentary Under-Secretary of State for Refugees (Richard Harrington): It is an honour to serve under your chairmanship, Mr Brady. I may be competing with the Division bell shortly, but I leave such matters to your judgment. I congratulate my right hon. Friend the Member for Meriden (Mrs Spelman) on securing this debate, but I will get to the point. Many Members have raised good points, and everyone is right: the Prime Minister made a commitment in his speech to the Relationships Alliance summit. It is obvious to anyone that it is high time that the system was reformed, and reformed quickly. I do not think there is any dispute about that. The system was established the year that Queen Victoria came to power. It was also the year that Rowland Hill decided that we might be able to fold up paper and put letters inside and post them. It is now 2015 and it is absurd that the system has not changed.

The hon. Member for Darlington (Jenny Chapman) made a point about there being no private Members' Bills, apart from Government ones, that had become law in her time. Respectfully, there are good exceptions to that. One of the main ones came from my hon. Friend the Member for Warwick and Leamington (Chris White), who is in his place behind me. His Public Services (Social Value) Act 2012 was enacted in the last Parliament. Putting that to one side, there is a good precedent in this field with the Marriage Act 1994, which started as a private Member's Bill. It allowed homes and hotels to be used for marriages.

Jenny Chapman: I am delighted to hear what the Minister is saying. It is news to me. Does he mean that we can assume that the Government will give a fair wind to any of the private Members' Bills before the House on this topic? Will they give them Committee time and not use any of the techniques well known to the Minister to prevent the Bills from becoming Acts?

Richard Harrington: As the hon. Lady will know, I cannot speak for every private Member's Bill. The 1994 Act was brought forward by Gyles Brandreth, then a very well known MP. I had better make progress.

There is no question but that the Government want to see the issue remedied. The question is whether the private Member's Bill of the hon. Member for Neath (Christina Rees) can be, as many have suggested in this Chamber and elsewhere, the piece of legislation that is needed. I point out that many Members here seem to have children of marriageable age who are currently unmarried: I have two boys aged 24 and 21. I am pleased to say that the hon. Member for Walsall South (Valerie Vaz) is a good personal friend of mine, and I think we should discuss the matter outwith the Chamber.

Getting back to the important point, can the private Member's Bill be adapted? I would very much like to say yes. The Bill requires the Secretary of State to

consult and then to make regulations setting out the marriage register entry, including the mother's and father's name, but it does not reform the whole registration process. It would simply require the replacement of tens of thousands of books at a cost of £3 million. The Bill does not take account of different family circumstances, where there may not be a mother and father. Members have mentioned many particular cases relating to that. It also does not give flexibility for the future. After we have amended the law, the matter may not be again for another 100 or 200 years, so we have to get things right.

Christina Rees: Will the Minister work with me to make the private Member's Bill cover the things he mentions better? Can we work together to move it forward on 22 January?

Richard Harrington: I cannot pledge to work with the hon. Lady on the Bill, because I am not convinced that it is the right way to deal with the matter, although many of the points and sentiments in it are right. What we need—I assure her that this will be progressed quickly—is a vehicle that will transform the whole system of marriage registration for the digital age, so that all the points and everything that is changing in society can be taken into consideration. I assure her that that is not in any way meant to be disrespectful to what she is trying to do. I am not against any of the sentiments or saying that anything within the Bill is wrong, but we need a comprehensive solution. I assure her that this is not Government waffle. We have to deal with the matter once and for all, quickly and properly. I would like to be able to say that her Bill is the vehicle for that, but I do not believe that it could be. A combination of the hon. Lady, my right hon. Friend the Member for Meriden and some of our discussions could get to a vehicle that could deal with things quickly—I have every reason to believe that.

I would like to say that it makes sense to have a simple amendment of the current marriage register. Like so many of the things that we get involved in—I find this when speaking to constituents—we think that the matter is simple and that we know the solution, but this matter is much more complex than that. We do not want to have to change the system again and again. We want a comprehensive solution with a framework for the modern digital economy, where—we hope everything will be transformed in this way—people will get a certificate quickly with all the relevant details and where there will be no need for replacement certificate stock to be sent to thousands of different churches and other institutions.

Also, the solution should minimise the public protection risk of marriage registers being held in some 30,000 different religious buildings. Every year criminal gangs steal registers and certificate stock for all sorts of different purposes, and it is time that the system was modernised once and for all. It would cost up to £3 million simply to replace the materials. A simple solution of just filling in the empty box was suggested, but that would lead to all sorts of mistakes and inaccuracies. While the suggestion is perfectly well-intentioned, I do not think it is very practical.

As the shadow Minister mentioned, we have to make the necessary IT changes with the correct resources. It is not a question of trying to save money with the new system, although once it was set up, it would probably save a lot of money and be much more efficient over the decades. Costs would be incurred. It is not just about making the system more cost-effective, although it will be over the longer term.

I want to mention some of the contributions made by various Members. The hon. Member for Rotherham (Sarah Champion) made a point that, although not specific to the debate, surprised me. She asked me to look into the subject of illegitimacy on the Passport Office website. I will do that and I will respond as quickly as I can. I was astounded to hear what she said.

There have been so many good contributions, although I disagree with what the hon. Member for Hampstead and Kilburn (Tulip Siddiq) said about the Prime Minister's feminism, because he is very much a feminist. However, the point that she made about the deceased father on the birth certificate is valid and I will write to her on that subject when I have had a chance to look into it.

My hon. Friend the Member for Banbury (Victoria Prentis) talked about a constituent and what form the marriage certificate should take, but it is not a simple matter. At the moment, our officials at the Home Office are working with key stakeholders to ensure that the needs of all different types of families are met. It is not simply a case of making a one-off change to include the mother. The matter affects different types of families, and the change needs to be done properly.

I smiled when the hon. Member for Glasgow North East (Anne McLaughlin) mentioned Seacole, the Scottish lady, and explained her background. A big chunk of the Home Office is named after Mary Seacole. I do not know whether the hon. Lady has visited, but she is welcome to come and look at the plaque. Of course, she is right. We are not talking about the contributions of women to society, because that is taken as read and is obvious. The concept of property in Victorian times would be laughable if it were not so serious, because it blighted women's development for centuries. If we explain that to our kids, they simply cannot understand such concepts. I have shown children and visitors from my constituency the pictures in the Committee rooms of men—all men—in Parliament, but they cannot imagine such a situation. I can only say that what the hon. Lady said is absolutely right.

The serious point to make is that the Government are not simply playing with the issue in order to kick it into the long grass and say, "Well, it is one of those things." It is very serious. It is absolutely absurd that the law has not been changed before. It is absurd, whether under a Conservative, coalition or Labour Government, that it has taken from the 1830s to today to even look at the matter. I know that people like the tradition of the marriage certificate. I have one, as have many people in this room, but we should keep the best bits of tradition and amend accordingly.

I ask for the brief patience of hon. Members. The issues are sometimes personal to us and our constituents, as highlighted in the debate, but I ask for brief patience because the Government are determined to get this right.

3.53 pm

Mrs Spelman: I believe we have an imminent vote, so I will be quick. The hon. Member for Glasgow North East (Anne McLaughlin) asked a poignant question:

[Mrs Spelman]

did the debate merit 90 minutes? Given that we are right up against the clock, I think the answer is a resounding yes. At the very least, most women and girls have absolutely no idea that they are discriminated against until it is too late. It is a handful who write to us, plus we have the poignant cases that we as Members of Parliament come across and the very telling personal stories of colleagues present for whom the moment has gone. Our mothers have not been able to put their names on our marriage certificates. That grieves us, but in their memory and for ever we want to change that. That is the message that comes out of this debate.

The only difference between the approach that I propose and the approach in the Bill produced by the hon. Member for Neath (Christina Rees)—I do not underestimate the amount of work that goes into producing a private Member's Bill, having tried to do so myself three times—is that she is focused on the narrow point about putting the mother on the certificate. Sometimes that is the right approach to change legislation, because it has more chance of succeeding, but my approach has the practitioners' thoughts standing behind it: are there other things we could do at the same time to ensure that in perpetuity we have a change that does not discriminate against anybody in society in terms of their rightful place on a marriage certificate in the future?

As the Second Church Estates Commissioner, it behoves me to point out that whatever change we make to the law must work for people of all faiths and none in our society. That is incredibly important. It has to be properly thought through. That is why I maintain we should try very hard to make sure we keep this cross-party approach and, in that spirit, I am more than happy to continue working with the hon. Member for Neath and her colleagues on this issue. Together we can put right such inequality, but we are impatient. The Minister begs a little patience of us; very little is what we are prepared to give him. The change needs to be made as soon as possible in the memory of all those we hold dear and those who in future will join our families. This matter needs to be put right. I thank all hon. Members for their contributions to this debate.

Question put and agreed to.

Resolved,

That this House has considered marriage registration certificates.

3.56 pm

Sitting suspended.

Electronic Communications Code

[Philip Davies *in the Chair*]

4 pm

Andrew Percy (Brigg and Goole) (Con): I beg to move,

That this House has considered mobile phone coverage and the Electronic Communications Code.

It is a pleasure to serve under your chairmanship this afternoon, Mr Davies.

Before I start on the main content of my speech, I shall quote some of my constituents; apparently, that is a part of the kinder politics we now find ourselves in—as if no one had ever quoted a constituent before. I called for this debate because of the ongoing issues with mobile phone coverage in my constituency. Andrew from Rawcliffe said:

"I live in Rawcliffe and can use my phone only from upstairs, hanging out of the bathroom window."

Gary from Goole said:

"As an employee of the Carphone Warehouse in Goole I'm on the front of finding many customers who struggle to get a decent signal in areas where I would expect to receive a strong signal."

Mike from the Isle of Axholme said:

"O2 coverage in Epworth has been terrible lately, with no signal for hours on end."

Sue, also from the Isle of Axholme, said:

"I would just like reception in Fockerby and Garthorpe without a walk in the garden!"

Another of my constituents, Jim from Wrawby, pointed out that in the absence of the roll-out of superfast broadband in his area—it has been generally very good in north Lincolnshire—he has to rely on mobile wireless broadband.

Significant issues remain. At the back end of last year, I secured a debate on this subject following a survey I conducted among 6,500 of my constituents, many of whom responded. Seventy per cent of respondents reported significant issues with access to mobile phone services. That is an ongoing problem throughout east Yorkshire and north Lincolnshire.

I do not want to be wholly negative, because some positive things have happened. We have seen big improvements in mobile phone coverage in parts of my constituency, but there is no doubt that there is a lot more to be done. I have met the providers on numerous occasions and they have all promised me that they are going to make improvements, but progress seems to be very slow indeed.

Consistent mobile phone coverage is essential in the modern world. For small businesses to succeed and for families and friends to stay connected, they must be able to rely on the mobile phone coverage to which they subscribe. The issue is very much one of people getting what they are paying for.

Ian C. Lucas (Wrexham) (Lab): I am grateful to the hon. Gentleman for securing this debate, and I agree entirely on that last point. It appears that individual companies do not give sufficient information about what people will receive in their area. For example, people in Wrexham are not given specific enough information about the quality of service they will receive.

Andrew Percy: The hon. Gentleman is absolutely right, although in fairness the mobile coverage checker that has recently been introduced should help people to zone in on where they are and check their coverage. Nevertheless, a lot of constituents in my patch tell me that according to the coverage maps their coverage should be good, but they are literally having to hang out of the bathroom window with a finger in one ear trying to get a signal. That is not acceptable.

The issue is not only about the signal at home. People travel and move around, as we would all expect them to. My constituents are sick and tired of losing their signal. Instead of going to the party conference—in my view, no one should ever attend a party conference—I went to Canada. Over the November recess, I drove from Regina in Saskatchewan to Calvary in Alberta, crossing the badlands of southern Alberta, and there is nothing in between. I lost my 4G signal for all of five or 10 minutes of a six and a half to seven-hour journey. I cannot get on to the M18-M62 interchange in Goole without losing my signal, or use the east coast main line every week without the signal dropping in and out. It is unbelievable that in a country as vast as Canada I was able to get 4G access the whole length of that journey; I have little chance of that at home.

Chris Davies (Brecon and Radnorshire) (Con): I thank my hon. Friend for securing this debate. It is great to hear about his trip to Canada, but in my constituency of Brecon and Radnorshire we unfortunately do not have those vast expanses between places—we have vast mountains instead. That means we have terrible problems with our mobile phone signals. I have a couple of ideas that I would like to put to the Minister in my next intervention, if I may.

Andrew Percy: I think that was an intervention to ask permission for another intervention, which I am sure the Minister will be happy to accept. In our area we have the opposite: most of my constituency is a fair few feet below sea level. We are as flat as a pancake—a bit lumpy in some places, but generally quite flat—yet the signal is ridiculous. The Isle of Axholme is a prime example. It is largely as flat as a pancake, but the signal in places such as Fockerby and Epworth is absolutely terrible.

In the year or so since I last secured a debate on this subject, there has been some progress, which I want to acknowledge. The £5 billion investment deal that the Government signed with the mobile operators has made some improvements. It will guarantee voice and text coverage from each operator across 90% of the geographic area of the UK by 2017, although we still need more action on notspots, of which there are two in my constituency. Full coverage from all four mobile operators should increase from about 69% to 85% by 2017.

There have, therefore, been some improvements, but although 99% of premises can receive a 2G signal, Ofcom has found that the proportion of the entire UK landmass that is able to receive a signal from all four operators has remained at 55% since last year. Nevertheless, I welcome the Government's announcement in the comprehensive spending review of £550 million to make the 700 MHz spectrum available over the next five years.

The most recent update on coverage was in Ofcom's "Connected Nations 2015" report, which found that almost 46% of the country now has 4G coverage from all major operators. It would be unfair of me to say that some of the improvements have not affected my constituency, because they have, but we still have significant issues with progress on this matter. I welcome some of the other moves. Voice over wi-fi is a really important way of helping people at home, although in many parts of the country the roll-out of superfast broadband has been disappointing. I exempt from that the north Lincolnshire part of my constituency, where the roll-out has been incredible, but the roll-out in the East Riding of Yorkshire part can best be described as hopeless—I think my hon. Friend the Member for Beverley and Holderness (Graham Stuart) will agree. It is all right having voice over wi-fi, but people often do not have access to that at home.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): In many respects, would it not almost be better in some areas to have no coverage or complete coverage, rather than good coverage in one area and bad coverage in another? It is creating a social and economic divide that seems to be getting wider rather than narrower. The Prime Minister's welcome comments about universal broadband really ought to have been about universal minimum standards throughout the whole of the UK and for mobile phones as well.

Andrew Percy: My hon. Friend makes a valid and important point. I completely agree: the arguments that apply to access to superfast broadband also apply to mobile phone coverage. The two are now indistinguishable. People do the same things on their mobile networks as they do over broadband. They use both for the same thing, whether that is work or keeping in contact with friends and family. Of course, many people now do not have a landline; they simply rely on their mobile.

With your permission, Mr Davies, I want to leave a couple of minutes for my hon. Friend the Member for Beverley and Holderness to comment. I have some questions about the electronic communications code, on which the Government consulted earlier in the year. The networks have expressed concerns that the code has not been meaningfully updated since it was introduced in 1984, and the Law Commission called it "complex and confusing". According to the mobile providers, reforming the code is the single most important step that the Government can take to reduce the costs of network extension and improve mobile coverage. Before this debate, the operators told me that they can build a new site and put in new kit in about three months, but, because of the complexities of the code, it takes a year to 18 months to complete that work.

I hope that there will be a response to the consultation, but I have a couple of questions for the Minister now. On fair site payments, we need to end the practice of landowners being able to demand ransom rents because the lack of alternative sites locally means a lack of competition. That is a particular problem for rural roll-out.

Julian Sturdy (York Outer) (Con): Is it not correct that rents on rural phone masts are much lower than those on urban phone masts?

Andrew Percy: I suspect that the situation changes from site to site. The problem with many of the rural masts is getting access at particular times of the year, perhaps because the harvest is on. With landowners in

[Andrew Percy]

rural areas, it can be more complicated and difficult to get access. The average punter expects an outage in the network to be fixed within four hours. At the moment, it takes about 48 hours, and sometimes a lot longer, for the companies to negotiate access.

We want the fair site payment, and we want the sharing and upgrading of sites to be reflected in the new code. Under the current code, mobile operators have to renegotiate rental terms when they wish to make a change, such as to deploy new technology or reduce the number of masts. That is patently ridiculous.

We need quicker access to sites. It is nonsense that it takes 48 hours to gain access. There is a problem with the EE signal in Burton-upon-Stather at the moment, and the landowner has held up access for weeks. It is partly due to the harvest, so there may be legitimate reasons, but it is clearly not good enough that the companies are unable to access the sites when there is an outage. In fairness to the operators, it means that they cannot deliver the service they wish to deliver.

We want better dispute resolution in the new code. There is a disconnect between the main networks and the independent mast operators on the issue of whether they should be covered by the code. I do not plan to get involved in that dispute; it is one for the Minister. *[Interruption.]* He is nodding away—I can see that he already has the solution.

This is an important issue for my constituents. There have been improvements, but we want the roll-out and the improvements that the networks have promised to happen much more quickly. With your permission, Mr Davies, I will hand over to my colleague.

4.11 pm

Graham Stuart (Beverley and Holderness) (Con): It is a pleasure to serve under your chairmanship, Mr Davies, and to follow my doughty colleague, my hon. Friend the Member for Brigg and Goole (Andrew Percy), who secured this important debate. He has been relentless, as he often is—not just conversationally, but in championing issues on behalf of his constituents. What may be a fault in one area of life is very much a benefit in another. It is fantastic that he has taken up this issue with such energy.

Over the summer recess, I wrote to the chief executives of all the major mobile operators to press them on what they are doing to ensure that mobile coverage for my constituents improves. The Government's agreement on the provision of 90% coverage is fantastic, but the feeling is always that if the percentage is less than 100% it is my constituents and those in rural areas who will miss out. In subsequent replies and meetings, I was pleased to hear about the significant progress and the investment that is going in to meet the 2017 target. We want it to go ahead as quickly as possible, as my hon. Friend said, so that people who are trying to live their normal life, call their girlfriend, do a business deal, run a small business or fulfil the normal obligations of life are able to do so as easily in rural areas as elsewhere in the country. At the moment, they cannot, which is what this debate is all about; it has got a very human dimension to it.

My hon. Friend made the key points, but what can be done to ensure we get this done as quickly and cheaply as possible? Every imposition on those companies will feed through into our constituents' bills. We want to deliver a fantastic and effective mobile phone system as cheaply as possible and without imposing unnecessary burdens and regulations on those businesses, which is why the electronic communications code needs to be reformed. The Minister, who was nodding earlier—not because he was being put to sleep by my hon. Friend, but because he agreed with him—must make sure that happens.

I represent a rural constituency, so many of my constituents own land. Like my hon. Friend the Member for York Outer (Julian Sturdy), some are farmers who want to ensure that they get a fair return for any disruptions. There are reasons why the Government might create frameworks that impinge on the exploitation of land by its owners for the maximum return—such is the importance of this utility to our constituents. There are also regulatory issues that are driven not by the landowners but by the rules.

Will the Minister comment on raising the permitted development height for mobile phone masts? Having taller masts is a cost-effective way for operators to increase their coverage without installing and maintaining new masts. There might be a visual impact, and my constituents would be sensitive to that. Vodafone told me that, because of our planning restrictions, its 3G masts in the UK are about 10 metres shorter than its masts in the rest of the EU. It is asking for the permitted development height to be increased from 15 metres to 25 metres so it does not have to go through expensive and protracted planning procedures to get what it needs. Increasing the mast height would have the big effect of increasing the coverage area of each mast by 90%, so although the masts would be taller we would have fewer of them. There is a balance to be struck, and I would be interested to hear the Minister's thoughts about how best to strike it.

Chris Davies: Will my hon. Friend give way?

Graham Stuart: I had better not.

The Minister for Culture and the Digital Economy (Mr Edward Vaizey): Oh, go on!

Graham Stuart: I am led, as ever, by my hon. Friend the Minister.

Chris Davies: Although I fully agree with my hon. Friend about the size of masts, big is not always beautiful—that is the philosophy of my life, and the Minister's, too, I am sure. Small cell boxes can be used in small, rural areas. I would like the Minister to pay attention to the fact that, whether someone is installing a large mast or a small cell box, they still face the same planning restrictions. Perhaps that could be looked at.

Graham Stuart: My hon. Friend is absolutely right. Under the code, mobile operators have to pay about £8,366 per year to rent a site, whereas a pylon costs £283. As well as dramatically high rents, additional payments are levied by landowners in return for access to make repairs, whether or not it impinges on them. Disputes over those charges leave some consumers experiencing network outages for an overly long time. I will not labour that point, but I am interested to hear from the Minister how to strike that balance.

As my hon. Friend the Member for Brigg and Goole said, mobile telephony is a basic utility. We have had frameworks in the past to ensure we keep the cost of delivering that basic utility as low as possible to encourage operators to deliver the service as widely and effectively as possible. That is true for other utilities, and it should be true for mobile telephony. I look forward to hearing from the Minister, who will doubtless give a brilliant response to all those points.

4.17 pm

The Minister for Culture and the Digital Economy (Mr Edward Vaizey): It is an absolute pleasure to serve under your chairmanship, Mr Davies. I hope that I live up to the billing given to me by my hon. Friend the Member for Beverley and Holderness (Graham Stuart). I thank my hon. Friend the Member for Brigg and Goole (Andrew Percy) for securing this important debate, and I welcome the contributions of my many hon. Friends on this important issue. His speech came through loud and clear. It was not dropped at any stage, it was not interrupted and the message reached me without any form of interference, electronic or otherwise.

Earlier this morning, I was reflecting with a colleague about the fact that I seem to spend my life bumping into people who tell me about their holiday experience. They appear to get 1,000 gigabits per second on their mobile phone or computer, wherever they go on holiday. My hon. Friend did not disappoint with his Canadian experience. Far be it for me to compare Canada with the UK, but we are comparing a road trip across a vast expanse of land in a country the size of America that has a population of 30 million—it is one of the least densely populated countries in the world—where land costs are low and planning is easy, with an extremely busy motorway junction in the north of England in one of the most successful economies in the world. I would say that one is perhaps comparing apples with oranges. I also sympathise with my hon. Friend's experience on a train, but I remind him that a train is a Faraday cage and that it is difficult to get a signal. We are working with the train operating companies—which is not unlike herding cats—to get a solution for mobile on trains, because it is an important part of the mix.

I say to my hon. Friend—and, indeed, to all my hon. Friends who appear regularly in broadband debates—that I have been working on the issue for quite a long time, and I intend to work on it for many more years to come, to deliver for them the kind of connectivity that they would expect. In return, I hope that when they rise to their feet in future debates, they acknowledge some of the progress that we have made. In Brigg and Goole, for example, some 25,500 premises that would not have been able to have a broadband connection can now connect to superfast broadband should they so wish, thanks to this Government's highly successful broadband roll-out scheme.

James Cartlidge (South Suffolk) (Con): Will the Minister give way on constituency progress?

Mr Vaizey: If my hon. Friend has a positive point to make, I will give way.

James Cartlidge: We had three masts in South Suffolk under the mobile infrastructure project and the experience was mixed. I am not directly blaming the Minister, and the problem was with local communities in many respects. I am interested in what will be done to encourage investment, given that the publicly subsidised project had mixed results. Does my hon. Friend see changes to the electronic communications code as one way of bringing more investment into rural areas through the private sector?

Mr Vaizey: I will take that as a positive point, because it helps me to make some of the arguments that I want to make. I remind hon. Members that mobile operators are private companies making private investment. Indeed, they contributed some £2 billion to the Treasury's coffers in the last 4G auction, and we now have the fastest roll-out and take-up of 4G in the world. They are to be applauded for their achievements. It is also true, however, that the Government can help.

A recent report by the International Telecommunication Union saw the UK rise from 10th place in 2010 to fourth place in 2015 in terms of connectivity, much of which was driven by mobile coverage. I should also point out that one thing we never take into account when considering mobile coverage is how cheap mobile contracts are in this country compared with many other places. We also do not take into account that the modern smartphone is actually not that great at receiving telephone calls, due to its short antenna, which contributes to the difficulties that people have with calls.

The key thing that the Government can do is to work with mobile operators to increase coverage. We are here celebrating the first anniversary of a landmark agreement on mobile operators' licence obligations brokered by my right hon. Friend the Member for Bromsgrove (Sajid Javid), then Culture Secretary, now Business Secretary. One operator has a licence obligation to achieve 98% indoor coverage by the end of 2017, but that is 98% of premises, which does not equate to 98% of the landmass. We therefore changed the licence conditions so that, by the end of 2017, all four operators will achieve 90% coverage of the landmass.

That will make a massive difference to coverage, particularly in constituencies with a rural expanse, where people drive between villages in a relatively rural area, such as the constituency of my hon. Friend the Member for Brigg and Goole. This is an important, landmark agreement. About 6% of the East Riding of Yorkshire and 1.2% of Lincolnshire have been affected by notspots. As a result of the agreement, we will eliminate notspots altogether. Just 0.2% of north Lincolnshire and less than 1% of the East Riding of Yorkshire will have partial notspots, which is when just one mobile operator provides coverage. Therefore, 99% of East Yorkshire and almost 100% of north Lincolnshire should have coverage from all four operators. That will make an important difference.

Nigel Huddleston (Mid Worcestershire) (Con): Will the Minister give way?

Mr Vaizey: If my hon. Friend has a positive point, I will give way.

Nigel Huddleston: I think this could be positive. I agree with the Minister that massive progress has been made on notspot coverage, but will he confirm how those notspots are being recorded and reported? There

[Nigel Huddleston]

is some confusion about accuracy. The Government are making progress, but can he confirm how the reporting is done?

Mr Vaizey: We work with Ofcom to record what we regard as a notspot or partial notspot. We have an agreed signal strength with the operators, and we have had a robust debate about whether it should be -83 dBm or -98 dBm, but Ofcom provides the imprimatur, as it were, of what we regard as a notspot or a partial notspot.

That brings me neatly on to the mobile infrastructure project, with which we have had some difficulties. Not enough Ministers acknowledge when projects have problems and difficulties, but I freely acknowledge such difficulties because the MIP was pioneering and we can learn from some of its failures. One thing we discovered when we announced the project was how difficult it is to measure a notspot, because the efficacy of radio waves can differ depending on climatic conditions or how many people happen to be using their mobile phone at the time. It has been a huge learning experience.

The other learning experience has been working with planning authorities. I am pleased to say that we have erected some 15 masts and hope that, by the programme's end next March, we may have got as far as 75, but I freely acknowledge that we have not got as far as we wanted. I have also been slightly astonished that organisations such as the National Trust have point blank refused to have masts on their land and planning authorities have turned down applications for masts despite local communities wanting them. Some members of local communities have even put concrete blocks in front of the generators provided for mobile masts. We have had some astonishing examples, where one part of the local community has actively tried to stop a mobile mast when the rest of the community wants it. My message to my hon. Friend the Member for Brigg and Goole is that we can work together with landowners to provide them with better coverage as long as they are prepared to support mobile masts and not see them as cash cow or simply oppose them.

My hon. Friend the Member for Beverley and Holderness talked about changing the size of masts. I have been passed a note from my officials that says:

"Details on permitted development. However, you cannot announce them."

So we are negotiating within Whitehall. We know exactly what we want to do, but we have to have Whitehall clearance and we have to pass secondary legislation. We want to increase the height of masts, to increase the height at which cells can go and to increase the time in which operators are allowed to take emergency measures to repair masts, because my hon. Friend is quite right to point out that the size and length of masts is important. I have a huge mast on the top of the ridge literally half a mile from my home. It is unsightly and ungainly. Would I prefer it not to be there? Of course I would. Does it provide great mobile coverage around the area? Yes, it does. I think that is a compromise worth making.

Finally, my hon. Friend the Member for Brigg and Goole quite rightly focused on the important reform of the electronic communications code. It has been like wading through treacle. It is extremely complicated. It has been in place for over 30 years, regulating the relationship between mobile masts and landowners and that between mobile operators and the wholesale operators, such as Arqiva and Wireless Infrastructure Group, which provide something like a third of masts. We want to revise the code and to change it to support the roll-out of broadband while protecting the rights of landowners. We will be bringing forward proposals next year to achieve those reforms.

I say in every debate, whether it is about mobile or fixed broadband, that we are conducting an engineering project. I sometimes compare it to Crossrail. When I am jammed on the tube with my nose against a stranger's armpit, I do wish that Crossrail would open earlier so that the tube was emptier, but because I can physically see that tunnel, I know that it will not open until 2018. However, I am looking forward to using the new Tottenham Court Road station on Thursday, on my way to say farewell to Neil MacGregor, the brilliant head of the British Museum, who is retiring. This is an engineering project, and we will complete the roll-out of phases 1 and 2 of broadband over the next two years, achieving 95% superfast broadband coverage for the entire United Kingdom, which is an astonishing achievement.

We will also see the fulfilment of our agreement with the operators for 98% indoor premises coverage and 90% geographic coverage, and we will do that by supporting them with the electronic communications code. I also want to revisit the MIP, because we have made such astonishing progress in the past 12 months that we could have a phase 2 in which we take all the learnings from our mixed initial programme and take them forward to make meaningful progress. The electronic communications code, the licence changes, a potential further MIP and taller masts should all make the difference that my hon. Friend the Member for Brigg and Goole is looking for.

Motion lapsed (Standing Order No. 10(6)).

Lead Shot Ammunition

4.30 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I beg to move,

That this House has considered lead shot ammunition.

It is a pleasure to serve under your chairmanship, Mr Davies, in my first Westminster Hall debate.

An important petition is posted on the Parliament website and thousands of people from across the country have signed it, including eight in my constituency. The language is fiery and impassioned and the argument is clear: it points to an issue that concerns the House and has done for 100 years. I refer to the petition to keep all lead ammunition. About 20,000 people have signed the call to keep using lead in their guns:

"Lead ammunition has been used for hunting and shooting since the first guns were manufactured over three centuries ago. Never has there been a recorded death through lead ingestion."

I take the matter seriously. I have constituents who hunt and shoot, as do other Members—in particular those who represent rural areas—and I recognise that sport shooting is a tradition and part of people's way of life. Done sustainably, it can make a real contribution to the local economy and to the countryside. It is right to consider the future of the sport.

There is also another, quieter petition on the Parliament website in support of banning the use of lead ammunition in favour of non-toxic alternatives. Fewer people have signed it—about 3,000 to date—but that is the petition I commend to the Minister and to the House.

The case for using non-toxic ammunition is clear. Non-toxic alternatives to lead are effective, affordable and safer for wildlife and people. We have known the dangers of lead poisoning for thousands of years. The phrase "crazy as a painter" was coined centuries ago to express the awful effects that lead-packed paint had on people's minds.

Carolyn Harris (Swansea East) (Lab): I have already given you my apologies, Mr Davies, but I might have to leave early. Does my hon. Friend agree that given that the known negative health effects of lead are well established and that, to minimise risk, lead has been removed from paint and petrol, it seems a tad ironic that lead remains in the shot used for killing birds that might be for human consumption?

Gerald Jones: I wholeheartedly agree. I hope to set out in the course of my contribution why that is such an important point.

Some people have even explained the fall of the Roman empire as having been caused by the Romans' use of lead in pipes and cosmetics. More recently, the World Health Organisation, the Food Standards Agency and the Oxford Lead Symposium have all highlighted the toxicity of lead. Its negative human health impacts are scientifically established, even at the lowest levels of exposure, and lead poisoning is also a big problem for wildlife.

Much of the lead shot misses its target and builds up on the ground. It is then eaten by birds, which gobble up grit to grind up their food. The lead shot is dissolved in the digestive system and absorbed into the birds' bloodstream. Scientists at the Wildfowl and Wetlands Trust have estimated that 50,000 to 100,000 wildfowl die of lead poisoning every year in the UK, along with many more game birds and birds of prey. Members might ask, "Where are all these dead birds?" but lead is known as the "invisible killer" because the poisoning is slow and distributed.

Carolyn Harris: I am sure my hon. Friend was as shocked as I was to discover that the existing regulations have a poor rate of compliance. In 2013 the Department for Environment, Food and Rural Affairs commissioned a study that showed that 70% of ducks sampled had been killed with lead shot. The study was repeated in 2014 and showed that compliance had not improved, with an increased number of 77% of ducks sampled being shot illegally with lead.

Gerald Jones: I thank my hon. Friend for making that point, which illustrates how the existing arrangements are unsatisfactory and in some cases ineffective, which is why they need to be updated.

Birds die gradually from lead poisoning, but die they do. The WWT found that one in four migratory swans seen at post mortem had died of lead poisoning. Other leading conservation organisations such as the Royal Society for the Protection of Birds and the Wildlife Trusts have also highlighted lead poisoning as a major issue for UK wildlife. Yet we continue to spray about 5,000 tonnes of lead out over the countryside each year.

Why have more people signed the petition to keep lead? I could argue that it is a classic case of small interest groups rallying around to defend their privileges. I could blame the shooters for looking after their own interests to the detriment of wildlife and the general public. People are rarely vocal about long-term environmental consequences, or about widespread public benefits. By contrast, it is easy to portray the proposal to ban lead as an attack on country life, prompting a rush to oppose any change—but this is no attack on the countryside. The irony is that it is surely rural communities who would benefit most from a change in the law to phase out the use of lead ammunition.

Some people will point out that most of the lead that the public consume comes from vegetables. That is true, but people who eat game meat are far more exposed. It is not only the shooters themselves; we must also consider their families and the increasing number of people who eat game. Many game birds sold for human consumption have lead concentrations far exceeding European Union maximum levels for meat from cows, sheep, pigs and poultry. No maximum levels have been set for game.

Simply removing lead shot from the meat does not solve the problem, because particles of lead too small to be seen often break off or dissolve and are left in the meat.

John Howell (Henley) (Con): I am struggling to understand why the hon. Gentleman thinks that the existing regulations are not sufficient to deal with the problem. Would he back more detailed environmental studies to work out what the real effect on the community is?

Gerald Jones: During the remainder of my contribution I hope to address the point made by the hon. Gentleman.

[Gerald Jones]

Simply removing lead shot, as I said, does not solve the problem, because traces of lead can be left in the meat. In the UK, as many as 12,500 children under eight eat game once a week in the shooting community alone. In children, less than one meal of wild-shot game a week could result in blood lead levels associated with a decrease in IQ.

Mr Charles Walker (Broxbourne) (Con): As the hon. Gentleman said, the shooting of birds with lead shot has been going on for many centuries. Where is the public health crisis to which he alludes? It would be news to many colleagues, because we have not had people coming to our surgeries or writing to us with any experience of a problem with eating lead-shot birds, whether personally or in their families.

Gerald Jones: It is not a case of the vast majority of members of the public speaking out on an issue such as this, but the studies are out there. I have outlined some in my contribution and will outline more.

The Food Standards Agency has also highlighted the risks to pregnant women. Of course, no one has died of lead poisoning from eating game, but nor would any serious scientist dispute that lead is a poisonous metal. The Secretary of State for Environment, Food and Rural Affairs has set up a new Great British Food unit and game is increasingly being sold as a healthy, local option. What better way to improve that brand than to ensure that the meat we eat is safe and lead-free?

Progressive countryside organisations such as the Sustainable Food Trust are backing the call to phase out lead as part of a modern countryside economy. Non-toxic alternatives are better for the image of the shoot, the economy of the countryside and the health of the shooters themselves.

Mr Charles Walker: In advance of the debate I talked to a number of clay pigeon shooting grounds in and around my constituency, and their problem with steel shot is that it ricochets. If lead shot is banned, all those shooting grounds will be put out of business—not just in and around my constituency, but across all Members' constituencies. Has the hon. Gentleman thought about how that could be tackled?

Gerald Jones: The hon. Gentleman makes a good point, but there are alternatives that could be looked at. We are asking for this matter to be properly looked at and investigated, with a timescale to phase out lead.

As I said, there are good alternatives to lead on the market such as tungsten, bismuth and steel, which the hon. Gentleman mentioned. Many shooters in the UK will say that alternatives to lead are not as effective and argue that wounded birds are a welfare issue. Of course, that takes absolutely no account of the welfare of thousands of birds that suffer from lead poisoning. What is more, such evidence is entirely anecdotal.

Ballistics studies and blind trials have shown that alternatives such as steel are just as effective as lead. In terms of prices, steel is now competitive with lead and although other alternatives such as tungsten are more costly, they still represent a fraction of the overall cost of shooting. Some guns will need retrofitting, which is a process that can cost £50, and a few may not be compatible with lead at all, but surely those costs are small compared with the benefits of cleaning up the industry.

In Denmark, a ban on lead shot was introduced 20 years ago and the hunting and shooting sector has not been affected. What should be done here in the UK? The time for voluntary initiatives is surely over. The use of lead shot over and near wetlands is already restricted by law. Shooting groups have repeatedly encouraged members to respect the law, yet 45% of shooters admit that they have not complied with it and, as my hon. Friend the Member for Swansea East (Carolyn Harris) mentioned, three quarters of ducks sampled in 2013 had been killed with lead shot. What is more, we know that the problem is not restricted to wetlands. Many vulnerable species feed on lead all across the countryside. Quite simply, the law as it stands is insufficient and ineffective, so the Government must take sensible steps.

The UK is party to the convention on the conservation of migratory species, which last year agreed guidelines calling for the replacement of lead with non-toxic alternatives in countries where migratory species are at risk from poisoning. Back in 2010, DEFRA set up the Lead Ammunition Group to identify risks and solutions. Its chair, John Swift, submitted the group's work and his report to DEFRA on 3 June 2015. Its results were definitive:

"regulations restricting the use of lead shot in wetlands and for shooting wildfowl are apparently not achieving their aim and are insufficient for dealing with the wider risks."

The science and the politics are clear and the time for reflection is over. Thirty years ago, the Royal Commission on Environmental Pollution advised the Government that they should legislate to ban any further use of lead shot where it is irretrievably dispersed in the environment.

The question of lead ammunition is not a debate that could or should be decided by petition. It is a question for the House, DEFRA and the Department of Health. Back in 1983, Willie Hamilton MP summed it up in a debate on lead in petrol:

"Whatever the technical arguments may be and however much it is said that lead can be produced in the body by other means, that is no reason for saying that we should leave everything alone and not tackle the problem. We must tackle this problem and it can be solved and eliminated".—[*Official Report*, 21 January 1983; Vol. 35, c. 632.]

The same is true today. We can quibble over exact numbers and fuss about the precise costs of steel shot, but the basic message is clear.

We have banned lead from pipes, petrol and paint, but it still ends up on our plates. We have tried to protect wildlife by restricting the use of lead over wetlands, but the rules are too partial and too easily ignored. The Government have evidence from the Lead Ammunition Group and power in the Environmental Protection Act 1990, so I hope that, in the public interest, the Minister will show that the Government have the sense to act on the science and commit to phase out lead shot ammunition.

Several hon. Members *rose—*

Philip Davies (in the Chair): Order. For those who are new to one-hour Westminster Hall debates, it might be helpful to say that the format is that the Scottish National party spokesman and the Labour spokesman get five minutes each and the Minister gets 10 minutes at the

end. I will therefore be going to the Front Benchers no later than 5.10 pm. Four Members are seeking to catch my eye, which gives them about six minutes each. I will not set a formal time limit, but I hope that people will be mindful of each other's opportunities and will look to speak for about six minutes each.

4.45 pm

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): May I draw the House's attention to my entry in the Register of Members' Financial Interests and also to the fact that I am probably the only Member who has been shot by a lead cartridge? It was about 35 years ago and I still carry 20 lead pellets in my left knee as testimony to that—colleagues will judge whether that has affected my physical state or indeed my mental state.

This is not a new discussion. When I was chairman of the shoot summit nearly 10 years ago we discussed it and came to the view 10:1 that the evidence was lacking—to some extent it is still lacking—that the risk of lead was either significant or unmanageable, or that the alternatives, as mentioned by the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones), posed less of a risk. That was in the context of both food consumption and environmental concerns. That fell into the hands of the Lead Ammunition Group, which was set up by DEFRA.

Alex Cunningham (Stockton North) (Lab): If toxicity is not a problem, why does the Food Standards Agency advise frequent eaters of lead-shot game to reduce their consumption for health reasons?

Simon Hart: I am grateful for that intervention. I have not yet said, and I am not sure that I will say, that there is no toxicity issue at all. Perhaps if the hon. Gentleman will hear me and other colleagues out, he may get the answer he requires.

The Lead Ammunition Group was set up to come to a unanimous view on steps forward for the Secretary of State. However, it has failed to do that. Nearly half of its members resigned, which meant that its final report was submitted without input from those valuable sources. The report, which was based on evidence that was and remains disputed, reached conclusions outside the terms of reference set by the Secretary of State in the first place. Therefore, when coming to conclusions about what all of this means, I hope that the Minister will recognise that, for whatever reason, the Lead Ammunition Group has failed in its objectives.

Food concerns were mentioned by the hon. Member for Stockton North (Alex Cunningham). The advice given so far does not need any alteration. That is key, because if we look at it in the context of other food scares and consumption habits, there is no evidence to suggest that the danger posed by lead is any greater than that of any other food substance that we might arguably eat to excess. That is the point: we can point to any number of foodstuffs and say, "If you ate this foodstuff to excess, you might come across a health problem." The advice given is quite contextualised, which has not been the case in the debate.

The contribution I want to make to the debate is to give a word of caution about the Lead Ammunition Group's findings. They are not definitive; they are disputed and the evidence it relied on is hotly debated. Finally, if the problem was as great as one or two Members suggest, it would have emerged as a health scare long before now. We therefore need to treat what we are hearing with caution, assuming that it is evidence. It is nothing new.

Mr Charles Walker: I am listening closely to my hon. Friend. Will he address my concern that steel shot ricochets, which will cause the closure of many shooting grounds, and that tungsten, bismuth and Hevi-shot cost five to seven times as much as lead? That would be a significant part of most people's shooting budget.

Simon Hart: My hon. Friend makes a good point. We have to consider all these things in the round. It is no doubt very easy to find reasons to argue in favour of a general phase-out of lead, but unless we have applied the same rigorous test to the alternatives—whether it is about the cost, humaneness or toxicity—there is no reason to believe we will go from a bad place to a better one, so I take his points entirely on board.

I hope the Minister will be robust in making a careful examination of this so-called report, because it does not meet the terms of reference that his own Department set.

4.50 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak about this issue, and I thank the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) for securing the debate. Unfortunately, I do not hold the same opinion as him; I want to make that clear at the outset. I want to raise important issues that I feel need to be put on the record.

There are potential risks of lead shot ammunition—I admit that, and the hon. Member for Carmarthen West and South Pembrokeshire (Simon Hart) referred to them—but it is always possible to manage, control and reduce them to negligible levels through the enforcement of existing regulations and careful monitoring. I have shot wildfowl and wild birds and eaten them regularly since the age of 18—that is not yesterday—and it has not done me any harm that I am aware of. The bird I like most is probably the wood pigeon, and I look forward to wood pigeon meat on any occasion.

Restrictions on the use of lead shot are already in place across the UK, and I will comment on restrictions in the four regions. Some environmental groups are campaigning for further restrictions or a total ban on lead ammunition. They argue that lead shot poses such a serious and unmanageable risk to the environment and human health that new legislation is required. Scaremongering about lead has become a useful way to attack game and sport shooting for people who are fundamentally opposed to shooting in general. With great respect to the hon. Member for Merthyr Tydfil and Rhymney, some people are simply using this issue to attack shooting, so we need rationalism in the debate.

Shooting is hugely important to the rural economy and of great benefit in terms of wildlife management and conservation. Unscientific restrictions could have serious implications for the gun trade, the rural economy and the natural environment. Without lead, many shooting activities could be substantially curtailed. The vast majority of the evidence presented to decision makers in support of further restrictions on lead ammunition has failed to pass rigorous academic scrutiny. The Countryside Alliance

[Jim Shannon]

believes that those attempts are unjust and unfair, and highlight the way in which science can be used and manipulated to suit a political agenda. I declare an interest: I have been a member of the Countryside Alliance for a great many years.

In truth, the true impact of lead ammunition has yet to be scientifically proven, and any current findings are not as significant as some opponents claim. I accept that lead is toxic, and we should take all opportunities to continue monitoring its potential impacts on the environment and human health. If it is proven that lead ammunition poses a significant and unmanageable risk, we should consider mitigation measures, further regulations and phase-outs in that order before any ban is taken forward. At present, however, there is insufficient evidence to justify changes to the existing regulations, and any attempts to do so are in no way based upon science or evidence we have at this time.

The majority of the evidence used to justify increased restrictions or a complete ban on lead shot ammunition is outdated and heavily reliant on research undertaken in other countries. No studies have been carried out in the UK on blood lead levels and the impact of lead shot ammunition, so that is something the Department might wish to do before proposing any legislation on this issue.

In England, there are already some controls. The use of lead shot has been prohibited for all wildfowl, with further restrictions below the high-water mark of ordinary spring tides and over sites of special scientific interest. In Scotland, there are similar controls on the use of lead in wetland for shooting activity, with wetlands being based on the Ramsar definition. In Wales, there are some restrictions on the use of lead shot for wildfowl, with further restrictions below the high-water mark of ordinary spring tides and specific SSSIs. The constituency that I represent—Strangford—is renowned for its wildfowl shooting across the whole of the United Kingdom of Great Britain and Northern Ireland. In Northern Ireland, we have the same prohibition of the use of lead shot in any area of wetland for any shooting activity. For the purpose of the regulations, wetlands are based on the Ramsar definition, as in Scotland.

It is clear we already have appropriate legislation to mitigate the negative impacts of lead shot use, so why are we seeking to add more laws and red tape? We cannot ignore the value of shooting activities. Some 600,000 people in the UK shoot live quarry, clay pigeons or targets every year, and shooting is worth £2 billion to the UK economy. Conservation goes hand in hand with shooting, and those who shoot spend some 3.9 million work days on conservation—the equivalent of 16,000 full-time jobs.

The impact of a ban would be enormous for shooting, conservation, the rural economy and the natural environment. A ban on lead shot ammunition would have a seriously negative impact on the shooting industry, because most of the guns made by historic British gun makers, and many guns made abroad, are unsuitable for use with economically comparable alternatives to lead.

Denmark led the way in banning toxic materials a way back. It also banned steel shot in forest areas and tungsten in 2014 because of the carcinogenic properties of some of the binding properties used. Norway banned lead ammunition in 2005 but changed its mind after nine years and repealed the ban, because it felt a ban was wrong. We must look at what is happening elsewhere.

Lead shot is preferred as ammunition because of its excellent ballistic performance. It would be unwise to pursue a lead shot ban at this time. The evidence is not conclusive, and the scientific information is not there. There is some dispute among shooting organisations and those who are involved in this field. We need this, as shooters. Securing a humane and clean kill is surely the aim of every shooter of live quarry. I am totally against a lead shot ammunition ban.

4.56 pm

Geoffrey Clifton-Brown (The Cotswolds) (Con): I begin by reminding Members that I am the chairman of the all-party group on shooting and conservation, which enjoys wide membership from both sides of the House. Secondly, I draw attention to my entry on the Register of Members' Financial Interests: I participate in shooting sports.

Shooting and conservation are highly important to the UK economy, contributing £2 billion to GDP and supporting the equivalent of 74,000 full-time jobs. Members of the shooting community spend £250 million a year on conservation. Most importantly, they actively manage 2 million hectares for conservation as a result of shooting.

Lead shot ammunition has long been used due to its superior ballistic qualities, as my hon. Friend the Member for Broxbourne (Mr Walker) said, and I am disappointed by calls to ban it. The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust's calls for such a ban seem to derive from the Oxford Lead Symposium's report and the Lead Ammunition Group's submission to DEFRA, which I understand is still being considered by the Government. I will not say too much about that group—the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) already referred to it—but it had two arguments against lead shot ammunition: in game meat, it damages human health, and it poisons birds exposed to it in the environment. I would like to deal briefly with both arguments.

With regard to the assertion that lead shot damages human health, there has been significant scaremongering without a full review of the facts. Lead is found in all food types at a variety of levels. The threat from game meat specifically is extremely small. The European Food Safety Authority has stated that lead from game meat represents 0.1% of average total dietary lead exposure—significantly less than other groups such as beer and substitutes, which expose the average European consumer to 62% more lead than game meat. When game meat is consumed in high quantities, the threat of lead poisoning naturally increases. However, only 0.1% of the British adult population consumes game meat at higher levels than the Food Standards Agency's guidance. The FSA's guidance on lead is the same as for other food groups such as oily fish and tuna. Indeed, further evidence shows that removing damaged tissue from lead shot game meat can reduce its overall lead content by 95%. That is the current advice in Sweden.

The group's second argument is that lead shot ammunition damages the environment. There are claims that between 50,000 and 100,000 birds die of lead poisoning each year, although there is no evidence of any population-level impact on species. It is accepted,

however, that lead has potential environmental risks—for example, due to the way certain water birds feed, some species are susceptible to ingesting lead if it is left within their feeding area. However, there are international agreements and UK legislation to protect areas where those migratory and water birds exist. I agree with the hon. Member for Merthyr Tydfil and Rhymney that our compliance levels with that legislation are not good enough and that we should all condemn those who shoot duck with lead shot in prohibited areas.

The report used by campaigners against lead shot ammunition—the one that comes up with the 50,000 to 100,000 figure for birds—was produced by the Oxford Lead Symposium. However, it uses data from research that was carried out between 1960 and 1983, before the current restrictions on lead shot were introduced, so it is clearly not a rigorous piece of academic work.

In conclusion, I see no reason to support a ban on lead shot ammunition. There is no clear alternative, as those that do exist are either more dangerous to human and environmental health or significantly more expensive. The claims that lead shot is damaging to human and environmental health are exaggerated and based on inaccurate data, and do not take into account the restrictions that already exist on shooting with lead shot in protected areas.

Finally, the impact would be significant on the current contribution that the shooting community makes to the UK economy and conservation management, which I outlined at the beginning of my speech and which is very significant in rural areas. I hope that Members across the House realise that a move to ban lead shot would be counter-productive and would not produce the significant human or environmental health benefits that the hon. Gentleman claims.

5.1 pm

Rishi Sunak (Richmond (Yorks)) (Con): When most people think about shooting, the picture that they have in their heads is often all too clear: they imagine old-fashioned men in old-fashioned outfits, with old-fashioned accents. However, I stand in this Chamber today as the representative of a rural community for whom shooting is not a quirk of history, or something from another century; for my constituents, it is an industry that creates real businesses, real jobs, and real investment in our landscape. It is an integral part of our community.

Today, we are here specifically to consider lead shot ammunition. I would like to make three simple observations. First, to echo the comments of previous speakers, there is limited evidence of the need for further environment regulation of lead shot. Secondly, as it relates to humans, game meat is a tiny source of our exposure to lead. Lastly, in considering regulations on this industry, we should appreciate the vital contribution that shooting makes both to our economy and our countryside.

Nobody denies that there are environmental risks associated with lead ammunition.

That is why there are already restrictions on the use of lead shot in all parts of the UK, to address international obligations and proven environmental concerns. Many of the figures that we heard earlier relate to the supposed risks to water bird species, but those data were collected before the legislation was passed in 1999. That legislation made it an offence in England to shoot lead shot over wetlands or for the purpose of hunting wildfowl. Not only that, but almost all wildfowl species are migratory, so it is very hard for the studies to know exactly where the lead collected has been picked up.

Internationally, it is worth noting that earlier this year, Norway's Parliament overwhelmingly repealed a ban on lead shot. Meanwhile, after considering the matter, Austria has stated that it will no longer be pursuing a ban on lead ammunition. My firm belief is that we need to collect evidence on the regulatory action that we have taken before we rush into yet more legislation.

I turn to the human exposure to lead. It is clear that game meat is a tiny source of our lead consumption. Lead is no doubt a toxic element, but, as we have heard, it can be found in all types of food at a variety of levels. The comprehensive study conducted by the European Food Standards Agency concluded that lead from game represents just 0.1% of the average dietary exposure to lead. In fact, as we have heard, the average consumer is exposed to 60% more lead from their consumption of beer. It may interest colleagues to learn that products contributing more lead to our diets than game meat include potatoes, coffee, and even everyday eggs. Simply put, all studies carried out to date show that eating game meat in moderate quantities has no effect on blood lead levels.

Lastly, shooting is vital to the economic and environmental well-being of our countryside. Shooting and conservation go hand in hand. We are often told about the importance of rainforests—well, heather moorland is even rarer than rainforest and, as a result of conserving and nurturing that moorland for grouse shooting, 75% of the world's heather moorland is found right here in the UK. On walks around my north Yorkshire constituency, I have witnessed at first hand the unique biodiversity that the moorlands hold. From seeing beautiful curlews to scampering voles, I am sure you would agree, Mr Davies, that our moorlands are not only a Yorkshire treasure, but a national treasure. No less than the Royal Society for the Protection of Birds has said that "management for grouse shooting" has

"created and shaped the moors as we know them today."

As well as helping to preserve our nation's landscape, shooting is also a key driver of our rural economy. As we have heard, it supports hundreds of thousands of jobs and contributes over £2 billion annually to the economy. In my area, however, it is still more relevant. Everyone knows the difficult time that farmers are going through at the moment. Prices are low, so when we talk about the economic benefits of shooting, it is important to consider who we are talking about. In my constituency, it is very often the farmers' families who go beating at weekends to top up their incomes so that they can make ends meet during what is a very difficult time. For them right now, the shooting industry is an economic lifeline.

No one in this country is more passionate about preserving rural Britain than the people who live there. It is rural communities who, day in, day out, balance the welfare of our animals, the beauty of our landscape and the security of our food supply. It is clear to me that any changes to the use of lead shot ammunition would damage that balance.

5.6 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies, and to be acting as picker-up for this debate.

The hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) certainly has not just walked up to the issue; he has done a lot of research. In his speech, he made the case that we should see more non-toxic ammo and said that there are indeed traces of lead in food. He talked about the risks to pregnant women, saying that alternatives are available. In his view, time is up for lead shot and he put the ball firmly in DEFRA and the Department of Health's court.

The hon. Gentleman also flushed out a number of interventions, which went side by side, in terms of for and against. We heard that lead is banned in petrol, so why should it not also be removed from shot? However, we also heard that more detailed environmental studies are required and about the rebound problems from using alternatives such as steel shot. The hon. Member for Carmarthen West and South Pembrokeshire (Simon Hart) talked about the danger from lead and meat being no greater than any other foodstuff eaten to excess. He said that this would have emerged as a food crisis, had there been any serious issue. The hon. Member for Strangford (Jim Shannon) talked about this being scaremongering from those opposed to shooting in general and he discussed the implications for the rural environment. If it was proved that there was a problem, he believed that there should first be mitigation and then some further regulation, and that it should then be phased out.

The hon. Gentleman also mentioned the different regulations in the nations of the UK. This issue is of course devolved, and the regulations are separate in England, Wales, Northern Ireland and Scotland. In Scotland, the Environmental Protection (Restriction on Use of Lead Shot) (Scotland) (No.2) Regulations 2004—that is quite a handful to say—prohibit the use of lead shot in wetlands. The regulations are taken very seriously and seek to meet the highest standards to protect wildlife. However, it is fair to say that the Scottish Government will consider all the evidence and the conclusions of DEFRA's Lead Ammunition Group on that matter. What is undisputed is that, as we have heard from around the Chamber today, lead is clearly a poison and more research must be carried out to get to a definitive position on the health risks.

The hon. Member for The Cotswolds (Geoffrey Clifton-Brown) talked about the importance to the economy, and he was backed up by the hon. Member for Richmond (Yorks) (Rishi Sunak), who talked about the fact that this industry is worth £2 billion to the UK. The hon. Member for The Cotswolds said that lead shot research had been exaggerated by the Oxford Lead Symposium. It is important to reflect on the fact that, according to the Oxford University research in 2015, around 100,000 birds are killed by lead poisoning and discarded lead ammunition. According to the report, consuming game with traces of lead ammunition affects human health too. Lord Krebs, emeritus professor of zoology of the University of Oxford and a former chair of the UK Food Standards Agency, said there was an overwhelming body of evidence that lead in hunting is a risk to both humans and wildlife.

Finally, the hon. Member for Richmond (Yorks) mentioned the effect of wildfowl migrating, which would cause difficulty with research. He said that the average person consumes up to 60% more lead from drinking beer and that eating game has no more effect than any other foodstuff. We have had an interesting debate on some of the challenges facing the Minister in taking this forward. We have to ensure that we have detailed research on the effects. I hope he will work closely with DEFRA to make sure that that research satisfies those who are for and those who are against the position on lead shot.

5.10 pm

Alex Cunningham (Stockton North) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate my hon. Friend the Member for Merthyr Tydfil and Rhymney (Gerald Jones) on securing the debate on this important matter. It not only relates to the health of wildlife and the environment, but has ongoing ramifications for humans if it is not dealt with. I am grateful to the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry)—it is one of my favourite parts of my homeland and I very much enjoy spending time there—for his comprehensive summary of the debate so far.

My hon. Friend the Member for Merthyr Tydfil and Rhymney was, of course, right to mention our long-standing recognition of lead's toxicity and to highlight the plethora of bodies that have issued warnings on this matter. I look forward to hearing the Minister's assessment of that advice in due course. Unlike other trace metals, lead plays no physiological function in the human body. Instead, it acts as a neurotoxin. Even at low levels of exposure, the damage that lead triggers can be significant: impairment of the developing brain and nervous system, increased incidence of hypertension and stroke, and weakening of the immune system. Worryingly, some of these impacts appear to be irreversible.

We have heard some emotive points this afternoon from all parts of the House. Indeed, I was fascinated to hear my hon. Friend give the etymology of "crazy as a painter"—the origin was lost on me before now—and anecdotal explanations for the fall of the Roman empire. The risks from lead poisoning must be taken seriously and the importance of a strong evidence base in assessing them cannot be overstated. The evidence is clear that there is no safe level of exposure, which is why the World Health Organisation has been clear that all forms of lead are toxic, and food safety agencies across Europe have highlighted the risk to health of eating game shot with lead ammunition.

Under food regulations, there are limits on the amount of lead in lamb, pork, beef and other products, but they do not apply to game. Is it not time to bring it into line? Lead is without doubt one of the best-studied contaminants in the world and there is overwhelming scientific evidence demonstrating its toxicity to multiple physiological systems in humans and other vertebrate animals.

Mr Charles Walker: The hon. Gentleman said that there is no safe level of tolerance for lead, but we have heard this afternoon that lead is present in many foods that we all consume, and in alcohol and beer, so clearly there must be some level of tolerance or we would all be dropping down in the streets.

Alex Cunningham: Just because there is a level of tolerance does not mean that it is not dangerous. Somebody may smoke over a lifetime and then suffer deterioration or a specific condition, and that can apply in this case too.

The International Agency for Research on Cancer has classified inorganic lead as being "probably carcinogenic to humans", while no safe blood lead level in children has been identified below which negative health effects cannot be detected. In March 2013, a group of 31 eminent scientists signed a consensus statement on the health risks from lead-based ammunition in the environment. Based on "overwhelming evidence" and "convincing data", and alongside the availability and suitability of non-lead alternatives, they recommended the eventual elimination of lead-based ammunition and its replacement with non-toxic alternatives.

Just last month, the Oxford Lead Symposium published research further confirming what we already broadly knew about lead and the risks to humans, wildlife and the natural environment. The Lead Ammunition Group, which the Government set up, submitted its draft report this summer and I would welcome confirmation from the Minister of the date this evidence was received along with a timeframe for the release of its findings and recommendations.

Geoffrey Clifton-Brown: Can the hon. Gentleman point to any evidence of any premature deaths caused by lead poisoning? Indeed, on the contrary; I have known many people who have eaten game regularly and lived to a ripe old age.

Alex Cunningham: The hon. Gentleman makes a great point: I cannot provide that particular piece of evidence, but what I am told by health organisations and others is that ingestion of lead over a period can be quite dangerous. As others have said, as a responsible society that recognises the inherent dangers, we have already taken action and regulated to cut lead from petrol, paint and water pipes, so most exposure to lead in the general population now comes from diet. However, despite the evidence and our previous moves to regulate other sources of exposure, we have not yet completely banned the use of lead by shooters. Instead, we have stopped short, although in response to the UK's obligations under the African-Eurasian migratory waterbird agreement to phase out the use of lead shot for hunting in wetlands, it has been illegal to hunt certain wildfowl over certain wetlands since 1999. The long and short of such patchy regulation is that lead continues to find its way into the food chain and on to our dinner plates. Compliance with regulations is sporadic at best, and most consumers are simply unaware of the contamination risk to themselves and wildlife.

My hon. Friends have alluded to studies showing that 76% of game bought from supermarkets, game dealers or game shoots have lead shot fragments present. Indeed, a DEFRA-commissioned study found that 70% of ducks sampled were illegally shot with lead. If that were not enough, almost half of respondents to a British Association for Shooting and Conservation survey admitted that they did not always comply with the law. To top it off, a repeat study in 2013-14 showed that compliance had not improved, revealing that 77% of sampled ducks had been shot illegally with lead. Yet, to the best of my knowledge, there have been no primary prosecutions and only one secondary prosecution for non-compliance with the regulations. That is a law that is not working in this land, so we need a change.

Simon Hart: The hon. Gentleman is quoting evidence, but the crucial point is that if he wishes the Government to introduce new restrictions, he must surely come up with evidence indicating that people who consume game in this country have contracted some illness or died prematurely as a result—not in another country; we are talking about UK consumption habits. Unless he can come up with that evidence, he is doing nothing more than making mischief.

Alex Cunningham: I am certainly not mischief making. I support the countryside and everything else. As I said to the hon. Member for The Cotswolds (Geoffrey Clifton-Brown), I cannot point to anyone who has died as a direct result of lead consumption; the point is that various organisations are saying that lead is a danger in diet. We need debates such as this. It might be that we just say, "Okay, we need to further explore the issues," but it appears from the organisations that I have been speaking to that we need to act now.

I encourage the Minister to outline his assessment of the compliance problem over wetlands. Given the demonstrable disregard for current restrictions, I would welcome his acknowledgment that a complete phase-out is a proportionate means to secure legal compliance. Why have the ban if we are not going to do anything about it, and if there were no danger to wildlife and, ultimately, people?

I draw attention to resolution 11.15 of the convention on the conservation of migratory species of wild animals, which was adopted last year and calls for lead ammunition to be phased out by 2017 in countries where there is significant risk of poisoning to migratory birds. Let us not forget that, on top of that, the Royal Commission on Environmental Pollution concluded a little over 30 years ago that

"the Government should legislate to ban any further use of lead shot and fishing weights in circumstances where they are irretrievably dispersed in the environment".

We have already heard this afternoon that lead-based ammunition continues to be one of the greatest sources of lead in our environment. As much as 6,000 tonnes of shot is discharged every year and at least 2,000 tonnes of shot used for game and pest shooting is irretrievable. I would therefore be pleased to hear whether the Minister agrees with me that, in the light of the evidence on the numbers of wildfowl killed each year, there is a significant risk of poisoning to migratory birds from lead ammunition in the UK. While other nations, including Denmark and the Netherlands, are actively dealing with the matter, the UK seems content to look backwards and turn a blind eye to those who flout the current regulations.

To avoid the real risks that exist, we need positive actions to close the existing regulatory gaps, rather than passivity. It is high time that we stopped ducking the problem and took a common-sense approach to regulating lead ammunition. With softer restrictions on the use of lead ammunition having been widely flouted, the time has come to embrace the growing body of evidence and for all lead shot and bullets to be replaced with non-toxic alternatives. Like so many other hon. Members taking part in the debate—

Philip Davies (in the Chair): Order. May I say to the hon. Gentleman that the time has also come for him to conclude his remarks?

Alex Cunningham: I am on my last paragraph, Mr Davies. Like so many other hon. Members taking part in the debate, I urge the Minister to join me in supporting the call for the UK to meet our international commitments and phase out lead ammunition by 2017.

5.20 pm

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): Let me begin by congratulating the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) on securing the debate. He showed the passion that he feels on this issue in his opening remarks. As we all know, lead is a noxious substance with potentially fatal impacts. This is therefore an issue that it is right for the House to address.

I pass on the apologies of the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Penrith and The Border (Rory Stewart), who has responsibility for this issue. Hon. Members will have noticed that he has been otherwise engaged in Cumbria in the past couple of days in his role as floods Minister. I am therefore responding to the debate on his behalf.

Government practice is to obtain and use the best possible evidence when taking decisions. That is why, almost six years ago, our predecessors chose to set up the Lead Ammunition Group, commonly known as the LAG—and I think one thing we can all agree on is that there was a time lag in that group's concluding its work. The LAG began work in 2010. Although a creation of Government, it was deliberately set up as an entirely independent group, formed of experts who would approach the evidence from their various perspectives and provide clear advice on whether and what risks might be posed by lead ammunition and how they could be managed. The potential risks that it was asked to assess related both to wildlife, which is a DEFRA responsibility, and to human health, which is the responsibility of the Food Standards Agency. I hope that hon. Members will find it helpful if I set out the subsequent history.

First, the LAG was established in 2010 for an initial 12-month period, after which progress was to be reviewed. However, its final report was not presented to Ministers until June this year. The shadow Minister, the hon. Member for Stockton North (Alex Cunningham), asked when it was presented. That was on 3 June. Secondly, by the time the LAG reported, only five of its 10 members remained in place. The remainder had resigned, with four of those submitting a different set of recommendations.

We are therefore in a position in which we have no expert consensus about the impact of lead ammunition on wildlife or on human health. Nevertheless, we must start from where we are, so it is important that we look at the report that the LAG produced and the material that it contains. Even if that report has the support of only half its members, it is nevertheless a substantial document that represents several years' worth of work. We must therefore consider it carefully, which is exactly what the Under-Secretary and my right hon. Friend the Secretary of State have been doing since DEFRA received the report in June.

Subsequently, as a number of hon. Members pointed out, there has been the minority report from those who resigned and the report arising from the Oxford Lead Symposium, which was organised by opponents of lead ammunition. I realise that hon. Members and others outside the House are anxious to have our response to the LAG report, but it is important that we take the time to get this right and weigh up all the other comments, views and evidence that have been submitted to us. The time that it has taken to review that evidence reflects the fact that it is a serious debate and that my ministerial colleagues are looking at the issue closely.

Let me remind the House of the action that Government have already taken. Lead shot has been prohibited for wildfowling since 1999 by the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999. Those regulations introduced a double restriction. First, lead shot cannot be used, on any game, in certain areas—namely, over the foreshore or over a list of named sites of special scientific interest. Secondly, lead shot cannot be used anywhere for shooting certain species—namely, ducks, geese, coot and moorhen. In passing, I will mention that the general supply of lead weights for angling was ended in 1986.

The 1999 restrictions reflected the resolution made that year through the African-Eurasian waterbird agreement, to which the UK is a party. It was agreed that members would work to phase out the use of lead ammunition over wetlands, reflecting the clear evidence that waterbirds can and do scoop up spent lead when feeding and suffer health consequences from doing so. We delivered on the resolution through our regulations of the same year.

There is of course nothing to stop those who shoot from choosing, of their own volition, to use alternative forms of ammunition. Although no other material has exactly the same combination of malleability and density as lead, a number of alternatives have been available, and used in the field, for some time. Those include steel and tungsten for shotgun cartridges and, for bullets for rifles, copper and copper alloys. Use of an alternative is compulsory for wildfowling, but the alternatives can also be used more widely. I understand that some shooters have made the switch, although others have not.

Alex Cunningham: I am intervening simply on the point about lack of compliance in relation to shooting wildfowl over wetlands and the use of lead shot in the killing of ducks. Will the Minister respond on the huge level of non-compliance?

George Eustice: I was going to come on to that. The hon. Gentleman highlighted a DEFRA study that did show—he is correct—that the level of non-compliance was up to 70% in certain areas. I will simply say this: it is the law. As my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown) pointed out, we can all condemn those who are using lead shot where they should not be, against the law, and it is a matter for the police to enforce those existing regulations. Where the law is being broken, it must be enforced, and we are keen to work with stakeholders and others to ensure that we raise awareness of the 1999 regulations—the regulations that already exist. The key point made by a number of hon. Members was that the starting point should be to enforce the regulations that we have, rather than jumping to introduce new regulations.

My hon. Friend the Member for Broxbourne (Mr Walker) made a very important point about the impact on clay pigeon shooting and the danger of steel ricocheting. The hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak) mentioned that some countries—notably, Norway—had introduced a ban and then reversed it. I understand that in that case, it was for the somewhat surprising reason that steel bullets were getting embedded in trees and that was affecting the machinery of timber merchants. That shows that all sorts of unintended consequences can come from these things. My hon. Friends the Members for The Cotswolds and for Richmond (Yorks) highlighted their view that some of the data used in the reports were out of date, particularly in relation to the Oxford symposium, and predated the 1999 regulations. I think that is probably a fair point, although other hon. Members have made an equally strong argument that the 1999 regulations are not being enforced as effectively as they could be at the moment; that is also very valid.

In conclusion, I agree with what my hon. Friend the Member for Carmarthen West and South Pembrokeshire (Simon Hart) said: this is a very important issue. The contributions in the debate show how complex it is and how strongly felt views are on both sides. That is why the Under-Secretary and the Secretary of State are right to take their time to weigh up all the evidence carefully before submitting their response to the LAG report.

5.29 pm

Gerald Jones: I thank hon. Members for their contributions in this important debate. I mentioned during my speech that this is not an attack on the countryside. It is not about shooting or the rural economy; for me, it is very much a health issue. Risks have been identified by health organisations, and even small risks deserve to be considered and removed, because there is a detrimental effect on birds and, as we have heard, potentially on humans through the food chain. That needs to be considered and action taken.

Question put and agreed to.

Resolved,

That this House has considered lead shot ammunition.

5.29 pm

Sitting adjourned.

Written Statements

Tuesday 8 December 2015

BUSINESS, INNOVATION AND SKILLS

EU Competitiveness Council: Post-Council Statement

The Minister for Small Business, Industry and Enterprise (Anna Soubry): My noble Friend the Under-Secretary of State for Business, Innovation and Skills (Baroness Neville-Rolfe) has today made the following statement.

The Competitiveness Council took place in Brussels on 30 November and 1 December. The UK was represented by Shan Morgan, deputy permanent representative to the EU.

Day one started with a "competitiveness check-up". The presidency updated Council members on the outcomes of the Foreign Affairs Council (trade) on 27 November, where the Commission had said it was ready to use all available tools to tackle issues affecting the steel sector, including trade defence instruments (TDIs), third country dialogue and free trade agreements. The Commission announced that as a follow-up to the emergency steel council, the high-level group on energy intensive industries (EIIs) would be reconstituted and would meet on 18 December. This would be followed in early 2016 by a special stakeholder conference which would discuss the issues facing the steel sector in more detail. On steel the UK noted that it was looking forward to the stakeholder summit and that the recent extraordinary council had demonstrated that the Competitiveness Council was capable to reacting to real world events.

The Commission presented data on competitiveness in the EU, which highlighted that throughout the economic crisis the EU had retained a high share in global markets.

The UK intervened to highlight the productivity gap between the EU and the US which undermined the EU's ability to compete and grow; this would be helped by removing barriers to trade in services. Other member states intervened to highlight the need to bring down barriers for start-ups and scale-ups and there was widespread support for the competitiveness check-up to remain a standing agenda item for future Competitiveness Councils.

The second item was an exchange of views on the Commission's single market strategy. The Commission opened the discussion and highlighted the sectoral approach that it was taking on services, with a particular focus on construction and business services. The UK, alongside other likeminded member states, intervened urging the Commission to maintain their level of ambition, specifically on the services passport. The UK also noted the importance of proper enforcement of existing single market rules. One member state intervened to say that the strategy was not as strong as it ought to be on new business models. Several member states talked about the link between the single market and digital single market and the regulatory barriers in the sharing economy. There was one cautionary note from a member state who did not want to see the country of origin principle on services and was also cautious on company law issues. The discussion drew to a close with the Commission saying they were committed to rapid action on the single market, although it must be in conjunction with member states, who needed to redouble their efforts on domestic reform. Member states support for the Commission's ambitions were a sign that the EU was serious about reform.

The afternoon session began with a presentation by the Commission on the proposal for a system of national competitiveness boards. While a large number of member states welcomed the Competitiveness Council discussing this proposal, there was concern that the boards could duplicate existing arrangements, thereby offering little value and imposing unnecessary cost and bureaucracy.

Three influential member states gave implicit support for the principle, as long as it remained flexible. Two other member states welcomed that the boards were open to all member states. The UK did not intervene. The presidency concluded that while there was broad support for structural reforms, the vast majority of member states had hesitations and doubts as to whether the boards are necessary or useful.

There were no more substantive items discussed on day one. The remaining agenda items were Commission updates to the council on a package to ensure emissions from diesel engines used in light vehicles reflected "real driving emissions" (RDE), proposals adopted by the Commission on the control, purchasing and possession of firearms and the work of the small and medium-sized enterprises envoy network.

Day one ended with a presentation on the priorities of the incoming Netherlands presidency. The Netherlands will prioritise work on the single market, digital single market and better regulation.

Shan Morgan also represented the UK on day two of the Competitiveness Council.

In response to the council conclusions on research integrity, the Commission reported that it would strengthen the European research model grant agreement to embed the principles set out in the conclusions.

The Commission welcomed the council conclusions on gender equality in research and urged member states to implement the measures therein as soon as possible. The UK supported the conclusions, as they highlight the importance of action in this area but do not impose mandatory targets or quotas, which would undermine the merit principle and conflict with the recommendations of the Davies review. The conclusions were accepted unanimously, though some countries commented that they would have preferred them to go further in the direction of legal or financial incentives and targets at EU level.

The UK intervened to support the conclusions on the governance of the European research area and called for the swift implementation of a number of reforms to streamline the reporting lines and governance of a number of committees in this area. These reforms, steered through by the UK co-chair of the European Research Area and Innovation Committee (ERAC), will bring to an end a protracted period of discussion on the subject.

The Commission then gave a presentation on the European fund for strategic investments (EFSI), outlining how it interacts with all other EU financial mechanisms: such as Innovfin—a joint initiative launched by the European Investment Bank—and the SME guarantee. This was followed by a round table discussion, in which the UK supported the principle of deploying innovative finance products to support research and innovation. Most member states commented that there was a need for more information on who received funding and how many research projects were being funded.

The incoming Netherlands presidency then outlined its priorities. It will focus on encouraging the EU and member states to invest more in research and development, creating the framework conditions for innovation and encouraging open science.

[HCWS364]

TREASURY

ECOFIN: 8 December 2015

The First Secretary of State and Chancellor of the Exchequer (Mr George Osborne): A meeting of the Economic and Financial Affairs Council will be held in Brussels on 8 December 2015. Ministers are due to discuss the following items:

Financial Transaction Tax

An update on the progress of implementing a financial transaction tax in participating member states will be provided. Britain is not taking part in the financial transaction tax.

Common Consolidated Corporate Tax Base (CCCTB)

Following a presentation by the presidency on the state of play regarding the CCCTB proposal, the Council will have an exchange of views.

Completing the Banking Union

A presentation will be given by the Commission on the proposal for a European deposit insurance scheme and the Commission communication "Towards Completion of the Banking Union". This will be followed by an exchange of views.

Current Legislative Proposals

The presidency will update the Council on the state of play of financial services dossiers.

Implementation of the Banking Union

The Commission will give an update on several dossiers linked to the banking union: the single resolution fund, the bank recovery and resolution directive and the deposit guarantee scheme directive.

Fight against the financing of terrorism

After taking note of a Commission presentation on the next steps to reinforce the European framework in the fight against terrorism, the Council will hold an exchange of views.

Future of the Code of Conduct (Business Taxation)

The Council will be invited to adopt conclusions on the future of the code of conduct group on business taxation.

Base Erosion and Profit Shifting (BEPS)

The Council will be invited to adopt conclusions on base erosion and profit shifting (BEPS) in the EU context.

European Semester

Following the publication of the annual growth survey, the Commission alert mechanism report and the draft Council recommendation on the euro area, a presentation will be given by the Commission followed by an exchange of views.

Common position on flexibility in the Stability and Growth Pact (SGP)

A debrief will be provided by the chair of the Economic and Financial Committee on the common position agreed with regards to flexibility in the SGP for short-term economic conditions, structural reforms and public investments.

Statistics: EU Statistics and implementation of the European Statistics Code of Practice

Council conclusions will be adopted on the annual statistical package followed by a Commission presentation on the implementation of the European statistics code of best practices.

European Court of Auditors' annual report on the implantation of the budget for the EU for the financial year 2014

The European Court of Auditors (ECA) will present its report on the implementation of the 2014 budget followed by an exchange of views by the Council.

[HCWS365]

FOREIGN AND COMMONWEALTH OFFICE

NATO: Montenegro Accession Talks

The Secretary of State for Foreign and Commonwealth Affairs (Mr Philip Hammond): At their meeting of 1-2 December in Brussels, Foreign Ministers of the North Atlantic Treaty Organisation (NATO) took an important political decision on enlargement, and asked the Secretary-General to invite Montenegro to begin the accession process, with a view to Montenegro becoming the 29th member of the alliance upon signing and ratification of its protocols of accession.

In taking this decision, NATO Foreign Ministers recognised the progress that Montenegro has made on internal reform, particularly in relation to intelligence and security services, rule of law, fighting corruption and organised crime, and in building public support in Montenegro for its prospective NATO membership.

I congratulate Montenegro on this achievement. The United Kingdom has long supported Montenegro's partnership with NATO and its membership ambitions, and we and allies will continue to work with the Montenegrin Government through the accession process to ensure that the reforms they have undertaken so far are continued and built upon as Montenegro prepares for membership. NATO Secretary-General Stoltenberg will now officially invite Montenegro to open accession talks in the coming weeks. We will bring the protocols of accession before Parliament as part of the formal ratification process once NATO and Montenegro have agreed them.

Montenegro's invitation is a welcome reaffirmation of NATO's open-door policy, enshrined in article 10 of the Washington treaty, by which NATO may invite any European state in a position to contribute to the security of the North Atlantic area to accede to the treaty. The United Kingdom stands strongly behind this principle. Alongside Montenegro, NATO Foreign Ministers also reiterated their support for the membership ambitions of Georgia, Macedonia and Bosnia and Herzegovina. In a statement issued at the end of the meeting, NATO Foreign Ministers reconfirmed their commitment to working closely with Georgia, including implementing in full the substantial package of support agreed at last year's Wales summit. The statement also noted that progress had been made in Bosnia and Herzegovina in 2015, and encouraged a redoubling of efforts to allow the conditions to be met to activate a membership action plan at the soonest possible opportunity. On Macedonia, NATO Foreign Ministers confirmed that they stood by the conditional invitation that Macedonia received in 2008, but expressed concerns at the political developments that have taken place during 2015, encouraging Macedonia to intensify efforts at political compromise and reform and to fully implement the July agreement brokered by the European Commission.

The statement by NATO Foreign Ministers on "open door" is available on the NATO website, at:

http://www.nato.int/cps/en/natohq/official_texts_125591.htm?selectedLocale=en.

[HCWS366]

HOME DEPARTMENT

Policing: Review of Local Targets

The Secretary of State for the Home Department (Mrs Theresa May): In May 2015, I announced at the Police Federation conference a comprehensive review of targets in policing, to be led by Chief Superintendent Irene Curtis. I said that the review would examine the use of targets in each force to understand where, how and why targets are being used, and analyse the impact of targets on police officers' ability to fight crime.

I am pleased to tell the House that the review has now concluded. I am grateful to Irene Curtis for her thorough investigation and analysis of the use of targets in policing.

The review sheds light on current practice among forces and confirms the problems I have long noted with numerical targets: skewing priorities; causing dysfunctional behaviours; and reducing officer discretion. It shows that the police need to go further in order to tackle the culture of narrow target-chasing and bureaucracy that has hampered and limited officers, preventing them from exercising their professional judgment. Quite rightly the public expect to see forces serving their communities, not chasing arbitrary targets. The police need performance management systems that help effective decision-making to improve performance, while also enabling individuals to be appropriately held to account.

The review makes recommendations for the leading organisations and individuals in policing: chief constables, who are tasked with improving their performance measurement, monitoring and reporting processes; Police and Crime Commissioners, who will need to develop a more sophisticated dialogue with the public on police and crime "success" factors; the College of Policing in developing a set of principles for performance management; and Her Majesty's Inspectorate of Constabulary to improve the presentation of performance data and communication of monitoring processes. It will be for each organisation to consider its own response but I welcome the evidence the review provides. Its implementation will help improve performance measurement and management practices across policing.

Irene Curtis's review has highlighted the importance of understanding the demands upon the police. A key step to achieving this is a robust and consistent framework for recording those demands—both crime and non-crime incidents. We will engage with our partners to consider options for greater alignment of National Standard for Incident Recording (NSIR) with the National Crime Recording Standard (NCRS).

The review also recommended that the Home Office review the annual data requirement for victim satisfaction data. A police-led review of user satisfaction surveys, to ensure that changes proposed to the data requirement are of assistance to police forces, will be undertaken by April 2016. The Home Office will consider its findings as part of the 2017-18 annual data requirement process. In the meantime, the current annual data requirement for user satisfaction surveys will continue for 2016-17.

A copy of Chief Superintendent Irene Curtis's report will be placed in the Library of the House. It can also be found at:

https://www.gov.uk/government/publications?departments%5B%5D=home-office.

[HCWS367]

JUSTICE

Offender Management

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): The management and care of transgender people in prison is a complex issue and one that the Government take very seriously. The National Offender Management Service is committed to incorporating equality and diversity into everything it does and treating offenders with decency and respect.

Currently, transgender adult prisoners are normally placed according to their legally recognised gender. However, we recognise that these situations are often complex and sensitive. That is why prisons exercise local discretion on the placement of those who live, or propose to live, in the gender other than the one assigned at birth. In such cases, senior prison management will review the individual circumstances, in consultation with medical and other experts.

However, we have received a number of representations expressing concern that the present system does not sufficiently address the needs of transgender prisoners.

As already announced, NOMS is undertaking a review of prison service instruction 7/2011 to ensure that it is fit for purpose and provides an appropriate balance between the needs of the individual and the responsibility to manage risk and safeguard the wellbeing of all prisoners.

The review will now be widened to consider what improvements we can make across prisons and probation services and across youth justice services.

The review will develop recommendations for revised guidelines which cover the future shape of prison and probation services for transgender prisoners and offenders in the community.

The review will be co-ordinated by a senior official from the Ministry of Justice who will engage with relevant stakeholders, including from the trans community, to ensure that we provide staff in prisons and probation with the best possible guidance. NOMS, the Youth Justice Board, the NHS and the Government Equalities Office will provide professional and operational expertise.

In addition, Peter Dawson and Dr Jay Stewart will act as independent advisers to this review. Peter Dawson is deputy director of the Prison Reform Trust and has served as deputy governor of HMP Brixton and governor of HMP Downview and HMP High Down. Dr Jay Stewart is a director of Gendered Intelligence, an organisation that aims to increase understandings of gender diversity.

A copy of the terms of reference will be placed in the Libraries of both Houses. The review will be expected to conclude its work early next year.

[HCWS368]

ORAL ANSWERS

Tuesday 8 December 2015

WRITTEN STATEMENTS

Tuesday 8 December 2015

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